SLR

Appropriate Assessment Screening Report

Sand & Gravel Extraction, Knockroe, Bandon, Co. Cork

Keohane Readymix Ltd.

Ballygurteen, Co. Cork

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Basis of Report

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Acronyms and Abbreviations

AA	Appropriate Assessment
NIS	Natura Impact Statement
SAC	Special Area of Conservation
SPA	Special Protection Area
LSE	Likely Significant Effects
EcIA	Ecological Impact Assessment
CIEEM	Chartered Institute of Ecology and Environmental Management

1.0 Introduction

1.1 Background

SLR Consulting Ireland (SLR) was commissioned by Keohane Readymix Ltd. (hereafter referred to as the Client), to prepare an Appropriate Assessment (AA) Screening report to accompany a planning application for a sand and gravel extraction at Knockroe, Bandon, Co. Cork (hereafter referred to as "the Site").

1.2 Relevant Legislation and Policy

The requirement for AA screening and AA is set out in the Habitats Directive (Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, which is transposed into Irish law primarily through the European Communities (Birds and Natural Habitats) Regulations 2011–21, (S.I. 477 of 2011, as amended) ("Birds and Natural Habitats Regulations")) and the Planning and Development Acts 2000-22. Further details are provided in **Appendix A**.

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) provides legal protection for habitats and species of European importance. The Directive requires that where a plan or project is likely to have a significant effect on a European Site, while not directly connected with or necessary to the nature conservation management of the site, it will be subject to 'Appropriate Assessment' to identify any implications for the European site in view of the site's Conservation Objectives. Specifically, Article 6(3) of the Habitats Directive states:

> *'6(3) 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 competent authority must carry out a screening for appropriate assessment to assess, in view of best scientific knowledge, if the proposed project, individually or in combination with another plan or project is likely to have a significant effect on a European site. If it cannot be excluded, based on objective information, that the proposed project, individually or in combination with other plans or projects, will have a significant effect on a European site, an appropriate assessment of its implications for the European Site(s) in view of the Site's conservation objectives is required to be carried out.

The provisions of Article 6(3) do not apply where the proposed plan or project is 'connected with or necessary to the management of the site'. In this case, the proposed project is not directly connected with or necessary to the management of any European site(s).

1.3 Report Purpose

This report presents an examination of whether the proposed project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is based on best available scientific knowledge. This report has been prepared to inform the competent authority in completing their statutory obligations in relation to Appropriate Assessment, as required by Article 6(3) under Council Directive 92/43/EEC (Habitats Directive).

The information presented will allow the Competent Authority, in this case Cork County Council, to make a determination regarding likely significant effects on European sites resulting from the proposed development, in accordance with and fulfilment of the requirements of Article 6 of the Habitats Directive and derived Regulations.

1.4 Statement of Authority

SLR Graduate Ecologist Lorcan Kelly prepared this report and SLR Associate Ecologist Michael Bailey carried out the technical review supported by SLR Technical Director Andrew Torsney.

Lorcan Kelly holds a BSc. in Science (Zoology) from University College Dublin and an MSc. in Applied Ecology and Conservation from the University of East Anglia. He joined SLR in September 2023 having previously worked for The Ecology Consultancy, Norwich. Lorcan has experience of bird surveys from working on wind farm projects within Ireland. He has prepared multiple bird reports and reports to inform Appropriate Assessment (AA) screenings. He is a Qualifying Member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

Michael Bailey BSc (Hons) MSc MCIEEM is an Associate Ecologist with SLR and has worked in ecological consultancy in Ireland and the UK and also internationally since 2003. 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, South Africa. 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 and is a full member of CIEEM.

Andrew Torsney (PhD, MRes, BSc, ACIEEM) is the Technical Director of Ecology and Biodiversity at SLR, with over 12 years of experience leading projects from local to national scales. He has successfully managed high-impact initiatives, including the National Grid Implementation Plan for EirGrid and Fáilte Ireland's National Tourism Monitoring Programme. As a licensed bat specialist holding a national derogation licence for all bat species in Ireland, Andrew co-authored the Bat Conservation Ireland and NBDC Guide to Identifying Ireland's Bats. His technical expertise also includes authoring and overseeing ecological reports at all levels, with a strong focus on data management and regulatory compliance. Andrew has reviewed technical reports on behalf of competent authorities such as the Department of Public Expenditure and Reform, Fáilte Ireland, and multiple County Councils. He has served as an expert witness and an advisor in legal challenges, providing strategic environmental guidance that aligns with regulatory frameworks and stakeholder expectations.

2.0 Project Description and the Receiving Environment

The Project is the proposed extraction of sand and gravel at Knockanroe, Inishannon, Co. Cork which will comprise the following items:

- Extraction of sand & gravel over an area of 3.5 Ha.
- Extraction by dry working to 2 m above the groundwater level , at a maximum rate of 100,000 tonnes per year.
- Transport of the extracted sand & gravel to the adjacent Dromkeen Pit (Plan. Ref. 23/04780) for use in concrete production;
- Upgrading of the existing internal access road and use of the existing access onto the local road L3204.
- Provision of wheelwash and welfare unit (c.8.3 sq.m).
- Restoration of the lands to agricultural and natural habitat use;

The proposed development being applied for under this planning application is shown on **Figure 1**.

Works will take place within an overall application area of c. 4.0 hectares. The proposed operational period is 15 years plus 2 years to complete final restoration (total duration sought c. 17 years).

2.1 Existing Environment

A desk study was carried out to collate available information on the existing natural environment at the proposed project location.

The Site is located at Knockroe, Inishannon, Co. Cork, approximately 1 km south of the village of Inishannon (approximate Irish Transverse Mercator (ITM) 555594, 555733). It is adjacent to and directly south of an existing sand and gravel pit which is owned by the Client.

Sand and gravel extracted from the Site will be processed at the adjacent pit using existing industry standard fixed washing and screening plant and technology. It will be used to produce a range of aggregates for use in concrete products and as construction materials in buildings and civil engineering projects around the Cork region.

The Site is accessed from the North at the junction of the L3204 local road, which runs along the Site's eastern boundary, and the L6070 local road, which runs along the northern boundary.

The lands within and surrounding the Site mainly consist of agricultural grasslands with mixed broadleaved woodland located to the north of the Site and bordering the internal access road. The Bandon River runs in a north-south direction ca. 35 m east of the Site. A tributary stream (EPA Name: Farranagow 20) runs in a west-east direction directly to the north of the Site.

2.1.1 Habitats (Annex I) Summary

There are no Annex I habitats known to be present on the Site. The following Annex I habitats are known to be present in the immediate vicinity of the Site (specifically along the section of the Bandon River which runs to the east):

- 1130 Estuaries

2.1.2 Species (Annex I birds and Annex II others) Summary

The following species have been recorded in the NBDC 10 km grid square W55:

- Bar-tailed godwit (*Limosa lapponica*).
- European otter (*Lutra lutra*).
- Little egret (*Egretta garzetta*).
- Peregrine falcon (*Falco peregrinus*).

The following Annex I bird species have been recorded at the Irish Wetland Bird Survey (IWeBS) site 'Bandon Estuary'[1] which is located approximately 50 m from the Site:

- Dunlin (*Calidris alpina schinzii*)
- Golden plover (*Pluvialis apricaria*)
- Kingfisher (*Alcedo atthis*).
- Little egret.

