

# **KILMALLOCK LOCAL AREA PLAN 2019 – 2025 as amended**

**Appropriate Assessment Screening Report**  
**to accompany the Mayor's Report**  
**in accordance with Section 19 (1)(d) and 19(1)(e) of the**  
**Planning and Development Act 2000 (as amended) in**  
**relation to the deferral of making a new Local Area Plan,**  
**and**  
**in accordance with the Planning and Development**  
**Amendment Act 2021 having regard to European Directive**  
**92/43/EEC Habitats Directive**

**6<sup>th</sup> September 2024**

**Limerick City and County Council**  
**Forward Planning**  
**Planning and Place-making Directorate**  
**Merchants Quay**  
**Limerick**



Comhairle Cathrach  
& Contae **Luimnigh**

Limerick City  
& County Council

## TABLE OF CONTENTS

1	Introduction .....	2
2	THE APPROPRIATE ASSESSMENT PROCESS .....	2
2.1	Legislative Context .....	2
2.2	Appropriate Assessment Methodology .....	3
2.3	Guidance Followed .....	4
3	Description of the proposal and the context of the Kilmallock LAP 2019 – 2025.....	5
3.0	Local Action Plan 2019 – 2025 .....	5
3.1	Local Action Plan 2019 – 2025 proposed extension .....	6
3.2	Consultation with the Environmental Stakeholders .....	7
4	Overview of the Receiving Environment.....	7
4.1	Existing Environment Description.....	7
4.2	Data Search Results .....	8
5	SCREENING ASSESSMENT .....	10
5.1	Introduction .....	10
5.2	Identification of Relevant Natura 2000 Sites.....	10
5.3	Potential Cumulative and In-combination Effects.....	31
5.3.1	Other Plans and Programs .....	31
6	CONCLUSION STATEMENT.....	38
7	Appendix 1 AA Determination .....	41

# 1 Introduction

This Screening report to inform the Appropriate Assessment (AA) process has been prepared by Limerick City and County Council (LCCC) to inform the Appropriate Assessment (AA) process with regard to the proposed extension of the duration of the Kilmallock Local Area Plan (LAP) 2019 to 2025 as amended for a further 5 years.

The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended is a temporal expansion of the LAP. The main aim of this extension is to align the LAP with the wider County Development Plan.

The report comprises information in support of the Screening of the proposal in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora (hereafter referred to as the Habitats Directive).

The evaluations presented in this Screening report have been completed by a qualified and competent ecologist utilising current guidance and scientific information, as well as ecological survey data on the ground. The baseline environment and assessment of significance of effects has been informed through consultation with NPWS.

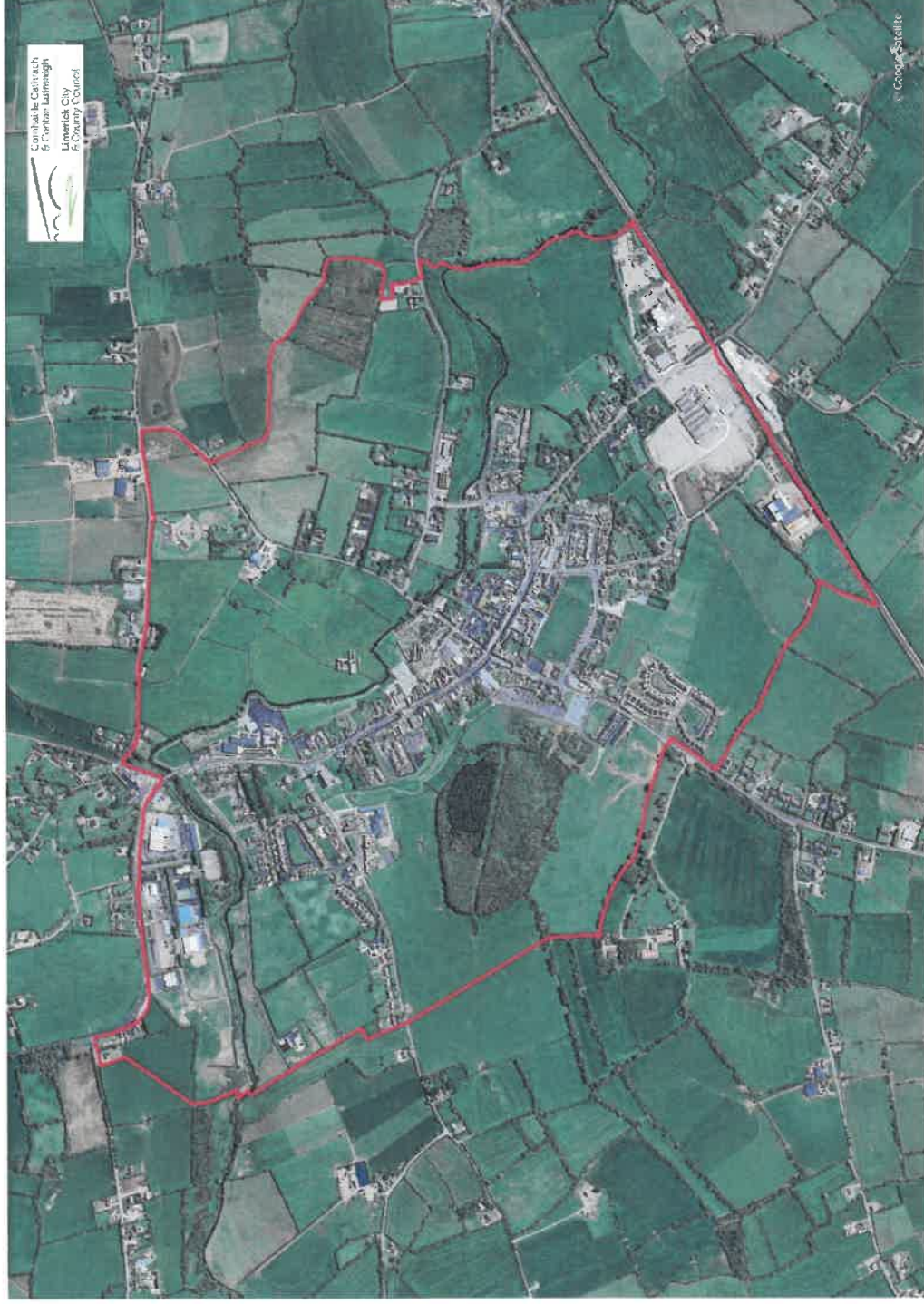
The purpose of this Screening report is to inform the Appropriate Assessment (AA) process to determine, based on objective scientific information, whether the proposal, alone and in combination with other plans or projects, has the potential for significant effects on any designated European Site in view of the site's conservation objectives. The Screening conclusion statement is determined based on the description of the proposed measures provided herein, and is full and complete. Local ecological interests separate to any Natura 2000 designation were identified on site but are not evaluated or assessed in the context of the current document, which is restricted to the requirements for AA reporting with regard to the Habitats Directive requirements under Article 6(3).

This Screening Report complies with the requirements of Article 6 of the EC Habitats Directive (1992) transposed in Ireland principally through the Planning and Development Act 2000 (as amended) and the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) (referred to as the Habitats Regulations herein). In the context of the proposed development, the appropriate legislation is the Birds and Natural Habitats Regulations (2011) and the 'public authority' is the relevant local authority, in this case Limerick City and County Council.

As the project proponent, Limerick City and County Council has prepared this report to inform the Appropriate Assessment process to be undertaken by the public authority in accordance with the requirements of Article 42 of the Habitats Regulations, which states as follows: "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".

The Kilmallock Local Area Plan (LAP) 2019 – 2025 is the main public statement of planning policies and objectives for future growth and development of the town. The Kilmallock LAP was adopted by the Elected Members of the Cappamore Kilmallock Municipal District on 17th October 2019 and came into effect 28th November 2019. The Kilmallock LAP was screened for SEA and AA in 2019. Amendment No.1 was adopted by the Elected Members of the Cappamore-Kilmallock Municipal of Limerick City & County Council on 18th April 2024, and is effective since 30th May 2024. The Amendment consisted of change of land use zoning of 0.3ha from Residential Development Area to Enterprise and Employment on the Charleville Road. The amendment to the LAP was subject to a SEA and AA screening assessment in 2023. The LAP as amended is in force until October 2025. The total lands zoned is 223 hectares in the Kilmallock LAP. According to the 2022 Census the population of Kilmallock town is 1,761 persons.

