

Habitats Directive Appropriate Assessment Screening Report

for the proposed

Listowel Toilets & Amenity Building, Listowel, Co Kerry

**IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 6
OF THE EU HABITATS DIRECTIVE 92/43/EEC**



**Environmental Assessment Unit
Kerry County Council
February 2024**

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1 Introduction

1.1 Introduction

This proposal seeks to provide toilet facilities and an amenity area on the former Neodata Site adjacent to the Listowel Town Park. It will be located at the Trailhead for the North Kerry Greenway and within the carpark adjacent to the Greenway. There are currently temporary toilet facilities on the site.

This report constitutes Stage 1 Screening which considers the likelihood of significant effects on Natura 2000 Sites of permitting the project. It is an assessment carried out in view of the best scientific knowledge to determine if the project individually or in combination with other plans or projects is likely to have a significant effect on a European site(s). Measures intended to avoid or reduce negative effects on the European sites have not been taken into account in considering whether or not this proposal requires an Appropriate Assessment.

1.2 Habitats Directive Requirements

Natura 2000, as an EU-wide network of nature protection areas, is the centrepiece of EU nature & biodiversity policy. This network aims to assure the long-term survival of Europe's most valuable and threatened species and habitats. Natura 2000 is not a system of strict nature reserves where all human activities are excluded. While the network includes nature reserves, most of the land is privately owned, with an emphasis on ensuring that future management is sustainable, both ecologically and economically. Natura 2000 sites, also known as European Sites, incorporate Special Protection Areas (SPA) designated under the 1979 Birds Directive and Special Areas of Conservation (SAC) designated by Member States under the 1992 Habitats Directive, as well as sites awaiting final approval. The European Union has provided guidance as to how to make a Habitats Directive Assessment. This guidance identifies four main stages in the process as outlined below. Each stage determines whether a further stage in the process is required. If, for example, the conclusions at the end of Stage One are that there will be no significant effects on the Natura 2000 site, there is no requirement to proceed further.

Stage One: Screening

The process identifies the likely effects upon a Natura 2000 site of a project or plan, whether alone or in combination with other projects or plans and considers whether these effects are likely to be significant.

The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded based on objective information, without extensive investigation or the application of mitigation measures, a plan or project should be considered to have a likely significant effect and appropriate assessment carried out. Where significant effects cannot be ruled out, beyond reasonable scientific doubt, at the screening stage, a Natura Impact Statement (NIS) report providing a more detailed analysis of the potential effects of a proposed

project on Natura 2000 Sites is required. It is the responsibility of the proponent of the plan or project to have an NIS prepared for submission to the Competent Authority to assist in the undertaking of an Appropriate Assessment (AA).

The 'test' of likely significant effects as outlined by Advocate General Sharpston in Case C-258/11 Sweetman, paragraph 47 is as follows:- *'It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect.'*

Measures intended to avoid or reduce negative effects on the European sites cannot be relied upon in reaching the AA Screening conclusion. Notwithstanding this, routine effective measures may be considered at the AA Screening Stage. The preliminary opinion of Advocate General Kokott as delivered in Case C-721/21 is of relevance in this regard.

Stage Two: Appropriate assessment

The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, 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 there are adverse impacts, an assessment of the potential mitigation of those impacts.

Stage Three: Assessment of alternative solutions

The process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site. It would be contrary to the requirements of the Habitats Directive to permit an option that would have adverse impacts on the conservation objectives of a Natura 2000 site if non-harmful alternative solutions have been identified.

Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain

An assessment of compensatory measures, wherein the light of an assessment of imperative reasons of overriding public interest, it is deemed that the project or plan should proceed.

1.3 Guidance Documents

This Appropriate Assessment Screening Report has been undertaken in accordance with the European Commission Methodological Guidance Notice 2021/C 437/01, on the provision of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC (EC, 2021), the European Commission Guidance 'Managing Natura 2000 sites: The provisions of the Habitats Directive' (EC, 2018) and Appropriate Assessment

guidance prepared by the NPWS (DoEHLG, 2009). Regard was also had to the European Commission (2007): 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 and to NPWS 2019 reports outlining 'The Status of EU Protected Habitats and Species in Ireland'.

Stage One Appropriate Assessment Screening Methodology

As set out in the NPWS guidance, the task of establishing whether a plan or project is likely to have an effect on a Natura 2000 site is based on a preliminary impact assessment using available information and data and other available environmental information, supplemented as necessary by local site information and ecological surveys. This is followed by a determination of whether there is a risk that the effects identified could be significant, and if so an Appropriate Assessment (AA) is required. The need to apply the precautionary principle in making any key decisions in relation to the tests of AA has been confirmed by the European Court of Justice case law. Therefore, where significant effects are likely, possible, or uncertain at the screening stage, AA will be required.

