



An
Bord
Pleanála

Inspector's Report

ABP-321908-25

Development

Construction of a raised platform walkway / cycleway from the Dinis car park to the Torc (Cardiac Hill) car park and all associated works. A Natura Impact Statement accompanies this application.

Location

Torc, Muckross, Killarney, Co. Kerry.

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

2460025

Applicant(s)

National Parks and Wildlife Service

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Peter Sweetman

Observer(s)

None

Date of Site Inspection

11th April 2025

Inspector

Aisling MacNamara

1.0 Site Location and Description

1.1. The site is located within the rural area approximately 5km southwest of Killarney in County Kerry, accessed via the N71 and located within the Killarney National Park. The site is located along part of the southern bank of Muckross Lake. The northern boundary of the site adjoins the lake shore and the southern boundary of the site adjoins the N71 road. Torc Mountain rises on the southern side of the N71 road. The site has an area of 3.3ha and is narrow elongated shape flanking a c 1km length of the bank along the lake edge. The eastern boundary of the site links to a short section of path to Torc (Cardiac Hill) car park. Dinis car park is located at the site's western boundary at the junction from the N71 to a road that links around the lake and to Dinis cottage / tea room and the meeting of the waters. The site stretch is part of the Muckross Lake Loop walk which starts at Muckross House. This is a picturesque and scenic area in a popular tourist area. Along this section, the N71 is heavily trafficked with vehicles, cyclists and walkers. There are no footpaths or cycle path between the two car parks. The site contains a mature woodland heavily vegetated habitat consisting largely of trees and scrub vegetation with rocks and boulders. The site is part of the embankment and levels fall to varying degrees from the road to the lake depending on topography, but is for its most part a relatively steep embankment. There is a stone retaining wall running along the boundary of the site and the N71 road.

2.0 Proposed Development

2.1. Permission is sought for the following:

- Construction of a raised platform walkway / cycleway from Dinis car park to Torc car park, located between the N71 roadway and Muckross lake shore.
- Site area - 3.3ha
- 915m long x 3m wide raised platform walkway / cycleway,
- The raised platform comprises
 - concrete pad foundations anchored to rock where close to surface with rock anchors,

- main structure is steel, based on 5m structural grid with column supports and platform deck prefabricated off site and all structural connections via bolted assembly,
- platform deck is precast concrete planks, fabricated off site and installed on site,
- guarding on both sides to height of 1.4m (fabricated off site and bolted to frame on site)
- a small viewing platform,
- signage and ancillary site works

At FI stage, revised proposals were submitted showing the following:

- walkway length extended to 1020m long to extend around Dinis car park to link with existing Dinis loop path, increased width of platform to 3.4m wide raised platform walkway / cycleway, modified guard rail to be splayed outward providing width of 3.85m at handrail height.
- alteration to Dinis carpark including upgrades to entrance and exit junctions and new pedestrian path,
- new cycle stands and seating

3.0 Planning Authority Decision

3.1. Decision

By order dated 23rd January 2025, the planning authority made the decision to grant permission for the proposed development, subject to 18 conditions.

- Condition 3 – part (a) states that environmental commitments and mitigation measures set out in the application, the Natura Impact Statement and the Ecological Impact Assessment shall be fully implemented, except as may be otherwise required or specified by condition, part (b) states that the developer shall appoint a full time qualified environmental manager for the duration of the construction and that they shall be responsible for ensuring that all

construction stage environmental control and mitigation measures are fully implemented.

- Condition 4 – an Ecologist shall undertake pre construction surveys prior to commencement of development to check for Kerry Slug; any specimens shall be removed to suitable habitat; a report shall be submitted to the planning authority.
- Condition 5 – a specialist shall undertake post construction soil /habitat/vegetation reinstatement, bat usage and invasive species monitoring annually for a period of two years following opening of the facility; details shall be submitted to planning authority prior to development and within six months of survey completion.
- Condition 6 – (i) plant and machinery shall be cleaned before delivery to site to prevent spread of invasive species, (ii) relates to construction hours, (iii) public lighting shall not be provided on the proposed cycleway / walkway, (iv) cutting back of native trees to open up views from the walkway/cycleway is not permitted.
- Condition 7 – (i) dipper nesting ledges shall be provided underneath the structure where it crosses streams, (ii) native holly shall be established in lieu of rhododendron ponticum to be removed.
- Condition 8 – The recommendations of the Stage 1 Road Safety Audit shall be implemented.
- Condition 9 – advance road signage to be erected near Dinis Carpark.
- Condition 10 – requires Stage 3 Road Safety Audit on completion.
- Condition 11 – relates to standard of footpaths.
- Condition 12 – relates to management of surface water drainage on public road.
- Condition 13, 14, 15, 16, 17, 18 – construction methodology for impact on N71, management of works to N71, road opening licence, protection of road during construction, parking during construction, requiring the submission of an engineers report to certify the completed works.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first report of the Case Planner recommends further information (12/03/2024).
- Further Information was requested on 12th March 2024 in relation to 3 matters relating to
 - (i) pedestrian and traffic safety
 - in order to ensure that the risk of collision between passing pedestrian and cyclists is mitigated, the width of the development for passing cyclists should be in accordance with TII rural cycleway Design (Offline and Greenway) – submit proposals to show increase in width in accordance with standards – proposed 3m width is for low volume, submit revised proposal for high volume.
 - The development will generate additional pedestrian and cyclist movement between Dinis Cottage and proposed development via Dinis car park. Show proposed safe route through or around Dinis car park.
 - Address potential conflict between vehicles accessing/egressing the car park and users accessing/egressing the platform – show proposed safe route through or around Dinis carpark.
 - Submit stage 1 / 2 Safety Audit
 - Consider providing bicycle stands and seats
 - (ii) request the submission of a stage 2 Appropriate Assessment Natura Impact Statement and
 - (iii) request the submission of Ecological Impact Assessment.
- The applicant requested an extension of the time period to submit the further information in order to allow for extra time to carry out ecological surveys. The planning authority agreed to extend the date for submission by two months to 11th November 2024.

- The response to the Further Information request was received on the 7th November 2024. The planning authority deemed the response 'significant' and new public notices were issued to advertise the further information.
- The further information response included
 - revised proposals to address the traffic / pedestrian safety concerns raised including increasing the width of the walkway to 3.4m and altering the guardrail, an extension of the raised walkway westward looping around Dinis carpark to intersect the existing walking route to avoid conflicts associated with the car park, car park and junction upgrades and the introduction of a new rest area;
 - Natura Impact Statement
 - Ecological Impact Statement
- The second report of the Case Planner sets out a recommendation to grant permission as per the decision (22/01/2025).

3.2.2. Other Technical Reports

- Environmental Assessment Unit (Executive Planner and Ecologist) –report of 06.03.2024 sets out a recommendation to request further information requiring submission of stage 2 NIS and Ecological Impact Assessment; report 20.01.2025 considers that the FI response is acceptable, concluding that the proposed development will not adversely affect (either directly or indirectly) the integrity of any European site in view of the sites conservation objectives either alone or in combination with other plans or projects and there is no doubt in relation to the conclusion, wider ecological impacts on biodiversity have been assessed and mitigation measures proposed, biodiversity enhancements recommended, sets out recommended conditions proposed in relation to implementation of mitigation measures of the NIS and EclA, appointment of environment manager for construction, retention of Ecologist for pre construction surveys for Kerry slug and for post construction soil /habitat / vegetation reinstatement, invasive species and bat monitoring for two years post opening, cleaning of plant and machinery, working hours, no public lighting, cutting back or removal of trees for views not permitted, and

enhancement measures – dipper nesting ledges and holly in lieu of rhododendron.

- NRO – recommends the proposal provide for width requirements of passing cyclists in accordance with TII standards (22.02.2024); no further observations (22.01.2025).
- Roads and Transport – recommends further information in relation to traffic safety issues including potential conflicts at Dinis car park and give consideration to bicycle stands/ rest areas (12.03.2024)
- Environment – recommends conditions relating to environmental protection and management of waste (22.11.2024)
- Killarney M.D. Engineer – recommends conditions relating to detailed roads issues pertaining to the carrying out the development, construction, protection of N71 (21.01.2025)

3.3. Prescribed Bodies

- Uisce Eireann (Irish Water) – no objection
- Transport Infrastructure Ireland – request abide by National Roads Guidelines for Planning Authorities, any works required under Road Safety Audit to be funded by the developer, notes Road Safety Audit problem 2.3 identifies requirement to provide an appropriate crossing facility of the N71 however this is not part of the application and any proposal is a matter for the Council and should be in accordance with TII requirements (16.12.2024); no observations (02.02.2024)
- Failte Ireland – in support of the proposal. The development of a Muckross to Dinis loop cycleway is a key action within the Killarney Destination and Experience Development Plan. Current section is hazardous, would significantly improve safety for walkers and cyclists and would significantly improve the user experience. The development will be accessible to wheelchair users and people with mobility issues.

3.4. **Third Party Observations**

The following third parties submitted observations in support of the proposed development - Anthony Walsh, Kerry Tourism, Killarney Chamber of Tourism and Commerce, Kerry Coaches, Kate O'Leary, Killarney National Park Liaison Committee, Wander Wild Festival, Maureen Hegarty. The key issues raised are summarised as follows:

- Improves safety – The current section of the Muckross loop very dangerous, narrow road with bends, highly trafficked with vehicles, tourist buses, pedestrians including many families and small children, cyclists. Will significantly improve safety for cyclists, pedestrians and road users.
- Will be accessible for people with disabilities and mobility issues.
- Completes the 10km Muckross Loop.
- Supports tourism.
- Designed to protect the environment (NIS submitted) and to integrate with the topography of the area.
- Improve scenic amenity.
- Will be managed / maintained by NPWS.
- Much needed infrastructure will encourage outdoor activity – promotes health.
- Supported by the community, commend inter- agency approach, a long planned initiative.
- Contributes to the reduction in car use and reduction in carbon emissions.

Peter Sweetman submitted an observation raising the following:

- If there is a possibility of effects, appropriate assessment required. The AA screening report has found that the main materials could not have an effect.

4.0 **Planning History**

None at the site.

Other relevant:

2460960 is located c 160m east of the site – National Parks and Wildlife Service - permission is sought for the construction of a nature education centre and all

ancillary site development works, including NIS – Further Information requested on 11/02/2025

5.0 Policy Context

5.1. National

- Climate Action Plan 2024
- National Biodiversity Action Plan 2023-2030
- Revised National Planning Framework 2025
- Rural Cycleway Design, TII, August 2022
- Strategy for the Future Development of National and Regional Greenways, 2018 Dept. Transport

5.2. Development Plan

The Kerry County Development Plan 2022-2028 is in place.

Chapter 10 Tourism and Outdoor Recreation

- KCDP 10-1 Adhere to the principles of sustainable tourism and have regard to its current and future economic, social and environmental impacts on local infrastructure, sensitive areas and sites, water quality, biodiversity, soils, ecosystems, habitats and species, climate change.
- KCDP 10-22 Facilitate the development of the necessary tourism infrastructure, visitor attractions and supporting facilities at appropriate locations in the County in a manner that does not have an adverse impact on the locality, host community and environment.
- KCDP 10-24 Recognise the importance of universal accessibility to tourist services, facilities, and tourist sites and undertake enhancements to overall accessibility where appropriate in conjunction with key stakeholders and to ensure that information on these facilities are clearly promoted and publicised.
- KCDP 10-35 Promote and facilitate the sustainable development of outdoor activities including winter and adventure sports, in appropriate locations, such as walking, rambling, cycling, land and sea-based activities with specialised

centres and facilities in association with Munster Technological University, Fáilte Ireland, National Trails Office, National Parks and Wildlife Service, Local Development Companies, Sport Ireland, Healthy Ireland, Local Development Companies, Kerry Education and Training Board and other relevant national and County based departments and agencies.