Fig. 1. Kilmallock LAP Area 2019 – 2025 as amended adopted April 2024 by Elected Members, Cappamore Kilmallock Municipal District



Section 19 of the Planning and Development Act 2000 (as amended) provides for the extension of the valid lifespan of a Local Area Plan, from a maximum of 6 years to an effective maximum of 10 years in total. The extension of Local Area Plan timeframe is sought in order to provide certainty and opportunity to realise the objectives of the Kilmallock Local Area Plan 2019-2025, as amended, which are in accordance with the proper planning and sustainable development of the area.

Refer to the Mayor's Report dated September 2024 to be considered by the Elected Member of the Cappamore Kilmallock Municipal District which outlines the rationale for the extension of duration of the LAP and the consequent deferral of making a new LAP for Kilmallock. The Mayor's Report should be read in tandem with this report and the Strategic Environmental Assessment (SEA) Report that accompanies the Mayor's Report to be considered by the Elected Members.

Limerick City and County Council consulted with the environmental authorities on the proposed extension to the duration of the Kilmallock Local Area Plan 2019 – 2025 as amended as part of the obligations of the local authority under Article 14A of the Planning and Development Regulations 2001 (as amended), Article 6(3) of the SEA Directive and the SEA Planning Regulations. The Council, in consultation with the environmental authorities, must make a determination as to whether an AA is required, taking account of the relevant criteria set out in Schedule 2A of the Planning and Development Regulations 2001 (as amended) and any submissions or observations received from the prescribed environmental authorities.



## 2 THE APPROPRIATE ASSESSMENT PROCESS

### 2.1 Legislative Context

European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations (in particular Part XAB of the Planning and Development (Amendment) Act 2010 and the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477) (referred to as the Habitats Regulations herein) to ensure the ecological integrity (i.e. Conservation Objectives) of these sites. The Birds Directive (2009/147/EC) seeks to protect birds of special importance by the designation of Special Protection Areas (SPAs) for bird species and their habitats listed on Annex I of the Directive. Similarly, the Habitats Directive (92/43/EEC) designates Special Areas of Conservation (SACs) for habitats and species listed in Annex I and Annex II of that Directive.

Ireland has obligations under EU law to protect and conserve biodiversity. This relates to habitats and species both within and outside designated sites. Nationally, Ireland has developed a National Biodiversity Plan (DCHG, 2017) to address issues and halt the loss of biodiversity, in line with international commitments. The vision for biodiversity is outlined: “That biodiversity and ecosystems in Ireland are conserved and restored, delivering benefits essential for all sectors of society and that Ireland contributes to efforts to halt the loss of biodiversity and the degradation of ecosystems in the EU and globally”.

Ireland aims to conserve habitats and species, through designation of conservation areas under both European and Irish law. The focus of this Screening is on those habitats and species designated pursuant to the EU Birds and EU Habitats Directives in the first instance, however it is recognised that wider biodiversity features have a supporting role to play in many cases where the Conservation Objectives of designated sites is to be maintained/restored.

Appropriate Assessment (AA) is an assessment of 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. The requirement of AA is outlined in Article 6(3) and 6(4) of the Habitats Directive (1992). Article 6(3) of the Habitats Directive requires 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.”

Furthermore, Article 6(4) of the Habitats Directive requires that:

“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.”

Over time legal interpretation has been sought on the practical application of the legislation concerning AA, as some terminology has been found to be unclear. European and National case law has clarified a number of issues and some aspects of European Commission (EC) published guidance documents have been superseded by case law. Appropriate Assessment is required to utilise best scientific knowledge in the field, as determined in case law. Competent Authorities must ensure that scientific data (ecological and hydrological expertise) is utilised as appropriate. This report presents a Screening to inform the AA process, which is finalised by a determination for Appropriate Assessment, to be completed by the appropriate Competent Authority (i.e. the local authority), in compliance with their obligations under Article 42 (sub-sections 1, 6, 7, 16 and 18) of the Birds and Natural Habitats Regulations, 2011 (as amended).

## 2.2 Appropriate Assessment Methodology

The AA process follows a step-wise approach, commencing with a Screening Assessment to determine whether Appropriate Assessment is required; progression through the AA process is contingent on the potential for adverse effects on European Sites (SAC/SPA).

**Screening Assessment** – This process identifies the likely significant impacts upon a European site from a proposed project or plan. Its purpose is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project which is not directly connected with or necessary to the management of the site as a European Site, individually or in combination with other plans or projects is likely to have a significant effect upon the European site. A project may be “screened-in” if there is a possibility or uncertainty of significant effects upon the European site, thus requiring AA. If there is no evidence to suggest significant effects due to the proposed plan or development the project is “screened-out” and AA is not required.

**Appropriate Assessment** – Consideration of the project or plan with regard to adverse effects on the integrity of designated European Sites, either alone or in combination with other projects or plans, with respect to the site’s structure and function and its conservation objectives. Additionally, where adverse impacts have been identified, an assessment of the potential mitigation to reduce/minimise/avoid such impacts is required. The AA statement is the responsibility of the appropriate Competent Authority; this decision making is informed by a Natura Impact Statement (NIS). Such an assessment is required where uncertainty of the significance of effect arises or a potential effect has been defined which requires further procedures / mitigation to remove uncertainty of a defined impact.

**Assessment of Alternative Solutions** – Where adverse effects on a European Site are identified in the AA process (detailed in the NIS), despite the prescription of mitigation, this third stage examines



alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the European Site.

**Assessment Where Adverse Impacts Remain** - The fourth and final stage is required where an alternative solution is not available. In this situation, the project can only proceed for Imperative Reasons of Overriding Public Interest (IROPI), despite the plan or project resulting in adverse effects on European Site(s). This stage provides for an assessment of compensation measures to maintain or enhance the overall coherence of the Natura 2000 network.

### 2.3 Guidance Followed

This report has been carried out using the following guidance:

- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10.<sup>1</sup>
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010)<sup>2</sup>.
- 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, Office for Official Publications of the European Communities, Luxembourg (EC 2021) .
- Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission. Office for Official Publications of the European Communities, Luxembourg (EC 2007)<sup>3</sup>.
- Office of the Planning Regulator. Appropriate Assessment Screening for Development Management. OPR Practice Note PN01. (OPR 2021).<sup>4</sup>

---

<sup>1</sup> NPWS (2010). Legislation Unit, NPWS Department of Environment, Heritage and Local Government, Dublin.

<sup>2</sup> National Parks and Wildlife Services (2010):

[http://www.npws.ie/sites/default/files/publications/pdf/NPWS\\_2009\\_AA\\_Guidance.pdf](http://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf)

<sup>3</sup> European Commission (2007)

[http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance\\_art6\\_4\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance_art6_4_en.pdf)

<sup>4</sup> <https://www.opr.ie/wp-content/uploads/2021/03/9729-Office-of-the-Planning-Regulator-Appropriate-Assessment-Screening-booklet-15.pdf>

### 3 Description of the proposal and the context of the Kilmallock LAP 2019 – 2025.

#### 3.0 Local Action Plan 2019 – 2025

The LAP must be consistent with the objectives of the higher-level spatial plans, including the NPF, RSES and the Limerick Development Plan 2022-2028 as varied.

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of our country out to the year 2040. The purpose of the NPF, together with the National Development Plan (NDP), form 'Project Ireland 2040' to enable all parts of Ireland, rural and urban, to successfully accommodate growth and change, shifting population and economic growth towards Ireland's regions and cities other than Dublin, whilst recognising Dublin's ongoing key role.

The Regional Spatial and Economic Strategy (RSES) for the Southern Region provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region. The RSES includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford.