2.2 Potential interactions of the proposed project on the receiving environment

Having regard to the European Commission (2021) guidance document and the OPR (2021) practice note, the potential impacts of the project on the receiving environment at source are set out in Table 2.1 relative to the following criteria:

- Habitat destruction/fragmentation/deterioration.
- Surface water run-off carrying suspended silt and contaminants, into local watercourses.
- Project related activities (noise, vibration, lighting, human presence, structures, etc.) leading to disturbance / displacement of species.
- Project related activities leading to a reduction in species populations / density.
- Air pollution due to dust and other airborne emissions; and
- Disturbance and potential spread of invasive species during the proposed works.

These impacts are further examined in defining the Zone of Influence (Zone of influence) of the project to identify likely significant effects through the Source-Pathway-Receptor assessment (Section 4).

[1]

Table 2.1 Identification of sources for impacts arising from the proposed project that have potential for interactions with the receiving environment[2]

Impact criteria	Spatial and temporal scale of project interactions
Habitat destruction / fragmentation / deterioration	**Construction Phase** Limited habitat loss from the clearing of the access route from the L6070 road to the edge of the field, and stripping of topsoil and subsoil to expose sand layer. **Operational Phase** Operational phase will involve removal of exposed sand layer and there will be no further habitat loss **Decommissioning/Restoration Phase** Restoration phase will not result in any further habitat loss as restored agricultural field will be created
Surface water run-off carrying suspended silt and contaminants, into local watercourses.	**Construction Phase** Any surface water run-off will percolate to ground and there will be no discharges to Bandon River or other water courses **Operational Phase** All surface water run-off will percolate to ground and there will be no discharges to Bandon River or other water courses **Decommissioning/ Restoration Phase** All surface water run-off will percolate to ground and there will be no discharges to Bandon River or other water courses
Changes to groundwater quality, yield and/or flow paths.	**Construction Phase** All works will occur above the water table, there will be no dewatering of groundwater at the site. **Operational Phase** All works will occur above the water table (at least 2m), there will be no dewatering of groundwater at the site. **Decommissioning/ Restoration Phase** Following restoration there will be no impacts on groundwater.
Related activities (noise, vibration, lighting, human presence, structures, etc.) leading to disturbance / displacement of species.	**Construction Phase** Possible disturbance due to noise and vibrations caused by machinery and topsoil removal. Disturbance due to increased numbers of people at the site during construction **Operational Phase** Possible disturbance due to noise and vibrations caused by machinery and topsoil removal. Disturbance due to increased numbers of people at the site during operation **Decommissioning/ Restoration Phase**

[2] 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, 2021), the likely impacts of the project are set out relative to the following project features: size (e.g. in relation to direct land-take); overall affected area including the area affected by indirect impacts (e.g. noise, turbidity, vibrations); physical changes in the environment (e.g. modification of riverbeds or morphology of other water bodies, changes in the density of forest cover); changes in the intensity of an existing pressure (e.g. increase in noise, pollution or traffic); resource requirements (e.g. water abstraction, mineral extraction); emissions (e.g. nitrogen deposition) and waste (and whether they are disposed of on land, water or in the air); transportation requirements (e.g. access roads); duration of construction, operation, decommissioning, etc.; temporal aspects (timing of the different stages of a plan or project)

Impact criteria	Spatial and temporal scale of project interactions
	Site will return to agricultural field as so no disturbance from noise and vibrations or human presence.
Related activities leading to a reduction in species populations / density.	**Construction Phase** Limited habitat removal along access route may lead to some disturbance of some species in surrounding vegetation **Operational Phase** Limited noise and vibration effects on some species in surrounding vegetation **Decommissioning/ Restoration Phase** Site will return to agricultural field so no effect on species in surrounding vegetation
Air pollution due to dust and other airborne emissions.	**Construction Phase** Possible disturbance due to dust caused by machinery and topsoil removal. **Operational Phase** Possible disturbance due to dust caused by sand extraction. **Decommissioning/ Restoration Phase** Site will return to agricultural field so no effect on species in surrounding vegetation
Disturbance and potential spread of invasive species during the proposed works.	**Construction Phase** Potential for spreading of invasive species during construction phase vegetation clearance. **Operational Phase** No impact as no vegetation clearance during operational phase. **Decommissioning/ Restoration Phase** Potential for spread of invasive species during restoration planting.

3.0 Methodology

3.1 Guidance

The assessment was conducted in accordance with the following guidance:

- European Commission. (2002). Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. Luxembourg: Office for Official Publications of the European Communities.
- European Commission. (2021). Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC. Commission Notice (2021) Brussels, 28.9.2021 C(2021) 6913 final.
- Environment Heritage and Local Government. (2009, updated 2010). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Dublin: National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government.
- European Commission. (2019). Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC. Brussels, (2019/C 33/01). OJ C 33, 25.1.2019.
- European Commission. (2013). Interpretation Manual of European Union Habitats. Version EUR 28.
- Office of the Planning Regulator. (2021). OPR Practice Note PN01 Appropriate Assessment Screening for Development Management.

3.2 Sources of Information

Sources of information for the assessment of the Project 'alone' and in combination with other plans and projects include the following:

- Environmental Protection Agency (EPA) (on-line map-viewer including the Appropriate Assessment Tool)[3];
- Department of Housing, Planning, and Local Government- EIA Portal;
- Cork County Development Plan 2022-2028[4]; and
- Cork County Council planning portal[5] and myplan.ie[6] were accessed for information on other projects and plans.
- National Parks and Wildlife Service – online European site network information, including site conservation objectives[7];
- National Parks and Wildlife Service – Information on the status of EU protected habitats and species in Ireland (including Article 17 and Article 12 Reports); and

[3] https://gis.epa.ie/EPAMaps, last accessed 10 April 2025

[4] https://www.corkcoco.ie/en/resident/planning-and-development/cork-county-development-plan-2022-2028 last accessed 10 April 2025

[5] https://planning.corkcoco.ie/ePlan/SearchExact last accessed 10 April 2025

[6] https://www.myplan.ie/ last accessed 10 April 2025

[7] www.npws.ie last accessed 10 April 2025

- National Biodiversity Data Centre[8].

3.3 Process

The process of determining the likelihood of significant effects from a proposed project on European sites is an iterative process centred around a Source-Pathway-Receptor model. For an effect to be established, all three elements of this mechanism must be in place. The absence of one of the elements of the mechanism is sufficient to conclude that a potential effect cannot occur.

- Source(s) – e.g., pollutant run-off, noise, removal of vegetation, etc.;
- Pathway(s) – functional link, or ecological pathway e.g., groundwater connecting to nearby qualifying wetland habitats; and,
- Receptor(s) –the qualifying habitats and species of European sites and ecological resources supporting those habitats/species.

In the context of this report, a source is any identifiable element of the proposed project that is known to interact with the receiving environment. A receptor is the Qualifying Interests (QI)[9] for an SAC or Special Conservation Interests (SCI)[10] for an SPA or an ecological feature that is known to be utilised by the QI/SCI. These are collectively referred to as Qualifying Features in this report. A pathway is any connection or link between the source and the receptor.

The assessment commences with a description of the proposed project, along with a description of the receiving environment and the associated sources for impacts to the receiving environment. All elements of the proposed project are presented including the proposed project location and existing baseline environment. The type of impacts that are likely due to the proposed project (Source) are identified having regard to the spatial and temporal scale of the proposed project, resource requirements and likely emissions. These sources are then used to define the zone of influence (ZoI) of the proposed project as detailed in Section 4.3.2.

The European Commission Notice (2021) on the 'Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC, states that in identifying European sites (Natural 2000 sites), which may be affected by the project, the following should be identified:

- Any European sites geographically overlapping with any of the actions or aspects of the plan or project in any of its phases, or adjacent to them;
- Any European sites within the likely zone of influence of the plan or project. European sites located in the surroundings of the plan or project (or at some distance) that could still be indirectly affected by aspects of the project, including as regards the use of natural resources (e.g., water) and various types of waste, discharge or emissions of substances or energy; and

[8] www.biodiversityireland.ie last accessed 10 April 2025

[9] SACs are areas designated under the Habitats Directive to conserve habitats listed in Annex I of the Directive and plant and animal species listed in Annex II. Collectively these are referred to as the 'Qualifying Interests' or 'QIs' of the SAC.