- KCDP 10-36 Promote and facilitate opportunities to create an integrated pedestrian and cycle network linking key tourist destinations in the County and to the national network subject to environmental, heritage and normal planning constraints.
- KCDP 10-43 Support the sustainable linking and extension of existing greenways, long distance walking routes, blueways, and peatways within the county and the integration and linkage of them with other existing / proposed greenways, long distance walking routes, blueways and peatways both within and outside County Kerry.
- KCDP 10-44 Facilitate and support the sustainable development of tourism infrastructure and recreational developments at appropriate locations along greenway routes and trailheads subject to normal planning conditions.

Chapter 11 Environment

- KCDP 11-1 Ensure that the requirements of relevant EU and national legislation, are complied with by the Council in undertaking its functions, including the requirements of the EU Birds and Habitats Directives.
- KCDP 11-2 Maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.
- KCDP 11-3 Work with all stakeholders in order to conserve, manage and where possible enhance the County's natural heritage including all habitats, species, landscapes and geological heritage of conservation interest and to promote increased understanding and awareness of the natural heritage of the County.

- KCDP 11-5 Support and facilitate the actions in the National Biodiversity Action Plan and Kerry County Councils Biodiversity Action Plan 2022 – 2028.
- KCDP 11-10 Support the NPWS in the ongoing management of Killarney National Park.
- KCDP 11-12 Support the protection of the biodiversity and tourism-value of Killarney National Park by proactively engaging with all stakeholders to tackle Rhododendron infestation and combating illegal fires
- KCDP 11-22 Encourage and facilitate the retention and creation of features of local biodiversity value, ecological corridors and networks that connect areas of high conservation value such as watercourses, woodlands, hedgerows, earth banks and wetlands
- KCDP 11-27 Support the preservation and enhancement of the general level of broadleaf tree cover throughout the County in both urban and rural areas and ensure that development proposals satisfactorily retain existing trees and/or provide additional native planting. A Tree Survey Report shall inform applications where appropriate
- KCDP 11-29 Work with stakeholders to protect and sustainably enhance the biodiversity and where appropriate the landscape and recreational interests of woodlands in the County.

Landscape Sensitivity

- Site is located in a Visually Sensitive Area.
- Protected views around the lake
- KCDP 11-76 Have regard to any future National Landscape Character Assessment, Regional Landscape Assessments and Landscape Character Map, and the publication of Section 28 Guidelines on Landscape Character Assessment.
- KCDP 11-78 Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

Views and Prospects

- KCDP 11-79 Preserve the views and prospects as defined on Maps contained in Volume 4.
- KCDP 11-81 Prohibit developments that have a material effect on views designated in this plan from the public road or greenways towards scenic features and/or public areas

Chapter 14 Connectivity

Greenways

- KCDP 14-15 Promote the sustainable development of the public footpath network, the walking and cycling routes and associated infrastructure in the County, including where possible the retrofitting of cycle and pedestrian routes into the existing urban road network and in the design of new roads.
- KCDP 14-17 Support accessibility to greenway and active travel walking routes for people of all ages and those with disabilities with provision for universal design

Parking Provision

- KCDP 14-39 Support and facilitate the sustainable provision of public parking facilities for all users at appropriate locations, to be informed by parking strategies including bus parking and electric vehicles within and on the edge of towns and villages, and at tourist and recreation sites such as beaches, walkway/cycleway trailheads, scenic viewing points and routes subject to compliance with any environmental designation requirements.

Other:

Kerry County Council Biodiversity Action Plan 2022-2028

5.3. Natural Heritage Designations

Areas designated for natural heritage include those designated Special Area of Conservation (SAC), Special Protection Area (SPA) and proposed Natural Heritage Area (pNHA).

The site is within Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (also pNHA) and Killarney National Park SPA.

Sheheree (Ardagh) Bog SAC is located c 4.3km from the site. Castlemaine Harbour SAC is located c7.5km from the site

6.0 EIA Screening

I would take the view that the proposed development which is a 'raised platform walkway / cycleway' is a traffic free path and constitutes a 'greenway'. The Governments 'Strategy for the Future Development of National and Regional Greenways' 2018 states that a greenway is a "recreational or pedestrian corridor for non-motorised journeys".

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Appendix 1 of the report. In reaching this conclusion I have had regard to the definitions and information as follows.

Having regard to the Planning and Development Regulations, the only class relevant is part 2, 10(dd) "*All private roads which would exceed 200 metres in length*". There is no definition of what constitutes a 'road' or a 'private road' in the Planning and Development Act. Section 2 of the Roads Act, 1993 (as amended) does define 'road' and this definition refers, inter alia, to 'any street, lane, footpath, square, court, alley or passage...bridge...overpass, overbridge, flyover, carriageway, pavement or footway'. A 'roadway' means that portion of a road which is provided primarily for use of vehicles. A 'footway' means that portion of any road associated with a roadway which is provided primarily for use of pedestrians. A 'footpath' means a road over which there is a public right of way for pedestrians only, not being a footway. The proposed platform surface is for the shared use of pedestrians and cyclists and is not for pedestrians only. Having regard to these definitions, I am of the opinion that the development is not a 'road' and is therefore not a 'private road'.

The applicant is National Parks and Wildlife Service and NPWS is not a road authority, and the proposal does not fall under the mandatory or prescribed type of road development pursuant to Section 50 of the Roads Act 1993 (as amended).

Ancillary works are proposed for the upgrade of Dinis car park which are incidental to the walkway /cycleway. I note part 2, class 10 *'construction of car-park providing more than 400 spaces, other than a car park provided as part of, and incidental to the primary purpose of, a development'*. I take the view that the works are incidental to the primary purpose of the development and therefore do not fall within the description of this class.

7.0 The Appeal

7.1. Grounds of Appeal

The main issues raised in the grounds of appeal are summarised as follows:

- The planning authority appears to agree with the Natura Impact Statement that that the main materials of the development
 - Ready mix concrete to be used for foundations approximately 125m³,
 - Structural steel (rebar) in footings – 2.5 tons,
 - Micropiles / rock anchors – 3 tons,
 - Clause 804 fill under footings – 125m³,
 - Structural steel columns and deck framework – 230 tons,
 - Precast concrete deck slabs – 3200m,
- could not have an effect on the SAC.

The planning authority has no understanding of the requirements set out by the Courts of Justice of the European Union in the carrying out of an Appropriate Assessment, Case C-258/11 Peter Sweetman v An Bord Pleanala which states *"44 So Far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain completed, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt*

as to the effects of the works proposed on the protected site concerned (see, to this effect, Case C-404/09 Commission v Spain, paragraph 100 and the case law cited). It is for the national court to establish whether the assessment of the implications for the site meets these requirements.”

- Request that An Bord Pleanála carry out a *de novo* assessment of this application.

7.2. **Applicant Response**

None

7.3. **Planning Authority Response**

The planning authority have responded to the grounds of appeal. The main issues raised are summarised as follows:

- The Appropriate Assessment contained within the report prepared by the Environmental Assessment Unit is the Appropriate Assessment of the planning authority. The planning authority is satisfied that the Appropriate Assessment undertaken is definitive in its findings and conclusion as follows:
- It is objectively concluded following examination, analysis and evaluation of the relevant information including in particular the nature of the predicted impacts from the proposed development and with the implementation of the mitigation measures proposed, that the proposed development will not adversely affect (either directly or indirectly) the integrity of any European site, in view of the site’s conservation objectives, either alone or in combination with other plans or projects, and there is no reasonable scientific doubt in relation to this conclusion.
- Reasons for conclusion –
 - The works of the proposed development are not complex in nature and will be contained and controlled.
 - No meaningful or appreciable loss or alteration of qualifying interest habitats is likely to occur.

- Detailed mitigation measures have been prescribed within the NIS, including for the protection of woodland habitat during the construction phase of the proposal, protection of water quality and protection of certain qualifying species, with particular regard to aquatic QIs, Kerry slug, lesser horseshow bat and otter and the effectiveness of the mitigation measures has been demonstrated.
- No disturbance or displacement of qualifying interest species is likely to occur and no such habitat or species fragmentation is likely to arise as a result of the proposal is likely to occur.
- No Killarney Fern have been found in the area.
- Significant cumulative / in combination effects through interaction between the proposal and other plans, projects and activities are not likely to occur.

7.4. Observations

None

7.5. Further Responses

None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local / regional / national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development
- Ecology and biodiversity
- Annex IV species
- Appropriate Assessment
- Water Framework Directive

- Visual impacts
- Roads and transportation

8.2. Principle of development

- 8.2.1. The proposed development consists of the construction of a new walkway / cycleway in a scenic area and as part of the Muckross Lake Loop trail within a rural area that is part of the Killarney National Park. There are a large number of objectives in the Kerry County Development Plan (CDP) 2022-2028 that aim to promote tourism infrastructure and outdoor recreation. Objective KCDP10-1 is to adhere to the principles of sustainable tourism having regard to economic, social and environmental impacts. KCDP10-22 is to facilitate tourism infrastructure, KCDP10-35 is to promote and facilitate outdoor activities and adventure sports such as walking and cycling, KCDP10-36 is to promote and facilitate opportunities for integrated pedestrian and cycle network linking key tourist destinations to the national network, KCDP10-43 is to support the sustainable linking and extension of existing greenways and long distance walking routes within the county and the linking of them with other proposed greenways or routes and KCDP10-44 is to facilitate and support the sustainable development of tourism infrastructure and recreational developments at locations along greenway routes and trailheads.
- 8.2.2. I note that a large number of observations have been received in support of the proposal from tourism and community groups including Failte Ireland.
- 8.2.3. I am satisfied that the proposed development is in accordance with these higher order strategic objectives that aim to facilitate outdoor recreational infrastructure for walking and cycling, the development of greenways and which promote tourism. I am satisfied that the proposal is acceptable in principle.

8.3. Ecology and biodiversity

- 8.3.1. The proposed development is located in a mixed broadleaved woodland in Killarney National Park and is within the Macgillicuddy's Reeks and Carragh River Catchment Special Area of Conservation (SAC) and Killarney National Park Special Protection Area (SPA). The Killarney National Park has a status as a UNESCO Biosphere reserve and is designated a proposed Natural Heritage Area. The site is of

‘international importance’ from an ecological perspective as encompasses habitats of high conservation value and supports species and habitats of special importance and high conservation priority.

8.3.2. I note the CDP includes many objectives for the conservation of biodiversity, including objectives for the protection of biodiversity such as KCDP11-1 to ensure EU Birds and Habitat Directives are complied with, KCDP11-2 to maintain the nature conservation value of designated sites including Natura 2000 sites and proposed Natural Heritage Areas, KCDP11-3 to work with stakeholders to conserve, manage and enhance natural heritage including habitats, species and landscapes, KCDP11-22 to retain features of local biodiversity value and KCDP11-29 to work with stakeholders to protect and enhance biodiversity.

