APPROPRIATE ASSESSMENT SCREENING REPORT AND NATURA IMPACT STATEMENT

Canal Bank Development, Pa Healy Road, Limerick

Developer: Revington Developments Ltd.

Prepared for: Lawlor, Burns & Associates

SLR Ref: 501.00672.00002
Version No: FINAL
January 2022

Document Control	
Document Properties	
Organisation	SLR Consulting Ireland
Project Name	Canal Bank Development, Limerick
Report Title	Appropriate Assessment Screening Report and Natura Impact Statement
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Draft version/final	FINAL
Document reference	501.00672.00002_CanalBank_NIS

DATE	**Revision No**	**Prepared by**	**Reviewed by**	**Approved by**	**Status**	**Comments**
29/06/2020	1	Úna Nealon	Elaine Dromey	Elaine Dromey	Draft	For internal review.
02/07/2020	2	Úna Nealon	Elaine Dromey	Elaine Dromey	Draft	Issue to client for review.
18/11/2021	3	Michael Bailey	Stuart Wilson	Tim Paul	FINAL	Issue to client for review.
23/01/2022	4	Michael Bailey	Stuart Wilson	Tim Paul	FINAL	For Issue

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1.0 INTRODUCTION

SLR Consulting Ireland was commissioned by Lawlor, Burns & Associates, on behalf of Revington Developments Ltd, in June 2020, to prepare an Appropriate Assessment (AA) Screening Report and Natura Impact Statement (NIS) for the proposed Canal Bank Development, at Pa Healy Road and Park Road in Limerick City.

1.1 General Description of the Site

The development site ("the Site") is located within Canal Bank, Limerick City, centred at approximate Irish Transverse Mercator (ITM) Grid Reference 58833, 57523, approximately 1 km northeast of the city centre. The development will consist of a 4ha area bounded by City Canal to the north, Pa Healy Road to the south and Park Road to the east. The Site has a relatively flat topography and access can be gained from Park Road, Pa Healy Road and the canal path.

The Site has recently been used for storage of building materials and construction machinery. There is a commercial warehouse at the eastern extent of the Site within the Site boundary. The canal was built in the late 18th century to transport goods to and from Limerick City. Now closed to navigation, it provides a walking amenity area. There are a number of recreational spaces in the area surrounding the Site. O'Brien's Park is located to the west of the site, on the opposite side of Pa Healy Rd. In addition, there are sports pitches, St Mary's RC and Abbey Rovers AFC, to the north of the site along the opposite bank of the canal. The area surrounding the site to the south, east and west is largely urban, dominated by buildings and artificial surfaces with small areas of amenity grassland and landscaping.

1.2 Brief Project Description

The project is a strategic housing development consisting of a mixed-use development of build-to-rent apartments, student apartments incorporating common areas, café and 3 no. retail units, creche and management facilities building, and dwelling houses at Canal Bank, Pa Healy Road, Limerick.

The total number of residential units will be 442, comprised of i) build to rent apartments - 363 (66x studio, 67 x one bedroom, 230 x two bedroom), ii) student apartments - 61 (9 x two-bedroom, 37 x three bedroom and 15 x four bedroom, totalling 189 student bed spaces), built in seven blocks and iii) 18 dwelling houses.

The overall gross floor area of development proposed is 45,478.65m^2 on the site of ca. 4ha.

1.3 Aim of the Report

This aim of this report is to provide supporting information to assist the competent authority, in this case An Bord Pleanála, to carry out appropriate assessment of the proposed strategic housing development at Canal Bank, Limerick City.

1.4 Objectives of Appropriate Assessment

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 screening stage) process to the point where no adverse impacts 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.

1.5 Evidence of Technical Competence and Experience

Dr Úna Nealon prepared this report. The technical review of the report was carried out by Elaine Dromey MCIEEM. SLR Associate Ecologist Michael Bailey updated this report with a revised project description in October 2021

Úna Nealon holds a BSc (Hons) Environmental Science from NUI Galway and a PhD in Ecology from University College Dublin. Úna has prepared ecological reports, including Biodiversity chapters, Ecological Impact Assessments, Appropriate Assessment Screening Reports and Natura Impact Statements, for a range of projects in the residential, commercial, renewable energy and public infrastructure sectors.

Elaine Dromey holds a BSc in Earth Science from University College Cork and an MSc in Vegetation Survey and Assessment from the University of Reading, UK. She is a full member of the Chartered Institute of Ecology and Environmental Management.