[10] SPAs are sites classified under the Birds Directive to protect rare or vulnerable bird species listed in Annex I to the Directive as well as regularly occurring migratory species and wetlands. Wetland habitats that support internationally important populations of migratory birds may be coastal or inland. Collectively, these species and habitats are referred to as the 'Special Conservation Interests' of the SPA.

- European sites whose connectivity or ecological continuity can be affected by the plan or project.

The zone of influence of a proposed project is the geographical area over which it could affect the receiving environment in a way that could have potential effects on the Qualifying Interests of a European site. The OPR (2021) practice note states that the Zone of Influence must be established on a case-by-case basis using the Source-Pathway-Receptor (S-P-R) framework and not by arbitrary distances (such as 15 km). Section 3.2 sets out the detailed rationale for the identification of relevant European sites within the ZoI based on the sources of impacts arising from the proposed project. Subsequently, an assessment is undertaken with respect to potential connectivity (Pathways) to European Sites and their qualifying interests/special conservation interests are identified.

The potential for in-combination effects with other plans and projects is examined in Section 3.3, having regard to the identified impacts of the proposed project along the ecological pathways identified to European sites.

In section 3.4 the likelihood of significant effects of the European Sites within the ZoI is examined having regard to the sensitivity of the site with pathways for impacts associated with the project on its own and in combination with other plans and projects.

Having regard to the European Commission Communication on the Precautionary Principle (European Commission, 2021) the:

> "absence of scientific *evidence on the significant negative effect of an action cannot be used as justification for approval of this action. When applied to Article 6(3) procedure, the precautionary principle implies that the absence of a negative effect on Natura 2000 sites has to be demonstrated before a plan or project can be authorised. In other words, if there is a lack of certainty as to whether there will be any negative effects, then the plan or project cannot be approved."*

Where significant effects are determined to be likely, or where there is uncertainty regarding the likelihood of significant effects, the project will be required under law to be subjected to Appropriate Assessment.

This AA screening is based on best scientific knowledge and has utilised ecological expertise. In addition, a detailed online review of published scientific literature was conducted. This included a detailed review of the National Parks and Wildlife Website including mapping and available reports for relevant sites and in particular sensitive qualifying interests/special conservation interests described and their conservation objectives.

4.0 AA Screening

4.1 Management of any European Site

The proposed project consists of the extraction of sand and gravel from the Site. Therefore, it is not connected with, or necessary for, the management of a European site.

4.2 Sources of Potential Impacts

Based on the project description in Section 2.0 and a review of the planning documents the sources for impacts from the proposed extraction of sand and gravel have been outlined in Section 2.2 and are summarised below:

- Direct loss of habitat during the construction phase only.
- Potential surface water run-off carrying suspended silt and contaminants, into local watercourses during both the construction and operational phases.
- Changes to groundwater quality, yield and/or flow paths during both the construction and operational phases.
- Related activities (noise, vibration, lighting, human presence, structures, etc.) leading to disturbance / displacement of species during both the construction and operational phases.
- Related activities (noise, vibration, lighting, human presence, structures, etc.) leading to a reduction in species populations / density.
- Air pollution due to dust and other airborne emissions during both the construction and operational phases, and
- Disturbance and potential spread of invasive species during the proposed works.

The habitats and species listed as features of interest of any European sites in proximity to the project must therefore be assessed for affects from potential impact factors listed above, and these effects are considered further below.

4.3 Pathways – Ecological Connections

4.3.1 General Overview of Connection Rationale

A population of a mobile species that is a qualifying interest of a European site could also use habitat within or in the vicinity of a project site. If such a population is sometimes present within a project site, it is ecologically connected to the relevant European site. For example, ecological connections may include populations of birds, mammals, migratory fish and other species form the QIs of a European site.

Other examples of potential ecological connections include habitat connections either directly or as 'stepping stones'. Also, a project site may support a population of the same species as within a connected European site which occasionally exchange individuals. Furthermore, a project site may support populations of species which are prey/ food or hosts to the QIs of a European site.

4.3.2 Ecological Connections – Zone of Influence

NPWS guidelines (NPWS, 2010) and the Office of the Planning Regulator's Practice Note PN01 (OPR, 2021) suggest that a 15 km study area is adopted, but a case-by-case basis is undertaken when assessing the potential for source-receptor connectivity between a project and European sites.

While an initial 15 km study area was adopted for SACs, a different approach was undertaken for SPAs.

In the absence of any specific European or Irish guidance in relation to establishing ecological connectivity to SPAs, NatureScot guidance (formerly Scottish Natural Heritage or 'SNH') (SNH, 2016) was consulted. This document provides guidance in relation to the identification of ecological connectivity between development sites and SPAs. The guidance takes into consideration the distances species may travel beyond the boundary of relevant SPAs and provides information on dispersal and foraging ranges of bird species which are frequently encountered when considering plans and projects. It goes on to state that *"in most cases the core range should be used when determining whether there is connectivity between the proposal and the QIs"*. Where SPAs and developments are separated by a greater distance than the core foraging ranges for the SPAs listed QI species, there is no likely ecological connectivity to the development.

According to NatureScot guidance (SNH, 2016), the core foraging distances of wintering grey geese (greylag goose *Anser anser* and pink-footed goose *Anser brachyrhunchus*) from SPAs is 15-20 km. This represents the largest foraging range of all the species listed in this guidance document recorded in Ireland. It is acknowledged that information on core foraging ranges is not available for all Irish SCI species. In such cases, the 15-20 km core foraging range for grey geese has been adopted as a precautionary approach.

Thus, all SPAs within 20 km from the Project were considered for ecological source-receptor connectivity.

Airborne emissions were considered using the approaches outlined in IAQM guidance (IAQM, 2019) (IAQM, 2014), which suggests that air pollution and dust from road schemes are only likely to be important for sensitive European sites within 200 m and 500 m, respectively.

4.3.3 Hydrological and Hydrogeological Connections

Surface and ground waterbodies within the vicinity of the Site are connected to the Bandon River which flows in a north-south direction towards Kinsale Harbour where it reaches the Celtic Sea. As there are no European sites downstream from the Site or within Kinsale Harbour, therefore no hydrological / hydrogeological connections exist.

4.4 Identification of European Sites – Sensitive Receptors

European sites identified to have sources and pathways for effects from steps 1 and 2 above have been investigated. These sites are detailed in **Table 4-1** to interrogate the sensitive receptors present (if any). The locations of these sites, along with hydrological and hydrogeological details, are shown in **Figure 2.**

Table 4-1: Description of European Sites with Potential Source-Pathway-Receptor Links

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
Courtmacsherry Estuary SAC (001230)	9.2 km southwest	• Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Perennial vegetation of stony banks [1220] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330] • Mediterranean salt meadows (*Juncetalia maritimi*) [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	N/A	**Habitat loss -** the Project Site does not overlap with this SAC and there are no species listed as qualifying features present. As such, there are no pathways for potential effects to arise regarding habitat loss. **Surface water run-off -** surface water run-off will percolate to ground, and habitats listed as qualifying features will not be effected. As such, there are no pathways for potential effects to arise regarding surface water run-off. **Changes to groundwater quality -** there are no activities (pollution) which could result in significant changes to ground water which could then indirectly effect any of the qualifying features of this SAC. The stream to the north of the Site, which flows into the Bandon River, is higher than the proposed extraction levels and therefore will not be effected by any potential changes in groundwater quality. As such, there are no pathways for potential effects to arise regarding groundwater quality changes. **Noise, vibration, lighting and human disturbance impacts on species disturbance**	**N**

[11] When measured in a straight line over the shortest distance between the site and European site.