8.3.3. The applicant has submitted documentation including an Ecological Impact Assessment (EclA), Tree Survey Report, and a Bat Survey and Assessment Report. All of these reports include a statement that outlines the competency of the authors and the field researchers. A detailed Construction Environmental Management Plan (CEMP) and Construction Methodologies report is also submitted.

8.3.4. Ecological Impact Assessment

8.3.5. The Ecological Impact Assessment assesses the impact of the proposed development on the ecological resources of the area taking account of the nature conservation importance of these resources. Desktop studies, database searches including NBDC online database, data requests and a review of legislation and guidance were carried out to identify and document protected habitats and species. Extensive field surveys were carried out throughout October 2023, April, June, July, August, September and October 2024 involving surveys of baseline habitat, rare and protected flora, trees, bryophytes, non native invasive flora, non volant mammals, bats, birds, reptiles and amphibians, aquatic ecology and terrestrial macro invertebrates. These were evaluated in terms of their local, national and international conservation importance. An assessment was undertaken of the existing environment and the conservation / legal status of habitats and species and designated sites of EU and national importance. A detailed description is set out in the report.

- 8.3.6. The habitats and associated flora and fauna were evaluated and an assessment was prepared of what habitats and or species are considered to be Important Ecological Features (IEFs) that have the potential to be significantly impacted during the construction or operational phase of the proposed works. The IEFs habitats identified include oak-birch-holly woodland (overlaps with Annex I old oak woodland habitat) which provides valuable breeding, foraging and commuting habitat for local fauna, broadleaf woodland (partially overlaps with Annex I habitat alluvial forests) which provides for some breeding, foraging and commuting, buildings and artificial surface, scrub, acid ologotrophic lake (Muckross lake), eroding / upland rivers (small stream located in western part of the development site) and stone walls along the N71. There are no records for rare and protected plant species on the site. The IEF fauna identified includes otter, badger, hedgehog, pine marten, red deer, red squirrel, pygmy shrew, Irish hare, Irish stoat, birds, amphibians and reptiles, Kerry slug and bats. All fauna was considered to be of local importance (higher value) ecological value relative to works site with the exception of Kerry slug which is of international importance.
- 8.3.7. The potential impacts of the project include habitat loss / alteration, species disturbance/ displacement, water quality degradation and potential spread of invasive species. An evaluation of the significance of unmitigated impacts to the IEF habitats and fauna is set out in section 8. The evaluation describes the extent, magnitude, duration and level of significance and considers impacts at construction and operational phase. Negative effects were identified for all IEF habitats and fauna with the exception of artificial surface and stone walls which was to have a neutral effect. The potential spread of invasive species and impacts on water quality were considered. Section 9 considers cumulative impacts. Section 10 sets out detailed mitigation measures and Section 12 sets out enhancement measures.
- 8.3.8. The CEMP sets out a detailed construction methodology and detailed measures for the management of the construction and the protection of the environment. It includes detailed mitigation measures in relation to the operational and construction phase including:
- excavation works management plan
 - surface water management plan

- fuel and oil management plan
- concrete management plan
- Ecological management plan (protection of habitats and fauna) including the preparation of a detailed construction environment management plan, appointment of an Environmental Manager, Project Ecologist / Ecological Clerk of Works, protection of water quality (construction run off, management of fuels and chemicals, management of concrete, management of excavated materials, storage of construction materials, management of construction waste), protection of terrestrial habitats/ species including badger, hedgehog, pine marten, pygmy shrew and bats, protection of trees, protection of otter, protection of lesser horseshoe bat / construction lighting, protection of Kerry slug.
- invasive species management plan (to prevent the spread of invasive species onto the site and to manage existing invasive species on the site)
- construction and demolition waste management plan
- construction traffic management plan
- construction noise management plan
- construction dust management plan
- emergency response plan
- site environmental training and awareness
- monitoring and auditing procedure
- environment accidents, incidents and corrective actions

8.3.9. The report concludes that post mitigation there is potential for negative residual effects to oak-birch-holly woodland, broadleaf woodland, scrub and acid oligotrophic lake, eroding/upland rivers, bats and Kerry slug. I will consider the woodland and water features in more detail. Bats and Kerry slug are considered under the heading relating to Annex IV species.

8.3.10. Having regard to the mitigation measures proposed, all other IEF habitats and species are not likely to be significantly impacted and I am satisfied that impacts

would not be significantly detrimental to the ecological value of these habitats and species.

8.3.11. Trees and woodland habitat

- 8.3.12. The potential for negative residual effects on woodlands and scrub post mitigation was considered 'slight' and relate to alteration of habitat. The development is designed with the aim to protect existing trees, being a raised platform off ground constructed on columns which are to be anchored into ground. For the construction of the columns for the frame, there will be removal of 410sqm ground vegetation and 250m³ excavated material. This is a temporary loss. Excavated material will be reinstated around the base of each column where it will revegetate. There will be a loss of 250m² of vegetation for the alterations at Dinis car park. At construction stage, small compounds are to be located along the route between Dinis and Torc car parks on level ground clear of trees. Contractors office and welfare facilities will be within the main car parks. Ground protection matting is to protect ground vegetation. The platform is to be raised to varying degrees above ground level, but for its most part is c 1 to 3m above ground level (long section) and at certain points is higher up to 6m and lower near ground level.
- 8.3.13. A Tree Survey Report was submitted. A total of 99 trees were surveyed within the development site. Of these 99, 34 are of 'A' high quality, 50 are of 'B' good quality, 11 are of 'C' low quality and 4 are 'U' very low quality or dead.
- 8.3.14. Section 5.1 of the report states as follows: *"As per the current development proposal, all trees are proposed to be retained using careful construction methodologies to allow their retention. Preliminary management recommendations for the trees assessed are listed in the tree survey schedule in the appendices...All tree pruning works should be carried out by qualified and experienced tree surgeons In the unforeseen event that any trees are required to be removed, this should only be undertaken due to a direct conflict with the proposed project and where specialist methodologies or design tweaks are not considered practicable to facilitate their retention. Precautionary measures are included here for completeness. Any tree loss should be mitigated with a robust and high quality scheme of new tree planting which represents an opportunity to increase the quality, impact, diversity, and resilience of the local tree stock."*

8.3.15. Appendix 4 is a Tree Inventory Data. This shows 99 tagged trees and a PMR/Recommendation showing 8 trees as 'removal if needed' and all others to 'retain'. The 8 trees to be removed if needed are:

- tag 3, 2m oak, mature life stage and in poor physical condition, U category
- tag 5, 5m holly, early mature, poor condition, A3 category
- tag 6, 2m holly, mature, dead, U category
- tag 60, 6m holly, mature, poor, U category
- tag 62, 5m holly, mature, poor, C1 category
- tag 65, 30m ash, mature, poor, C1 category
- tag 77, 30m oak, over mature, dead, U category
- tag 96, 20m oak, mature, poor C1 category

8.3.16. I note the conflicting statements in the Tree Survey Report whereby on the one hand all trees are proposed to be retained and on the other hand trees may be removed. Whilst the proposed site layout drawing shows the proposed development overlaid with existing trees, there is no detailed drawing showing the survey of existing trees and showing the impact of the proposed development on trees including which trees are to be removed, which are to be retained and which trees may lose limbs etc. The Tree Survey Report includes a map of recorded trees in Figures 3, 4 and 5. I note that not all trees appear to be shown on the figures, trees which appear to be in the path of the walkway are to be retained as per the schedule and likewise trees identified for removal (e.g. tag 5) do not appear to be in the line of the walkway and that the information on the figures does not always correlate to the information in the schedule (e.g. no.65 recorded as ash but shown as hazel in the figure). I appreciate that some of this may be attributed to the quality and scale at which the figure is shown in the drawing. I also note the limitations of the survey and note not all trees were accessible and the location of some trees is indicative. However, the details are unclear and this poses issues with the reliability of the conclusions. The report indicates that the design is to be possibly 'tweaked' to allow for tree retention where possible. The documents do not provide enough information on what is meant by 'tweaked' and I am unable to assess these possible alterations.

- 8.3.17. Whilst there are issues with the quality of the Tree Survey Report, it states that there is potential for the loss of eight trees. Based on the layout drawing, which overlays the walkway with a survey, there appears to be in the order of 20 trees impacted, although for many trees, this is only a minor overlap of canopy with the platform so that a significant impact on a tree would be unlikely. Notwithstanding there may be potential for a certain amount of limb loss and this should be quantified and considered. Due to the lack of detailed drawings, the precise details of the impact on trees is unclear.
- 8.3.18. Any mature trees to be felled are to be by 'soft felling' and measures are set out in the tree report for the protection of trees to be retained. At the operational stage, there is potential for cutback of tree limbs and vegetation for maintenance of the platform and in the interests of health and safety. I note the tree report states that any tree loss should be mitigated with planting however no details are proposed.
- 8.3.19. I note objective KCDP11-27 of the CDP to support the preservation and enhancement of the general broadleaf tree cover throughout the county. This is a highly sensitive woodland habitat. I note the Article 17 conservation status (2019, NPWS) of this habitat type is 'bad' with fragmentation listed as one of the pressures including spread of invasive species and overgrazing. Having regard to the issues with the reliability and robustness of the tree survey report, there is insufficient information to clearly show the impact on trees and in the absence of information to show otherwise, I consider that the proposed development would significantly impact on trees. The development would be contrary to objectives in the CDP including 11-27 to preserve broadleaf tree cover, 11-3 to conserve natural heritage and 11-2 to maintain the conservation value of pNHAs. It is open to the Board to consider if this issue could be addressed via the submission of further information.
- 8.3.20. There are invasive species on the site and in the vicinity. This is compromising the habitat. The proposed mitigation measures to address invasive species is welcomed and would positively impact on the habitat.
- 8.3.21. Lake and watercourse
- 8.3.22. The site adjoins Muckross lake. The western boundary of the site adjoins Torc stream and there are a number of minor channels at the western section of the development, all of which flow into the lake. Specific mitigation measures are set out

for the protection of water quality which include standard construction measures with regard to runoff and sediment control, excavation only with sediment control measures such as silt fences, the management of concrete on site and spill and emergency spill and emergency controls. Post mitigation, potential negative residual effects associated with construction are 'slight' and 'slight to moderate' effect. Having regard to the mitigation measures proposed, I am satisfied that any residual impacts post mitigation would not be significantly detrimental to the ecological value of the lake and stream habitats.

8.4. **Annex IV species**

- 8.4.1. Annex IV species are protected under EU Habitats Directive which puts in place Strict Protection measures so that the species will reach and maintain favourable conservation status. Article 12 relates to the establishment of a system of strict protection for certain species including the prohibition of certain actions. Article 16 provides for derogations from these prohibitions under limited circumstances. The Habitats Directive is transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations, 2011-2021. The Minister (National Parks and Wildlife Service) has responsibility for assessing and deciding on applications for derogation licences.
- 8.4.2. The site has potential for the following Annex IV species – Kerry slug, bat, otter, slender naiad and Killarney fern. The impact of the development on these species is considered in the submitted EclA including mitigation measures, where appropriate.
- 8.4.3. During the ecological surveys, 11 **Kerry slug** were found on the site. The Kerry slug has a 'favourable conservation status'. Mitigation measures consist of pre-construction survey, exclusion zones and protective fencing, habitat enhancement and restoration of any disturbed areas to their original condition including re-establishment of moss over fallen deadwood and introduction of additional refuges, education and monitoring and reporting. As set out above, post mitigation, there is potential for 'temporary to short term, slight to moderate' effects. The applicant has applied for a Derogation Licence and a copy of this application was submitted with the planning application documentation (received 19/12/2024). The applicant has not provided a copy of the final decision and there is no evidence to show that a derogation licence is issued. I note there are a number of stages in the consideration

of applications for the licence, which includes showing that there is no satisfactory alternative. In the absence of knowing whether or not a derogation licence will be issued, I consider that it would be premature to confirm that the proposal, which is likely to interfere with the slugs, would not be detrimental to the maintenance of the population of the species at favourable conservation status. As such, I consider that the proposed development has potential to have an adverse impact on Kerry slug and that this would not be in accordance with the objective KCDP11-1 to ensure the requirements of EU legislation are complied with.