Michael Bailey has worked in ecological consultancy in Ireland and the UK and also internationally since 2003. Michael holds a BSc in Biology and Ecology and an MSc in Quantitative Conservation Biology. He is a full member of the Chartered Institute of Ecology and Environmental Management. Michael has prepared ecological reports including Appropriate Assessment (AA) screening reports and Natura Impact Statements (NIS) for a wide range of projects in Ireland and the UK.

1.6 Relevant Legislation

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 2000 to 2020 - PART XAB.

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

2.0 METHODS

2.1 Scope of the Report

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).

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.

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).

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

2.2 Potential Zone of Influence

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).

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.*"

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.

The zone of influence for the proposed housing development at Canal Bank, Co. Limerick. is defined in section 4 of this report.

2.3 Desk Study

A desk study was carried out to support the preparation of the AA Screening and NIS. The Site and the surrounding area were viewed using existing available satellite imagery using Google maps[2] and Bing maps[3].

The National Parks and Wildlife Service (NPWS)[4] and the National Biodiversity Data Centre (NBDC)[5] online resources were accessed for information on Natura 2000 sites. Environmental Protection Agency (EPA) Maps[6] was accessed for other environmental information, such as surface water features, relevant to preparation of this report.

Limerick City and County Council's website[7] and planning portal[8] was accessed for information on other proposed or permitted developments within the Site and immediate surrounding area.

The documents reviewed to assist the preparation of this NIS include the Environmental Due Diligence Report (Verdé, 2019), for the development; A Construction Environmental and Waste Management Plan (CEWMP) (PHM Consulting, 2021) and design drawings and information on the proposed development supplied by the client.

2.4 Field Surveys

The Site was visited on 15 June 2020 and a walkover survey was carried out by Dr Úna Nealon. Weather conditions were clear and dry with a gentle breeze. The temperature was ca. 21°C. The objective of the site visit was to describe and evaluate the ecological features within the Site.

Habitats were identified and classified using '*A Guide to Habitats in Ireland*' (Fossitt, 2000) during the visit. The dominant plant species present in each habitat type were recorded. Species nomenclature follows Parnell & Curtis (2012) for scientific and English names of vascular plants.

Incidental sightings or evidence of birds, mammals or amphibians were also noted during the habitat survey and the habitats evaluated for their suitability to support such species.

The site was re-visited by SLR Ecologists Owen Twomey and Michael Bailey in April 2021 primarily to carry out a bat survey but also to note any changes habitats or utilisation of the site by other fauna.

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[1] *Appropriate Assessment of Plans and Projects in Ireland -Guidance for Planning Authorities*
[2] https://www.google.ie/maps (last accessed 24 June 2020)
[3] https://www.bing.com/maps (last accessed 24 June 2020)
[4] https://www.npws.ie/(last accessed 24 June 2020)
[5] https://maps.biodiversityireland.ie/ (last accessed 24 June 2020)
[6] http://gis.epa.ie/(last accessed 24 June 2020)
[7] https://www.limerick.ie/ (last accessed 24 June 2020)
[8] http://eplan.limerick.ie/searchtypes (last accessed 24 June 2020)

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.

2.5 AA Screening Report

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.
- 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.

2.6 Natura Impact Statement

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.

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

The development will consist of a 4 ha. area bounded by City Canal to the north, Pa Healy Road to the south and Park Road to the east, Canal Bank, Limerick. It is a strategic housing development consisting of:

