APPROPRIATE ASSESSMENT SCREENING REPORT & NATURA IMPACT STATEMENT

Residential Development, Raheen, Limerick

Applicant: DW Raheen Developments Ltd

SLR Ref: 501.00672.00003
Version No: FINAL 6
December 2021

Document Control	
Document Properties	
Organisation	SLR Consulting
Project Name	Residential Development, Raheen, Limerick
Report Title	Appropriate Assessment Screening Report & Natura Impact Statement
Author(s)	Úna Nealon, Michael Bailey
Draft version/final	FINAL V6
Document reference	501.00672.00003_Raheen-AASR&NIS_FINAL V6

DATE	Revision No	**Prepared by**	**Reviewed by**	**Approved by**	**Status**	**Comments**
15/04/2020	1	Úna Nealon	Elaine Dromey	Elaine Dromey	Draft	For internal review.
20/04/2020	2	Úna Nealon	Elaine Dromey	Elaine Dromey	Final	Issue to client for comment.
23/04/2020	3	Úna Nealon	Elaine Dromey	Elaine Dromey	Final	Update with clarifications.
03/12/2021	4	Michael Bailey	Stuart Wilson	Tim Paul	Draft	Revised and issued to Client for review
18/12/2021	5	Michael Bailey	Stuart Wilson	Tim Paul	FINAL	For Issue
21/03/2022	6	Michael Bailey	Stuart Wilson	Tim Paul	FINAL	For Issue

BASIS OF REPORT

This document has been prepared by SLR Consulting with reasonable skill, care and diligence, and taking account of the manpower, timescales and resources devoted to it by agreement with DW Raheen Developments Ltd (the Client) as part or all of the services it has been appointed by the Client to carry out. It is subject to the terms and conditions of that appointment. SLR shall not be liable for the use of or reliance on any information, advice, recommendations and opinions in this document for any purpose by any person other than the Client. Reliance may be granted to a third party only in the event that SLR and the third party have executed a reliance agreement or collateral warranty. Information reported herein may be based on the interpretation of public domain data collected by SLR, and/or information supplied by the Client and/or its other advisors and associates. These data have been accepted in good faith as being accurate and valid. The copyright and intellectual property in all drawings, reports, specifications, bills of quantities, calculations and other information set out in this report remain vested in SLR unless the terms of appointment state otherwise. This document may contain information of a specialised and/or highly technical nature and the Client is advised to seek clarification on any elements which may be unclear to it. Information, advice, recommendations and opinions in this document should only be relied upon in the context of the whole document and any documents referenced explicitly herein and should then only be used within the context of the appointment.

CONTENTS

1.0 INTRODUCTION 4
General Description of the Site 4
Brief Project Description 4
Aim of the Report 4
Objectives of Appropriate Assessment 4
Evidence of Technical Competence and Experience 5
Relevant Legislation 5
2.0 METHODS 6
Scope of the Report 6
Potential Zone of Influence 6
Desk Study 7
Field Surveys 7
AA Screening Report 7
Natura Impact Statement 8
3.0 DETAILED DESCRIPTION OF THE DEVELOPMENT 9
4.0 APPROPRIATE ASSESSMENT SCREENING 10
Identification of Zone of Influence and Natura 2000 Sites 10
Table 1: Natura 2000 Sites within 15km of the Project Site 10
Description of European (Natura 2000) Sites 11
Features of Interest and Conservation Objectives 11
Identification of Potential Impacts and Effects 15
Likelihood of Significant Effects on Natura 2000 Sites 15
Cumulative Impacts 17
Consideration of Findings 18
5.0 NATURA IMPACT STATEMENT 19
Assessment of the effects of the project or plan on the integrity of Natura 2000 Sites 19
6.0 CONSIDERATION OF FINDINGS 24
REFERENCES 25

DOCUMENT REFERENCES

TABLES

Table 5-1: Features of Interests and Conservation Objectives of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA 12

FIGURES

Figure 1: Natura Impact Statement - Natura 2000 Sites

1.0 INTRODUCTION

1.1 SLR Consulting Ireland (SLR) was commissioned in November 2019 to prepare a Natura Impact Statement for a proposed strategic housing development at Ballykeeffe, Raheen, Co. Limerick.

General Description of the Site

1.2 The proposed development site ("the Site) is located at Ballykeeffe, Raheen, west of Limerick City and is approximately centred at Irish Transverse Mercator (ITM) Grid Reference: 554668, 654560. The Site measures approximately 9.1 hectares with access gained from an existing entrance off a roundabout on the R510 regional road. The site is bounded to the west by the R510 and to the east by a disused railway. Residential developments lie adjacent to the southern boundary.

1.3 The River Shannon/Estuary is approximately 1.5 km north of the Site while Ballinacurra Creek is approximately 1 km east. Bunlicky Lake, a manmade lake, is 400 m north of the Site. The River Shannon and Ballinacurra Creek are protected by earthen flood protection embankments (JBA, 2020).

1.4 The Site is greenfield land currently under agricultural use. The surrounding area is characterised by a mixture of agricultural, residential and commercial land use.

Brief Project Description

1.5 The proposed development consists of the provision of 384 residential house and apartment units on a 10.44-hectare site located in Ballykeeffe, Raheen, Co. Limerick. The site is greenfield land that is enclosed by existing residential development to the south, east and west and open land to the north. Access to the site is provided by an existing entrance off a roundabout on the R510 regional road.

Aim of the Report

1.6 The aim of this report is to provide supporting information to assist the competent authority, in this case An Bord Pleanála, to carry out an appropriate assessment to determine if there will be an adverse effect on the integrity of Natura 2000 sites because of the proposed housing development at Ballykeeffe, Raheen, Co. Limerick.

1.7 This report therefore provides updated supporting information to assist the competent authority to carry out an appropriate assessment to determine if there will be an adverse effect on the integrity of Natura 2000 sites because of the proposed development at the Site.

Objectives of Appropriate Assessment

1.8 The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures to be addressed in the AA process as follows:

- Firstly, a plan / project should aim to avoid any negative impacts on Natura 2000 sites by identifying possible impacts early and designing the project / plan to avoid such impacts.
- Secondly, mitigation measures should be applied during the Appropriate Assessment (after Stage 1 screening stage) process to the point where no adverse effects on the site(s) remain.
- Thirdly a plan / project may have to undergo an assessment of alternative solutions. Under this stage of the assessment, compensatory measures are required for any remaining adverse effects, but they are permitted only if (a) there are no alternative solutions and (b) the plan / project is required for imperative reasons of overriding public interest (the 'IROPI test'). European case law highlights that consideration must be given to alternatives outside the plan / project boundary area in carrying out the IROPI test.