8.4.4. The **bat** survey report found that lake and woodland within the red line is moderately used by foraging and commuting bats. Bats found on the site include soprano, common pipistrelle, myotis, leisler's, brown long eared and lesser horseshoe. The site is of low value to roosting bats. Three trees were found to have bat roosting potential with the rest of trees inspected of negligible potential. The location of these trees, their proximity to the platform and whether or not they would be impacted, is unclear. Tree 1 was considered to be of moderate potential, tree 2 of low roosting potential and tree 3 of moderate roosting potential. There are no other structures or habitat features potentially suitable for roosting bats. Whilst of potential, these sites are not actually confirmed roosts. The proposed specific mitigation measure states that any trees earmarked for felling are to be determined for presence of roosting bats. Any removal of trees is to be carried out by soft felling outside of hibernation and maternity season and cut trees/ limbs kept on ground overnight to allow bats to make their way out. I also note mitigation measures for construction lighting will protect lesser horseshoe bat and other bats. No artificial lighting is proposed of the walkway for operational stage. Post mitigation, there is potential for negative residual effects which are assessed as 'slight to moderate'. I consider that the loss / alteration of roosting habitat and disturbance /displacement will not have a significant effect on bats at this local level. I consider that appropriate avoidance and mitigation measures are proposed so that the works would not be detrimental to the conservation status of the species.

8.4.5. During the surveys, no evidence of **otter** found on the site however the site is a suitable habitat for otter. Specific mitigation measures for otter include pre construction surveys and buffer zones if holt established, works near watercourses are to be restricted to daylight hours and site lighting will be directed away from

watercourses, silt fencing to protect watercourses. I consider this to be appropriate avoidance and mitigation so that the proposed development would not be detrimental to the conservation status of the species.

8.4.6. During the aquatic surveys, no evidence of **slender naiad** was recorded on the site. There is a lack of potential and suitable habitat in the area of the proposed development.

8.4.7. The ecological surveys found no **Killarney fern** on the site.

8.5. **Appropriate Assessment**

8.5.1. The appellant raises issues in relation to the adequacy of the appropriate assessment conclusions of the planning authority and in particular to the need to ensure that findings have a scientific basis. The appellant's submission makes reference to the materials and the structures of construction.

8.5.2. An Appropriate Assessment Screening is set out in Appendix 2 of this report. An Appropriate Assessment Determination is set out in Appendix 3 of this report. The proposed development is located on lands that are sited within the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (SAC) and Killarney National Park Special Protection Area (SPA).

8.5.3. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Killarney National Park SPA and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

8.5.4. The Board should note that In undertaking the stage 2 Appropriate Assessment, advice was sought from the Inspectorate Ecologist. The Technical Note of the Inspectorate Ecologist dated 28th May 2025 is attached to this report. The conclusion and recommendations of the report have been taken into account within the assessment included in Appendix 3.

8.5.5. Following an examination, analysis and evaluation of the NIS, associated material submitted and taking into account observations on nature conservation, I consider that:

8.5.6. Adverse effects on site integrity of **Killarney National Park SPA** can be excluded in the view of the conservation objectives of this site and no reasonable scientific doubt remains as to the absence of such effects. This conclusion is based on:

- Detailed assessment of the impacts of the proposed development, conservation interest features and conservation objectives of the European site.
- The proposed development will not affect the attainment of the conservation objectives for this site.

8.5.7. Adverse effects on the site integrity of **Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC** can not be excluded in view of the conservation objectives of this site and that reasonable scientific doubt remains as to the absence of such effects. This conclusion is based on the following:

- Detailed assessment of the impacts of the proposed development, conservation interest features and conservation objectives of the European sites,
- There is a lack of information to show the precise impact of the proposed development on existing trees and woodland habitat.
- In the absence of information to show otherwise and applying a precautionary approach, it is not scientifically shown that the development would not adversely impact on the achievement of the conservation objectives for the qualifying interests Old sessile oak woods with Ilex and Blechnum in British Isles, Kerry Slug, Lesser Horseshoe Bat and Killarney Fern, by reason of habitat loss / alteration and species disturbance / displacement.

8.6. **Water Framework Directive (WFD)**

8.6.1. The site is within the Laune-Maine-Dingle Bay Water Framework Directive (WFD) catchment, the Laune_SC_010 WFD sub catchment and the Laune_010 WFD river sub basin. There is one watercourse near the western boundary of the site, Torc mountain stream. Ovengarriff River is c 200m from Torc (Cardiac Hill) carpark east of the site. Both are part of Laune_010. The proposed development also runs along the shore of Muckross Lake waterbody. The site overlies the Cahersiveen ground waterbody SW_G_022. The site is within a WFD register of 'protected area' (ground

water in SAC and SPA and drinking water , by virtue of its location within Killarney National park, Macgillycuddy's Reeks and Caragh River Catchment SAC and Killarney National Park SPA).

8.6.2. Under the 3rd cycle covering 2022-2027 Laune_010 is 'at risk', Muckross Lake is 'not at risk' and Cahersiveen ground water body is 'not at risk'. The 2016-2021 status of Laune_010 is 'poor', Muckross Lake is 'high' and Cahersiveen ground water is 'high'. Pressures for the river relate to urban waste water.

8.6.3. There is potential for the proposed development to have direct and indirect negative impacts on these identified surface waters, groundwater and protected areas which could impact on the achievement of WFD environmental objectives which are namely to:

- Prevent deterioration of the status of all bodies of surface water and groundwater.
- Protect, enhance and restore all bodies of surface water and groundwater with the aim of achieving at least good status by the end of 2027 at the latest.
- Protect and enhance all artificial and heavily modified bodies of water, with the aim of achieving at least good ecological potential and good surface water chemical status.
- Achieve compliance with the standards and requirements for designated protected areas.

8.6.4. The WFD objectives are to be achieved through the Water Action Plan 2024.

8.6.5. The CEMP contains a significant range of measures to mitigate any adverse impact to the water quality at the construction stage. It is not likely that there would be significant negative effects on water quality at operational stage. Significant impacts at operational stage are not likely.

8.6.6. I have assessed the proposed development and have considered the objectives set out in Article 4 of the Water Framework Directive which seek to protect and where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I am satisfied that the proposed development will not result in a risk to

water bodies and would not compromise the achievement of the environmental objectives of the Water Framework Directive.

8.7. Visual impacts

- 8.7.1. The CDP includes objectives relating to views and prospects. Objective KCDP 11-79 is to preserve the views and prospects as defined in the map of volume 4. Objective KCDP11-81 is to prohibit developments that have a material effect on views designated from the public road or greenway towards scenic features and or public areas. The prospect from the N71 in both directions is protected. The prospect from the L4041 (Gap of Dunloe) in both directions is protected. The view south from the L4040 is protected.
- 8.7.2. The CDP includes objectives in relation to landscape sensitivity. Objective KCDP11-76 and KCDP11-78 are to protect landscapes by ensuring developments are not detrimental to the scenic value of the area. The site is located within a landscape that is designated in the CDP as a 'visually sensitive area' in the CDP Landscape Character Map. The lands slope from the N71 down towards the lake shore and the elevated height of the N71 allows for highly significant and attractive views across the lake to the surrounding landscape through the intervening trees and vegetation along the route.
- 8.7.3. The applicant has submitted visual photomontages and section drawings which show the visual impact of the development and the imposition of the platform relative to the surrounding ground and trees. The structure is to consist of railings of steel tubular uprights and handrail with wire mesh infill (1.4m high), steel uprights 200mm (1.4m to 2.1m as approach viewing area) and glass balustrade viewing platform. The platform deck is a precast concrete platform deck. The platform is set on steel column supports. The platform is for its most part raised above existing ground profile with height varying depending on ground level, but generally is either below or near to the level of the road.
- 8.7.4. The platform is set back from the shore closer to the road and this allows for it to be screened at points within the existing trees and vegetation, however in other more open sections with less vegetation it will be visible.
- 8.7.5. Overall, I consider that the design is appropriately sympathetic to this sensitive scenic area. I consider that the proposed development would integrate to an

acceptable degree into the surrounding landscape and that the development would not have a material negative impact on views and prospects or the landscape and that the proposed development is in accordance with the objectives of the CDP to protect landscape amenity and views and prospects.

8.8. Roads and transportation

- 8.8.1. The proposed development is for walkway / cycleway between Dinis and Torc car park. This will form part of the existing Muckcross Lake walking and cycling trail. Walkers and cyclists undertaking the loop are currently required to undertake this section on the N71 which is a heavily trafficked, narrow and bending road with no footpaths. Many observations have raised concerns regarding the safety of this road. Having visited the site, I share these concerns. The proposed development would divert walkers and cyclists off the road and therefore provide considerably improved safety for walkers, cyclists and drivers.
- 8.8.2. At further information stage, the applicant submitted revised drawings to address concerns raised by the planning authority in relation to the initial designs. The FI revisions included minor extension of the route to provide a link to the existing walkway, widening the width of the platform from 3m wide to 3.4m wide and splaying of guardrail, improvement works to Dinis car park and to the in/ out junctions with the N71, new seating and cycle stands, marking and signage.
- 8.8.3. A stage 1 Road Safety Audit was submitted with the further information revisions. Both TII and the Roads Section of the Council submitted reports at further information stage stating that item 2.3 of this audit is to be addressed. This item relates to the need for a crossing facility for walkers crossing between the N71 car park and Torc Mountain walking trail. The Roads Section recommended that this be addressed by the introduction of additional signage and a condition was attached to this effect. Submissions were received at further information stage from the National Roads Office and the Roads and Transportation section of the Council indicating the proposal was acceptable.
- 8.8.4. I am satisfied that the proposed works are acceptable in terms of traffic safety. Should permission be granted, it is recommended that a condition be attached requiring final details to be agreed and to the specifications of the Council prior to development.

9.0 Recommendation

I recommend that planning permission is refused for the proposed development.