This Appropriate Assessment Screening exercise will be systematically set out in the following manner:

1. Establish whether the Plan or Project is necessary for the management of a Natura 2000 site;
2. Description of the Plan or Project;
3. Identification of Natura 2000 sites potentially affected;
4. Identification and description of individual and cumulative impacts of the project;
5. Assessment of the significance of the effects on the integrity of Natura 2000 sites (through the use of key indicators);
6. Conclusion of Screening Report.

Within this report assessment and identification of potential effects on European Sites is conducted following a standard source-pathway-receptor model, where, in order for an effect to be established all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism is sufficient to conclude that a potential effect is not of any relevance or significance.

- Source(s) – e.g. pollutant run-off from proposed works;
- Pathway(s) – e.g. waterway connecting to nearby qualifying wetland habitats;
- Receptor(s) – qualifying aquatic habitats and species of European Sites. In the interest of this report, receptors are the ecological features that are known to be utilised by the qualifying interests or special conservation interests of a European Site.

A source is any identifiable element of the Proposed Plan that is known to have interactions with ecological processes. The pathways are any connections or links between the source and the receptor.

2 Establish whether the plan or project is necessary for the management of a Natura 2000 Site

2.1 Introduction

Plans or projects that are directly connected with or necessary to the nature conservation management of a Natura 2000 site are essentially exempt from further AA-related consideration. The DEHLG 2010 Circular NPW 1/10 & PSSP 2/10, outlines that such exceptions will be comparatively rare, and it is recommended that the reasons and justifications, and any possible wider effects and mitigation measures, are assessed and recorded in advance of the decision to proceed in each case, together with evidence of consultation with the appropriate National Parks and Wildlife Service (NPWS) officials of the Department.

2.2 Assessment

It is considered that this project is not one that is necessary for the management of a Natura 2000 site and therefore AA Screening is required.

3 Description of the Project

This project would see the construction of toilet facilities within the existing carpark for the North Kerry Greenway. Full project details are provided below:

Characteristics of the Plan or Project	
Size, scale, area, land take	Approximately 300m ² including site for the new facility and external amenity space works (see Appendix I for site layout).

Characteristics of the Plan or Project	
<p>Details of physical changes that will take place during the various stages of implementing the proposal</p>	<p>The development site will be secured with safety fencing and a site access point opened within the current Amenity area. The western vehicular entrance to the site will be used for construction traffic and the public. Safety Fencing will ensure safe separation of the development site from public vehicular & pedestrian movements. All the existing site surfaces will be cleared for the facility construction and excavated to formation level.</p> <p>All waste materials will be transported off site and disposed of in a licensed construction waste disposal facility.</p> <p>All services are available within the Amenity area such as: water, sewer, power and telecoms. The building and surrounding public realm will be constructed and following commissioning the building will be opened to the public.</p>
<p>Description of resource requirements for the construction/operation and decommissioning of the proposal (water resources, construction material, human presence etc)</p>	<p>The site will be fenced off and secured. The site will include a site compound for the storage of construction materials and site welfare facilities.</p> <p>The site clearance material and excavated material to formation level will be transported off-site to a registered licensed waste disposal facility.</p> <p>The existing water, sewer, surface water, telecom and power connections will be modified for the new building. All surface water runoff will be collected and discharged via the existing surface water drainage network.</p> <p>The new building structure and surrounding area will consist of standard construction materials such as Reinforced Concrete, Wood, Stone Paving, Metal Cladding and Plastics. The building fit-out will consist of standard materials such as tiling, sanitary wear, electrical and plumbing materials.</p> <p>The construction will take approximately 8 to 10 months and a workforce of 10 – 15 persons at any one time on site.</p> <ul style="list-style-type: none"> • Site establishment, Site Clearance - 1 month • Construction of Building and Public Realm – 8 Months <p>Total Construction period 8 to 10 months – construction to begin Q2 2024 and complete Q1 2025</p>
<p>Description of timescale for the various activities that will</p>	<ul style="list-style-type: none"> • Site establishment, Demolition and Site Clearance - 1 month • Construction of Building and Public Realm – 8 Months

Characteristics of the Plan or Project	
take place as a result of implementation (including likely start and finish date)	Total Construction period 8 to 10 months – construction to begin Q2 2024 and complete Q1 2025
Description of wastes arising and other residues (including quantities) and their disposal	<p>The main operational waste will be wastewater (foul and grey water) which will be discharged to the existing connections to the public sewer.</p> <p>Solid waste will be stored in wheeled bins in the storage area at the rear of the building and collected daily or on demand during the peak usage period.</p> <p>Toilets:</p> <p>8 number WC and 2 wheelchair-accessible WC = 10 total</p> <p>4 urinals</p> <p>1 wheelchair-accessible WC/changing place room has a shower.</p> <p>Assume 1 use every 15 min for 2 WC cubicles plus 1 use every 60 min for wheelchair-accessible WC and changing places room</p> <p>Therefore 90 uses/day peak at 5 litre flush plus 1 litre hand wash.</p> <p>Total toilet volume = 540/day</p> <p>Total peak daily wastewater volume = 1620/day</p>
Description of any additional services required to implement the project or plan, their location and means of construction	None
Other	The site is located in a very busy location and construction will overlap with the peak summer months. A detailed traffic management (both vehicular and pedestrian) will be developed as part of the detailed design phase.