Evidence of Technical Competence and Experience

1.9 Michael Bailey prepared this report and Stuart Wilson carried out the technical review.

1.10 Michael Bailey holds a BSc. in Biology and Ecology from the University of Ulster and an MSc. in Quantitative Conservation Biology from the University of the Witwatersrand in Johannesburg. He has extensive experience in ecological studies and assessments across a range of sectors in Ireland and of agricultural, mining and renewable energy projects across Africa. He is a member of the Chartered Institute of Ecology and Environmental Management (MCIEEM).

1.11 Stuart Wilson is a Technical Director at SLR with twenty-five years professional experience as an ecologist and environmental impact assessment practitioner. Stuart has extensive experience as Competent Expert in habitats regulations assessment (HRA) having acted in this role for Highways England for the last 13 years. As part of this he has been a competent authority, technically assured HRA reports and authored/implemented the Design Manual for Roads & Bridges LA 115 Habitats Regulations assessment. Stuart has a BSc (Hons) degree in Environmental Biology from University of Essex and an MSc degree in Environmental Impact Assessment from the University of Wales, Aberystwyth. He is a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM) and is a Chartered Environmentalist (CEnv) with the Society for the Environment.

Relevant Legislation

1.12 The main pieces of relevant legislation are as follows:

- The Habitats Directive 92/43/EEC.
- The Birds Directive 2009/147/EC.
- European Communities (Birds and Natural Habitats) Regulations 2011 – 2015.
- Planning and Development Acts 2001 to 2015.

The relevant sections of the legislation are summarised in Appendix A of this report.

2.0 Methods

Scope of the Report

2.1 This report has been split in to two sections:

- First stage of the Appropriate Assessment (AA): the screening report; and
- Second stage of the AA: the Natura impact assessment (NIS).

2.2 The approach to preparing the screening report section is as follows: -

- Identify Natura 2000 sites, within the potential zone of influence of the development / works.
- Identify the features of interest of the Natura 2000 sites and review their conservation objectives.
- Review whether there is potential for the features of interest to be affected by the proposed works based on information such as the vulnerabilities of the Natura 2000 site, proximity to the Site and the nature and scale of the works associated with the proposed development / works.
- Consider the likelihood of potential impacts occurring based on the information collated and professional judgement.
- Consider the likelihood of cumulative effects arising from the project in-combination with other plans and projects.
- Identify the likelihood of significant effects in the absence of mitigation, alone or in – combination, on Natura 2000 sites occurring because of the proposed development / works.

2.3 The approach for preparing the scope of the second stage NIS section is as follows:

- Set out information on the Natura 2000 sites identified at screening stage as likely to be significantly affected by the project.
- Describe the elements of the project or plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the environment.
- Set out the conservation objectives of the site.
- Describe how the project or plan will affect key species and key habitats. Acknowledge uncertainties and gaps in information.
- Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project or plan (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes, etc.). Acknowledge also uncertainties and any gaps in information.
- The appropriate assessment is carried out by the competent authority and is supported by the NIS (EHLG, 2009).

2.4 The approach taken in preparing this document is based on standard methods and guidance, as listed in the references section of this report.

Potential Zone of Influence

2.5 The '*zone of influence*' for a project is the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities. This is likely to extend beyond the project site, for example where there are ecological or hydrological links beyond the site boundaries. The zone of influence will vary for different ecological features depending on their sensitivity to an environmental change (CIEEM, 2018).

2.6 Irish guidance (DoEHLG, 2010) [1] states, for the zone of influence of plans, that "*A distance of 15 km is currently recommended in the case of plans derives from UK guidance (Scott Wilson et al, 2006)*". The guidance goes on to state that "*for projects, the distance could be much less than 15 km, and in some cases less than 100 m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, the sensitivities of the ecological receptors, and the potential for in-combination effects.*"

2.7 The zone of influence is identified through a review of the nature and scale of the project, the project location relative to Natura 2000 sites, presence of ecological and landscape connectivity, such as along waterways, hedgerows and treelines between the Site and the Natura 2000 sites, known impacts and effects likely to arise as a result of this type of project, distance from Natura 2000 sites and the qualifying interests of the Natura 2000 sites.

2.8 The zone of influence for the proposed housing development at Ballykeeffe, Raheen, Co. Limerick. is defined in paragraphs 4.2 to 4.7 of this report.

Desk Study

2.9 A desk study was carried out to support the preparation of the AA Screening and NIS report and identify Natura 2000 sites where the project alone or in combination with other plans or projects is likely to have significant effects. Information available on Natura 2000 sites within the potential zone of influence of the proposed works was collated. The National Parks and Wildlife Service (NPWS) website[2] was accessed for information on the conservation objectives and the qualifying interest of Natura 2000 sites which may be potentially affected by the project alone or in combination with other plans or projects. Environmental Protection Agency (EPA) Maps[3] was accessed for other environmental information such as surface water features and direction of water flow which may be relevant to preparation of this report.

2.10 Limerick City and County Council's website and planning portal was accessed for information on other proposed or permitted developments within the Site and immediate surrounding area to inform the consideration of in-combination effects.

2.11 The documents reviewed to assist the preparation of this NIS include; Civil Engineering Report (Hutch O'Malley, 2020a), Construction and Demolition Waste Management Plan (Hutch O'Malley, 2020b), design drawings and project information supplied by the client, SLR (2021) Tree Survey Report.

Field Surveys

2.12 The Site was visited on 17 June 2021 and a walkover survey was carried out by SLR ecologist Michael Bailey. The field survey was designed to provide a rapid assessment of the ecological features present or potentially present within the proposed development site and its surroundings, and to identify potential impacts and likelihood of significant effects on any of the qualifying interests of the Natura 2000 site within the zone of influence.

AA Screening Report

2.13 The approach to preparing the AA screening report is as follows:

- Consider whether the project is necessary for the management of Natura 2000 sites.
- Identify Natura 2000 sites, within the potential zone of influence of the project.
- Identify the features of interest of the Natura 2000 sites and review their conservation objectives.