The Limerick Development Plan 2022 – 2028 as varied sets out an overall strategy for the proper planning and sustainable development of Limerick over a 6-year period to 2028. It is informed by the policy and objectives of the RSES and NPF, a public consultation process, collaboration with other agencies including Statutory Bodies and Government Departments, local level strategies, Ministerial Guidelines issued pursuant to Section 28 of the Act, together with EU requirements, regarding Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Limerick Development was adopted by the Elected Members of Limerick City and County Council on 17<sup>th</sup> June 2022 and came into effect 29<sup>th</sup> July 2022. Variation No. 1 to the Limerick Development Plan 2022–2028 was adopted by the Elected Members on the 22<sup>nd</sup> April 2023 comprising an amendment to Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network and Objective TR O37 Land Uses and Access Standards.

Informed by the NPF and the RSES for the Southern Region, the Limerick Development Plan identifies Kilmallock as a Level 3 Town promoted as a secondary development centre for population and economic growth. Level 3 towns provide a range of services and functions for residents, their hinterland and are local economic drivers complementary to the Limerick City Metropolitan Area, Newcastle West, other Level 3 settlements, and in the case of Kilmallock Charleville, Mallow and Mitchelstown in North Cork.

The Kilmallock LAP 2019 – 2025 as amended sets out a land use strategy for the proper planning and sustainable development of the town of Kilmallock, complying with the provisions of higher-level spatial plans. The LAP consists of a written statement and maps indicating objectives for zoning of land, residential development, economic development, community infrastructure, built and natural heritage, open space and recreation, active travel and transport, environmental protection and climate action. This Plan also includes a Serviced Land Assessment, which informed the quantum and location of the land zoned in the Plan. The adoption of the LAP, its' amendment and the proposed extension to the duration of the timeframe is a reserved function of Elected Members of the Cappamore Kilmallock Municipal District. The total quantum of lands zoned within the LAP boundary is 223 hectares. According to the 2022 Census the population of the town was 1761 people which was a 5.57% increase on the previous census in 2016. There has been only one substantial commitment to housing development in the town for 28 houses granted since the adoption of the LAP in 2019 on 1.25 hectares zoned Residential Development Area, known as Glenfield to the north of the town. A further 6 units were granted on lands zoned Existing Residential and Town Centre (5 new residential, and 1 part conversion of commercial to residential). Only the part conversion to residential has been completed to date. The remaining 33 units granted have not commenced to date.

All the Plans in the hierarchy of spatial plans have under gone SEA and AA processes by the relevant competent authorities for each level of plan. The Kilmallock LAP and Amendment No.1 were also subject to AA screening.

### 3.1 Local Action Plan 2019 – 2025 proposed extension

The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended for 5 years is a temporal expansion of the LAP.



### 3.2 Consultation with the Environmental Stakeholders

In accordance with Article 14A of the Planning and Development Regulations 2001 (as amended), Article 6(3) of the SEA Directive and the SEA Planning Regulations Limerick City and County Council invited environmental stakeholders to make a submission or observation in relation to whether or not the deferral of making a new LAP for Kilmallock would be likely to have significant effects on the environment, prior to the Council making a determination.

Environmental Authorities including; The EPA, The Department of Environment, Climate and Communications and The Department of Housing, Local Government and Heritage, were notified under Article 14 A (4) of the Planning and Development Regulations 2001 (as amended) of the proposed extension of duration by Limerick City and County Council on 5th June 2024 inviting written submissions to the extension of duration for the Kilmallock LAP. No submissions were received from the stakeholders in relation to the extension of duration of the Kilmallock LAP.

## 4 Overview of the Receiving Environment

### 4.1 Existing Environment Description

The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended is a temporal expansion of the LAP.

The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended is a plan designed to support the development of the Kilmallock town. This is a temporal expansion of a high level plan. Any future developments within or close to the area assessed in this report will be subject to AA during the development of that same project, and so any potential impacts to European sites will be assessed at the project stage. Furthermore, the particular impacts associated with a specific development cannot be assessed until such a time as a detailed plan for that development exists. Therefore no effective AA can be completed in advance of the planning stage of any development. This plan of itself, will result in no material change within or outside the plan footprint. As a result there is no source pathway for potential impacts on European sites arising due to this plan.

The Kilmallock Local Area plan is concerned with the town of Kilmallock and its immediate surrounds in south east Co. Limerick (See Fig. 1). The LAP covers an area of approximately 223 hectares of zoned land. The town itself is an urban area that is surrounded by rural land. The landscape within the town is largely urban in nature with residential and commercial buildings as well as the associated infrastructure of roads, footpaths and amenity features. The town is situated in a lowland area surround by agricultural pasture land. The Ballyhoura Mountains are situated approximately 6.5Km to the south and 8Km to the south east.

The footprint of the area of the proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended, consists of a number of habitats. These are described in order declining area below. The LAP area footprint consists of mostly urban habitats including hard stand and buildings (BL3) and agricultural pasture land improved agricultural land (GA1). These fields are drained by

ditches (FW4). Gardens and amenity planting areas or flower beds and borders (BC4) with some gardens containing artificial ponds (FL8) make up a portion of the habitats within the footprint of the LAP also. There are some smaller areas of stonewalls and other stonework (BL1), scattered trees and parkland (WD5), hedgerows (WL1), treelines (WL2), mixed broadleaf and conifer woodland (WD2) and amenity Grassland (GA2).

The river Loobagh [EPA Code: 24L01] (FW2) flows north around the eastern border of the town before turning west and flowing through the northern section of the town. This river contains salmonid species Atlantic salmon *Salmo salar* and brown trout *Salmo trutta*. This river and its tributaries are important spawning waters for salmon. This river drains into the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA through River Mague.

The footprint of the LAP area overlaps with no European site. An ecological desk based survey was conducted using existing species and habitats data records on August 30<sup>th</sup> 2024 in combination with satellite imagery. This study comprised of a review of the NPWS Article 17 and article 12 data sets, and NDBC data. The findings of our study are presented in the section below and represent a comprehensive review of available data and satellite imagery.

## 4.2 Data Search Results

### 4.2.0. Data Search Results

The available NPWS Article 17 habitats datasets were reviewed on Aug 28<sup>th</sup> 2024. There were no records for any EU Annex I habitats recorded within or in close proximity to the proposed development site.

#### Biodiversity Ireland Database

The National Biodiversity Data Centre database was accessed on Aug 28<sup>th</sup> 2024 and the following information was obtained. Table 1. lists the protected faunal species (excluding birds) recorded within the footprint of the proposed LAP extension which pertains to the current study area. The database was also searched for records of Third Schedule non-native invasive species within the area. Table 2. lists all the protected bird species recorded within the area which pertains to the current study area. Table 3. lists the non-native invasive species recorded within the defined area.

**Table 1:** NDBC species records within the immediate LAP area

English Name	Scientific Name	Status
Brown Long-eared Bat	<i>Plecotus auritus</i>	HD Annex IV, WA
Common Pipistrelle	<i>Pipistrellus pipistrellus sensu stricto</i>	HD Annex IV, WA
Daubenton's Bat	<i>Myotis daubentonii</i>	HD Annex IV, WA
Leisler's Bat	<i>Nyctalus leisleri</i>	HD Annex IV, WA

Soprano Pipistrelle	<i>Pipistrellus pygmaeus</i>	HD Annex IV, WA
Red Fox	<i>Vulpes vulpes</i>	WA
West European Hedgehog	<i>Erinaceus europaeus</i>	WA
European Rabbit	<i>Oryctolagus cuniculus</i>	WA
Eurasian Badger	<i>Meles meles</i>	WA
European Otter	<i>Lutra lutra</i>	HD Annex II, Annex IV, WA
Common Frog	<i>Rana temporaria</i>	HD Annex V, WA
Freshwater White-clawed Crayfish	<i>Austropotamobius pallipes</i>	HD Annex II, Annex IV, WA

**Table 2:** NDBC bird species of conservation concern (listed under Annex 1 of the birds directive, Red listed BoCCI 2020-2026 or both) recorded within the immediate LAP area.