[12] For SPAs, the bird species that are the reason for designation are Species of Conservation Interest (SCIs) and for SACs the habitats and species that are the reason for designation are its Qualifying Interests (QIs). For convenience, the term qualifying features is used here for both SPAs and SACs.

[9] Protected Sites in Ireland | National Parks & Wildlife Service (npws.ie)

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
				– the Project Site is sufficiently distant from this SAC and there are no species listed as qualifying features present. As such, there are no pathways for potential effects to arise regarding disturbance of species. **Noise, vibration, lighting and human disturbance impacts on species populations / density -** the Project Site is sufficiently distant from this SAC and there are no species listed as qualifying features present. As such, there are no pathways for potential effects to arise regarding species population/density. **Air Pollution/Dust –** There are known sources for dust identified in Table 2.1. However, the IAQM 2016 dictates that distances beyond 500m are sufficient to exclude potential effects in this regard. Therefore, considering the distance of 9.2km there are no pathways for effects from Dust relative to the SAC. **Disturbance and potential spread of invasive species -** the Project Site is sufficiently distant from local water courses and this SAC that the proposed works will not introduce or spread invasive species. As such, there are no pathways for potential effects to arise regarding from Invasive species. **Conclusion –** Therefore, there are no pathways identified, relative to the sources for impacts identified in Section 4.2, that are likely to affect the sensitive receptors of the SAC.	

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
Courtmacsherry Bay SPA (004219)	9.9 km southwest	• Great northern diver (*Gavia immer*) [A003] • Shelduck (*Tadorna tadorna*) [A048] • Wigeon (*Anas penelope*) [A050] • Red-breasted merganser (*Mergus serrator*) [A069] • Golden plover (*Pluvialis apricaria*) [A140] • Lapwing (*Vanellus vanellus*) [A142] • Dunlin (*Calidris alpina*) [A149] • Black-tailed godwit (*Limosa limosa*) [A156] • Bar-tailed godwit (*Limosa lapponica*) [A157] • Curlew (*Numenius arquata*) [A160] • Black-headed gull (*Chroicocephalus ridibundus*) [A179] • Common gull (*Larus canus*) [A182] • Wetland and waterbirds [A999]	• Oystercatcher (*Haematopus ostralegus*) [A130] • Greenshank (*Tringa nebularia*) [A164]	**Habitat loss -** The Site consists of agricultural land which is frequently tilled, and which occasionally has a thin grass sward. This Site is not considered suitable ex-situ foraging habitat for some of the SPA's mobile SCI species. In addition, suitable habitats are common and widespread outside the Site. As such, there are no pathways for potential effects to arise regarding from a loss of habitat. **Surface water run-off -** surface water run-off will percolate to ground, and habitats and species listed as qualifying features will not be effected. As such, there are no pathways for potential effects to arise regarding surface water run-off. **Changes to groundwater quality -** there are no activities (pollution) which could result in significant changes to ground water which could then indirectly effect any of the qualifying features of this SPA. The stream to the north of the Site, which flows into the Bandon River, is higher than the proposed extraction levels and therefore will not be effected by any potential changes in groundwater quality. As such, there are no pathways for potential effects to arise regarding groundwater quality changes. **Noise, vibration, lighting and human disturbance impacts on species disturbance** – the Project Site does not provide suitable ex-situ foraging habitat for some of the SPA's mobile SCI species. As such, there are no	**N**

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
				pathways for potential effects to arise regarding disturbance of species. **Noise, vibration, lighting and human disturbance impacts on species populations / density -** the Project Site does not provide suitable ex-situ foraging habitat for some of the SPA's mobile SCI species. As such, there are no pathways for potential effects to arise regarding species population/density. **Air Pollution/Dust –** There are known sources for dust identified in Table 2.1. However, the IAQM 2016 dictates that distances beyond 500m are sufficient to exclude potential effects in this regard. Therefore, considering the distance of 9.9km there are no pathways for effects from dust relative to the SPA. **Disturbance and potential spread of invasive species -** the Project Site is sufficiently distant from local water courses and this SPA that the proposed works will not introduce or spread invasive species. As such, there are no pathways for potential effects to arise regarding from Invasive species. **Conclusion –** Therefore, there are no pathways identified, relative to the sources for impacts identified in Section 4.2, that are likely to affect the sensitive receptors of the SPA.	
Sovereign Islands SPA (004124)	15.4 km SE	• Cormorant (*Phalacrocorax carbo*) [A017]	N/A	**Habitat loss** - The Site consists of agricultural land which is frequently tilled, and which occasionally has a thin grass sward. This Site	**N**

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
				does not support habitats utilised by cormorant. As such, there are no pathways for potential effects to arise regarding from a loss of habitat. **Surface water run-off -** surface water run-off will percolate to ground, and species listed as qualifying features will not be effected. As such, there are no pathways for potential effects to arise regarding surface water run-off. **Changes to groundwater quality -** there are no activities (pollution) which could result in significant changes to ground water which could then indirectly effect the qualifying feature of this SPA. The stream to the north of the Site, which flows into the Bandon River, is higher than the proposed extraction levels and therefore will not be effected by any potential changes in groundwater quality. As such, there are no pathways for potential effects to arise regarding groundwater quality changes. **Noise, vibration, lighting and human disturbance impacts on species disturbance** – the Project Site does not provide habitat for cormorant. As such, there are no pathways for potential effects to arise regarding disturbance of species. **Noise, vibration, lighting and human disturbance impacts on species populations / density -** the Project Site does not provide habitat for cormorant. As such, there are no pathways for potential effects to arise regarding species population/density.	

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
				Air Pollution/Dust – There are known sources for dust identified in Table 2.1. However, the IAQM 2016 dictates that distances beyond 500m are sufficient to exclude potential effects in this regard. Therefore, considering the distance of 9.9km there are no pathways for effects from dust relative to the SPA. **Disturbance and potential spread of invasive species -** the Project Site is sufficiently distant from local water courses and this SPA that the proposed works will not introduce or spread invasive species. As such, there are no pathways for potential effects to arise regarding from Invasive species. **Conclusion –** Therefore, there are no pathways identified, relative to the sources for impacts identified in Section 4.2, that are likely to affect the sensitive receptors of the SPA.	
Old Head of Kinsale Bay SPA (004021)	16.0 km SE	• Kittiwake (*Rissa tridactyla*) [A188] • Guillemot (*Uria aalge*) [A199]	• Fulmar (*Fulmarus glacialis*) [A009] • Shag (*Phalacrocorax aristotelis*) [A018] • Herring gull (*Larus*	**Habitat loss** - The Site consists of agricultural land which is frequently tilled, and which occasionally has a thin grass sward. This Site does not support habitats utilised by qualifying features of this SPA. As such, there are no pathways for potential effects to arise regarding from a loss of habitat. **Surface water run-off -** surface water run-off will percolate to ground, and species listed as qualifying features will not be effected. As such, there are no pathways for potential effects to arise regarding surface water run-off.	**N**

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
			argentatus) [A184] • Razorbill (*Alca torda*) [A200]	**Changes to groundwater quality -** there are no activities (pollution) which could result in significant changes to ground water which could then indirectly effect the qualifying features of this SPA. The stream to the north of the Site, which flows into the Bandon River, is higher than the proposed extraction levels and therefore will not be effected by any potential changes in groundwater quality. As such, there are no pathways for potential effects to arise regarding groundwater quality changes. **Noise, vibration, lighting and human disturbance impacts on species disturbance** – the Project Site does not provide habitat for qualifying features of this SPA. As such, there are no pathways for potential effects to arise regarding disturbance of species. **Noise, vibration, lighting and human disturbance impacts on species populations / density -** the Project Site does not provide habitat for any of the qualifying features of this SPA. As such, there are no pathways for potential effects to arise regarding species population/density. **Air Pollution/Dust –** There are known sources for dust identified in Table 2.1. However, the IAQM 2016 dictates that distances beyond 500m are sufficient to exclude potential effects in this regard. Therefore, considering the distance of 16.0km there are no pathways for effects from dust relative to the SPA.	