4 Identification of Natura 2000 Sites potentially affected.

The proposed works adjoin and are located upstream of the Lower River Shannon SAC. Several others are located within the wider area. As part of this assessment Natura 2000 sites which are located within 15 km of the development location were taken into consideration (see Figure 1).

European Natura 2000 sites located in the vicinity:

Special Areas of Conservation (SAC)

- SAC 002165 - Lower River Shannon SAC;
- SAC 002351 - Moanveanlagh Bog SAC.

Special Protection Areas (SPA)

- SPA 004161 - Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA;
- SPA 004077 - River Shannon and River Fergus Estuaries SPA.

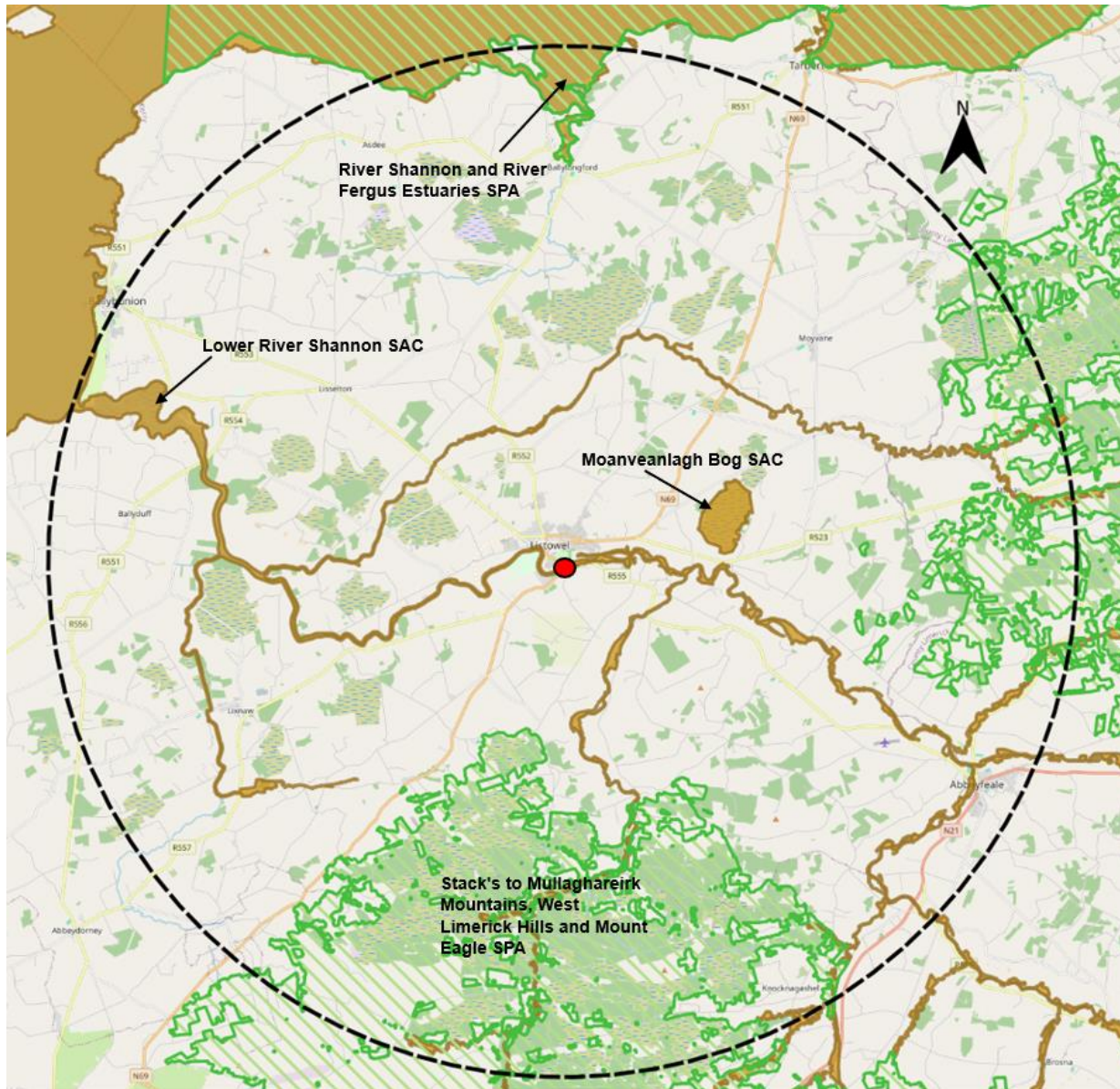


Figure 1: Natura 2000 sites located within 15 km of the proposed works (Red), SAC (Brown) and SPA (Green).

4.1 Preliminary assessment to identify which Natura 2000 Sites could potentially be affected

Preliminary Appropriate Assessment Screening Matrix: A preliminary assessment of *likely significant effects* of the project on European Natura 2000 Sites.