[1] *Appropriate Assessment of Plans and Projects in Ireland -Guidance for Planning Authorities*
[2] https://www.npws.ie/protected-sites (last accessed 15 April 2020)
[3] http://gis.epa.ie/(last accessed 15 April 2020)

- Review whether there is potential for the features of interest to be affected by the project based on information such as the vulnerabilities of the Natura 2000 site, proximity to the Site and the scale and nature of the project.
- Consider the likelihood of potential impacts occurring based on the information collated and professional judgement.
- Consider the likelihood of cumulative effects arising from the project in-combination with other plans and projects.
- Identify the likelihood of significant effects on Natura 2000 sites occurring because of the project.

Natura Impact Statement

2.14 The approach to preparing the Natura Impact Statement (NIS) is summarised as follows:

- Describe the elements of the plan that are likely to give rise to significant effects on the Natura 2000 Sites.
- Set out the conservation objectives of the Natura 2000 sites.
- Describe how the project will affect the key species and key habitats of the Natura 2000 sites.
- Describe how the integrity of Natura 2000 sites is likely to be affected by the project.
- Describe what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the Natura 2000 site.
- Consider findings and determine if potential for adverse effects on Natura 2000 sites remains after mitigation has been implemented.

2.15 The approach taken in preparing the NIS is based on standard methods and guidance, as listed in the references section of this report.

3.0 Detailed Description of the Development

3.1 DW Raheen Developments Ltd. are seeking a ten-year permission for a strategic housing development consisting of the provision of 384 residential house and apartment units on a ca. 10.44-hectare site located in Ballykeeffe, Raheen, Co. Limerick.

3.2 The site is greenfield land that is enclosed by existing residential development to the south and east, the R510 to the west and open land to the north. Access to the site is provided by an existing entrance off a roundabout on the R510 regional road.

3.3 The proposed development will provide as follows:

- 202 no. housing units, comprising a variety of forms to include bungalows, detached, semi-detached and terraced houses. A mix of house sizes are proposed to include 20 no. two bedroom houses, 156 no. three bedroom houses and 26 no. four bedroom houses.
- 182 apartment and duplex units across 25 small scale blocks, 2 to 4 storeys in heights, throughout the development. The apartments and duplexes provide a mix of one, two, three and four bed units, comprising of 10 no. four bedroom duplex units, 10 no. three bedroom duplex units, 6 no. two bedroom duplex units, 18 no. three bedroom apartments, 92 no. two bedroom apartments and 46 no. one bedroom apartments.

3.4 The proposed development also includes:

- A childcare facility measuring 761.75m^2, providing 79 childcare places (55 full time and 24 after school places), located at the south-western edge of the development.
- The provision of 377 no. car parking spaces and 311 secured bicycle parking spaces.
- The provision of 3 no. ESB sub-stations, ancillary services and infrastructure works including foul and surface water drainage, attenuation areas, landscaped public open spaces (approximately 29,500m^2, or 28.2% of the total site area), landscaping, lighting, internal roads, cycle paths, and footpaths.

4.0 Appropriate Assessment Screening

4.1 This section of the report identifies the potential zone of influence of the plan, provides information on the Natura 2000 sites within the potential zone of influence, sets out the potential impacts and effects and considers if significant effects are likely as a result of the project.

Identification of Zone of Influence and Natura 2000 Sites

4.2 The first step in identification of Natura 2000 sites is to determine the zone of influence of the project. When the potential zone of influence of the project has been determined information on the relevant Natura 2000 sites within that zone can be collated.

4.3 There are 14 Natura 2000 site within a 15km radius of the project site. These sites are listed Table 1.

Table 1: Natura 2000 Sites within 15km of the Project Site

Natura 2000 Site	Site Code	Location at Closest Point to Project Site
The Lower River Shannon SAC	002165	604m north
The River Shannon and River Fergus Estuaries SPA	004077	770m north
Askeaton Fen Complex SAC	002279	11.5km south-west
Curraghchase Woods SAC	000174	14.1km south-west
Glenomra Woods SAC	001013	14.7km north

4.4 The zone of influence for a project can be identified through a review of the nature of the project, known impacts likely to arise as a result of the type of project, distance from Natura 2000 sites and their features of interest and any landscape[4] or ecological connectivity[5] between the Site and Natura 2000 sites.

4.5 The zone of influence adopted for the project is 2 km (Figure 1). Natura 2000 sites beyond this distance are considered to be sufficiently distant from the plan area and / or have no landscape or ecological connectivity with the Site which supports the conclusion that no significant effects are likely.

4.6 The following Natura 2000 sites are located within 2 km of the Site and are considered to be within the zone of influence of the project:

- The River Shannon and River Fergus Estuaries SPA (004077).
- The Lower River Shannon SAC (002165).

4.7 The Site is within 770 m of the Lower River Shannon SAC and within 604 m of the River Shannon and River Fergus Estuaries SPA (Figure 1). The Site is considered to be connected via surface water pathways to both of these Natura 2000 sites. The Site is not connected, via hydrological pathways or ecological features, to any other Natura 2000 sites. Other Natura 2000 sites are not likely to be affected given the nature and scale of the proposed development in addition to their distance from the Site.

---

[4] Landscape connectivity is a combined product of structural and functional connectivity, i.e. the effect of physical landscape structure and the actual species use of the landscape (Kettunen *et al*. 2007)

[5] *Connectivity is defined as a measure of the functional availability of the habitats needed for a particular species to move through a given area. Examples include the flight lines used by bats to travel between roosts and foraging areas or the corridors of appropriate habitat needed by some slow colonising species if they are to spread* (CIEEM, 2018).

Description of European (Natura 2000) Sites

4.8 The following Natura 2000 site descriptions are summarised from information within the Natura 2000 Standard Data Forms and Site Synopses available on the NPWS website[6].

The Lower River Shannon SAC

"The Lower River Shannon SAC is large, long site approximately 14 km wide and 120 km long, encompassing: the drained river valley which forms the River Shannon estuary; the broader River Fergus estuary, plus a number of smaller estuaries e.g. Poulnasherry Bay; the freshwater lower reaches of the Shannon River, between Killaloe and Limerick, plus the freshwater stretches of much of the Feale and Mulkear catchments; a marine area at the mouth of the Shannon estuary with high rocky cliffs to the north and south; ericaceous heath on Kerry Head and Loop Head; and several lagoons. The underlying geology ranges from Carboniferous limestone (east of Foynes) to Namurian shales and flagstones (west of Foynes) to Old Red Sandstone (at Kerry Head). The salinity of the system varies daily with the ebb and flood of the tide and with annual rainfall fluctuations seasonally.