A. Demolition of existing 530m^2 warehouse building on site.
B. Block 1 – Student accommodation building of 8,238m^2 stepped from three to six storeys, with ground floor café of 144.60m^2 and 3 no. retail units facing onto Pa Healy Road of 86.59m^2 each, with 9 no. two bedroom, 37 no. three bedroom, and 15 no. four bedroom student apartments, totalling 189 bed spaces, ancillary laundry, refuse and enclosed communal courtyard with landscaping and bicycle storage.
C. Block 2 - A residential apartment building of 6,013.25m^2 with eight storeys and two penthouse storeys, total ten storeys containing 10 no. studio, 1 no. one bedroom and 52 no. two-bedroom apartments.
D. Block 3 – A residential apartment building of 8,107.10m^2 with six storeys and two penthouse storeys, total eight storeys containing 16 no. studio, 10 no. one bedroom, and 62 no. two-bedroom apartments.
E. Block 4 – A residential apartment building of 3,869.18m^2 with six storeys and one penthouse storey, total seven storeys containing 7 no. studio, 13 no. one bedroom and 25 no. two-bedroom apartments.
F. Block 5 – A residential apartment building of 5,849.40m^2 with six storey and one penthouse storey total seven storeys containing 14 no. studio, 16 no. one bedroom and 36 no. two-bedroom apartments.
G. Block 6 a residential apartment building of 3,869.18m^2 with six storeys and one penthouse storey, total seven storeys containing 7 no. studio, 13 no. one bedroom and 25 no. two-bedroom apartments, and
H. Block 7 a residential apartment building of 4,962m^2 with five storeys and one penthouse storey, total six storeys containing 12 no. studio, 14 no. one bedroom and 30 no. two-bedroom apartments.
I. Community facilities building of 1,336.90m^2 and three storeys with creche, café, management offices and common accommodation for use by apartment dwellers.
J. 18 no. Executive Houses – Consisting of 2 no. detached four-bedroom houses of 194.62m^2 each and 16 no. terraced four-bedroom houses of 177.82m^2 each, with off street parking to front separate from communal parking.
K. 148 Car parking spaces throughout the development and 420 secured bicycle parking spaces throughout the development.
L. Ancillary works will comprise new vehicular entrances onto Pa Healy Road, pedestrian and cycle links to Pa Healy Road, Park Road and City Canal, bin storage for all developments adjacent to all entrances, New public park of 0.5ha along city canal, communal open space and communal roof gardens for all apartments, all ancillary drainage, civil and landscape works, public lighting within estate and Electricity Sub-station to rear of Block 1.

The total number of units is as follows:

- Build to rent apartments - 363 (66x studio, 67 x one bedroom, 230 x two bedroom); Student apartments - 61 (9 x two-bedroom, 37 x three bedroom and 15 x four bedroom, totalling 189 student bed spaces) and 18 dwelling houses.
- Overall total of residential units is 442. Overall Gross floor area of development proposed is 45,478.65m^2 on a site of circa 4ha.

Surface water

Surface water run-off from the construction phase and the completed development will be collected in a piped system (with manholes containing silt traps) and passed through a hydrocarbon interceptor before

being discharged to City Canal. The discharge volume will be restricted to pre-development run-off volumes and there is attenuation storage incorporated into the project design through the inclusion of two retention basins below ground storage.

Wastewater

All wastewater from the development will be directed to the existing Main Drainage sewerage network and will be conveyed to the Limerick City and Environs WWTP for treatment prior to discharge.

Lighting Plan

A Lighting Plan has been prepared for the project. Lighting has been designed such that light intensity within the development footprint has been minimised and there will be no light spill onto the canal.

Landscape Plan

The Landscape Plan includes the retention of existing mature trees. In addition, the project includes the planting native trees and shrubs. Grasslands to the north bordering the canal walkway will be planted with meadow grass feed with native wildflowers and early flowering bulbs. A schematic of the proposed Landscape Plan is provided in Appendix C – Design Drawings.

Contaminated Ground

To address concerns raised following site investigations relating to contaminated ground, the following working methods have been advised (Verde, 2019):

- To minimise the potential risks posed by contaminated soil by removal of the source of contamination, including soil: excavation, storage and transportation of in the areas of identified and quantified contamination (Note: There are no underground storage tanks present on the site that require removal);
- Material excavation, segregation and removal should be managed and supervised by a competent person to ensure correct procedures are followed and that wastes are appropriately logged and tracked according to waste management requirements and legislation.
- Encapsulation of contaminated soils by the importation of suitable clean fill material onto the site;
- Backfilling the service trenches with material considered to be clean and not contaminated;
- Where off-site disposal of contaminated soils (waste) is required, all lorry loads will be sheeted once loaded and before leaving site to reduce dust generation;
- Any stockpiles containing contaminated soils will be placed on an impermeable surface while awaiting the results of validation testing. The stockpiles will be sheeted to minimise dust emissions and also to minimise the potential for leaching rainwater and run off contaminating clean areas;
- Adequate precautions will be taken during site works to prevent surface water run-off from the site affecting the local surface waters and drainage network; and
- Dust monitoring and dust suppression will be carried out during any remedial works. As a minimum this will include visual inspections to identify dust generating activities and damping down such sources as when required.