European Site (code)	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Lower River Shannon SAC (002165)	21 Qualify Interests (QIs) https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf	10m from SAC	Yes Based on proximity and the precautionary principle this European site is screened in for more detailed Appropriate Assessment Screening.	Yes Screened in for need for more detailed Appropriate Assessment Screening
Moanveanlagh Bog SAC (002351)	3 Qualify Interests (QIs) https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002351.pdf	4.1km northeast	No No ecological or hydrological connections/pathways exist.	No Screened out for the need for Appropriate Assessment
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004038)	QI - 1 bird species. https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004038.pdf	8.7km east	No No possibility of effects due to the separation distance and lack of meaningful pathway of impact between the SCI birds / their ecological requirements and the	No Screened out for the need for Appropriate Assessment

European Site (code)	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
			proposed development site.	
River Shannon and River Fergus Estuaries SPA (004077)	QI - 22 bird species. https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004077.pdf	11.6km north	No No possibility of effects due to the separation distance and lack of meaningful pathway of impact between the SCI birds / their ecological requirements and the proposed development site.	No Screened out for the need for Appropriate Assessment

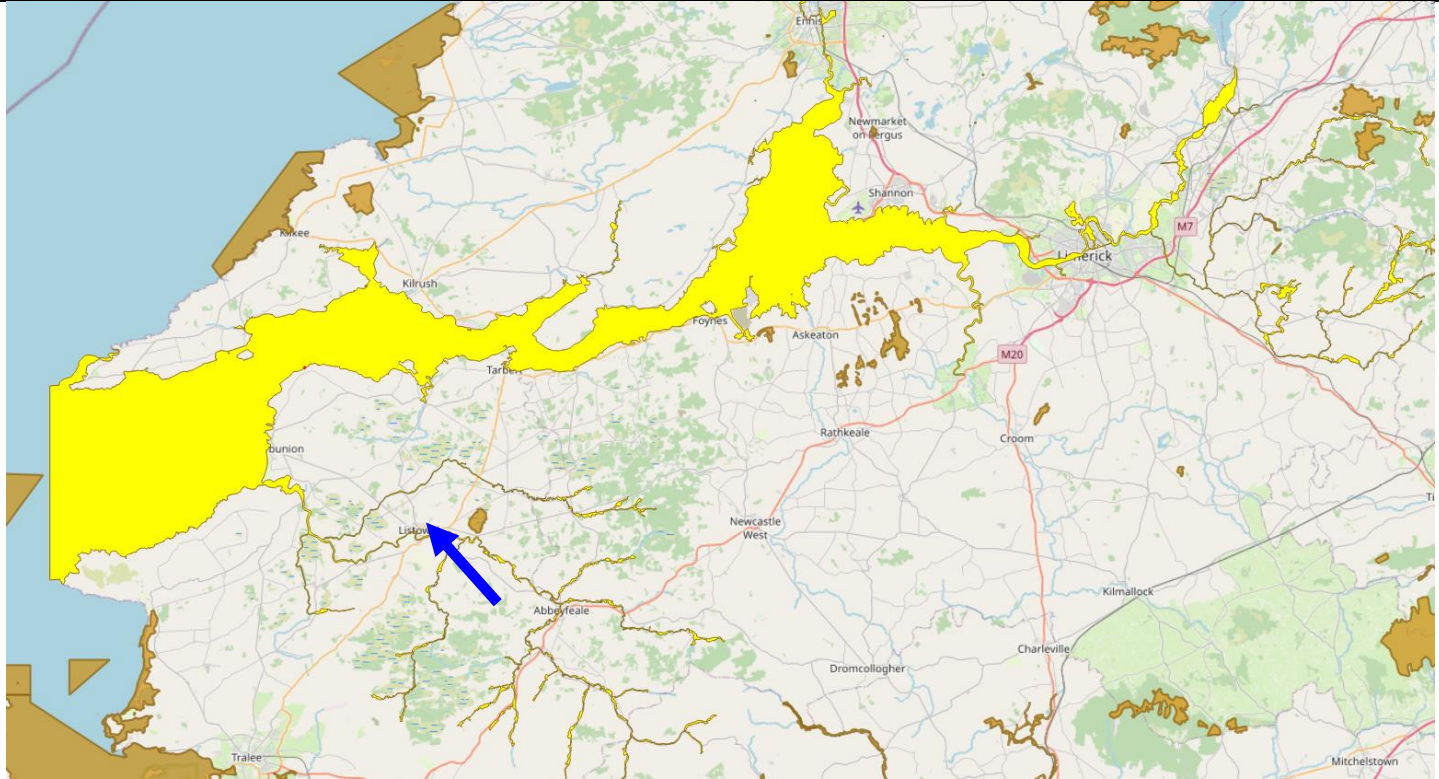
4.2 Summary of Preliminary AA Screening Exercise

The proposed works are located adjacent to the Lower River Shannon SAC. There are no other connecting pathways between the development (source) and Natura 2000 sites (receptors).