English Name	Scientific Name	Status
Barn Owl	<i>Tyto alba</i>	BD Annex I, BOCCI Red List
Kingfisher	<i>Alcedo atthis</i>	Birds Directive - Annex I
Hen Harrier <i>Circus cyaneus</i>	<i>Circus cyaneus</i>	BOCCI Red list
Pochard	<i>Aythya ferina</i>	
Common Redshank	<i>Tringa totanus</i>	
Snipe	<i>Galanago galanago</i>	
Common Swift	<i>Apus apus</i>	
Eurasian Curlew	<i>Numenius arquata</i>	
Woodcock	<i>Scolopax rusticola</i>	
European Turtle Dove	<i>Streptopelia turtur</i>	
Kestrel	<i>Falco tinnunculus</i>	

Annex I – Of EU Birds Directive; Red List – Birds of Conservation Concern in Ireland

There were older records for species such as golden plover *Pluvialis apricaria*, conchrae *Crex crex*, tree sparrow *Passer montanus* and grey partridge *Perdix perdix* within the data sets. However these records predated 1995 and were considered outdated and obsolete for the purpose of this report which intends to assess ecologically extant populations of species. Within the LAP area and the relevant European sites.

**Table 3:** NDBC records of non-native invasive species listed under the Third Schedule of The European Communities (Birds and Natural Habitats) Regulations 2011.

Scientific Name	English Name
Giant Hogweed	<i>Heracleum mantegazzianum</i>
Himalayan Balsam	<i>Impatiens glandulifera</i>
American Mink	<i>Mustela vison</i>
Fallow Deer	<i>Dama dama</i>



## 5 SCREENING ASSESSMENT

### 5.1 Introduction

This stage of the process identifies any likely significant effects upon European Sites from the proposal, either alone or in combination with other projects or plans. The Screening Assessment is progressed in order to determine:

- Whether the proposal can be excluded from AA requirements because it is directly connected with or necessary to the management of a European site; and
- Whether the proposal has the potential to give rise to significant effects on a European site, either alone or in combination with other projects or plans, in view of the site's conservation objectives or conversely, that the potential for significant effects cannot be excluded.

In this instance of the proposed extension to the Kilmallock Lap as ammended, it is not directly connected to or necessary for the management of any European site, therefore the potential for significant effects must be evaluated, as per the second test.

### 5.2 Identification of Relevant Natura 2000 Sites

A standard source-receptor-pathway conceptual model was used to identify a preliminary list of 'relevant' European sites (i.e. those which could be potentially affected due to connectivity via impact pathways). This conceptual model is a standard tool in environmental assessment. In order for an effect to occur, all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism means there is no likelihood for the effect to occur. In the context of the proposal, the model comprises:

- Source(s) – e.g. noise disturbance, habitat loss, pollution.
- Pathway(s) – e.g. drains and streams connecting to European Sites; increased human activity; creation of barriers to movement/migration.
- Receptor(s) – Qualifying habitats and species of European Sites.

The designated European Sites identified in the wider study area of the proposal are detailed in Table 4, showing the designated site name, code and distance of separation. Designated European Sites were considered within a 15km buffer, in line with published guidance (NPWS, 2010); these are identified in Figures 2 & 3. Potential pathways for impacts affecting European Sites outside of this buffer were also evaluated; however, given the nature of the proposed extension to the Kilmallock LAP as ammended, no pathways for effects at this extent were identified.

All sites which were considered are shown in table 4; no additional SPA or SAC sites were screened in following this process. It is vital that an assessment of potential source-pathway-receptor links is undertaken to assess potential impact links between the receptor (European Sites) and source (proposed development) to establish the risk of any likely significant effects. Additional designated sites including proposed Natural Heritage Areas (pNHA's), Natural Heritage Areas and RAMSAR sites were also reviewed, as although they do not form part of the Appropriate Assessment, they often provide important supporting functions to European Sites.

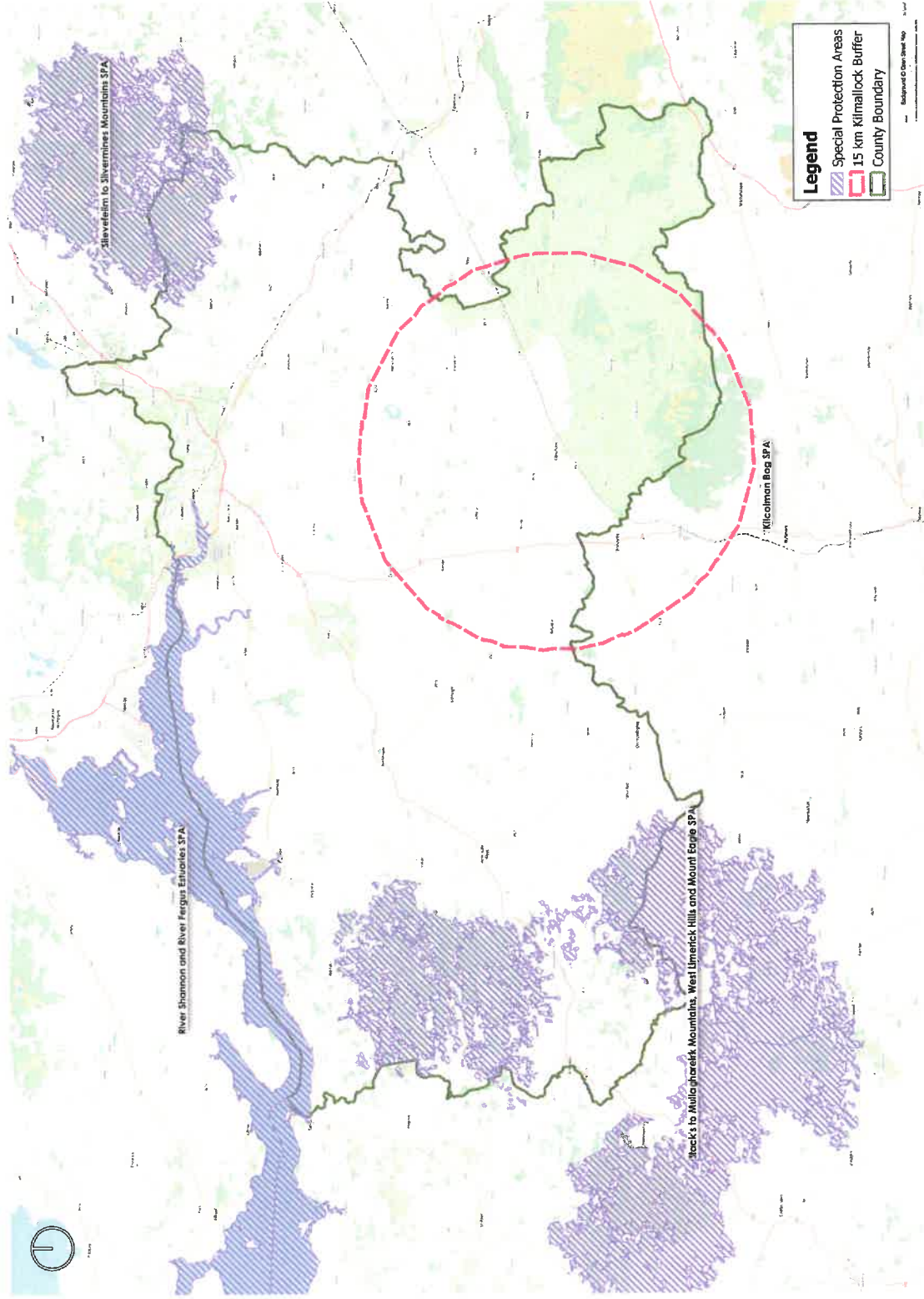
Information collected on the sensitivity of the Qualifying Interests (i.e. the stated Conservation Objectives) of each European Site identified in Table 4 was assessed with reference to the proposal, with regard to any likely significant effects.

The potential for hydrological pathways to connect potential impacts arising from the proposal with European Sites downstream have been examined, with regard to the potential for significant effects in the absence of protective measures or measures intended as mitigation for the avoidance of impacts on the sensitivities of a European Site.

As outlined in Table 4, European site identified within the 15km buffer has been evaluated in terms of potential connectivity to the proposed extension to the Kilmallock LAP as ammended by reason of proximity, hydrological pathways, supporting features of importance to qualifying interests' structure and function, etc.