The site contains many Annexed habitats, including the most extensive area of estuarine habitat in Ireland. A good range of Annexed species are also present, including the only known resident population of Tursiops truncatus in Ireland, all three Irish species of lamprey, and a good population of Salmo salar. A number of birds listed on the EU Birds Directive either winter or breed in the site. The site is internationally important for waterfowl with more than 50,000 individuals occurring in winter. Several species listed in the Irish Red Data Book are present, perhaps most notably the only known Irish populations of Scirpus triqueter."

The River Shannon and River Fergus Estuaries SPA

"The River Shannon and River Fergus Estuaries form the largest estuarine complex in Ireland. The site comprises all of the estuarine habitat west from Limerick City and south from Ennis, extending west as far as Killadysert and Foynes on the north and south shores of the Shannon respectively (a distance of some 25 km from east to west). Also included are several areas in the outer Shannon estuary, notably Clonderalaw Bay and Poulnasherry Bay. The site has vast expanses of intertidal flats. The main macro-invertebrate community is a Macoma-Scrobicularia-Nereis community which provides a rich food resource for the wintering birds. The intertidal flats are often fringed with salt marsh vegetation, areas which provide important high tide roost sites for the birds.

This is the most important coastal wetland site in the country and regularly supports in excess of 50,000 wintering waterfowl. It has internationally important populations of Calidris alpina, Limosa and Tringa totanus. A further 16 species have populations of national importance. The site is particularly significant for Calidris alpina (11% of national total), Pluvialis squatarola (7.5% of total), Vanellus vanellus (6.5% of total), Tringa totanus (6.1% of total) and Tadorna tadorna (6.0% of total). It has Cygnus cygnus, Pluvialis apricaria and Limosa lapponica in significant numbers. The site provides both feeding and roosting areas for the wintering birds and habitat quality for most of the estuarine habitats is good."

Features of Interest and Conservation Objectives

4.9 Species and habitat types for which SAC are designated and bird species for which SPA are classified are referred to as Features of Interest (sometimes referred to as Qualifying Interests) on the NPWS website pages for protected sites. The features of interest and conservation objectives for the Natura 2000 sites identified within the potential zone of influence of the proposed development are listed within Table 4-1 below. This information was obtained from the resources available on the NPWS website.

[6] https://www.npws.ie/protected-sites

Table 4-1: Features of Interests and Conservation Objectives of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA

Natura 2000 site	Distance[7] from Site boundary	Features of Interest	Conservation objectives
Lower River Shannon SAC [002165]	770 m northeast	• Sandbanks which are slightly covered by sea water all the time [1110] • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • 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] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410] • Alluvial forests with *Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae*) [91E0] • *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]	The conservation objectives of this site are set out in full here: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf In summary the conservation objective for the SAC is to maintain or restore the favourable conservation condition of the habitat(s) and species for which the SAC has been selected.

[7] When measured in a straight line at the closest points between the Site boundary and Natura 2000 site boundary

Natura 2000 site	Distance[7] from Site boundary	Features of Interest	Conservation objectives
		• *Petromyzon marinus* (Sea Lamprey) [1095] • *Lampetra planeri* (Brook Lamprey) [1096] • *Lampetra fluviatilis* (River Lamprey) [1099] • *Salmo salar* (Salmon) [1106] • *Tursiops truncatus* (Common Bottlenose Dolphin) [1349] • Lutra lutra (Otter) [1355]	
River Shannon and River Fergus Estuaries SPA [004077]	604 m north	• Cormorant Phalacrocorax carbo – breeding + wintering • Whooper Swan *Cygnus cygnus* – wintering • Light-bellied Brent Goose *Branta bernicla hrota* – wintering • Shelduck *Tadorna tadorna* – wintering • Wigeon *Anas penelope* – wintering • Teal *Anas crecca* – wintering • Pintail *Anas acuta* – wintering • Shoveler *Anas clypeata* – wintering • Scaup *Aythya marila* – wintering • Ringed Plover *Charadrius hiaticula* – wintering • Golden Plover *Pluvialis apricaria* – wintering • Grey Plover *Pluvialis squatarola* – wintering • Lapwing *Vanellus vanellus* – wintering • Knot *Calidris canutus* – wintering • Dunlin *Calidris alpina* – wintering • Black-tailed Godwit *Limosa limosa* – wintering • Bar-tailed Godwit *Limosa lapponica* – wintering • Curlew *Numenius arquata* – wintering • Redshank *Tringa totanus* – wintering	The conservation objectives of this site are set out in full here: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004077.pdf In summary, the conservation objective is to maintain or restore the favourable conservation condition of the bird species and wetlands listed as Special Conservation Interests for this SPA.

Natura 2000 site	Distance[7] from Site boundary	Features of Interest	Conservation objectives
		• Greenshank *Tringa nebularia* – wintering • Black-headed Gull *Chroicocephalus ridibundus* – wintering • Wetlands	

Identification of Potential Impacts and Effects

4.10 The potential impacts and effects of the project on the species and habitats listed as features of interest of the Natura 2000 sites within the project zone of influence are discussed in this section. The significance of the identified effects is also considered in this section.

4.11 NPWS (2010) guidance for planning authorities states "*If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project, in which case the screening process is repeated on the altered plan. The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage on grounds of no impact*."

4.12 A significant effect is defined in paragraph 49 of the Waddenzee Case C-127/02[8] as follows "….. *pursuant to the first sentence of Article 6(3) of the Habitats Directive, where a plan or project not directly connected with or necessary to the management of a site is likely to undermine the site's conservation objectives, it must be considered likely to have a significant effect on that site. The assessment of that risk must be made in the light inter alia of the characteristics and specific environmental conditions of the site concerned by such a plan or project.*"

Likelihood of Significant Effects on Natura 2000 Sites

4.13 The likelihood of impacts occurring are established in light of the type and scale of the proposed development, the location of the proposed housing development with respect to Natura 2000 sites and the features of interest of the Natura 2000 sites.

4.14 This screening report has been prepared following the Cause – Pathway – Effect model. The potential impacts of developments such as quarries are summarised into the following categories for screening purposes.

4.15 Direct impacts refer to habitat loss or fragmentation arising from land-take requirements for development or agricultural purposes. Direct impacts can be a result of change in land use or management, such as the removal of agricultural practices that prevent scrub encroachment or the introduction of new activities such as aquaculture.