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
				Disturbance and potential spread of invasive species - the Project Site is sufficiently distant from local water courses and this SPA that the proposed works will not introduce or spread invasive species. As such, there are no pathways for potential effects to arise regarding from Invasive species. **Conclusion –** Therefore, there are no pathways identified, relative to the sources for impacts identified in Section 4.2, that are likely to affect the sensitive receptors of the SPA.	
Seven Heads SPA (004191)	16.0 km SW	• Chough (*Pyrrhocorax pyrrhocorax*) [A346]	• Cormorant (*Phalacrocora x carbo*) [A017] • Peregrine falcon (*Falco peregrinus*) [A103] • Herring gull (*Larus argentatus*) [A184]	**Habitat loss** - The Site consists of agricultural land which is frequently tilled, and which occasionally has a thin grass sward. This Site does not support habitats utilised by qualifying features of this SPA. As such, there are no pathways for potential effects to arise regarding from a loss of habitat. **Surface water run-off -** surface water run-off will percolate to ground, and species listed as qualifying features will not be effected. As such, there are no pathways for potential effects to arise regarding surface water run-off. **Changes to groundwater quality -** there are no activities (pollution) which could result in significant changes to ground water which could then indirectly effect the qualifying features of this SPA. The stream to the north of the Site, which flows into the Bandon River, is higher than the proposed extraction levels and therefore will	**N**

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
				not be effected by any potential changes in groundwater quality. As such, there are no pathways for potential effects to arise regarding groundwater quality changes. **Noise, vibration, lighting and human disturbance impacts on species disturbance** – the Project Site does not provide habitat for qualifying features of this SPA. As such, there are no pathways for potential effects to arise regarding disturbance of species. **Noise, vibration, lighting and human disturbance impacts on species populations / density -** the Project Site does not provide habitat for any of the qualifying features of this SPA. As such, there are no pathways for potential effects to arise regarding species population/density. **Air Pollution/Dust –** There are known sources for dust identified in Table 2.1. However, the IAQM 2016 dictates that distances beyond 500m are sufficient to exclude potential effects in this regard. Therefore, considering the distance of 16.0km there are no pathways for effects from dust relative to the SPA. **Disturbance and potential spread of invasive species -** the Project Site is sufficiently distant from local water courses and this SPA that the proposed works will not introduce or spread invasive species. As such, there are no pathways for potential effects to arise regarding from Invasive species.	

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
				Conclusion – Therefore, there are no pathways identified, relative to the sources for impacts identified in Section 4.2, that are likely to affect the sensitive receptors of the SPA.	
Cork Harbour SPA (004191)	18.7 km NE	• Little grebe (*Tachybaptus ruficollis*) [A004] • Great crested grebe (*Podiceps cristatus*) [A005] • Cormorant (*Phalacrocorax carbo*) [A017] • Grey heron (*Ardea cinerea*) [A028] • Shelduck (*Tadorna tadorna*) [A048] • Wigeon (*Anas penelope*) [A050] • Teal (*Anas crecca*) [A052] • Pintail (*Anas acuta*) [A054] • Shoveler *(Anas clypeata*) [A056] • Red-breasted merganser (*Mergus serrator*) [A069] • Oystercatcher (*Haematopus ostralegus*) [A130] • Golden plover (*Pluvialis apricaria*) [A140] • Grey plover (*Pluvialis squatarola*) [A141]	• Whooper swan (*Cygnus cygnus*) [A038] • Gadwall (*Anas strepera*) [A051] • Mallard (*Anas platyrhynchos*) [A053] • Pochard (*Aythya farina*) [A059] • Tufted duck (*Aythya fuligula*) [A061] • Goldeneye (*Bucephala clangula*) [A067] • Coot (*Fulica atra*) [A125] • Ringed plover (*Charadrius*	**Habitat loss -** The Site consists of agricultural land which is frequently tilled, and which occasionally has a thin grass sward. This Site is not considered suitable ex-situ foraging habitat for some of the SPA's mobile SCI species. In addition, suitable habitats are common and widespread outside the Site. As such, there are no pathways for potential effects to arise regarding from a loss of habitat. **Surface water run-off -** surface water run-off will percolate to ground, and habitats and species listed as qualifying features will not be effected. As such, there are no pathways for potential effects to arise regarding surface water run-off. **Changes to groundwater quality -** there are no activities (pollution) which could result in significant changes to ground water which could then indirectly effect any of the qualifying features of this SPA. The stream to the north of the Site, which flows into the Bandon River, is higher than the proposed extraction levels and therefore will not be effected by any potential changes in groundwater quality. As such, there are no pathways for potential effects to arise regarding groundwater quality changes.	**N**

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
		• Lapwing (*Vanellus vanellus*) [A142] • Dunlin (*Calidris alpina*) [A149] • Black-tailed godwit (*Limosa limosa*) [A156] • Bar-tailed godwit (*Limosa lapponica*) [A157] • Curlew (*Numenius arquata*) [A160] • Redshank (*Tringa tetanus*) [A162] • Black-headed gull (*Chroicocephalus ridibundus*) [A179] • Common gull (*Larus canus*) [A182] • Lesser black-backed gull (*Larus fuscus*) [A183] • Common tern (*Sterna hirundo*) [A193] • Wetland and waterbirds [A999]	*hiaticula*) [A137] • Knot (*Calidris canutus*) [A143] • Ruff (*Philomachus pugnax*) [A151] • Spotted redshank (*Tringa erythropus*) [A161] • Green sandpiper (*Tringa ochropus*) [A165] • Turnstone (*Arenaria interpres*) [A169]	**Noise, vibration, lighting and human disturbance impacts on species disturbance** – the Project Site does not provide suitable ex-situ foraging habitat for some of the SPA's mobile SCI species. As such, there are no pathways for potential effects to arise regarding disturbance of species. **Noise, vibration, lighting and human disturbance impacts on species populations / density -** the Project Site does not provide suitable ex-situ foraging habitat for some of the SPA's mobile SCI species. As such, there are no pathways for potential effects to arise regarding species population/density. **Air Pollution/Dust –** There are known sources for dust identified in Table 2.1. However, the IAQM 2016 dictates that distances beyond 500m are sufficient to exclude potential effects in this regard. Therefore, considering the distance of 18.7km there are no pathways for effects from dust relative to the SPA. **Disturbance and potential spread of invasive species -** the Project Site is sufficiently distant from local water courses and this SPA that the proposed works will not introduce or spread invasive species. As such, there are no pathways for potential effects to arise regarding from Invasive species. **Conclusion –** Therefore, there are no pathways identified, relative to the sources for impacts	

European Site	Distance[11]	Qualifying Features[12]	Regularly Occurring Migratory Species (ROMS)	Connections (Source-Pathway-Receptor)	Considered further in screening below (Y/N)
				identified in Section 4.2, that are likely to affect the sensitive receptors of the SPA.	