Fig. 3 SPA sites relative to footprint of proposed extension to Kilmallock LAP



**Table 4:** List of designated European Sites identified within a 15km buffer and with any potential hydrological link to the study area for the proposed extension of the Kilmallock LAP

European Site	Site code	Distance from area of proposed LAP extension	Qualifying interests of the European site	Identification of potential source pathway receptors for potential significant impacts	Pathway for Significant Effects	Potential for In-Combination Effects
<b>Special Areas of Conservation</b>						
Ballyhoura Mountains SAC	002036	Approx. Approx. 10 km south of Kilmallock	[4010] Northern Atlantic wet heaths with Erica tetralix [4030] European dry heaths [7130] Blanket bogs (* if active bog)	This SAC is situated inside the 15Km buffer radius of the proposed LAP extension area and so was considered for assessment.  There will be no direct effects on the habitats or species within this SAC as the proposed extension of the Kilmallock LAP is located entirely outside the boundary of this designated site and lacks any downstream hydrological connection.  The proposed extension of duration of the Kilmallock Local Area Plan 2019 –	No	No



				<p>2025 as amended is a temporal expansion of the LAP. The main aim of this extension is to align the LAP with the wider County Development Plan. The proposed LAP extension is a high level plan and will not directly result in any material change to any Q.I. species or habitats within the SAC.</p> <p>As such, in the absence of any mitigation, there is no potential for any significant effect on the Q.I. receptors within the SAC arising due to the proposed extension of the Kilmallock LAP.</p>		
Carrigeenamronety Hill SAC	002037	13.43Km south east Kilmallock	<p>[4030] European dry heaths [1421] Trichomanes speciosum (Killarney Fern)</p>	<p>This SAC is situated inside the 15Km buffer radius of the proposed LAP extension area and so was considered for assessment.</p> <p>There will be no direct effects on the habitats or species within this SAC as the proposed extension of the Kilmallock LAP is located entirely outside the boundary of this</p>	No	No



				designated site and lacks any downstream hydrological connection.  The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as is a temporal expansion of the LAP. The main aim of this extension is to align the LAP with the wider County Development Plan. The proposed LAP extension is a high level plan and will not directly result in any material change to any Q.I. species or habitats within the SAC.  As such, in the absence of any mitigation, there is no potential for any significant effect on the Q.I. receptors within the SAC arising due to the proposed extension of the Kilmallock LAP.		
Blackwater River (Cork/Waterford) SAC	002170	Approx. 10.6Km south west of the assessed	[1140] Mudflats and sandflats not covered by seawater at low tide [1220] Perennial vegetation of stony banks [1310] Salicornia and other annuals colonising mud and sand	This SAC is situated inside the 15Km buffer radius of the proposed LAP extension area and so was considered for assessment.	No	No

		area	<p>[1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p> <p>[1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>[3260] Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>[91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p> <p>[1029] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel)</p> <p>[1092] <i>Austropotamobius pallipes</i> (White-clawed Crayfish)</p> <p>[1095] <i>Petromyzon marinus</i> (Sea Lamprey)</p> <p>[1096] <i>Lampetra planeri</i> (Brook Lamprey)</p> <p>[1099] <i>Lampetra fluviatilis</i> (River Lamprey)</p> <p>[1103] <i>Alosa fallax fallax</i> (Twait Shad)</p> <p>[1106] <i>Salmo salar</i> (Salmon)</p> <p>[1355] <i>Lutra lutra</i> (Otter)</p> <p>[1421] <i>Trichomanes speciosum</i> (Killarney Fern)</p>	<p>There will be no direct effects on the habitats or species within this SAC as the proposed extension of the Kilmallock LAP is located entirely outside the boundary of this designated site and lacks any downstream hydrological connection.</p> <p>The potential for disturbance to otter was also assessed. There may be some suitable habitat for otter on the River Loobagh which flows through the area concerned by the proposed extension to the Kilmallock LAP. There were also some records of otter on the NDBC database. However the nearest point of the Blackwater River (Cork/Waterford) SAC is approximately 10.6Km south west of the footprint of the proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended. The LAP area footprint is</p>	
--	--	------	--	--	--

				<p>also located in the Shannon catchment and separate to the Blackwater catchment. It is considered unlikely that otters from the Blackwater River (Cork/Waterford) SAC traverse the physical distance and into a separate hydrological catchment to use the habitats available in the area within the footprint of the LAP.</p> <p>The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended is a temporal expansion of the LAP. The main aim of this extension is to align the LAP with the wider County Development Plan. The proposed LAP extension is a high level plan and will not directly result in any material change to any Q.I. species or habitats within the SAC.</p> <p>As such, in the absence of any mitigation, there is no</p>		
--	--	--	--	--	--	--

				potential for any significant effect on the Q.I. receptors within the SAC arising due to the proposed extension of the Kilmallock LAP.		
Glen Bog	001430	Approx. 10Km north east of the assessed area	[91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i> )	<p>This SAC is situated inside the 15Km buffer radius of the proposed LAP extension area and so was considered for assessment.</p> <p>There will be no direct effects on the habitats or species within this SAC as the proposed extension of the Kilmallock LAP is located entirely outside the boundary of this designated site and lacks any downstream hydrological connection.</p> <p>The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended is a temporal expansion of the LAP. The main aim of this extension is to align the LAP with the wider County Development Plan. The proposed LAP extension is</p>	No	No

				<p>a high level plan and will not directly result in any material change to any Q.I. species or habitats within the SAC.</p> <p>As such, in the absence of any mitigation, there is no potential for any significant effect on the Q.I. receptors within the SAC arising due to the proposed extension of the Kilmallock LAP.</p>		
Tory Hill SAC	000439	16km west of Kilmallock	<p>[6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>[7210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae</p> <p>[7230] Alkaline fens</p>	<p>This SAC is situated marginally outside the 15Km radius of the proposed LAP extension area and so was considered for assessment due to precautionary principal.</p> <p>There will be no direct effects on the habitats or species within this SAC as the proposed extension of the Kilmallock LAP is located entirely outside the boundary of this designated site and lacks any downstream hydrological connection.</p>	No	No

Lower River Shannon SAC	002165	23km north east of Kilmallock	<p>[1110] Sandbanks which are slightly covered by sea water all the time</p> <p>[1130] Estuaries</p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p>[1150] Coastal lagoons</p> <p>[1160] Large shallow inlets and bays</p>	<p>The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended to is a temporal expansion of the LAP. The main aim of this extension is to align the LAP with the wider County Development Plan. The proposed LAP extension is a high level plan and will not directly result in any material change to any Q.I. species or habitats within the SAC.</p> <p>As such, in the absence of any mitigation, there is no potential for any significant effect on the Q.I. receptors within the SAC arising due to the proposed extension of the Kilmallock LAP.</p>	No	No
-------------------------	--------	-------------------------------	---	---	----	----