Construction, Environmental and Waste Management Plan

A Construction, Environmental and Waste Management Plan (PHM Consulting, 2020) has been developed and will be implemented prior to the redevelopment of the site. The CEWMP seeks to:

- Provide a basis for achieving and implementing the construction related mitigation measures identified in the Natura Impact Statement (NIS).
- Comply with all relevant conditions attached to the Planning Permission.

- Promote best environmental on-site practices for the duration of the construction phase.

4.0 APPROPRIATE ASSESSMENT SCREENING

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.

4.1 Identification of Zone of Influence and Natura 2000 Sites

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.

There are 5 Natura 2000 site within a 15km radius of the project site. These sites are listed Table 4.1.

Table 4.1: 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	30m north
The River Shannon and River Fergus Estuaries SPA	004077	1.6km south-west
Glenomra Woods SAC	001013	9.8km north
Askeaton Fen Complex SAC	002279	16.9km south-west
Curraghchase Woods SAC	000174	19.4km south-west

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[9] or ecological connectivity[10] between the Site and Natura 2000 sites.

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.

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

The Site is within 30 m of the Lower River Shannon SAC and within 1.6km 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.

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[9] 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)

[10] *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).

4.2 Description of European (Natura 2000) Sites

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[11].

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."

4.3 Features of Interest and Conservation Objectives

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

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

within Table 4.2 below. This information was obtained from the resources available on the NPWS website.

Table 4.21: Features of Interests and Conservation Objectives of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA

Natura 2000 site	Distance[12] from Site boundary	Features of Interest	Conservation objectives
Lower River Shannon SAC [002165]	30 m north	• 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]	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.

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

Natura 2000 site	Distance[12] from Site boundary	Features of Interest	Conservation objectives
		• *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 [004077]	1.6km south-west	• 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	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[12] from Site boundary	Features of Interest	Conservation objectives
		• 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	

4.4 Identification of Potential Impacts and Effects

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.

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*."

A significant effect is defined in paragraph 49 of the Waddenzee Case C-127/02[13] 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.*"

4.5 Likelihood of Significant Effects on Natura 2000 Sites

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.

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

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.

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.

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

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

Identification of potential impacts on Natura 2000 sites

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

- Loss of habitat
- Discharge of surface water to the canal during construction and operation of the development.
- Disturbance of species due to noise and lighting associated with construction and operation of the development.

Loss of Habitat

The proposed strategic housing development will result in the loss of ca. 4-hectare of land currently not in use but is wasteland which has recently been used for storage of building materials and construction machinery. There is a commercial warehouse at the eastern extent of the Site and within the Site boundary. The site is enclosed by existing residential development to the south and east, the Pa Healy Road and Park Road borders the south and east of the site and the City Canal runs along the northern boundary. 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).

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, for example, the desk study 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.

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

Discharge of surface water to the canal during construction and operation of the development.

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 and the effects of the construction and operation of the proposed mixed-use development are likely to be localised in nature and would typically be limited to the Site or the area immediately adjacent to the Site. However, given that the City Canal is located approximately 30 m north of the Site boundary and the proposed development will discharge surface water to the canal, and there is a surface water pathway linking the Site to the site designated for nature conservation. Applying a precautionary approach, 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.

Disturbance of species due to disturbance from noise and lighting associated with construction and operation of the development.

The features of interest of the Natura 2000 sites likely to be affected by noise include otter and SPA bird species. The 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.

Otters may be affected by construction or operational noise from construction works and when operational, from increased the numbers of people using the canal tow-path for amenity and from lighting of the area along the canal and this should be carried forward to the Stage 2 Assessment.

4.6 Cumulative Impacts

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).

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.

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

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.

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.

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.

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

It is considered that there is potential for impacts on one of the Natura 2000 site (Lower River Shannon SAC) within the 2 km zone of influence, due to the proposed strategic housing development at Canal Bank, Co. Limerick. Therefore, in the absence of consideration of suitable mitigation, there is a likelihood of significant effects on this Natura 2000 site either alone or in-combination with other plans and projects.

4.7 Consideration of Findings

This screening report for Appropriate Assessment, based on the best available scientific information, shows that the proposed strategic housing development at Canal Bank, Co. Limerick, in the absence of the implementation of suitable mitigation, could pose a risk of likely significant effects on one Natura 2000 site: the Lower River Shannon SAC.

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

This section of the 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*'[14] have been to provide a basis to examine the potential effects on the integrity of the Lower River Shannon SAC as a result of the proposed development.