10.0 Reasons and Considerations

1 On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the Stage 2 Appropriate Assessment undertaken, the Board cannot be satisfied that the proposed development alone would not be likely to have significant effects on the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Area of Conservation in view of the site's conservation objectives, by reason of significant impact on trees and woodland habitat and the resulting impacts on the qualifying interests of the Special Area of Conservation (old oak woodland, Kerry slug, lesser horseshoe bat and Killarney Fern). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The site contains Kerry slug which is included as Annex IV species of the European Union Habitats Directive of 1992. Annex IV species are strictly protected so that the species in question will reach and remain at favourable conservation status. There is an obligation to strictly protect Annex IV species and a derogation from this requirement is only in limited circumstances subject to certain conditions. The applicant has submitted a copy of an application for a derogation licence under European Communities (Birds and Natural Habitats) Regulations 2011-2021 for Kerry slug. No information is provided regarding the decision of this application. The Board is not satisfied that adequate information is provided to show that the proposed development can be carried out without compromising the objective to strictly protect this species. It is considered that the proposed development would therefore be contrary to objectives in the County Development Plan including KCDP11-1 to ensure that the requirements of EU and national legislation are complied with including the requirements of the EU Birds and Habitats Directive. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. It is considered that insufficient information has been submitted in relation to the proposed extent of tree removal within the site to assess the potential impacts of the

development on trees which are of biodiversity value within the woodland habitat of the site which is a proposed Natural Heritage Area. As such, the proposed development would be contrary to objectives in the County Development Plan including KCDP11-27 to preserve and enhance broadleaf tree cover, KCDP11-3 to work with stakeholders to conserve natural heritage and KCDP11-2 to maintain the conservation value of sites including proposed Natural Heritage Areas. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Aisling Mac Namara

Planning Inspector

29th May 2025

Appendix 1: EIA Pre-Screening

An Bord Pleanála Case Reference	321908		
Proposed Development Summary	Construct a raised platform walkway / cycleway from Dinis car park to Torc (Cardiac Hill) car park.		
Development Address	Torc, Mucross, Killarney, Co.Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes x	Proceed to Q2.
		No	No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	x		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
------------	--	--	---

5. Has Schedule 7A information been submitted?		
No	x	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2: Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project	Construction of raised platform walkway / cycleway from Dinis car park of Torc (Cardiac Hill) car park, Torc, Killarney, County Kerry. Project comprises c 1020m long x 3.4m wide raised platform, prefabricated construction design. The structures comprise concrete pad foundation, steel support and columns, concrete platform deck, a small viewing platform. Dinis car park layout will be altered to improve circulation within car park and improve entrance and exit. Construction via main compounds within car park, subcompounds on the site on level clear ground, machinery including hand held tools and mini digger to construct columns via anchoring to rock and concrete pad foundations, platform constructed off site and lowered onto frame via crane from N71.
Brief description of development site characteristics and potential impact mechanisms	Located along part of southern shore of Muckross Lake within Killarney National Park. Site is within Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and Killarney National Park SPA. The proposed walkway / cyclway will be constructed on a narrow strip of land located between road and lakeshore, parallel to both – the distance of the development varies along the route and is c 10m from lake at eastern end and c 50m from lake at western end. Ground slopes away from N71 towards lake with certain areas very steep and uneven terrain. Site contains woodland, scrub, boulders and rock outcroppings. One minor water course near western boundary – 'Torc Mountain' stream, drains to lake and has associated minor and ephemeral channels. Potential impacts are construction stage include loss / impacts on woodland habitat, trees and flora, effects on quality of ground and surface waters via sedimentation and pollution, disturbance of fauna, possible spread of invasive species. Potential impacts at operational stage include disturbance.
Screening report	Yes Prepared by MWP consultants Screening report, December 2023 Addendum to Screening report, November 2024 (prepared by Senior Project Ecologist (BSc, BBus.))
Natura Impact Statement	Yes Prepared by MWP consultants Prepared by Senior Project Ecologist (BSc.BBus.)
Relevant submissions	Third party appeal by Peter Sweetman, Issues raised: - Carry out de novo assessment - Comment on the materials used in construction, planning authority have no understanding of appropriate assessment, namely that the assessment carried out cannot have lacunae and must contain complete, precise and definitive findings and conclusions to remove scientific doubt as to the effect on a site

Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
Nine European sites are potentially within a zone of influence of the proposed development. I note that the screening report considered nine sites.				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS)	Distance from proposed development (km)	Ecological connections	Consider further screening in Y/N
Killarney National Park SPA 004038	Merlin [A098] Greenland White-fronted Goose [A395] CO004038.pdf	Site is within SPA	Direct connection	yes
Eirk Bog SPA 004108	Greenland White-fronted Goose [A395] CO004108.pdf	11.3km	No direct connection. Tentative weak indirect connection – use of habitat by mobile species (Greenland white fronted goose)	yes
Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment SAC 000365	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130]	Site is within SAC	Direct connection	yes

	Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Molinia meadows on calcareous, peaty or clayey-silt-laden soils [6410] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the <i>Rhynchosporion</i> [7150] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> [91E0] <i>Taxus baccata</i> woods of the British Isles [91J0] Kerry Slug [1024] Freshwater Pearl Mussel [1029] Marsh Fritillary [1065] Sea Lamprey [1095] Brook Lamprey [1096] River Lamprey [1099] Salmon [1106] Lesser Horseshoe Bat [1303] Otter [1355] Killarney Fern [1421] Slender Naiad [1833] Killarney Shad [5046] ConservationObjectives.rdl			
Castlemaine Harbour SAC 000343	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] <i>Salicornia</i> and other annuals colonising mud and sand [1310]	7.5km	Hydrological connection. River Laune from lake connects to the SAC	yes

	Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with Salix repens ssp. argentea [2170] Humid dune slacks [2190] Alluvial forests with Alnus glutinosa and Fraxinus excelsior [91E0] Sea Lamprey [1095] River Lamprey [1099] Salmon [1106] Otter [1355] Petalwort [1395] Site specific cons obj			
Blackwater River (Kerry) SAC 002173	European dry heaths [4030] Kerry Slug [1024] Freshwater Pearl Mussel [1029] Salmon [1106] Lesser Horseshoe Bat [1303] Otter [1355] ConservationObjectives.rdl	13.7km	There is no hydrological connection. Tentative weak indirect connection – use of habitat by mobile species (lesser horseshoe bat).	yes
Sheheree (Ardagh) Bog SAC 000382	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] ConservationObjectives.rdl	4.3km	No spatial overlap, therefore no direct interaction with this habitat. No hydrological connection. Site is not connected to any other European site.	no

			No impact pathway.	
Old Domestic Building, Curraglass Wood SAC 002041	Lesser Horseshoe Bat [1303] ConservationObjectives.rdl	8.3km	Tentative weak indirect connection. Potential use of habitats by mobile species (lesser horseshoe bat)	yes
Kilgarvan Ice House SAC 000364	Lesser Horseshoe Bat [1303] ConservationObjectives.rdl	11.8km	Tentative weak indirect connection. Potential use of habitats by mobile species (lesser horseshoe bat)	yes
Kenmare River SAC 002158	Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] European dry heaths [4030] <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Submerged or partially submerged sea caves [8330] Narrow-mouthed Whorl Snail [1014]	14.3km	Tentative weak indirect connection. Potential use of habitats by mobile species (lesser horseshoe bat)	yes

	Lesser Horseshoe Bat [1303] Harbour Porpoise [1351] Otter [1355] Harbour Seal [1365] ConservationObjectives.rdl			
Step 3 Describe the likely effects of the project (if any, alone or in combination) on European sites. AA Screening matrix				
Site name	Qualifying interests and conservation objectives	Possibility of significant effects (alone) in view of the conservation objectives of the site		
		Impacts	Effects	
Killarney National Park SPA 004038	Merlin [A098] Greenland White-fronted Goose [A395] CO004038.pdf	Size and scale: c 1020m long x 3.4m wide raised platform Land take: To install steel columns for platform 0.03m² column base x410 columns = 12.3m² for columns. Removal of ground vegetation for concrete pad and micropiles – 1m² loss for each column = 410m² temporary loss of vegetation. Excavation of soil for columns is 250m³. Soil will be reinstated once column installed and will revegetate. Alterations to Dinis car park result in land take of 250m² habitat loss. Permanent habitat loss is 12+250=262m² Distance from Natura 2000 site or key features: Site is within Killarney National Park SPA and Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment SAC. Potential for direct impacts to habitats or species. Resource requirements: Construction of project will entail the use of soil, steel,	Development overlaps with site. Potential effect on water quality (pollution and sedimentation). Disturbance and displacement of QI species. Fragmentation, alteration or loss of habitat, Plausible source-impact-pathways on QIs	

		stone and water , all of which are typical and readily available construction materials. Physical structure could impact habitat or species. Emissions: Potential for construction related emissions to surface water (e.g. concrete during pour, from oil, lubricants, fuel associated with machinery due to spillage and storage, sedimentation), dust to air, noise. Any artificial lighting at construction and operational stage could impact species. Increased human activity / recreational use at operational stage. Excavation requirements: Excavation for the installation of footings. This has potential to disturb soil and ground vegetation / trees. Transportation requirements: Transportation will be required for machinery equipment and building materials (via N710). Construction workers will traverse across the bank to carry out construction with potential trampling of habitats. Potential for spread or introduction of invasive species during construction. Duration: Construction phase will be 8-10 months. The operational phase will be permanent.	
		Likelihood of significant effects from proposed development (alone): Yes	

		If No, is there likelihood of significant effects occurring in combination with other plans or projects:	
Eirk Bog SPA 004108	Greenland White-fronted Goose [A395] CO004108.pdf	As above	No spatial overlap. No direct interaction with habitat, nor is the habitat suitable for this species. Having regard to distance and habitat present on site there is no potential pathway.
		Likelihood of significant effects from proposed development (alone): No	
		If No, is there likelihood of significant effects occurring in combination with other plans or projects: No Potential cumulative effects include plans (Kerry CDP 2022 – AA carried out), permitted developments (proposed education centre PA2460960 includes NIS), activities (agriculture, tourism and recreation).	
Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment SAC 000365	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the Violetalia calaminariae [6130] Molinia meadows on calcareous, peaty or clayey-silt-laden soils [6410] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the Rhynchosporion [7150]	As above	Development overlaps with site. Potential effect on water quality (pollution and sedimentation). Disturbance and displacement of QI species. Fragmentation or damage to habitat. Plausible source-impact-pathways on QIs

	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior [91E0] Taxus baccata woods of the British Isles [91J0] Kerry Slug [1024] Freshwater Pearl Mussel [1029] Marsh Fritillary [1065] Sea Lamprey [1095] Brook Lamprey [1096] River Lamprey [1099] Salmon [1106] Lesser Horseshoe Bat [1303] Otter [1355] Killarney Fern [1421] Slender Naiad [1833] Killarney Shad [5046] ConservationObjectives.rdl		
		Likelihood of significant effects from proposed development (alone): Yes	
		If No, is there likelihood of significant effects occurring in combination with other plans or projects:	
Castlemaine Harbour SAC 000343	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110]	As above	No spatial overlap and no direct interaction between the habitats. There is a weak hydrological downstream connection to Castlemaine Harbour SAC. Having regard to the nature of the development, the intervening distance and that lake water does not flow, the QIs of Castlemaine Harbour are not likely to be affected.

	Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with <i>Salix repens</i> ssp. <i>argentea</i> [2170] Humid dune slacks [2190] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> [91E0] Sea Lamprey [1095] River Lamprey [1099] Salmon [1106] Otter [1355] Petalwort [1395] Site specific cons obj		
		Likelihood of significant effects from proposed development (alone): No	
		If No, is there likelihood of significant effects occurring in combination with other plans or projects: No	
Blackwater River (Kerry) SAC 002173	European dry heaths [4030] Kerry Slug [1024] Freshwater Pearl Mussel [1029] Salmon [1106] Lesser Horseshoe Bat [1303] Otter [1355] ConservationObjectives.rdl	As above	No spatial overlap and no direct pathways. No hydrological connection due to intervening distance. Lesser horseshoe bats normally forage in woodlands / scrub within 2.5km of their roosts. The site is outside of this range. No impact pathway for likely significant effects.
		Likelihood of significant effects from proposed development (alone): No	
		If No, is there likelihood of significant effects occurring in combination with other plans or projects: No	
Old Domestic Building, Curraglass Wood SAC 002041	Lesser Horseshoe Bat [1303] ConservationObjectives.rdl	As above	Lesser horseshoe bats normally forage in woodlands / scrub within 2.5km of their roosts. The site is outside of this range. No spatial overlap and no direct interaction with habits. No hydrological connection. No impact pathway for likely significant effects.
		Likelihood of significant effects from proposed development (alone): No	

		If No, is there likelihood of significant effects occurring in combination with other plans or projects: No	
Kilgarvan Ice House SAC 000364	Lesser Horseshoe Bat [1303] ConservationObjectives.rdl	As above	Lesser horseshow bats normally forage in woodlands / scrub within 2.5km of their roosts. The site is outside of this range. No spatial overlap and no direct interaction with habitats. No hydrological connection. No impact pathway for likely significant effects.
		Likelihood of significant effects from proposed development (alone):No	
		If No, is there likelihood of significant effects occurring in combination with other plans or projects: No	
Kenmare River SAC 002158	Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] European dry heaths [4030] Juniperus communis formations on heaths or calcareous grasslands [5130] Calaminarian grasslands of the Violetalia calaminariae [6130] Submerged or partially submerged sea caves [8330] Narrow-mouthed Whorl Snail [1014] Lesser Horseshoe Bat [1303] Harbour Porpoise [1351] Otter [1355] Harbour Seal [1365]	As above	No spatial overlap and therefore no direct interaction. SAC is located in a separate catchment, i.e. no hydrological connection. Lesser horseshow bats normally forage in woodlands / scrub within 2.5km of their roosts. The site is outside of this range. Site is at distance from this SAC. No impact pathway for likely significant effects.

	ConservationObjectives.rdl		
		Likelihood of significant effects from proposed development (alone): No	
		If No, is there likelihood of significant effects occurring in combination with other plans or projects: No	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Killarney National Park SPA and Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment SAC from effects associated with

- Impact on water quality (pollution and sedimentation)
- Emissions such as dust, noise, light
- Presence of the physical structure
- impacts on vegetation or trees
- spread of invasive species

An appropriate assessment is required on the basis of the possible effects of the project 'alone'.

Proceed to AA.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that:

It is not possible to exclude that the proposed development alone (or in combination with other plans and projects) will give rise to significant effects on Killarney National Park SPA and Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment SAC in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- Impact on water quality (pollution and sedimentation)
- Emissions such as dust, noise, light
- Presence of the physical structure
- impacts on vegetation or trees
- spread of invasive species

which has the potential to result in effects on qualifying habitats and species including water quality degradation, disturbance /displacement of species, fragmentation, alteration or loss of habitats, spread / introduction of invasive species.

Appendix 3: Appropriate Assessment Determination

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of Killarney National Park SPA and Killarney National Park, Mac Gillycuddy's Reeks and Caragh River Catchment SAC based on scientific information provided by the applicant. The information provided in the application includes following: - Natura Impact Statement (NIS) prepared by MWP Consultant (Senior Project Ecologist, BSc, BBus). - Tree Survey Report, MWP, August 2024 - Construction Environmental Management Plan (CEMP), MWP, Oct 2024 - Construction Methodologies, MWP, Aug 2024 - Bat Survey and Assessment Report, MWP, Oct 2024 - Ecological Impact Assessment, MWP, Nov 2024 - The submitted documents and drawings showing the proposed development I refer to the Technical note prepared by the Inspectorate Ecologist related to this file. I note the conclusion which states that the habitat and tree surveys and accompanying reports/ maps are not adequate to support the findings of the NIS. There is a lack of detailed habitat mapping and a lack of detailed maps overlaying the footprint of the works with the habitat to clearly show the impact of the works on ground habitat. Concerns in relation to the adequacy and reliability of the Tree Survey Report are set out in the main Inspectors report. I am not satisfied that there are sufficient details and drawings to clearly show the impact of the development on trees. I am not satisfied that there is adequate information to allow for appropriate assessment of effects. I am mindful of the requirement to apply the precautionary principle in carrying out Appropriate Assessment. I am also mindful of the need to ensure that Appropriate Assessment is based on scientific definitive evidence as per that raised in the third party submission. This matter aside, I also consider that the NIS is comprehensive in many respects in that it sets out a consideration and assessment of all aspects of the project which could result in significant effects and sets out mitigation measures designed to avoid or reduce any adverse effects on site integrity including assessment of effectiveness and details of monitoring.
Submissions/observations Third party appeal by Peter Sweetman, Issues raised: - Carry out de novo assessment - Comment on the materials used in construction and state planning authority have no understanding of appropriate assessment, namely that the assessment carried out cannot have lacunae and must contain complete, precise and definitive findings and conclusions to remove scientific doubt as to the effect on a site
European sites
Killarney National Park SPA (004038) Summary of Key Issues that could give rise to adverse effects (from screening stage): - Water quality degradation (construction) - Disturbance / displacement of species - Fragmentation, alteration or loss of habitats

- Spread / introduction of invasive species			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary)	Potential adverse effects	Mitigation measures
Merlin	To maintain the Favourable conservation condition of Merlin Population size Productivity rate Distribution Extent and condition of suitable open habitats for foraging Disturbance at breeding sites	No merlin recorded in surveys. Habitats at site are not optimal for breeding. No significant effect on any of the attributes or targets. No adverse effect.	Not required
Greenland White-fronted Goose	To restore the Favourable conservation condition of Greenland White-fronted Goose Winter population Winter spatial distribution Disturbance Barriers to connectivity Forage and roost Roost Supporting habitat	No significant effect on any of the attributes or targets. The site does not encompass suitable wintering habitat. No adverse effect.	Not required
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.			
Assessment of issues that could give rise to adverse effects view of conservation objectives None identified			
In-combination effects In-combination effects have been assessed in the NIS. This is set out in section 9.8. The Kerry CDP 2022-2028 includes development objectives and the plan has been subject to appropriate assessment. The project in combination with EPA licenced / registered facilities would not give rise to adverse effect. I also note PA2460960 c 160m to the east of the site which is an application for permission for a nature education centre. This application includes a NIS and therefore will be assessed subject to appropriate assessment. It is considered that there is no potential for significant in-combination effects.			
Findings and conclusions Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for this European site. No direct or indirect effects are predicted. Reasonable scientific doubt I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. Site Integrity The proposed development will not affect the attainment of the Conservation objectives of the Killarney Park SPA . Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.			
Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment SAC (000365)			
Summary of Key Issues that could give rise to adverse effects (from screening stage):			

- Water quality degradation (construction) - Disturbance / displacement of species - Fragmentation, alteration or loss of habitats - Spread / introduction of invasive species			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary)	Consideration of potential adverse effects	Mitigation measures
Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)	To restore the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)		
	Habitat area Habitat distribution Typical species – typical species present in good condition and demonstrating typical abundances and distributions. Vegetation composition and distribution – all characteristic zones should be present, correctly distributed and in good condition; maintain depth of vegetation Maintain appropriate substratum to support vegetation. Water quality – maintain / restore Acidification status – maintain Water colour – maintain Dissolved organic carbon – maintain Turbidity - maintain Water level fluctuations	No adverse effect Construction impacts on water bodies can degrade water quality. Potential for adverse effect. No effect. No adverse effect.	Not required Proposed Not required

	Fringing habitat – maintain the area and condition	Lake shorelines have fringing habitats. The development does not impact directly on the lake shoreline. Spread or introduction of invasive species has potential to impact on habitat. Potential adverse effect.	Proposed
Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea	To restore the favourable conservation condition of Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea Habitat area Habitat distribution Typical species – typical species present in good condition and demonstrating typical abundances and distributions. Vegetation composition – all characteristic zones should be present, correctly distributed and in good condition; Vegetation distribution – maintain depth Maintain appropriate substratum to support vegetation. Water quality – maintain / restore Acidification status – maintain Water colour – maintain Dissolved organic carbon – maintain Turbidity - maintain Water level fluctuations Fringing habitat – maintain the area and condition	No adverse effect. Construction impacts on water bodies can degrade water quality. Potential for adverse effect. No effect. No adverse effect. Lake shorelines have fringing habitats. The development does not impact directly on the lake shoreline. Spread or introduction	Not required Proposed Not required Proposed

		of invasive species has potential to impact on habitat. Potential adverse effect.	
Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation Habitat area Habitat distribution Hydrological regime – flow and groundwater discharge Substratum completion – maintain / restore Water quality – maintain / restore Species occurrence – in good condition River connectivity with floodplain should be maintained Riparian habitat - maintain	No significant effect. No adverse effect. No significant effect. No adverse effect. Construction impacts on water bodies can degrade water quality. Potential for adverse effect. Riparian fringe habitat along the stream is to be maintained. Spread or introduction of invasive species could have an impact. Potential for adverse effect.	Not required Not required Proposed Proposed
Old sessile oak woods with Ilex and Blechnum in the British Isles	To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles Habitat area Hectares Area stable or increasing, subject to natural processes, with a minimum area of 1,254.4ha. See maps 5 and 6 Woodland size Habitat distribution Occurrence No decline, subject to natural processes. The mapped woodland locations are shown on maps 5 and 6. Woodland size Hectares Area stable or increasing. Where topographically possible, "large" woods at least 25ha	I note the Article 17 conservation status of this habitat type is 'bad'. Approximately 660m of the walkway / cycleway pass through the qualifying habitat old oak woodland. The NIS states the following: <i>The area and distribution of old oak woodland habitat encompassed within the proposed development site will be maintained. There will be no reduction in the minimum area (1254.4ha) or distribution of old oak woodland within the SAC as a result of the proposal. There will be no reduction in woodland size as a result of the proposal. These attributes will not be adversely</i>	NIS states no mitigation proposed. Mitigation measures are proposed to protect tree to be retained and ground vegetation to be retained.

	in size and “small” woods at least 3ha in size.	<i>affected by the proposed development.</i> There is insufficient detailed habitat survey and mapping to precisely show the impact on the development on this QI habitat. The longitude section drawings show that for its most part, the platform is raised between 1 and 3m off the ground, but the height of the platform above ground level depends on topography and varies from being practically at ground level to c 6m above ground. Not all sections may offer the same potential for future growth post construction. More detailed maps clearly showing the impact of the works to the habitat at Dinis car park would also assist. It is not clear if there would be significant permanent / temporary loss of habitat. For this reason, there is insufficient information to show with certainty that the development would not compromise the achievement of the target to stabilize or increase the area of habitat.	
	Woodland structure: cover and height Percentage and metres Diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semimature trees and shrubs; and well-developed herb layer. Woodland structure: community diversity and extent Hectares Maintain diversity and extent of community types. Woodland structure: natural regeneration Seedling:sapling:pole ratio Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy Woodland structure: dead wood m³ per hectare; number per hectare At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter.	The NIS states the following: <i>The proposed development will not impact on structural diversity within the woodland habitat There will be no removal of mature trees. Removal of shrub and field layer will be minimised and will be negligible in the context of the surrounding habitat. The diversity of the woodland structure occurring within the proposed development site, in terms of structural layer cover and height, will not be impacted. The proposed development will not impact on community diversity, community extents, natural regeneration, quantity of dead wood, number of veteran trees, or occurrence of indicators of local distinctiveness. There will be no removal of mature trees. There will be no removal of deadwood. These attributes will not be adversely affected by the proposal. There will be no removal of mature trees as a result of the proposed</i>	The NIS states no mitigation measures are proposed.