The theoretical potential for impact on the Moanveanlagh Bog SAC, Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA and River Shannon and River Fergus Estuaries SPA can be ruled out beyond reasonable scientific doubt due to the separation distance and the lack of a hydrological connection between the site works and the Natura 2000 site.

The potential for a significant effect on the Lower River Shannon SAC will be considered further in this assessment.

5 Identification and description of potential individual and cumulative significant effects of Plan or Project

Natura 2000 Site: Lower River Shannon SAC (Site Code 002165)	
Site designation status	Special Area of Conservation (SAC)
The Natura 2000 site is highlighted in yellow. Listowel is identified by the blue arrow.	
Natura 2000 Site Description	This very large site stretches along the Shannon valley from Killaloe to Loop Head/ Kerry Head, a distance of some 120 km. The site thus encompasses the Shannon, Feale, Mulkear and Fergus Estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head.

Natura 2000 Site: Lower River Shannon SAC (Site Code 002165)																			
	More information on this Natura 2000 is available from the NPWS and on-line at: http://www.npws.ie/protectedsites/																		
Conservation objectives	Core Objective: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected (Qualifying species and habitats). Detailed conservation objectives have been prepared for this Natura 2000 sites and are available on: www.npws.ie																		
Qualifying species	<p>Species</p> <ul style="list-style-type: none"> • River lamprey • Brook lamprey • Sea lamprey • Atlantic salmon • Bottlenose dolphin • European otter • Freshwater pearl mussel <table border="1"> <thead> <tr> <th colspan="2">Status of key species of interest</th> </tr> <tr> <th>Features of Interest</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Freshwater Pearl Mussel <i>Margaritifera margaritifera</i></td> <td>To restore the favourable conservation condition</td> </tr> <tr> <td>Sea Lamprey <i>Petromyzon marinus</i></td> <td>To restore the favourable conservation condition</td> </tr> <tr> <td>Brook Lamprey <i>Lampetra planeri</i></td> <td>To maintain the favourable conservation condition</td> </tr> <tr> <td>River Lamprey <i>Lampetra fluviatilis</i></td> <td>To maintain the favourable conservation condition</td> </tr> <tr> <td>Atlantic Salmon <i>Salmo salar</i> (only in fresh water)</td> <td>To restore the favourable conservation condition</td> </tr> <tr> <td>Otter <i>Lutra lutra</i></td> <td>To restore the favourable conservation condition</td> </tr> <tr> <td>Bottlenose dolphin</td> <td>To maintain the favourable conservation condition</td> </tr> </tbody> </table>	Status of key species of interest		Features of Interest	Objective	Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>	To restore the favourable conservation condition	Sea Lamprey <i>Petromyzon marinus</i>	To restore the favourable conservation condition	Brook Lamprey <i>Lampetra planeri</i>	To maintain the favourable conservation condition	River Lamprey <i>Lampetra fluviatilis</i>	To maintain the favourable conservation condition	Atlantic Salmon <i>Salmo salar</i> (only in fresh water)	To restore the favourable conservation condition	Otter <i>Lutra lutra</i>	To restore the favourable conservation condition	Bottlenose dolphin	To maintain the favourable conservation condition
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Bottlenose dolphin	To maintain the favourable conservation condition																		
Qualifying habitats	<p>Habitats</p> <ul style="list-style-type: none"> • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Coastal lagoons • Vegetated sea cliffs of the Atlantic and Baltic coasts • Salicornia and other annuals colonizing mud and sand • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 																		

Natura 2000 Site: Lower River Shannon SAC (Site Code 002165)

- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation
- Sandbanks which are slightly covered by sea water all the time
- Large shallow inlets and bays
- Reefs
- Perennial vegetation of stony banks
- Salicornia and other annuals colonizing mud and sand
- Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno- Padion*, *Alnion incanae*, *Salicion albae*)

Status of key habitats of interest

Features of Interest	Objective
Sandbanks which are slightly covered by seawater all the time	To maintain the favourable conservation condition
*Coastal lagoons	To restore the favourable conservation condition
Large shallow inlets and bays	To maintain the favourable conservation condition
Reefs	To maintain the favourable conservation condition
Perennial vegetation of stony banks	To maintain the favourable conservation condition
Vegetated sea cliffs of the Atlantic and Baltic coasts	To maintain the favourable conservation condition
Salicornia and other annuals colonizing mud and sand	To maintain the favourable conservation condition
Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)	To restore the favourable conservation condition
Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	To restore the favourable conservation condition
Estuaries	To maintain the favourable conservation condition
Mudflats and sandflats not covered by Seawater at low tide	To maintain the favourable conservation condition
Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation	To maintain the favourable conservation condition