4.16 Indirect and secondary impacts do not have a straight-line route between cause and effect. It is potentially more challenging to ensure that all the possible indirect impacts of the plan/project – in combination with other plans and projects - have been established. These can arise, for example, when a development alters the hydrology of a catchment area, which in turn affects the movement of groundwater to a site and the qualifying interests that rely on the maintenance of water levels. Deterioration in water quality can occur as an indirect consequence of development, which in turn changes the aquatic environment and reduces its capacity to support certain plants and animals. The introduction of invasive species can also be defined as an indirect impact. Disturbance to fauna can arise directly through the loss of habitat (e.g. displacement of roosting bats) or indirectly through noise, vibration and increased activity associated with construction and operation.

4.17 The potential impacts that could occur as a result of the proposed housing development are discussed in the following sections.

Identification of potential impacts on Natura 2000 sites

4.18 The proposed a proposed residential housing development at Ballykeeffe, Raheen, Co. Limerick has the potential to result in impacts on two Natura 2000 sites due to the following:

[8] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62002CJ0127

- Habitat Loss
- Emissions to air.
- Emissions to water.
- Noise and vibration to air.

Loss of Habitat

4.19 The proposed strategic housing development will result in the loss of ca. 10.44-hectare of land currently being used for agriculture, grazing and grass cutting. The site is greenfield land that is enclosed by existing residential development to the south and east, the R510 to the west and open land to the north, and therefore there will be no loss of land or habitat which is listed as a feature of interest for either the Lower River Shannon SAC (002165) or the River Shannon and River Fergus Estuaries SPA (004077).

4.20 None of the habitats within the proposed development site are considered important for, or are likely to be utilised as foraging grounds by any of the bird species listed as features of interest for the River Shannon and River Fergus Estuaries SPA

4.21 Significant effects on Natura 2000 sites are not considered likely as a result of habitat loss.

Emissions to Air

4.22 Emissions to air from the construction and operation of the proposed strategic housing development are likely to arise from dust, particularly from the construction stage.

4.23 Fugitive dust is typically deposited within 100 to 200 m of the source, the greatest proportion of which, comprising larger particles (greater than 30 microns) is deposited within 100 m. Where large amounts of dust are deposited on vegetation over a long time-scale (a full growing season for example) there may be some adverse effects upon plants restricting photosynthesis, respiration, and transpiration.

4.24 As the two Natura 2000 sites within the zone of influence are located 770 m north-east and 604 m north of the proposed housing development site they are not considered likely to be affected by air emissions due to the nature of the development and their distance from the site.

4.25 Significant effects on Natura 2000 sites are not considered likely as a result of emissions to air.

Emissions to Water

4.26 Surface water run-off from the site during periods of heavy rainfall, and leaks or spills from construction plant and equipment, have the potential to impact on the quality of soils, surface water and groundwater.

4.27 The Site ultimately drains to the River Shannon via two existing culverts and is therefore directly connected to the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. Given this surface water link and the nature of the project, it is not possible to exclude effects on both the SAC and SPA from emissions to water. It is considered that the significance of such effects on the Natura 2000 sites is uncertain and emissions to water should be carried forward to the Stage 2 Assessment as it could affect the integrity of the qualifying features of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA.

Noise and Vibration to Air

4.28 The features of interest of the Natura 2000 sites likely to be affected by noise, such as SPA bird species, are sufficiently distant from the proposed housing development site so as to remain unaffected by any construction or operational noise. In general features of Interest from the SPA site are not likely to be found within the Site or in the immediate area as these species are dependent on the estuarine habitats associated with the SPA for feeding and roosting.

4.29 Significant effects on Natura 2000 sites are not considered likely as a result of noise and vibration to air.

Cumulative Impacts

4.30 Cumulative effects can result from individually insignificant but collectively significant actions taking place over a period of time or concentrated in a location. Cumulative effects can occur where a proposed development results in individually insignificant impacts that, when considered in-combination with impacts of other proposed or permitted plans and projects, can result in significant effects (CIEEM, 2018).

4.31 Other plans and projects that should be considered when establishing cumulative effects are:

- proposals for which consent has been applied but which are awaiting determination;
- projects which have been granted consent, but which have not yet been started or which have been started but are not yet completed (i.e. under construction);
- proposals which have been refused permission, but which are subject to appeal, and the appeal is undetermined;
- constructed developments whose full environmental effects are not yet felt and therefore cannot be accounted for in the baseline; or
- developments specifically referenced in a National Policy Statement, a National Plan or a Local Plan.

4.32 Potential impacts on water quality because of the proposed housing development at Raheen have been identified and other plans and projects (as described above) were considered in – combination with the Site for cumulative effects.

4.33 Cumulative effects can result from individually insignificant but collectively significant actions taking place over a period of time or concentrated in a location. Cumulative effects can occur where a proposed development results in individually insignificant impacts that, when considered in-combination with impacts of other proposed or permitted plans and projects, can result in significant effects.

4.34 The following plans were reviewed for strategies and objectives that may act in-combination with the proposed development:

- Limerick City Development Plan 2010 – 2016 (as extended).
- Limerick County Development Plan 2010 – 2016 (as extended)
- Limerick City Biodiversity Plan 2011 – 2016.

4.35 Limerick County Council planning portal was accessed to examine planning applications in the vicinity of the Site for potential to act in-combination with the proposed development.

4.36 There are no strategies or objectives in the Limerick City or County Development Plans, or in the Biodiversity Action Plan, that are likely to result in significant effects when considered in-combination with the proposed housing development. The planning applications in the immediate area of the Site consisted of private house extensions, one-off and small-scale housing and community developments and change of use. It is not considered likely that these projects could act in-combination with the proposed works to result in cumulative effects on Natura 2000 sites.

Likelihood of Significant Effects

4.37 It is considered that there is potential for impacts on two of the Natura 2000 sites within the 2 km zone of influence, due to the proposed strategic housing development at Ballykeeffe, Raheen, Co. Limerick. Therefore, in the absence of consideration of suitable mitigation, there is a likelihood of

significant effects on these Natura 2000 sites either alone or in-combination with other plans and projects.

Consideration of Findings

4.38 This screening report for Appropriate Assessment, based on the best available scientific information, shows that the proposed strategic housing development at Ballykeeffe, Raheen, Co. Limerick, in the absence of the implementation of suitable mitigation, could pose a risk of likely significant effects on Natura 2000 sites: Lower River Shannon SAC, and River Shannon and River Fergus Estuaries SPA.