	Woodland structure: veteran trees Number per hectare No decline Woodland structure: indicators of local distinctiveness Occurrence No decline Vegetation composition: native tree cover Percentage No decline. Native tree cover not less than 95% Vegetation composition: typical species Occurrence A variety of typical native species present, depending on woodland type, including oak and birch	<i>development. All existing trees will be retained in-situ. There will be no impact on vegetation composition in terms of the occurrence of typical native species. These attributes will not be adversely affected by the proposal.</i> This NIS evaluation is based on the premise that there will be no removal of mature trees and no impact on woodland and vegetation composition. The habitat surveys and maps are not adequate. The tree survey and maps are not adequate. The findings in the NIS are not supported by evidence. The Tree Survey Report states there is potential for 8 trees to be removed, which are stated to be mature, overmature and early mature. It is unclear if additional limbs would be removed from other trees. In the absence of information to show with clarity how the habitat would be impacted and how many trees and limbs would be lost, there would be direct negative effects on the targets and attributes relating to woodland structure and vegetation composition. At operational stage there is potential for some cutting back of limbs for maintenance. Potential for adverse effect. There is potential for spread or introduction of invasive species. Potential for adverse effect.	
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*	To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)* Habitat area and distribution Woodland size	This habitat is in the northeastern corner of the site. This is a small pocket and there is no overlap between any aspect of the proposed development with this QI habitat. No significant effect No adverse effect.	Proposed Not required

	Hydrological regime – flooding / water table		
	Woodland structure	No significant effect No adverse effect	Not required
	Vegetation composition		
	Vegetation composition (non native invasive species)	Any spread or introduction to the site could impact this habitat. Potential adverse effect.	Proposed
Kerry Slug	To maintain the favourable conservation condition of Kerry Slug	Field surveys identified that habitats within the site are suitable for Kerry slug and individuals were found on the site.	
	Distribution: occupied 1km grid squares Number of occupied 1km grid squares at least stable, subject to natural processes. See map 7	Potential for injury or loss of Kerry slug during construction	Proposed
	Habitat extent: area of heath/bog with sandstone outcrops Hectares Stable or increasing, subject to natural processes	Kerry slug occupies woodland. There is potential for removal of woodland habitat Potential adverse effect.	No mitigation is proposed for tree loss/limb loss/ habitat loss.
	Habitat extent: woodland area Hectares Stable or increasing, subject to natural processes		
	Habitat quality: woodland Proportion of oak trees Proportion of sessile oak (Quercus petraea) in canopy at least stable	There is potential for oaks to be removed. This will impact the proportion of oaks in the woodland. Potential adverse effect.	No mitigation proposed.
	Habitat quality: non-native invasive species Occurrence Rhododendron (Rhododendron ponticum) in woodland and wet heath/blanket bog absent or under control	Spread of non native invasive species including rhododendron could effect habitat quality. Potential adverse effect.	Proposed
Freshwater mussel	To restore the favourable conservation condition of freshwater pearl mussel		
	Distribution Population size / structure Suitable habitat Hydrological regime Fringing habitat	The site is not within the Caragh, Currane and Gearhameen catchments. No change in distribution or habitat extent within Caragh, Currane and Gearhameen catchments. No impact on hydrological regime (flow). No impact on fringe habitat. No adverse effect.	Not required
	Host fish Water quality	Hydrological connection between Muckross Lake and Gearhameen	Proposed

	Substratum quality	catchment – potential indirect impacts on salmon (host species) and water quality during construction. Potential adverse effect.	
Marsh Fritillary	To restore the favourable conservation condition of Marsh Fritillary Distribution Proof of breeding Potential habitat	None recorded on site. Site has potential for this species (contains devils bit scabious) however this is sub optimal habitat. Any removal of ground vegetation would have negligible effect. No adverse effect.	Not required
Sea Lamprey	To maintain the favourable conservation condition of Sea Lamprey Distribution – percentage of rivers accessible Population structure of juveniles – number of age Juvenile density in fine sediment – juvenile density Spawning habitat – no decline in extent and distribution of spawning beds Juvenile habitat – number of positive sites	Potential for impacts via construction impacts on water quality. Potential adverse effect.	Proposed
Brook Lamprey	To maintain the favourable conservation condition of Brook Lamprey Distribution – percentage of rivers accessible Population structure of juveniles – number of age / size Juvenile density in fine sediment – juvenile density Spawning habitat – no decline in extent and distribution of spawning beds Juvenile habitat – number of positive sites	Potential for impacts via construction impacts on water quality. Potential adverse effect.	Proposed
River Lamprey	To maintain the favourable conservation condition of River Lamprey Distribution – access to water courses Population structure of juveniles Juvenile density in fine sediment Spawning habitat – no decline in extent of spawning beds Juvenile habitat – number of positive sites	Potential for impacts via construction impacts on water quality. Potential adverse effect.	Proposed

Atlantic Salmon	To maintain the favourable conservation condition of Atlantic Salmon Distribution – 100% of river channels accessible from estuary Adult spawning fish – conservation limit for each system exceeded Salmon fry Out migrating smolt abundance - no significant decline Redds - no decline in number and distribution of spawning redds Water quality – Q4 value	Potential water quality impacts – potential impact on adult salmon, smolts, water quality. Potential adverse effect.	Proposed
Lesser Horseshoe Bat	To maintain the favourable conservation condition of Lesser Horseshoe Bat Population per roost Number Minimum number of 182 bats in winter for Roost ID 623; minimum number of 127 in winter and 358 in summer for Roost ID 505; minimum number of 176 in winter and 315 in summer for Roost ID 296; minimum number of 218 in summer for Roost ID 615. See map 10 Winter roosts Condition No decline Summer roosts Condition No decline Number of auxillary roosts Number and condition No decline Extent of potential foraging habitat Hectares No significant decline Linear features Kilometres No significant loss, within 2.5km of qualifying roosts. See map 10	The nearest qualifying roost is situated outside of the development, 1.5km from site. There will be no direct impacts on qualifying roosts. The proposed development will not result in any change in population size of qualifying roosts. This attribute will not be adversely affected by the proposed development. The site is within the foraging range of one roost. Tree / limb loss could impact foraging and impact on the number of bats. Potential adverse effect. No roosts have been identified on the site. There are three trees that are identified potential roosts and which are low to moderate roost potential. The site does not contain suitable roosting habitat for this species. No adverse effect. There is potential for removal of trees / limbs. This would result loss of foraging habitat. The development is within the core foraging range (2.5km) of a named roost within the SAC and field surveys determined the site is a commuting / foraging resource for this species. There is potential for decline in potential foraging habitats. Potential adverse effect. Significant disturbance at operational stage due to increased human activity, noise, artificial light is not likely. There is potential for tree loss within 2.5km of a qualifying roost. Potential adverse effect.	No mitigation provided for tree loss / limb loss. Not required. No mitigation provided for tree/ limb loss. No mitigation provided for tree/ limb loss.

	Light pollution Lux No significant increase in artificial light intensity adjacent to named roosts or along commuting routes within 2.5km of those roosts. See map 10	There is potential for light pollution within 2.5km of a roost. Potential adverse effect.	Proposed
Otter	To maintain the favourable conservation condition of Otter Distribution – no significant decline in percentage positive survey sites Extent of terrestrial habitat – no significant decline Extent of river habitat – no significant decline Extent of lake habitat – no significant decline Barriers to connectivity – no significant increase.	No otter breeding or resting sites for otter were identified. The habitat is suitable for otter. No significant decline in otter distribution. The development will not result in any significant decline in the extent of river or lake habitat for otter. No significant increases in number of barriers to connectivity. No adverse effect.	Not required
	Couching sites and holts, no significant decline	No holts/couches in the vicinity of the site. Pre construction surveys should be carried out in case new holts /couches have been created. Construction noise and activity could cause disturbance. Potential adverse effect. The platform is raised, along road and there are high numbers of visitors already to the area. Significant adverse effects from recreational use at operational stage are not likely.	Proposed
	Fish biomass available – no significant decline	Water quality could impact on fish biomass. Potential adverse effect.	Proposed
Killarney Fern	To maintain the favourable conservation condition of Killarney Fern Distribution Occurrence No loss in geographical spread of populations, subject to natural processes Number of populations Number No decline, subject to natural processes Number of colonies Number No decline, subject to natural processes Population: life cycle stage Type (sporophyte or gametophyte) Maintain life-cycle stage composition of populations, subject to natural processes Population size: area of occupancy Square metres No decline, subject to natural processes Population size: living sporophyte fronds Number No decline, subject to natural processes Population structure: young and unfurling fronds Occurrence Young	Killarney fern was not recorded on the site. No adverse effect.	Not required
		The development will not impact on life cycle or population size or occurrence of young or fertile fronds and juvenile sporophyte fronds No adverse effect.	Not required

	(not fully expanded) and/or unfurling (crozier) fronds present in populations previously observed to have these, subject to natural processes Population structure: fertile fronds Occurrence Fertile fronds present in populations previously observed to have these, subject to natural processes Population structure: juvenile sporophyte fronds emerging from gametophytes Number No decline, subject to natural processes Habitat extent Hectares No loss of suitable habitat, subject to natural processes Hydrological conditions: wet/damp microhabitats Occurrence Maintain hydrological conditions at the locations of known populations - visible water source, with dripping or seeping water present and/or substrate wet/damp to touch, subject to natural processes Hydrological conditions: relative humidity Percentage Maintain relative humidity levels at known colonies at not less than 80%, subject to natural processes Hydrological conditions: desiccated fronds Number No increase, subject to natural processes Light levels: shading Shade index score At least 4 for woodland sporophyte-only and mixed colonies; at least 5 for open upland sporophyte only and mixed colonies; at least 6 for gametophyte only colonies, subject to natural processes Woodland canopy cover Percentage No loss of woodland canopy at, or in the vicinity of, the locations of known populations and canopy cover here maintained at more than 33%, subject to natural processes Invasive species Occurrence Maintain absence of invasive non-native and vigorous native plant species at the locations of known populations or, if present, maintain vegetation cover of these at less than 10%, taking into account the habitat requirements of T. speciosum	The species grows in deeply shaded, humid situations on soil banks in woodland and occasionally under fallen trees. Potential impacts on suitable habitat within the site area identified. Potential adverse effect. There will be no alteration of hydrological conditions (wet/damp microhabitats, relative humidity, number of desiccated fronds) within the SAC as a result of the proposal. No adverse effect. Although no Killarney Fern not found on the site, removal of trees/limbs/ vegetation has potential to impact degree of shading and any potential fern on the site. Potential adverse effect. There are no known populations at the site. No adverse effect. There is a risk of the spread or introduction of invasive species. Potential adverse effect.	No mitigation is proposed. Not required No mitigation measures proposed. Not required Proposed
--	--	--	---