4.5 In-Combination Effects

In-combination effects can occur where a proposed development results in individually non-significant impacts that, when considered in-combination with impacts of other proposed or permitted plans and projects, can result in significant effects.

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.

There are no plans or policies in the Cork County Development Plan 2022-2028 which would result in LSE in combination with the proposed development.

A search of recent (within the last five years) planning applications was carried out for applications that may give rise to in combination effects with the project. Most recent planning applications in the vicinity of the Site are for small-scale domestic developments that are unlikely to result in combination effects with the proposed development. The only planning application considered to be sufficiently significant and/or large in scale to warrant examination for in combination effects with the proposed development is for the continuance of use of the existing sand and gravel pit associated with the Site (see Table 4-2**).**

The potential effects identified from Table 4.1 are viewed to be negligible in the context of any European sites due to the scale and nature of the works, along with the distance to any sensitive receptors and the absence of pathways. Furthermore, the surrounding developments are small scale and therefore no in-combination effects are identified.

Table 4-2: Planning Applications Considered for 'In Combination' Effects

Planning Ref. Number	Development Description	In Combination LSE
234780	The proposed development will comprise continuance of use of the existing sand & gravel pit and the existing ancillary facilities including the processing plant (screening, crushing and washing), the fuel storage tanks, the closed circuit water management system, vehicle parking area, ancillary buildings and the existing entrance - all permitted under planning ref. no. 08/5851 (ABP No. PL04/232776); continuance of use of existing concrete plant, block production, block storage yard and associated ancillary facilities/buildings - all permitted under planning ref. no. 15/04602; extension of existing sand and gravel pit over an extraction area of c. 5.5 hectares to a level of c. 8.5 metres Ordnance Datum; and restoration of the overall pit area to agricultural grazing and natural	This planning application is located approximately 0.2 km north of the Site. An Appropriate Assessment Screening report is available with this planning application. This report concluded that this application does not pose a risk of likely significant effects on European sites.

Planning Ref. Number	Development Description	In Combination LSE
	habitat uses; all within a planning application area of c. 26.9 hectares. Permission is sought for fifteen years plus two years for final restoration (total duration of seventeen years). The planning application will be accompanied by the Environmental Impact Assessment Report (EIAR).	

5.0 AA Screening Conclusion

The results of the S-P-R modelling process identified that - given the scale and nature of the potential sources identified - there are no likely significant effects identified to any European site. The assessment has considered the site-specific Conservation Objectives and the known threats and pressure for each site - along with the known threats and pressures for each QI and SCI according to the Article 17 and 12 reporting. The report details in-combination effects considerations. It is concluded based on the information provided in this report that the proposed development will not give rise to significant effects on any European site alone and/or in-combination with other proposed or permitted plans and projects.

We therefore submit that the competent authority, in this case Cork County Council, can determine that an Appropriate Assessment is not required, as the proposed project, individually or in combination with other plans or projects, will not have a significant effect on any European site.

6.0 References

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NPWS (2014) Conservation Objectives: Courtmacsherry Bay SPA 004219. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2014) Conservation Objectives: Courtmacsherry Estuary SAC 001230. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

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NPWS (2015) Site Synopsis: Cork Harbour SPA 004030. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2015) Site Synopsis: Seven Heads SPA 004191. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2025) Conservation Objectives: Old Head of Kinsale SPA 004021. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2025) Conservation Objectives: Seven Heads SPA 004191. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2025) Conservation Objectives: Sovereign Islands SPA 004124. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

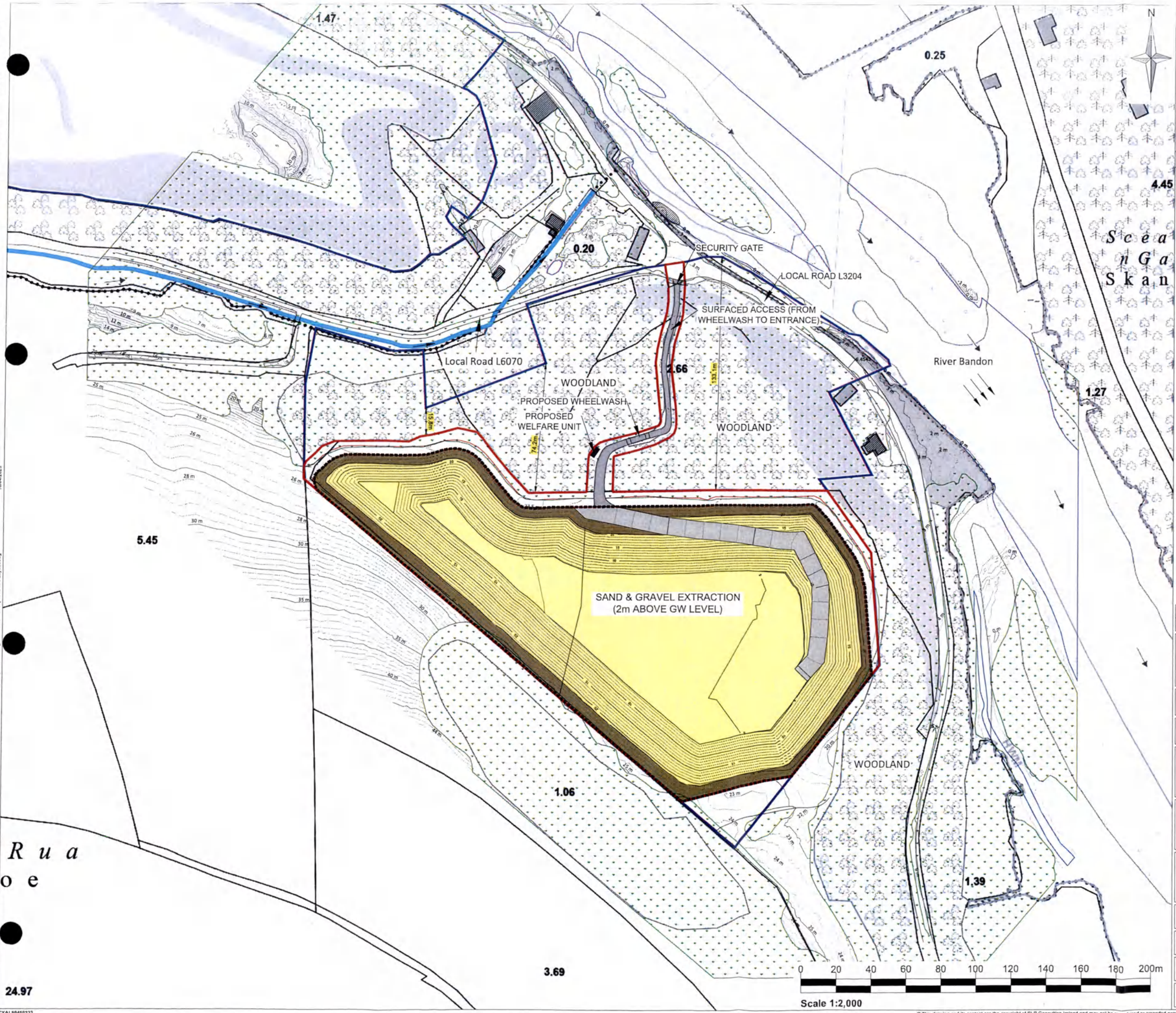
OPR (2021). Appropriate Assessment Screening for Development Management.

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

FIGURES

Figure 1: Proposed Project Layout

Figure 2: Location of The Site Relative to European sites



Notes:

1. EXTRACT FROM TAILTE EIREANN DIGITAL MAPPING 1:2,500 SCALE, MAP NO. 6578
2. REFER TO FIGURE 2-3 FOR CROSS SECTION DETAILS.