Natura 2000 Site: Lower River Shannon SAC (Site Code 002165)		
	Molinia meadows on calcareous, peaty or Clayey-silt-laden soils (<i>Molinia caeruleae</i>)	To maintain the favourable conservation condition
	*Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)	To restore the favourable conservation condition
Non-qualifying species and habitats of interest	Additional Special Conservation Interests: A good number of Red Data Book species are also present, perhaps most notably the thriving populations of Triangular Club-rush. A number of species listed on Annex I of the E.U. Birds Directive are also present, either wintering or breeding. Indeed, the Shannon and Fergus Estuaries form the largest estuarine complex in Ireland and support more wintering wildfowl and waders than any other site in the country.	
Unit size	72,138Ha	
Condition/threats	<p>There is a wide range of land uses within the Natura 2000 site. The most common use of the terrestrial parts is grazing by cattle and some areas have been damaged through overgrazing and poaching. Much of the land adjacent to the rivers and estuaries has been improved or reclaimed and is protected by embankments (especially along the Fergus Estuary). Further, reclamation continues to pose a threat as do flood relief works (e.g., dredging of rivers). Gravel extraction poses a major threat to the Feale. In the past, Cordgrass (<i>Spartina</i> sp.) was planted to assist in land reclamation. This has spread widely and may oust less vigorous colonizers of mud and may also reduce the area of mudflats available to feeding birds.</p> <p>Domestic and industrial wastes are discharged into the Shannon, but water quality is generally satisfactory - except in the upper estuary, reflecting the sewage load from Limerick City. Analyses for trace metals suggest a relatively clean estuary with no influences by industrial discharges apparent. Further industrial development along the Shannon and water-polluting operations are potential threats. Fishing is a main tourist attraction on the Shannon and there are a large number of Angler Associations, some with a number of beats. Fishing stands and styles have been erected in places. The River Feale is a designated Salmonid Water under the E.U. Freshwater Fish Directive. Other uses of the site include commercial angling, oyster farming, boating (including dolphin-watching trips) and shooting. Some of these may pose threats to the birds and dolphins through disturbance. Specific threats to the dolphins include underwater acoustic disturbance, entanglement in fishing gear and collisions with fast moving craft.</p>	