4.39 It is therefore considered that the project does require progression to second stage Appropriate Assessment. This can be found in the next section of this document.

5.0 Natura Impact Statement

5.1 This report uses the headings within the appropriate assessment report template provided in the European Commission (2001) guidance document '*Assessment of plans and projects significantly affecting Natura 2000 sites*'[9] have been to provide a basis to examine the potential effects on the integrity of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA as a result of the project.

Assessment of the effects of the project or plan on the integrity of Natura 2000 Sites

5.2 This section of the report sets out the potential effects of the proposed works (either alone or in combination with other projects or plans) on the integrity the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA with respect to the conservation objectives of the sites and to their structure and function. The focus is on demonstrating, with supporting evidence, that there will be no adverse effects on the integrity of the River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC. Where this is not the case, adverse effects must be assumed.

Description of European (Natura) 2000 sites

5.3 The description of the Natura 2000 sites brought forward to the Stage 2 assessment can be found in the Screening Report section above.

Describe the elements of the project or plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the environment.

5.4 The elements of the project identified as having potential to affect Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA are as follows:

- Emissions to Water - Discharge of surface water run-off during construction and operation.

5.5 The Site ultimately drains to the River Shannon via two existing culverts and is therefore directly connected to the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA.

Set out the conservation objectives of the site

5.6 The conservation objectives for the River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC, and the list of specific attributes and targets defining the conservation objectives for each feature of interest are listed within the supporting information accessed through NPWS website. These were reviewed and considered for the features of interest likely to be affected.

Lower River Shannon SAC

5.7 The conservation objectives of this site are set out in full here:
https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf

In summary the conservation objective for the SAC is to '*maintain or restore the favourable conservation condition of the habitat(s) and species for which the SAC has been selected*'.

5.8 These Annex I habitats and Annex II species are;

- Sandbanks which are slightly covered by sea water all the time [1110]
- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Coastal lagoons [1150]
- Large shallow inlets and bays [1160]

[9] http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

- Reefs [1170]
- 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]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation [3260]
- Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Salmo salar* (Salmon) [1106]
- *Tursiops truncatus* (Common Bottlenose Dolphin) [1349]
- *Lutra lutra* (Otter) [1355]

River Shannon and River Fergus Estuaries SPA

The conservation objectives of this site are set out in full here: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004077.pdf

In summary, *the conservation objective is to 'maintain or restore the favourable conservation condition of the bird species and wetlands listed as Special Conservation Interests for this SPA'*.

- Cormorant *Phalacrocorax carbo* – breeding + wintering
- Whooper Swan *Cygnus cygnus* – wintering
- Light-bellied Brent Goose *Branta bernicla hrota* – wintering
- Shelduck *Tadorna tadorna* – wintering
- Wigeon *Anas penelope* – wintering
- Teal *Anas crecca* – wintering
- Pintail *Anas acuta* – wintering
- Shoveler *Anas clypeata* – wintering
- Scaup *Aythya marila* – wintering
- Ringed Plover *Charadrius hiaticula* – wintering
- Golden Plover *Pluvialis apricaria* – wintering
- Grey Plover *Pluvialis squatarola* – wintering
- Lapwing Vanellus *vanellus* – wintering
- Knot *Calidris canutus* – wintering
- Dunlin *Calidris alpina* – wintering
- Black-tailed Godwit *Limosa limosa* – wintering
- Bar-tailed Godwit *Limosa lapponica* – wintering
- Curlew *Numenius arquata* – wintering
- Redshank *Tringa totanus* – wintering
- Greenshank *Tringa nebularia* – wintering
- Black-headed Gull *Chroicocephalus ridibundus* – wintering
- Wetlands

Describe how the project or plan will affect key species and key habitats. Acknowledge uncertainties and gaps in information

5.9 During the construction of the proposed residential development at Raheen, surface water run-off from the site during periods of heavy rainfall, and leaks or spills from construction plant and equipment, have the potential to release contaminated surface water. Any contaminants in this surface water may enter the River Shannon via the existing surface water network and this has the potential to cause negative effects on aquatic species such as and habitats associated with the SAC and SPA.

Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project or plan (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes, etc.). Acknowledge also uncertainties and any gaps in information.

5.10 Key aquatic species such as sea, brook and river lamprey, salmon and otter could be affected by a deterioration of water quality, changes in water chemistry and reduction in habitat which could affect the prey species they depend on and degradation of their foraging and breeding habitats.

5.11 Freshwater pearl mussel individuals and habitat will not be affected by the project as the nearest population is >40km away and up-stream in the Cloon River catchment.

5.12 No habitat features of interest in the SAC are likely to be affected as they are either up-stream of the Site, and they are >13 km distant from the Site.

5.13 The key species and habitats of River Shannon and River Fergus Estuaries SPA are not likely to be affected by the proposed project and surveys showed that wintering species such as whooper swan and brent geese did not utilise or forage in the grassland areas within the proposed development site at Raheen.

Describe what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the site. Acknowledge uncertainties and any gaps in information.

Construction Phase

5.14 An outline Construction Environmental Management Plan (CEMP) (Hutch O'Malley 2022) has been prepared and will be finalised and implemented prior to the development of the site. The CEMP defines the approach to environmental management at the site during the construction phase. Compliance with the CEMP, the procedures, work practices and controls will be mandatory and must be adhered to by all site personnel and contractors employed on the construction phase of the project.

5.15 The employment of good construction management practices will minimise the risk of pollution of soil, storm water run-off or groundwater. The Construction Industry Research and Information Association (CIRIA) in the UK has issued a guidance note on the control and management of water pollution from construction sites, Control of Water Pollution from Construction Sites, guidance for consultants and contractors (Masters-Williams *et al* 2001).

5.16 Good work practices such as those set out in, but not limited to, *Guidelines on Protection of Fisheries During Construction Works In and Adjacent to Waters* (IFI, 2016), *Environmental Good Practice on Site Guide* (CIRIA, 2015) will be employed at all times on site during the construction of the proposed development.

5.17 The following measures will be implemented on Site during the works to minimise the risk of spills and contamination of soils and waters:

Careful consideration will be given to the location of any fuel storage facilities. These will be designed in accordance with guidelines produced by CIRIA, and will be fully bunded.