				<p>Shannon.</p> <p>There will be no direct effects on the habitats or species within this SAC as the proposed extension of the Kilmallock LAP is located entirely outside the boundary of this designated site.</p> <p>The area concerned with the proposed extension to the Kilmallock LAP and The River Shannon and Fergus estuaries SPA are hydrologically connected via the rivers Maigue (IE_SH_24M010600) and Loobagh (IE_SH_24L010400). Both form part of the Maigue sub catchment areas group and in turn drain into the River Shannon (IE_SH_060_0800). This European Designated site is located approximately 23Km downstream of the proposed LAP extension. As such, following the precautionary principle, a potential pathway for</p>
			<p>[1170] Reefs</p> <p>[1220] Perennial vegetation of stony banks</p> <p>[1230] Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>[1310] Salicornia and other annuals colonising mud and sand</p> <p>[1330] Atlantic salt meadows (Glauco-Puccinellietalia maritimae)</p> <p>[1410] Mediterranean salt meadows (Juncetalia maritimi)</p> <p>[3260] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</p> <p>[6410] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)</p> <p>[91E0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</p> <p>[1029] Margaritifera margaritifera (Freshwater Pearl Mussel)</p> <p>[1095] Petromyzon marinus (Sea Lamprey)</p> <p>[1096] Lampetra planeri (Brook Lamprey)</p> <p>[1099] Lampetra fluviatilis (River Lamprey)</p> <p>[1106] Salmo salar (Salmon)</p> <p>[1349] Tursiops truncatus (Common Bottlenose Dolphin)</p>	



					potential for any significant effect on the Q.I. receptors within the SAC arising due to the proposed extension of the Kilmallock LAP.		
Special Protection Area							
River Shannon and Fergus estuaries SPA	004077	26.8km north west of the assessed area.	[A017] Cormorant ( <i>Phalacrocorax carbo</i> ) [A038] Whooper Swan ( <i>Cygnus cygnus</i> ) [A046] Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A048] Shelduck ( <i>Tadorna tadorna</i> ) [A050] Wigeon ( <i>Anas penelope</i> ) [A052] Teal ( <i>Anas crecca</i> ) [A054] Pintail ( <i>Anas acuta</i> ) [A056] Shoveler ( <i>Anas clypeata</i> ) [A062] Scaup ( <i>Aythya marila</i> ) [A137] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A140] Golden Plover ( <i>Pluvialis apricaria</i> ) [A141] Grey Plover ( <i>Pluvialis squatarola</i> ) [A142] Lapwing ( <i>Vanellus vanellus</i> ) [A143] Knot ( <i>Calidris canutus</i> ) [A149] Dunlin ( <i>Calidris alpina</i> )		<p>This SPA is situated outside the 15Km buffer radius of the proposed LAP extension area but has been considered for assessment in this document due to the potential hydrological connection to the river Shannon.</p> <p>There will be no direct effects on the habitats or species within this SPA as the proposed extension of the Kilmallock LAP is located entirely outside the boundary of this designated site.</p> <p>The footprint of extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended and The River Shannon and</p>	No	No

				<p>[A156] Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>[A157] Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>[A160] Curlew (<i>Numenius arquata</i>)</p> <p>[A162] Redshank (<i>Tringa totanus</i>)</p> <p>[A164] Greenshank (<i>Tringa nebularia</i>)</p> <p>[A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>[A999] Wetland and Waterbirds</p>	<p>Fergus estuaries SPA are hydrologically connected via the rivers Maigue (IE_SH_24M010600) and Loobagh (IE_SH_24L010400). Both form part of the Maigue sub catchment areas group and in turn drain into the River Shannon (IE_SH_060_0800). This European Designated site is located approximately 26.8Km downstream of the proposed LAP extension. As such, following the precautionary principle, a potential pathway for effect on some or all of the Q.I. habitats and species was identified.</p> <p>However, the proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended is a temporal expansion of the LAP. The main aim of this extension is to align the LAP with the wider County Development Plan. The proposed LAP extension is a high level</p>		
--	--	--	--	--	--	--	--

				<p>plan and will not directly result in any material change to any Q.I. species or habitats within the SPA.</p> <p>As such, in the absence of any mitigation, there is no potential for any significant effect on the Q.I. receptors within the SAC arising due to the proposed extension of the Kilmallock LAP.</p>		
Kilcolman Bog SPA	004095	Approx. 16.1Km south west of assessed area.	<p>[A038] Whooper Swan (<i>Cygnus cygnus</i>)</p> <p>[A052] Teal (<i>Anas crecca</i>)</p> <p>[A056] Shoveler (<i>Anas clypeata</i>)</p> <p>[A999] Wetland and Waterbirds</p>	<p>There will be no direct effects on the habitats or species within this SPA as the proposed extension of the Kilmallock LAP is located entirely outside the boundary of this designated site and lacks any downstream hydrological connection.</p> <p>The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended is a temporal expansion of the LAP. The main aim of this extension is to align the LAP with the wider County</p>	No	No

				<p>Development Plan. The proposed LAP extension is a high level plan and will not directly result in any material change to any Q.I. species or habitats within the SPA.</p> <p>As such, in the absence of any mitigation, there is no potential for any significant effect on the Q.I. receptors within the SPA arising due to the proposed extension of the Kilmallock LAP.</p>		
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	004161	Approx. 30Km west of assessed area.	[A082] Hen Harrier ( <i>Circus cyaneus</i> )	<p>This SPA is situated outside the 15Km buffer radius of the proposed LAP extension area but has been considered for assessment in this document due to the mobile nature of the Q.I. species for which this SPA was designated, namely Hen Harrier.</p> <p>There will be no direct effects on the habitats or species within this SPA as the proposed extension of the Kilmallock LAP is</p>	No	No



				<p>located entirely outside the boundary of this designated site and lacks any hydrological connection.</p> <p>The footprint of the proposed extension to the Kilmallock LAP contains unsuitable habitat for Hen Harrier and is situated (30Km west of proposed LAP extension area) outside the core (2Km) and maximum (10Km) breeding season foraging range of Hen Harrier (SNH, 2016).</p> <p>The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended is a temporal expansion of the LAP. The main aim of this extension is to align the LAP with the wider County Development Plan. The proposed LAP extension is a high level plan and will not directly result in any material change to any Q.I. species or habitats within the SPA.</p>				
--	--	--	--	--	--	--	--	--

Slievefelim to Silvermines Mountains SPA	004165	Approx. 34.3Km north east of assessed area.	[A082] Hen Harrier ( <i>Circus cyaneus</i> )	As such, in the absence of any mitigation, there is no potential for any significant effect on the Q.I. receptors within the SPA arising due to the proposed extension of the Kilmallock LAP.	No	No
				This SPA is situated outside the 15Km buffer radius of the proposed LAP extension area but has been considered for assessment in this document due to the mobile nature of the Q.I. species for which this SPA was designated, namely Hen Harrier. There will be no direct effects on the habitats or species within this SPA as the proposed extension of the Kilmallock LAP is located entirely outside the boundary of this designated site and lacks any hydrological connection. The site of the proposed extension to the Kilmallock LAP contains unsuitable		

				<p>habitat for Hen Harrier and is situated (34,3Km north east of proposed LAP extension area) outside the core (2Km) and maximum (10Km) breeding season foraging range of Hen Harrier (SNH, 2016).</p> <p>The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 is a temporal expansion of the LAP. The main aim of this extension is to align the LAP with the wider County Development Plan. The proposed LAP extension is a high level plan and will not directly result in any material change to any Q.I. species or habitats within the SPA.</p> <p>As such, in the absence of any mitigation, there is no potential for any significant effect on the Q.I. receptors within the SPA arising due to the proposed extension of the Kilmallock LAP.</p>		
--	--	--	--	--	--	--

## 5.3 Potential Cumulative and In-combination Effects

### 5.3.1 Other Plans and Programs

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combinations with the plan or project, have the potential to adversely impact upon European Sites. The characteristics of the LAP are foreseen to have no effects to any European Sites. It is thought that the proposed extension to the Kilmallock LAP as amended in-combination with the project listed below are not likely to have significant effects on any European Site. However, following a precautionary approach relevant plans and projects have been assessed. A list of the plans and projects considered are as follows:

- Limerick Development Plan 2022-2028;
- Cork County Development Plan 2022-2028;
- The Cork City Development Plan 2022-2028;
- Kerry County Development Plan 2022-2028;
- Clare County Development Plan 2023-2029;
- Tipperary County Development Plan 2022- 2028;
- Limerick Shannon Metropolitan Area Transport Strategy;
- Smarter Travel: A Sustainable Transport Future, A new Transport policy for Ireland, 2009 –2020;
- Abbeyfeale Local Area Plan 2023-2029;
- Adare Local Area Plan 2024 – 2030;
- Askeaton Local Area Plan 2015 – 2021 (Extended to February 2025);
- Caherconlish Local Area Plan 2023 – 2029;
- Castleconnell Local Area Plan 2023 – 2029;
- Croom Local Area Plan 2020-2026;
- Newcastle West Local Area Plan 2023 – 2029;
- Patrickswell Local Area Plan 2024 – 2030;
- Rathkeale Local Area Plan 2023 – 2029;

**Table 5.** Outlines plans or projects that were considered under the precautionary principal with regards to possible interaction with the LAP to cause in-combination effects to European Sites.