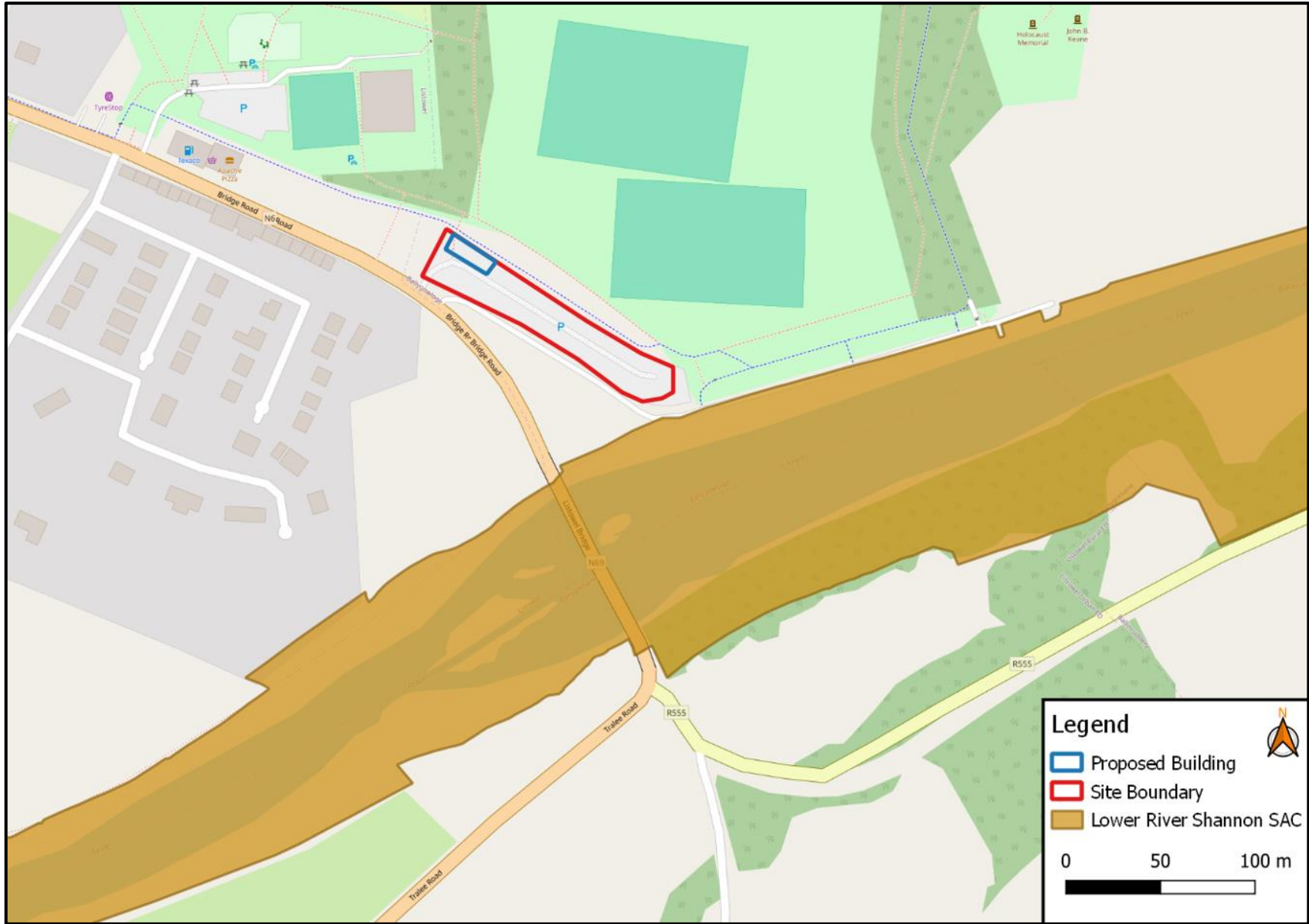


Figure 2. Proposed development location relative to the Lower Shannon SAC.

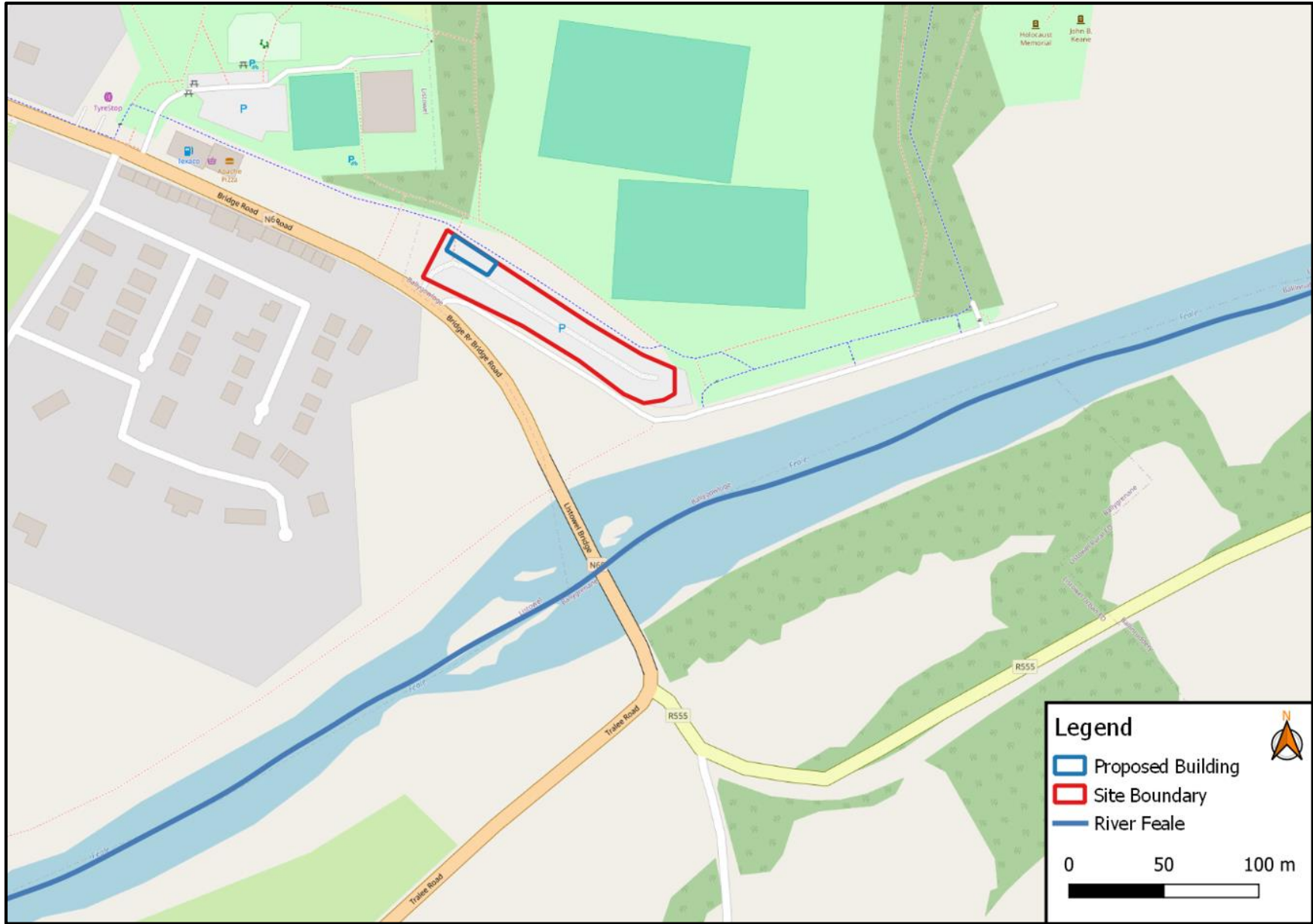


Figure 3. Proposed development location relative to the River Feale.