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

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 with respect to the conservation objectives of the sites and to its structure and function. The focus is on demonstrating, with supporting evidence, that there will be no adverse effects on the integrity of the Lower River Shannon SAC. Where this is not the case, adverse effects must be assumed.

Description of European (Natura) 2000 sites

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

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.

The elements of the proposed development identified as having potential to affect the Lower River Shannon SAC are as follows:

- Increase in noise, artificial light and human presence along the canal during construction and operation causing a disturbance on the otter population in the area.
- Discharge of water from the development site during construction and operation.

Set out the conservation objectives of the site

The conservation objectives for the 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 qualifying interests likely to be affected.

Lower River Shannon SAC

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.

These Annex I habitats and Annex II species are;

- Sandbanks which are slightly covered by sea water all the time [1110]
- Estuaries [1130]

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

- 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]
- 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]

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

During the construction of the proposed residential development at Canal Bank, 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.

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.

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. Silt release could settle on the bed of the canal and Lower River Shannon reducing its suitability for spawning. The release of silt could also cause reduction in the oxygen levels within the water.

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.

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.

Otter, a mobile feature of interest of the Lower River Shannon SAC, may suffer disturbance due to increased human activities along the canal and potential light spill could prevent it from using the

canal for foraging. This could result in the reduction of available foraging habitat to the species and ultimately affect the population numbers within the SAC.

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 and Operational Phases

A Construction Environmental and Waste Management Plan (CEWMP) (PHM Consulting 2021) has been prepared and will be finalised and implemented prior to the development of the site. The CEWMP 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.

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).

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.

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 will be avoided during the phase construction.

The following mitigation measures, as detailed in the CEWMP (PHM, 2021) will be implemented during construction and operation of the proposed development to minimise potential disturbance to otter and avoid discharge of pollutants to the canal:

- The construction site will be fenced off prior to commencement of development works and no construction activities will be permitted outside designated works area. No access will be gained from the construction site to the canal.
- This 30-metre separation between the Site boundary and City Canal will be maintained during the construction and operational phases of the proposed development.
- Noise and vibration control will follow *BS 5228: Code of Practice for Noise and Vibration Control on Construction and Open Sites*.
- Work will be completed during daylight hours. There will be no constant artificial lighting of the construction site at night. Motion triggered security lighting may be used but this will be directed downwards and sited so as to avoid any light spill onto the tow path and canal.
- All plant will be regularly maintained to minimise unnecessary noise.
- Machines which are used intermittently will be shut down or throttled back to a minimum during those periods when they are not in use.
- All vehicles and mechanical plant will be fitted with effective exhaust silencers and maintained in good working order for the duration of the contract.

- Compressors will be of the "sound reduced" models fitted with properly lined and sealed acoustic covers which will be kept closed whenever the machines are in use and all ancillary pneumatic tools shall be fitted with suitable silencers.
- Surface water and groundwater encountered during excavations will be treated using appropriate measures in advance of discharge to the canal. If contaminated groundwater is encountered these measures would include those set out in the Verde (2019) report. Mitigation measures to prevent discharge of contaminated and / or silt laden water will include, but are not limited to, hydrocarbon interceptors, silt barriers, settlement ponds / tanks[15] and silt traps. The equipment used in the management of surface water will be subject to weekly checks and a regular maintenance schedule.
- Design and construction of attenuation measures shall be in line with current good practice. Guidance such as that produced by CIRIA shall be used to inform the development of such measures. Guidance to be considered, but not limited to, includes:
    - *Drainage of development sites - a guide (X108)* (CIRIA, 2004).
    - *The SuDs Manual* (CIRIA, 2015)
- The surface water drainage design for the development incorporates silt traps, a hydrocarbon interceptor (Kingspan NSBE040 Class I Interceptor or similar) and hydrobrake to control surface water run-off from the development to the canal during the operational phase.
- During the operation phase, the following measures will be employed to minimise potential disturbance of otter due to increased human activities and lighting:
- This 30-metre separation between the Site boundary and City Canal will be maintained during the operational phase of the proposed development.
- During the operational phase, access to the canal walkway will limited to daylight hours. The development's management company will be responsible for locking pedestrian access gates each day.
- Signage will be put in place at the egress points of the Site to the canal walkway, requesting that dogs are kept on leads at all times.
- Information boards will be installed at the egress points to the canal, providing information on the ecology of the canal with particular focus on local otter populations.
- The lighting design for the development provides for reduced effect of lighting on wildlife, while meeting current safety standards. The lighting design for the development includes low luxe and directional lighting that will avoid any light spill onto the canal area (refer to Lighting analysis plan included in Appendix A). External security lighting will be set on motion-sensors and short (1min) timers.