Legend:

- LAND INTEREST BOUNDARY
- PLANNING APPLICATION AREA (c.4.0 Hectares)
- EXTRACTION AREA (c.3.5 Hectares)
- CONTOURS

Rev	Amendments	Date	By	Chk	Auth

SLR

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Drawing Status & Suitability Code: **FINAL**

Client: KEOHANE READYMIX LTD.

Project: SAND & GRAVEL PIT
KNOCKROE, BANDON, CO. CORK

Drawing Title: PROPOSED SITE LAYOUT

Scale	SLR Project No.
1:2,000 @ A3	065557.00001

Designed	Drawn	Checked	Authorised
EW	EW	TP	TP
Date 04/25	Date 04/25	Date 04/25	Date 04/25

Drawing Number: **FIGURE 1** Rev. 1

N

The Gearagh SPA
The Gearagh SAC

Cork Harbour SPA

Sovereign Islands SPA

Courtmacsherry Estuary SAC

Courtmacsherry Bay SPA

Old Head of Kinsale SPA

Clonakilty Bay SAC
Clonakilty Bay SPA

Seven Heads SPA

Kilkeran Lake and Castlefreke Dunes SAC

0 5 10 km

NOTES

1. Base Mapping: OpenStreetMap © (www.openstreetmap.org/copyright)

LEGEND

- 15 and 20 km Buffers
- Site Boundary
- Special Areas of Conservation (SAC)
- Special Protection Areas (SPA)

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EIAR BIODIVERSITY CHAPTER

Sand and Gravel Pit

Knockroe, Bandon , Co. Cork

European Sites Map

FIGURE 2

Scale	Date
1:150000 @ A3	APRIL 2025

Appendix A Relevant Legislation and Policy

Appropriate Assessment Screening Report

SLR

A.1 Relevant Legislation and Policy

A.1.1 Habitats and Birds Directives

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 (SACs) and a precursor designation Sites of Community Interest (SCI). Similarly, Special Protection Areas (SPAs) are classified under the Birds Directive (Council Directive 2009/147/EEC on the Conservation of Wild Birds). Collectively, SACs, SCIs and SPAs are referred to as the Natura 2000 network. The Natura 2000 Network is the minimum required to conserve certain habitats and species which are listed in the Directives.

Under Article 6(3) of the Habitats Directive, an Appropriate Assessment (AA) must be undertaken for any plan or project that is not directly connected with or necessary to the management of a Natura 2000 site but is likely to have a significant effect thereon, either alone or in combination with other plans or projects. An AA is an evaluation of the adverse effects of a plan or project, alone or in combination with other plans or projects, on the integrity of a Natura 2000 site, and the identification, where necessary, of avoidance or mitigation measures to preclude adverse effects on the integrity of the site.

Article 6, paragraph 3 the Habitats Directive states that:-

"*Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the [Natura 2000] 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*".

Article 6, paragraph 4 goes on to deal with the special circumstances for the granting of consent for plans and projects which would have an adverse effect the integrity of the site(s) concerned.

A.1.2 European Communities (Birds and Natural Habitats) Regulations 2011

Pursuant to the Habitats Directive, Part 5 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, similarly sets out the requirements for screening assessments, the circumstances under which an AA is required and the further implementation of Article 6(3) and 6(4) of the Habitats Directive.

It defines a "European Site" as (a) a candidate site of Community importance, (b) a site of Community importance, (c) a candidate special area of conservation, (d) a special area of conservation, (e) a candidate special protection area, or (f) a special protection area. European sites may therefore include sites which may intended to become part of the Natura 2000 network as well as those already within that network.

Regulation 42 has 22 paragraphs, with selected text provided below.

Regulation 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.*'

Regulation 42(2) expands on this, stipulating that a public authority must carry out a screening for AA before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken.

Regulation 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*'.

Regulation 42(3)(a) gives the public authority the power to direct a third party to provide a Natura Impact Statement (NIS) and Regulation 42(3)(b) allows it to request any additional information that it needs to complete the screening assessment or AA. Regulation 42(5) goes on to make clear that the NIS should include such information as the public authority considers necessary to enable it to undertake the AA and to ascertain if a project or plan will affect the integrity of a Natura 2000 site. In addition to the information, Regulation 2(1) provides a definition of a Natura Impact Statement as "*a report comprising the scientific examination of a plan or project and the relevant European Site or European Sites, to identify and characterise any possible implications of the plan or project individually or in combination with other plans or projects in view of the conservation objectives of the site or sites, and any further information including, but not limited to, any plans, maps or drawings, scientific information or data required to enable the carrying out of an Appropriate Assessment*".

Regulation 42(11) makes clear that the AA must be carried out by the public authority and that it must include its conclusion as to whether the project or plan would adversely affect the integrity of a Natura 2000 site, and that this must be done prior to consenting the project. Regulation 42 (12) makes clear that the competent authority should, *inter alia*, consider the Natura Impact Statement when undertaking the AA.

Regulations 43 and45 then go on to deal with Article 6(4) of the Habitats Directive.

A.1.3 Planning and Development Act 2000 (as amended)

These processes have been further enshrined in the Planning and Development Act 2000 (as amended), in sections 177T, 177U and 177V.

177T states that:

(1) (a) A Natura impact report means a statement for the purposes of Article 6 of the Habitats Directive, of the implications of a Land use plan, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites.

(b) A Natura impact statement means a statement, for the purposes of Article 6 of the Habitats Directive, of the implications of a proposed development, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites.

(2) Without prejudice to the generality of subsection (1), a Natura impact report or a Natura impact statement, as the case may be, shall include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for one or more than one European site in view of the conservation objectives of the site or sites.

(3) .....

(4) The applicant for consent for proposed development may, or if directed in accordance with subsection (5) by a competent authority, shall furnish a Natura impact statement to the competent authority in relation to the proposed development.

(5) At any time following an application for consent for proposed development a competent authority may give a notice in writing to the applicant concerned, directing him or her to furnish a Natura impact statement.

(6) ....

(7) a) ..... a Natura impact report or a Natura impact statement shall include all information prescribed by regulations under section 177AD.

(b) Where appropriate, a Natura impact report or a Natura impact statement shall include such other information or data as the competent authority considers necessary to enable it to ascertain if the draft Land use plan or proposed development will not affect the integrity of the site.

177U states 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)....

(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....

(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 vice versa of (4)]

(6) ....

(7) ....

(8) ....

(9) ....

(10) ....

177V. states that:

(1) An appropriate assessment carried out under this Part shall include a determination by the competent authority under Article 6.3 of the Habitats Directive as to whether or not a draft Land use plan or proposed development would adversely affect the integrity of a European site and an appropriate assessment shall be carried out by the competent authority, in each case where it has made a determination under section 177U(4) that an appropriate assessment is required, before — ...

(a) the draft 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 is given for the proposed development

(2) In carrying out an appropriate assessment under subsection (1) the competent authority shall take into account each of the following matters:

(a) the Natura impact report or Natura impact statement, as appropriate

(b)….

(3) ……a competent authority shall make a Land use plan or give consent for proposed development only after having determined that the Land use plan or proposed development shall not adversely affect the integrity of a European site

(4)

(5)

(6)

The Act then goes on to deal with Article 6(4) of the Habitats Directive.

A.1.4 National Planning Framework

National Policy Objective 59 Enhance the conservation status and improve the management of protected areas and protected species by

- Implementing relevant EU Directives to protect Ireland's environment and wildlife;
- Integrating policies and objectives for the protection and restoration of biodiversity in statutory development plans;
- Developing and utilising licensing and consent systems to facilitate sustainable activities within Natura 2000 sites;
- Continued research, survey programmes and monitoring of habitats and species.