- All vehicles and plant will be regularly inspected for fuel, oil and hydraulic fluid leaks. Suitable equipment to deal with spills will be maintained on site.
- Where at all possible, soil excavation will be completed during dry periods and undertaken with excavators and dump trucks. Topsoil and subsoil will not be mixed together.
- Ensure that all areas where liquids are stored or cleaning is carried out are in a designated impermeable area that is isolated from the surrounding area, e.g. by a roll-over bund, raised kerb, ramps or stepped access.
- Use collection systems to prevent any contaminated drainage entering surface water drains, watercourses or groundwater, or draining onto the land. Minimise the use of cleaning chemicals.
- Use trigger-operated spray guns, with automatic water-supply cut-off.
- Use settlement lagoons or suitable absorbent material such as flocculent to remove suspended solids such as mud and silt.
- Ensure that all staff are trained and follow vehicle cleaning procedures. Post details of the procedures in the work area for easy reference.
- The above measures will be implemented, as appropriate along with the following site specific measures:
- Fuel, oil and chemical storage on site will be bunded and secured.
- Site storage will be on an impervious base within a secondary containment system such as a bund.
- A spill kit with sand, earth or commercial products that are approved for the stored materials will be kept close to the storage area. Staff will be trained on how to use spill kits correctly.
- Damaged, leaking or empty drums will be removed from site immediately and disposed of via a registered waste disposal contractor.
- Mobile plant will be refuelled in a designated area, on an impermeable base away from drains or watercourses.
- A wheel wash will be installed for use by all construction vehicles leaving the site.
- A road sweeper will be used to remove dirt and debris from roads.
- Silt traps will be located around the site to collect run off, with settled solids removed regularly and water recycled and reused where possible.
- A filter drain and silt pits will be located at the base of all embankments, settled solids will be removed from the silt pits regularly.
- A bypass petrol interceptor will be installed in the car park drainage network prior to connection to the existing drainage network to prevent any hydrocarbon spills from entering the surrounding drainage network.

5.18 It is considered that with the implementation of surface water protection measures and good practice construction management, any adverse effects on the integrity of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA will be avoided during the phase construction.

Operation Phase

5.19 All surface waters from the development will be conveyed via a gravity collection network and discharged to the channel to the North at a controlled rate which will assimilate the pre-development run-off rate in accordance with the current principles of stormwater management.

5.20 All surface waters are to be treated for the removal of contaminants such as floating debris, suspended solids and hydrocarbons prior to eventual discharge to the channel located to the north of the site (Hutch O'Malley 2022).

5.21 All foul and surface water sewers and manholes will be tested for infiltration through air testing and hydraulic testing prior to commissioning, in accordance with Irish Water Code of Practice.

5.22 It is considered that with the application of these design measures, any adverse effects on the integrity of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA will be avoided.

6.0 Consideration of Findings

6.1 Following implementation of appropriate mitigation measures to prevent surface water contamination during construction and the installation of foul water and surface water management systems during operation, as described in the NIS and in further detail in the CEMP (Hutch O'Malley 2022), the project is not predicted to give rise to adverse effects on the integrity of the River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC either alone or in-combination with other projects or plans.

6.2 It is considered that there will be no adverse effects on the integrity of River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC as a result of the proposed residential development at Ballykeeffe, Raheen, Limerick.

6.3 Based on the information set out in this report and associated planning documents, we submit that the competent authority has sufficient information to allow them to determine that the proposed project, individually or in combination with other plans or projects, will not have an adverse effect on the integrity of any European (Natura 2000) sites.

References

CIEEM (2018) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine.* Chartered Institute of Ecology and Environmental Management, Winchester. Version 1.1 - Updated September 2019

CIRIA (2015) *Environmental Good Practice on Site Guide* (C741) Construction Industry and Information Association

European Commission (2001). *Assessment of Plans and Projects significantly affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.*

European Commission (2006) *Nature and biodiversity cases: Ruling of the European Court of Justice.* Office for Official Publications of the European Communities, Luxembourg.

European Commission (2018). *Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats Directive' 92/43/EEC.*

European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011)

European Parliament and the Council of the European Union (2009) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.

European Union Habitats Directive, (1992). Council Directives 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

Hutch O'Malley (2022) Construction Environmental Management Plan for Residential Development, Ballykeeffe, Raheen, Limerick.

IFI (2016) *Guidelines on Protection of Fisheries During Construction Works In and Adjacent to Waters.* Inland Fisheries Ireland.

JBA (2020) *Raheen Flood Risk Assessment Technical Report April 2020.* Jeremy Benn Associates Ltd.

NPWS (2010). *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities*. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government. Dublin.

NPWS (2012) *Conservation objectives for Lower River Shannon SAC [002165]. Generic Version 6.0.* Department of Culture, Heritage and the Gaeltacht.

NPWS (2012) *Conservation objectives for River Shannon and River Fergus Estuaries SPA [004077].* Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2014) *Site synopsis for Lower River Shannon SAC 002165.* National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

NPWS (2015) *Site synopsis for River Shannon and River Fergus Estuaries SPA [004077].* National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

NPWS (2017) *Natura 2000 Standard Data Form for Lower River Shannon SAC 002165.* National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

NPWS (2017) *Natura 2000 Standard Data Form for River Fergus Estuaries SPA 004077.* National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

Scott Wilson and Levett-Therivel, (2006). *Appropriate Assessment of Plans.* Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants.

Tyldesley. D., and Chapman, C., (2013) The Habitat Regulations Assessment Handbook, December 2019 Edition UK: DTA Publications Ltd

Websites

https://www.npws.ie/protected-sites (last accessed 15/08/2021)

http://gis.epa.ie/ (last accessed 15/08/2020)

Page 28 https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62002CJ0127

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

https://www.npws.ie/protected-sites

https://www.npws.ie/sites/default/files/protected-sites/natura2000/NF002165.pdf (last accessed 15/08/2021)

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf (last accessed 15/08/2021)

https://www.npws.ie/sites/default/files/protected-sites/natura2000/NF004077.pdf (last accessed 15/08/2021)

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004077.pdf (last accessed 15/08/2021)

FIGURES

FIGURE 1..... NATURA IMPACT STATEMENT: NATURA 2000 SITES

NOTES

1. Extract from Ordnance Survey Map No. 65.

2. Ordnance Survey Ireland Licence No. **CYAL50248253** © Ordnance Survey Ireland/ Government of Ireland.

LEGEND

- LOCATION OF PROJECT SITE
- 2KM RADIUS FROM PROJECT SITE
- 002165 - LOWER RIVER SHANNON SAC
- 004077 - RIVER SHANNON & RIVER FERGUS ESTUARIES SPA

Scale 0 500 1000 1500 2000m 3000 4000 5000

Metres 1:50,000

SLR CONSULTING IRELAND
7 DUNDRUM BUSINESS PARK
WINDY ARBOUR
DUBLIN 14
T: +353-1-2964667
F: +353-1-2964676
www.slrconsulting.com

DW RAHEEN DEVELOPMENTS LTD.