On completion of construction Revington Developments Ltd, or their agents, will be responsible for managing and operating the development in line with the requirements of the planning conditions. The names and contact details of the individuals with responsibility for implementation and supervision of mitigation measures during all phases of the development will be clearly identified and set out in documents such as the CEWMP or site-specific method statements as appropriate. Revington Developments Ltd. will be responsible for ensuring that the mitigation measures proposed are implemented for the lifetime of the project.

[15] These systems are an example of what could be used https://www.siltbuster.co.uk/

If the mitigation measures proposed in this report, and in the separate CEWMP and Biodiversity Chapter of the EIAR report (SLR 2021b), are fully implemented as described, to avoid effects on water quality and otter, it is considered that adverse effects on the integrity of the Lower River Shannon SAC can be avoided.

6.0 CONSIDERATION OF FINDINGS

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 CEWMP (PHM Consulting 2021), the project is not predicted to give rise to adverse effects on the integrity of the Lower River Shannon SAC either alone or in-combination with other projects or plans.

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 Canal Bank, Co. Limerick.

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.

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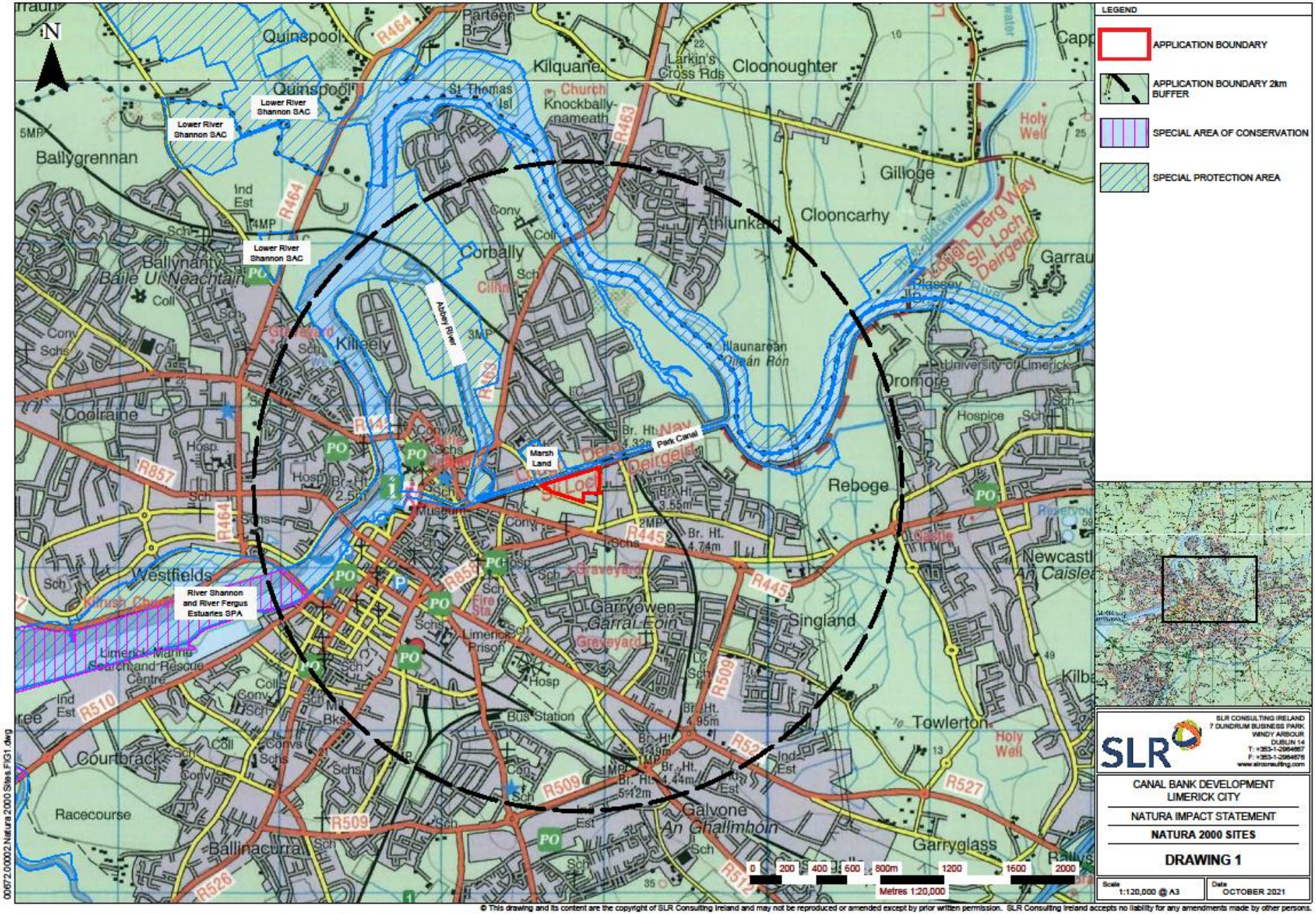
FIGURES