Appendix B Appropriate Assessment Process

Appropriate Assessment Screening Report

SLR

B.1 Appropriate Assessment Process

B.1.1 Stage One: AA Screening

Stage One is a preliminary assessment, the purpose of which is to determine whether a plan or project requires more detailed assessment including the identification of mitigation measures.

There are two principal tests. The first considers whether the plan or project is needed for the management of a European site for the purpose of maintaining or restoring its conservation interest. Any such plans or projects can usually be screened out of further assessment.

The second test considers whether the plan or project, without specific mitigation measures, would be likely to have a significant effect on any European Site. This requires consideration of the project on its own and in combination with other plans or projects. A project can only be screened out of further assessment if it is certain (beyond reasonable scientific doubt and on the basis of the best scientific knowledge) that there would be no significant effects on any European site without detailed scientific investigation or mitigation designed specifically to address potential impacts on the qualifying interest of such sites. Significant effects in this assessment are those which could undermine the conservation objective(s) of a qualifying interest feature of a European site and therefore of the site itself. The process is used to determine which European Sites should be included in the later stages of the assessment. It can also be used to determine which qualifying interest features require further assessment.

The objective of the screening stage is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone and in-combination with other plans or projects, could have significant effects on a European site in view of the site's conservation objectives.

There is no necessity to establish such an effect; it is merely necessary for the competent authority to determine that there may be such an effect. The need to apply the precautionary principle in making any key decisions in relation to the tests of Appropriate Assessment (AA) has been confirmed by the case law of the Court of Justice of the European Union (CJEU). Plans or projects that have no appreciable effect on a European site may be excluded. The threshold at this first stage is a very low one and operates as a trigger in order to determine whether a Stage Two AA must be undertaken by the competent authority on the implications of the proposed development for the conservation objectives of a European site. Therefore, where significant effects are likely, uncertain or unknown at screening stage, a second stage AA will be required.

Since the screening assessment must be completed by the competent authority, this report is intended to provide the competent authority the information it requires following the same steps.

Measures intended to avoid or reduce the harmful effects of the proposed development on European sites (i.e. "mitigation measures") or best practice measures have not been taken into account in the screening stage appraisal.

B.1.2 Stage Two: Appropriate Assessment

Stage Two is a more detailed assessment, known as an "Appropriate Assessment" due to the terminology in the legislation. This essentially repeats the second test of the screening assessment but in more detail and considering mitigation measures before reaching a conclusion.

At this stage, the test is whether the project or plan will have an adverse effect on the integrity of any European site. This must be done in the light of the conservation objectives for each of the sites and qualifying interest features that have been 'screened in' by the earlier stage of

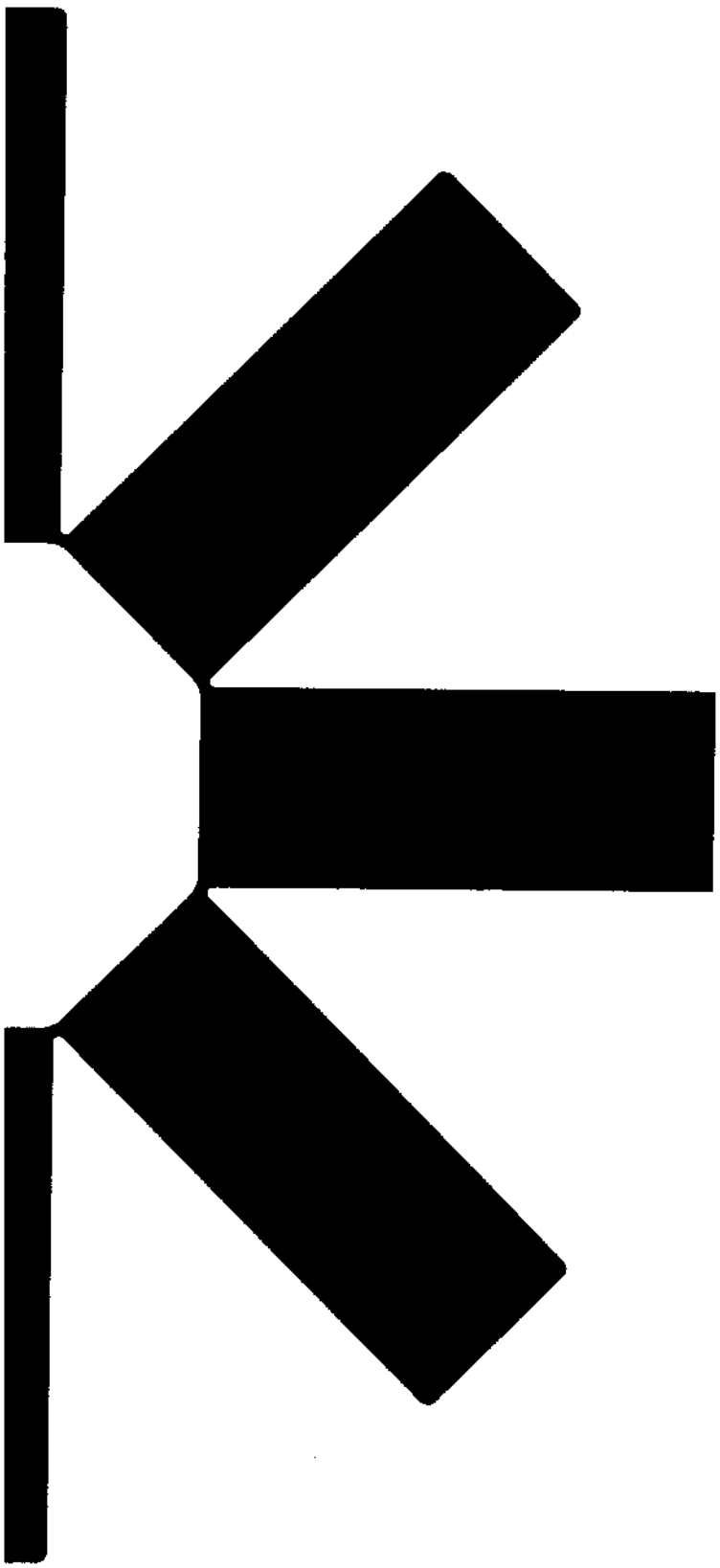
assessment. Any effect which could undermine the conservation objectives is considered an adverse effect on the integrity of the site, and vice versa. If the project, with mitigation included, is predicted to lead to adverse effects upon the integrity of the site, further stages of assessment are required before the project can be authorise.

A Stage Two AA is a focused and detailed examination, analysis and evaluation carried out by the competent authority of the implications of the plan or project, alone and in combination with other plans and projects, on the integrity of a European site in view of that site's conservation objectives. Case law has established that such an Appropriate Assessment, to be lawfully conducted, in summary:

(i) must identify, in the light of the best scientific knowledge in the field, all aspects of the proposed development which can, by itself or in-combination with other plans or projects, affect the conservation objectives of the European site;

(ii) must contain complete, precise and definitive findings and conclusions and may not have lacunae or gaps; and

(iii) may only include a determination that the proposed development will not adversely affect the integrity of any relevant European site where the competent authority decides (on the basis of complete, precise and definitive findings and conclusions) that no reasonable scientific doubt remains as to the absence of the identified potential effects. If adverse impacts can be satisfactorily avoided or successfully mitigated at this stage, so that no reasonable doubt remains as to the absence of the identified potential effects, then the process is complete. If the assessment is negative, i.e. adverse effects on the integrity of a site cannot be excluded, then the process must proceed to stage three and, if necessary, stage four.



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