Slender Naiad	To maintain the favourable conservation condition of Slender Naiad Population extent – no change Population depth – no change Population viability/ plant traits – no decline Population abundance - no change Species distribution – occurrence no decline Habitat extent – no decline Hydrological regime, water level fluctuations – maintain appropriate Lake substratum quality – maintain appropriate Water quality – maintain / restore Acidification status – maintain appropriate Water colour- maintain appropriate Associated species – maintain appropriate Fringing habitat – maintain the area and condition necessary to support	No evidence of slender naiad on the site. The lake substrate was deemed unsuitable to support slender naiad. Construction impacts on water bodies can degrade water quality. Potential for adverse effect. Invasive species could impact	Proposed Proposed
Killarney shad	To restore the favourable conservation condition of Killarney shad Distribution / occurrence Population structure Extent and distribution of spawning habitat Water quality Spawning habitat quality	The species is confined to Lough Leane. There is a hydrological connection between Muckross Lake and Lough Leane. Construction impacts on water bodies can degrade water quality. Potential for adverse effect.	Proposed
Other QIs (Not at Risk)	Rationale for exclusion		
Northern Atlantic wet heaths with Erica tetralix	Outside zone of influence / no pathway		
European dry heaths	Outside zone of influence / no pathway		
Alpine and Boreal heaths	Outside zone of influence / no pathway		
Juniperus communis formations on heaths or calcareous grasslands	Outside zone of influence / no pathway		
Calaminarian grasslands of the Violetalia calaminariae	Outside zone of influence / no pathway		
Molinia meadows on calcareous, peaty or	Outside zone of influence / no pathway		

clayey-silt-laden soils (Molinion caeruleae)	
Blanket bogs (* if active bog)	Outside zone of influence / no pathway
Depressions on peat substrates of the Rhynchosporion	Outside zone of influence / no pathway
Taxus baccata woods of the British Isles*	Outside zone of influence / no pathway

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects

Permanent Tree loss / limb loss / loss of woodland habitat

Potential direct and indirect effects on the qualifying interests:

Old sessile oak woods with Ilex and Blechnum in the British Isles
Kerry Slug
Lesser Horseshoe Bat
Killarney Fern

I note the report of the Inspectorate Ecologist which states that there is insufficient information available to reach complete, precise and definitive findings on the impacts of the proposed development on the Annex I QI woodland habitat in view of the conservation objectives of the SAC.

In the absence of having adequate information and based on the on the information that is provided, I consider that there would be direct impacts which will negatively affect the oak woodland including area of habitat, woodland structure and vegetation composition. The quality of the habitat for the Kerry slug will be negatively affected. There is potential for negative impacts on the extent of foraging habitat and features for lesser horseshoe bat. There is potential loss of habitats for Killarney Fern and Killarney Fern.

I note in that the conservation objective for old sessile oak woods is to restore the favourable conservation condition. I am satisfied that in the absence of scientific information to show otherwise, that the nature and effect of the tree loss/ habitat loss / alteration is significant and that it would adversely impact on the attributes and targets for the QI.

Adverse impacts have not been avoided.

Consideration of Mitigation:

- Where there is permanent loss of habitat, there are no mitigation measures proposed.
- No mitigation measures are proposed for tree loss/ limb loss. I am not satisfied that the matter can be addressed by condition. The Tree Survey Report states that “*Any tree loss should be mitigated with a robust and high-quality scheme of new tree planting*”. I am of the view that tree planting to **compensate** for tree loss cannot be considered at stage 2 AA. I do not consider that tree planting would be a mitigation measure because it would not avoid or reduce an adverse impact on the QI.

Adverse effects are not prevented.

Protection of the environment during construction

Potential impacts on all QIs.

Potential direct and indirect habitat loss / alteration, water quality and species disturbance / displacement impacts. Construction works will take place within an ecologically sensitive area.

Mitigation measures/ conditions:

- Implementation Construction Environmental Management Plan (CEMP) addressing construction related impacts
- Appointment of Environmental Manager
- Appointment of Project Ecologist / Ecological Clerk of Works

- Trees to be retained to be protected (measures outlined in Tree Survey Report), including measures such as protective panelling, use of ground protection, use of handheld tools and appropriate machinery when working in root protection areas, appropriate siting of site offices, material storage, parking.
- Vegetation to be retained – Proposed mitigation measures include demarcation of extent of construction works area and use of ground protection, movement of construction personnel, plant and machinery restricted within a works footprint, ground protection in semi natural habitat (brash matting and / or geo textile grid)

I am satisfied that the measures can be implemented, supervised, monitored and will be effective. I am satisfied that the measures will interrupt pathways that threaten the QIs so that these are avoided or reduced to non significant levels and adverse effects can be prevented.

Water quality degradation of water bodies (surface and ground) via pollution / sedimentation during construction

Potential impacts on:

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)
 Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*
 Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation
 Freshwater pearl mussel
 Sea lamprey
 Brook lamprey
 River lamprey
 Salmon
 Otter
 Slender naiad
 Killarney shad

Potential effects include habitat alteration, fragmentation, disturbance and displacement of species.

Surface water runoff during construction has potential to degrade water quality in the SAC.

Mitigation measures/ conditions:

- Standard construction measures for runoff and sediment control, e.g. clean water runoff to be diverted away from site, excavation and clearing of ground to be minimised, silt fences to be installed, erosion controls.

The use of fuels and oils during construction poses risk of pollutants entering water bodies, potentially degrading water quality.

Mitigation measures/ conditions:

- Management of fuels, oils and other chemicals, e.g. storage in compounds, bunded and covered, refuelling at compounds away from watercourse , inspections / maintenance of machinery, emergency plan for spills.

The use of concrete during construction poses the risk of pollutants entering water bodies, potentially degrading water quality.

Mitigation measures/ conditions:

- Management of concrete, e.g. trained operator for concrete works, no pouring during rain, inspections, containment of wash within site compound.

Storage of excavated materials during construction could lead to pollutants entering water bodies potentially degrading water quality in the SAC.

Mitigation measures/ conditions:

- Management of excavated material, e.g. designated material deposition areas, siltation measures, stockpiles 20m back from water feature and inspected for invasive plant growth.

Storage of construction materials could lead to pollutants entering water bodies potentially degrading water quality in the SAC. Storage of constructions materials in inappropriate locations could lead to impacts on qualifying habitats.

Mitigation measures/ conditions:

- Storage in designated areas, 20m from water features, stockpiles to minimal size on impermeable bases.

Generation of wastes during construction poses the risk of pollutants entering water bodies or terrestrial habitats, potentially degrading water quality or habitat quality within the SAC.

Mitigation measures / conditions:

- Management construction waste, e.g. storage of wastes, banded storage containers in site compounds for hazardous wastes, use of licenced waste contractors.

I am satisfied that the measures can be implemented, supervised, monitored and will be effective. I am satisfied that the measures will interrupt pathways that threaten the QIs so that these are avoided or reduced to non significant levels and adverse effects can be prevented.

Spread / introduction of invasive species

Potential impacts on:

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)

Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)

Kerry Slug

Killarney Fern

Slender Naiad

Construction activity poses the risk of spread or introduction of invasive species. This may lead to alteration / fragmentation or disturbance / displacement impacts on qualifying habitats and species.

Mitigation measures/ conditions:

- Invasive Species Management Plan to prevent spread onto the site and to prevent spread around and off site including measures such as project specific invasive species Standard Operating Procedure document, use of clean pre washed vehicles, equipment, machinery, inspection of PPE, disinfection of work boots, certification from suppliers, training, schedule of site inspection, measures to prevent spread / management of control areas, recording and inspections, method statements
- Management of existing IAPS on site, including on site management of knotweed and rhododendron.

Note the planning authority attached a condition to the grant of permission for the establishment/ strengthening of native holly on the site in lieu of rhododendron to be removed and monitoring for two years post opening of the facility.

I am satisfied that the measures can be implemented, supervised, monitored and will be effective. I am satisfied that the measures will interrupt pathways that threaten the QIs so that these are avoided or reduced to non significant levels and adverse effects can be prevented.

Disturbance of species

Lesser horseshoe bat / lighting:

Construction phase lighting has potential to directly / indirectly affect lesser horseshoe bat and their habitats.

Mitigation measures:

- No night working, lighting to conform to BCT guidelines during construction

Use of lighting for maintenance activities has the potential to directly / indirectly affect lesser horseshoe bat and their habitats.

Mitigation measures/ conditions:

- No maintenance works at night, any lighting used to conform to BCT guidelines.

Note that no lighting is proposed at operational stage. Recommend that condition be attached to any permission prohibiting artificial lighting at operational stage.

Kerry slug:

Construction activity has the potential to result in loss / injury or disturbance of Kerry slug or damage of Kerry slug breeding / resting habitat.

Mitigation measures/ conditions:

- pre commencement check and translocation by ECoW, derogation licence if required, movement of boulders or tree limbs to be minimised.

Otter:

During construction phase, otter may be subject to direct / indirect disturbance / displacement impacts via temporary noise, human activity, machinery.

Mitigation measures/ conditions:

- Pre construction survey, specific measures if holt found

I am satisfied that the measures can be implemented, supervised, monitored and will be effective. I am satisfied that the measures will interrupt pathways from these effects that threaten the QIs so that these are avoided or reduced to non significant levels and adverse effects can be prevented.

In-combination effects

In-combination effects have been assessed in the NIS. This is set out in section 9.8. The Kerry CDP 2022-2028 includes development objectives and the plan has been subject to appropriate assessment. The project in combination with EPA licenced / registered facilities would not give rise to adverse effect. I also note PA2460960 c 160m to the east of the site which is an application for permission for a nature education centre. This application includes a NIS and therefore will be assessed subject to appropriate assessment.

It is considered that there is no potential for significant in-combination effects.

Findings and conclusions

The applicant concluded in the NIS the following: *It has been objectively concluded, following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts from the proposed development and with the implementation of the mitigation measures proposed, that the proposed development will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects, and there is no reasonable scientific doubt in relation to this conclusion.*

Based on the information provided, I am not satisfied that adverse effect arising from aspects of the proposed development can be excluded for the European site considered in the Appropriate Assessment.

Reasonable scientific doubt

I am satisfied that reasonable scientific doubt remains as to the absence of adverse effects.

Site integrity

The proposed development will affect the attainment of conservation objectives of the Killarney National Park, MacGillycuddy's Reeks and Caragh River Catchment SAC. Adverse effects on site integrity can not be excluded and there is reasonable scientific doubt as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment it was determined that the proposed development could result in significant effects on the Killarney National Park SPA and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS, associated material submitted and taking into account observations on nature conservation, I consider that:

- (i) Adverse effects on site integrity of Killarney National Park SPA can be excluded in the view of the conservation objectives of this site and no reasonable scientific doubt remains as to the absence of such effects.

This conclusion is based on

- Detailed assessment of the impacts of the proposed development, conservation interest features and conservation objectives of the European site.
- The proposed development will not affect the attainment of the conservation objectives for this site.

- (ii) Adverse effects on the site integrity of Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC can not be excluded in view of the conservation objectives of this site and that reasonable scientific doubt remains as to the absence of such effects.

This conclusion is based on the following:

- Detailed assessment of the impacts of the proposed development, conservation interest features and conservation objectives of the European sites,
- There is a lack of information to show the precise impact of the proposed development on existing trees and woodland habitat.
- In the absence of information to show otherwise and applying a precautionary approach, it is not scientifically shown that the development would not adversely impact on the achievement of the conservation objectives for the qualifying interests Old sessile oak woods with Ilex and Blechnum in British Isles, Kerry Slug, Lesser Horseshoe Bat and Killarney Fern, by reason of habitat loss / alteration and species disturbance / displacement.