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CANAL BANK DEVELOPMENT
LIMERICK CITY

NATURA IMPACT STATEMENT

NATURA 2000 SITES

DRAWING 1

Scale: 1:120,000 @ A3

Date: OCTOBER 2021

0672.00002 Natura 2000 Sites FIG1.dwg

APPENDIX A: DESIGN DRAWINGS

1 PROPOSED SITE LAYOUT
1 : 500

PROJECT :: CANAL BANKS AT PA HEALY ROAD/PARK ROAD, LIMERICK
CLIENT :: REVINGTON DEVELOPMENTS LTD
TITLE :: PROPOSED SITE LAYOUT
SCALE :: 1:500 @A0 :: DATE :: JAN 2019 :: DRWG. No. 1248-18-03 :: DRN. BY :: OLIVER CARTY

OCA ARCHITECTS
44-45 LR CAMDEN ST DUBLIN 2
Tel 01 4765922 Fax 01 4765928 Email info@ocaarchitects.ie

APPENDIX B: 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[16], 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*'.

---

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

Planning and Development Acts 2000 to 202017 - PART XAB

The relevant sections of Part XAB of the Planning and Development Acts 2000 – 2020 are set out below.

Screening for appropriate assessment

Section 177U requires that— (1) *A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.*

(2) *A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—*

> *(a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or*
>
> *(b) consent for a proposed development is given.*

(3) In carrying out screening for appropriate assessment of a proposed development a competent authority may request such information from the applicant as it may consider necessary to enable it to carry out that screening, and may consult with such persons as it considers appropriate and where the applicant does not provide the information within the period specified, or any further period as may be specified by the authority, the application for consent for the proposed development shall be deemed to be withdrawn.

(4) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

(5) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is not required if it can be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

(6) (a) Where, in relation to a proposed development, a competent authority makes a determination that an appropriate assessment is required, the competent authority shall give notice of the determination, including reasons for the determination of the competent authority, to the following—

> *(i) the applicant,*
>
> *(ii) if appropriate, any person who made submissions or observations in relation to the application to the competent authority, or*
>
> *(iii) if appropriate, any party to an appeal or referral.*

(b) Where a competent authority has determined that an appropriate assessment is required in respect of a proposed development it may direct in the notice issued under paragraph (a) that a Natura impact statement is required.

(c) Paragraph (a) shall not apply in a case where the application for consent for the proposed development was accompanied by a Natura impact statement.

(7) A competent authority shall, as soon as may be after making the Land use plan or making a decision in relation to the application for consent for proposed development, make available for inspection by members of the public during office hours at the offices of the authority, and may also publish on the internet —

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[17] http://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/html (Updated to 24 September 2020)

(a) any determination that it makes in relation to a draft Land use plan under subsection (4) or (5) as the case may be, and reasons for that determination, and

(b) any notice that it issues under subsection (6) in relation to a proposed development.

(8) In this section 'consent for proposed development' means, as appropriate —

(a) a grant of permission,

(b) a decision of the Board to grant permission on a planning application or an appeal,

(c) consent for development under Part IX,

(d) approval for development that may be carried out by a local authority under Part X or Part XAB or development that may be carried out under Part XI,

(e) approval for development on the foreshore under Part XV,

(f) approval for development under section 43 of the Act of 2001,

(g) approval for development under section 51 of the Roads Act 1993, or

(h) a substitute consent under Part XA.

(9) In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

(10) In deciding upon an application under section 176A or a determination review or an application referral under section 176C, a planning authority or the Board, as the case may be, shall, where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

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