Plan or project	Status	Overview	Possible significant effects from plan or project	Possible significant in-combination effects	Risk of significant in- combination effects with the proposed extension of Kilmallock Local Area Plan
Limerick Development Plan 2022 -2028	Published	The Plan sets out Limerick City & County Council's policies for the sustainable development of the County to 2028 and beyond.	No Appropriate Assessment carried out	None	Development proposals which arise as a result of the Development Plan are subject to Appropriate Assessment. This will provide specific project level detail to ensure no adverse significant effects to European Sites.
Cork County Development Plan 2022-2028	Published	The Plan sets out Cork County Council's policies for the sustainable development of the County to 2028 and beyond.	No Appropriate Assessment carried out	None	Development proposals which arise as a result of the Development Plan are subject to Appropriate Assessment. This will provide specific project level detail to ensure no adverse significant effects to European Sites.
The Cork City Development Plan 2022-2028	Published	The Plan sets out Cork City Council's policies for the sustainable development of the County to 2028 and beyond.	No Appropriate Assessment carried out	None	Development proposals which arise as a result of the Development Plan are subject to Appropriate Assessment. This will provide specific project level detail to ensure no adverse significant effects to European Sites.

Kerry County Development Plan 2022-2028	Published	The Plan sets out Kerry County Council's policies for the sustainable development of the County to 2028 and beyond.	No Appropriate Assessment carried out	None	Development proposals which arise as a result of the Development Plan are subject to Appropriate Assessment. This will provide specific project level detail to ensure no adverse significant effects to European Sites.
Clare County Development Plan 2023-2029	Published	The Plan sets out Clare County Council's policies for the sustainable development of the County to 2029 and beyond.	No Appropriate Assessment carried out	None	Development proposals which arise as a result of the Development Plan are subject to Appropriate Assessment. This will provide specific project level detail to ensure no adverse significant effects to European Sites.
Tipperary County Development Plan 2022- 2028	Published	The Plan sets out Tipperary County Council's policies for the sustainable development of the County to 2028 and beyond.	No Appropriate Assessment carried out	None	Development proposals which arise as a result of the Development Plan are subject to Appropriate Assessment. This will provide specific project level detail to ensure no adverse significant effects to European Sites.

Smarter Travel: A Sustainable Transport Future, A new Transport policy for Ireland, 2009 – 2020;	Published	A framework for actions aimed at ensuring that alternatives to the car are more widely available, mainly through a radically improved public transport service and through investment in cycling and walking. Actions aimed at improving the fuel efficiency of motorised transport through improved fleet structure, energy efficient driving and alternative technologies, and actions aimed at strengthening institutional arrangements to deliver the targets.	No Stage 1 Assessment carried out	None	The overarching aim of this document is the reduction of travel and the associated emissions through the reduction of private transport. No potential cumulative impacts can arise as a result of this.
Abbeyfeale Local Area Plan 2023-2029	Published	The overall purpose of this Local Area Plan is to set out a strategy for the proper planning and sustainable development of the Abbeyfeale area.	No AA was undertaken.	No	No impacts are foreseen as arising as a result of the proposed Kilmallock LAP due to the conceptual nature of the plan. Any projects that occur within the footprint of this plan in the future will be subject to AA and should be impacts can only be assessed then. As the Abbeyfeale Local Action plan contains similar high level concepts and information, in- combination impacts can arise. Thus, in- combination effects cannot arise. Therefore, no in- combination effects are foreseen.

Adare Local Area Plan 2024 - 2030	Published	The overall purpose of this Local Area Plan is to set out a strategy for the proper planning and sustainable development of the Adare area.	No  AA was undertaken.	No	No impacts are foreseen as arising as a result of the proposed Kilmallock LAP due to the conceptual nature of the plan. Any projects that occur within the footprint of this plan in the future will be subject to AA and should be impacts can only be assessed then. As the Adare Local Action plan contains similar high level concepts and information, in- combination impacts can arise. Thus, in- combination effects cannot arise. Therefore, no in- combination effects are foreseen.
Askeaton Local Area Plan 2015 – 2021 (Extended to February 2025);	Published	The overall purpose of this Local Area Plan is to set out a strategy for the proper planning and sustainable development of the Askeaton area.	No  AA was undertaken.	No	No impacts are foreseen as arising as a result of the proposed Kilmallock LAP due to the conceptual nature of the plan. Any projects that occur within the footprint of this plan in the future will be subject to AA and should be impacts can only be assessed then. As the Askeaton Local Action plan contains similar high level concepts and information, in- combination impacts can arise. Thus, in- combination effects cannot arise. Therefore, no in- combination effects are foreseen.
Caherconlish Local Area Plan 2023 – 2029	Published	The overall purpose of this Local Area Plan is to set out a strategy for the proper planning and sustainable development of the Caherconlish area.	No  AA was undertaken.	No	No impacts are foreseen as arising as a result of the proposed Kilmallock LAP due to the conceptual nature of the plan. Any projects that occur within the footprint of this plan in the future will be subject to AA and should be impacts can only be assessed then. As the Caherconlish Local Action plan contains similar high level concepts and information, in- combination impacts can arise. Thus, in- combination effects cannot arise. Therefore, no in- combination effects are foreseen.



Castleconnell Local Area Plan 2023 – 2029;	Published	The overall purpose of this Local Area Plan is to set out a strategy for the proper planning and sustainable development of the Castleconnell area.	No  AA was undertaken.	No  No impacts are foreseen as arising as a result of the proposed Kilmallock LAP due to the conceptual nature of the plan. Any projects that occur within the footprint of this plan in the future will be subject to AA and should be impacts can only be assessed then. As the Castleconnell Local Action plan contains similar high level concepts and information, in- combination impacts can arise. Thus, in- combination effects cannot arise. Therefore, no in- combination effects are foreseen.
Croom Local Area Plan 2020-2026;	Published	The overall purpose of this Local Area Plan is to set out a strategy for the proper planning and sustainable development of the Croom area.	No  AA was undertaken.	No  No impacts are foreseen as arising as a result of the proposed Kilmallock LAP due to the conceptual nature of the plan. Any projects that occur within the footprint of this plan in the future will be subject to AA and should be impacts can only be assessed then. As the Croom Local Action plan contains similar high level concepts and information, in- combination impacts can arise. Thus, in- combination effects cannot arise. Therefore, no in- combination effects are foreseen.
Newcastle West Local Area Plan 2023 – 2029;	Published	The overall purpose of this Local Area Plan is to set out a strategy for the proper planning and sustainable development of the Newcastle West area.	No  AA was undertaken.	No  No impacts are foreseen as arising as a result of the proposed Kilmallock LAP due to the conceptual nature of the plan. Any projects that occur within the footprint of this plan in the future will be subject to AA and should be impacts can only be assessed then. As the Newcastle West Local Action plan contains similar high level concepts and information, in- combination impacts can arise. Thus, in- combination effects cannot arise. Therefore, no in- combination effects are foreseen.

Patrickswell Local Area Plan 2024 – 2030;	Published	The overall purpose of this Local Area Plan is to set out a strategy for the proper planning and sustainable development of the Patrickswell area.	No AA was undertaken.	No	No impacts are foreseen as arising as a result of the proposed Kilmallock LAP due to the conceptual nature of the plan. Any projects that occur within the footprint of this plan in the future will be subject to AA and should be impacts can only be assessed then. As the Patrickswell Local Action plan contains similar high level concepts and information, in- combination impacts can arise. Thus, in- combination effects cannot arise. Therefore, no in- combination effects are foreseen.
Rathkeale Local Area Plan 2023 – 2029;	Published	The overall purpose of this Local Area Plan is to set out a strategy for the proper planning and sustainable development of the Rathkeale area.	No AA was undertaken.	No	No impacts are foreseen as arising as a result of the proposed Kilmallock LAP due to the conceptual nature of the plan. Any projects that occur within the footprint of this plan in the future will be subject to AA and should be impacts can only be assessed then. As the Rathkeale Local Action plan contains similar high level concepts and information, in- combination impacts can arise. Thus, in- combination effects cannot arise. Therefore, no in- combination effects are foreseen.