APPROPRIATE ASSESSMENT

PROPOSED RESIDENTIAL DEVELOPMENT AT BALLYKEEFFE, RAHEEN, LIMERICK

NATURA 2000 SITES WITHIN 2KM OF THE PROJECT SITE

FIGURE 1

Scale 1:50,000 @ A3

Date DECEMBER 2021

501.00672.00003.0.FIG 1.Appropriate Assessment.R1.dwg

APPENDIX A: RELEVANT LEGISATION

European Nature Directives (Habitats and Birds)

The Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) forms the basis for the designation of Special Areas of Conservation. Similarly, Special Protection Areas are classified under the Birds Directive (Council Directive 2009/147/EEC on the Conservation of Wild Birds). Collectively, Special Areas of Conservation (SAC) and Special Protection Areas (SPA) are referred to as the Natura 2000 network. In general terms, they are considered to be of exceptional importance for rare, endangered or vulnerable habitats and species within the European Community.

Under Article 6(3) of the Habitats Directive an appropriate assessment must be undertaken for any plan or project that is likely to have a significant effect on the conservation objectives of a Natura 2000 site. An appropriate assessment is an evaluation of the potential impacts of a plan or project on the conservation objectives of a Natura 2000 site[10], and the development, where necessary, of mitigation or avoidance measures to preclude negative effects.

Article 6, paragraph 3 of the EC Habitats Directive 92/43/EEC ("the Habitats Directive") states that:

> "*Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public"*

The Habitats Directive is transposed into Irish law by the EC (Birds and Natural Habitats) Regulations 2011 – 2015. Part XAB of the Planning and Development Acts 2000 to 2020 transposes Article 6(3) and 6(4) of the Habitats Directive in respect of land use plans and proposed developments requiring development consent.

EC (Birds and Natural Habitats) Regulations 2011 to 2015 – Part 5

Part 5 of the EC (Birds and Natural Habitats) Regulations 2011 – 2015 sets out the circumstances under which an 'appropriate assessment' is required. Section 42(1) requires that '*a screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.*'

Section 42(2) expands on this, stipulating that a public authority must carry out a screening for Appropriate Assessment before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken. To assist a public authority to discharge its duty in this respect, Section 42(3)(a) gives them the authority to direct a third party to provide a Natura Impact Statement and Section 42(3)(b) allows them to request any additional information that is considered necessary for the purposes of undertaking a screening assessment.

Section 42(6) requires that '*the public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site'*.

---

[10] Also referred to as European Sites in the Planning and Development Acts 2000 – 2020.

Planning and Development Regulations 2001 to 20115

Section 250 of the Planning and Development Regulations 2001 to 2015 sets out the circumstances under which an 'appropriate assessment' is required.

Section 250 (1) requires that *'In order to ascertain whether an appropriate assessment is required in respect of a development which it proposes to carry out a local authority shall carry out a screening of the proposed development to assess, in view of best scientific knowledge, if the development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site.'*

Section 250 (2) states that "*If on the basis of a screening under sub- article (1) it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on a European site, the local authority shall determine that an appropriate assessment of the proposed development is required and shall prepare an NIS in respect of the proposed development and shall submit the proposed development to the Board for approval under section 177AE of the Act.*"

Section 250 (3) (a) requires that "*The Board shall, where it considers that an application for development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, require the local authority to prepare, or cause to be prepared, an NIS in respect thereof*."

Section 250 (b) requires that "*Where any person considers that a development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect and the Board shall make a determination on the matter as soon as possible*."

Section 250 (c) requires that "*An application for a determination under paragraph (b), in order to be considered by the Board, shall state the reasons for the forming of the view that the development would be likely to have a significant effect on a European site*."

Section 250 (d) requires that "*Where Board makes a determination under paragraph (b) that a development would be likely to have a significant effect on a European site it shall require the local authority to prepare, or cause to be prepared, an NIS in respect thereof.*"

Section 250 (e) states that "*For the purposes of paragraphs (a) and (b), a local authority shall provide information requested by the Board in relation to development proposed to be carried out by the local authority.*"

Section 250 (4) requires that "*Where an NIS is prepared, or caused to be prepared, by a local authority under sub-article (3), the authority concerned shall apply to the Board for approval*."

Section 250 (5) requires that "*An application for approval under sub-article (4) shall be deemed to be an application for approval under section 177AE of the Act and the provisions of that section shall apply to the application*."

Section 250 (6) states that "*Where a local authority makes a determination under sub-article (1) that a proposed development would not be likely to have a significant effect on a European site, it shall, in addition to the documents specified in article 83, make the determination, including the main reasons and considerations on which the determination is based, available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, in accordance with that article*."

EUROPEAN OFFICES

United Kingdom

AYLESBURY
T: +44 (0)1844 337380

BELFAST
T: +44 (0)28 9073 2493

BRADFORD-ON-AVON
T: +44 (0)1225 309400

BRISTOL
T: +44 (0)117 906 4280

CARDIFF
T: +44 (0)29 2049 1010

CHELMSFORD
T: +44 (0)1245 392170

EDINBURGH
T: +44 (0)131 335 6830

EXETER
T: + 44 (0)1392 490152

GLASGOW
T: +44 (0)141 353 5037

GUILDFORD
T: +44 (0)1483 889800

LEEDS
T: +44 (0)113 258 0650

LONDON
T: +44 (0)203 805 6418

MAIDSTONE
T: +44 (0)1622 609242

MANCHESTER
T: +44 (0)161 872 7564

NEWCASTLE UPON TYNE
T: +44 (0)191 261 1966

NOTTINGHAM
T: +44 (0)115 964 7280

SHEFFIELD
T: +44 (0)114 245 5153

SHREWSBURY
T: +44 (0)1743 23 9250

STIRLING
T: +44 (0)1786 239900

WORCESTER
T: +44 (0)1905 751310

Ireland

DUBLIN
T: + 353 (0)1 296 4667

France

GRENOBLE
T: +33 (0)6 23 37 14 14