From an evaluation of the nature of the proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended, no European Sites were considered to be subject to potential cumulative or in-combination impacts which may lead to likely significant effects. As there is no potential for the proposed extension to the Kilmallock LAP as amended to result in any individual effect on any European Site, therefore it cannot contribute to any cumulative effect. There are no likely significant residual effects and no significant cumulative and/or in-combination effects on any of the QIs within the European sites identified with regard to the proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended

## 6 CONCLUSION STATEMENT

The proposed extension of the Kilmallock LAP as amended for 5 years will benefit the Kilmallock area through the provision of a road map for future sustainable development. The footprint of the proposed plan extension is not situated within any EU or designated sites for nature conservation.

From an evaluation of the proposal description, and the consideration of potential impact pathways with connectivity to the wider environment, there are no SAC or SPA sites within proximity of the proposed LAP extension, and no pathways for impacts are identified whereby indirect effects may occur affecting other European sites at a distance from the proposed works.

On the basis of the nature of the proposed extension of the Kilmallock LAP as amended and taking account of the ecological information and data provided to inform this assessment, it has been evaluated that the potential for likely significant effects on the special conservation interests of SACs and SPAs within the recommended distance can be excluded in the absence of protective measures or mitigation measures to avoid significant effects, and in view of best scientific evidence in the field.

This Screening for AA report has determined that there is no potential for significant direct, indirect or cumulative impacts which could affect the qualifying interests/special conservation interests of the European sites within the study area. It is therefore concluded, beyond reasonable scientific doubt, that the proposed extension of the Kilmallock LAP as amended will not give rise to significant effects, either individually or in combination with other plans and projects, within the identified European Site(s).

On the basis of objective scientific information, this Screening has therefore excluded the potential for the proposed extension to the Kilmallock LAP as amended, individually or in combination with other plans or projects, to give rise to any significant effect on a European site. Consequently, it is concluded that the extension to the Kilmallock LAP as amended, does not require Appropriate Assessment.

## Bibliography

DAFM. 2000. Forest Harvesting & the Environment Guidelines. Department of Agriculture, Food & the Marine, Johnstown Castle Estate, Co. Wexford.

DAFM. 2015. Forestry Standards Manual, November 2015. Department of Agriculture, Food & the Marine, Johnstown Castle Estate, Co. Wexford.

DAFM. 2016. Environmental Requirements for Afforestation, December 2016. Department of Agriculture, Food & the Marine, Johnstown Castle Estate, Co. Wexford.

DAFM. 2017. Felling & Reforestation Policy. Department of Agriculture, Food & the Marine, Johnstown Castle Estate, Co. Wexford.

DAFM. 2019. Appropriate Assessment Procedure: Guidance Note & iFORIS SOP for DAFM Forestry Inspectors (v.05Nov19) (DAFM, 2019).

DAFM. 2019. Standards for Felling & Reforestation (v.Oct2019). Department of Agriculture, Food & the Marine. See Forest Service Circular 14 / 2019, [www.agriculture.gov.ie/forests-service/grants-and-premium-schemes/2014-](http://www.agriculture.gov.ie/forests-service/grants-and-premium-schemes/2014-2020)

Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities Acknowledgements. (n.d.). Available at: [https://www.npws.ie/sites/default/files/publications/pdf/NPWS\\_2009\\_AA\\_Guidance.pdf](https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf).

European Commission. 2018. Commission notice: Managing Natura 2000 sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. Available at: [www.ec.europa.eu/environment/nature/natura2000/management/guidance\\_en.htm](http://www.ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm)

European Communities. 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. Office for Official Publications of the European Communities, Luxembourg.

Hardey, J., Crick, H., Wernham, C., Riley, H., Etheridge, B. & Thompson, D. (2006). Raptors- a field guide to survey and monitoring. The Stationary Office, Edinburgh.

Hardey, J., Crick, H., Wernham, C., Riley, H., Etheridge, B. & Thompson, D. (2009). Raptors: a field guide to survey and monitoring (2nd Edition). The Stationery Office, Edinburgh.

Hardy et al (2013). Jon Hardey, Dr. Humphrey Crick, Dr. Chris Wernham, Dr. Helen Riley Brian Etheridge Des Thompson. Raptors: A Field Guide for Surveys and Monitoring (Third Edition).

Johnson, W. P., P. M. Schmidt, and D. P. Taylor. 2014. Foraging flight distances of wintering ducks and geese: a review. Avian Conservation and Ecology.

NPWS (2019). The Status of EU Protected Habitats and Species in Ireland. Volume 3: Species Assessments. Unpublished NPWS report. Edited by: Deirdre Lynn and Fionnuala O'Neill.

Barry Gerard O'Donoghue (2021): Hen Harrier *Circus cyaneus* ecology and conservation during the non-breeding season in Ireland, Bird Study

Ó Néill L. (2008) Population dynamics of the Eurasian otter in Ireland. Integrating density and demography into conservation planning. PhD thesis. Trinity College, Dublin.

Reid, N., Hayden, B., Lundy, M.G., Pietravalle, S., McDonald, R.A. & Montgomery, W.I. (2013). National Otter Survey of Ireland 2010/12. Irish Wildlife Manuals No. 76. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland.

Schofield, H. (2008). The Lesser Horseshoe Bat Conservation Handbook. The Vincent Wildlife Trust, Herefordshire, England.

Scottish Natural Heritage (2016). Assessing Connectivity with Special Protection Areas (SPAs) Guidance Version 3 – June 2016.

Ruddock, M. A. Mee, J. Lusby, T. Nagle, S. O'Neill, L. O'Toole (2016), 'The 2015 National Survey of Breeding Hen

Harrier in Ireland', [report], National Parks and Wildlife Service, 2016-04, Irish wildlife manuals, no.93, 2016

Ruddock, M. & Dunlop, B.J., O'Toole, L., Mee, A., Nagle, T. (2012) Republic of Ireland National Hen Harrier Survey

2010. Irish Wildlife Manual, No. 59. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland.

Ruddock, M. & Whitfield, D.P. (2007). A review of disturbance distances in selected bird species. Report from Natural Research (Projects) Ltd to Scottish Natural Heritage. Natural Research, Banchory, UK. Watson, D. 1977. The Hen Harrier. T & A D Poyser

## 7 Appendix 1 AA Determination

### **Appropriate Assessment Screening Determination**

under

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

for the

**Kilmallock Local Area Plan 2019-2025 as amended – Proposed Extension of Duration for a further 5 years.**

In order to comply with the requirements of Section 177U and Sections 177V of the Planning and Development Act 2000, as amended, and pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would adversely affect the integrity of any European site(s), this Appropriate Assessment determination is being made by Limerick City and County Council relating to the potential for the proposed extension of duration of the Kilmallock Local Area Plan 2019- 2025 as amended to have any likely significant effects on any European Sites.

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

- The AA Screening Report for the extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended;
- Submissions received in accordance with Article 14A (2) of the Planning and Development Regulations 2001 (as amended) (None were received on the proposed extension of the Kilmallock LAP as amended).
- The alignment of the Kilmallock Local Area Plan 2019 – 2025 as amended with higher-level spatial plans that have been assessed in terms of appropriate Assessment.

The proposed extension of duration of the Kilmallock Local Area Plan 2019 – 2025 for 5 years is a continuation of current policies and objectives of the current LAP that are not of a nature, which could have a likely significant effect on the Natura 2000 Network. In-combination effects from interactions with other plans and projects were considered in this assessment.

The conclusion of the AA Screening Process is “This Screening for AA report has determined that there is no potential for significant direct, indirect or cumulative impacts which could affect the qualifying

interests/special conservation interests of the European sites within the study area. It is therefore concluded, beyond reasonable scientific doubt, that the proposal will not give rise to significant effects, either individually or in combination with other plans and projects, within the identified European Site(s)." As such, a Stage 2 Appropriate Assessment / Natura Impact Report is not required.

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

Signed: 

Position: Director of Services

Date: 