Identification and description of the individual and cumulative significant effects of the Plan or Project

Describe the individual elements of the project (either alone or in-combination with other plans or projects) likely to give rise to impacts on Natura 2000 Sites

Consideration of ‘in-combination’ effects

Construction aspects, including excavation works, could impact on water quality downstream by way of sediment release. Use of construction machinery could result in hydrocarbon spillages or leaks. Construction aspects could also facilitate the spread of non-native invasive species. Construction, maintenance and recreational aspects have the potential to disturb Otter.

Plans

The proposed development site is located within the area of influence of the ‘Listowel Municipal District Local Area Plan 2019-2025’ and the ‘Kerry County Development Plan 2022-2028’. These documents outline the importance of sustainable and healthier travel habits such as walking and cycling and biodiversity protection.

Projects

Land use in the area is a combination of commercial, residential, and recreational. A planning search revealed no permitted (unbuilt) developments at the general location of the proposed works, which could result in ‘in-combination’ effects. Listowel Town is the third most populous town in Kerry with a population of approx. 4,500. The Town Park (Childers Park) is the dominant land use in the area. Drinking water is abstracted from the River Feale immediately upstream of the town and at Scarleigh. Kerry Group and Irish Water have EPA licenses to discharge to the River Feale. The only likely significant effect that would arise in combination with such plans, activities and developments is a reduction in water quality in receiving watercourses.

Climate change

Climate change is likely to result in more extreme weather events.

Elements of the project, either alone or in combination, with the potential to give rise to significant effects:

Construction phase

Identification and description of the individual and cumulative significant effects of the Plan or Project	
	<p>Construction aspects, which include earthworks by machinery, could potentially result in short-term water quality impacts downstream by way of siltation and or hydrocarbon input. The following impacts could therefore potentially arise:</p> <ul style="list-style-type: none"> • Habitat degradation downstream in the Lower River Shannon SAC by way of potential water quality impacts. • Habitat degradation as a result of the potential facilitation of non-native invasive plant species can be ruled out. A small-scale infestation has been identified outside the works area. • Potential for impact on Fisheries (Atlantic Salmon and Lamprey) habitat listed for protection in the downstream SAC (Lower River Shannon SAC) by way of potential water quality impacts. • Potential disturbance or displacement impacts to Otter (listed in conservation objectives within the Lower River Shannon SAC) and potential for impact on Otter population by way of reduced prey availability associated with potential water/habitat quality impacts. <p>It is considered that more intense weather/storm events associated with climate change exacerbate the potential for a reduction in water quality in receiving watercourses.</p> <p>The potential for significant adverse effects on European sites arising from the proposed development is discussed in the following section.</p> <p>Operational phase</p> <p>No realistic potential for adverse impact was identified. The main operational waste will be wastewater (foul and grey water) which will be discharged to the existing connections to the public sewer. Solid waste will be stored in wheeled bins in the storage area at the rear of the building and collected daily or on demand during the peak usage period.</p>
Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on	<p>Size and scale</p> <p>This proposal is a relatively small-scale recreation project. The proposal is approx. 71m² in area.</p> <p>Distance from Natura 2000 Site or key features of the Site</p> <p>The proposal adjoins the Lower Shannon SAC and the River Feale.</p>

Identification and description of the individual and cumulative significant effects of the Plan or Project

Natura 2000 sites by virtue of:

- Size and scale
- Land-take
- Distance from Natura 2000 Site or key features of the Site
- Resource requirements
- Emissions
- Excavation requirements
- Transportation requirements
- Duration of construction, operation etc
- Others

Land take

There will be no land take or loss of habitat within the Natura 2000 site network as a result of this proposal. The proposed land take is located within an existing carpark, an area which is not located within the Lower Shannon SAC.

Resource and excavation requirements

Minimal requirements for excavation and building materials. No large-scale or complex excavation works are required.

Emissions

Emissions will not be significantly different to those associated with background levels. The proposed works are small in scale, short in duration and unlikely to result in a significant increase in emissions.

Transportation requirements

Works will be facilitated by the existing road access arrangements to the site.

Duration of construction, operation, etc

It is anticipated that these works will be carried out within a relatively short construction period of approximately 8 to 10 months. The operational aspects of the proposal will be permanent.

6 Assessment of significant effects on the integrity of Natura 2000 Sites

Describe any likely changes to the site arising as a result of:

- Reduction in water quality.
- Loss/Reduction of habitat area.
- Disturbance of key species.
- Reduction or fragmentation of habitat or species.
- Disturbance of key species.
- Reduction in key indicators of conservation value.
- Climate change.

Water quality – as a key indicator of conservation value

With regards to runoff, works will be localised, and the extents of excavated surface will be relatively minor at all times. Notwithstanding this the River Feale is located downstream, which forms part of the Lower River Shannon SAC and which supports Qualifying Interest (QI) species including Atlantic Salmon, Lamprey and Otter. The River Feale at 1153km² and 34.6m³/s is one of the largest rivers on the Island of Ireland and forms part of the Lower River Shannon SAC. The lower reaches of the River Feale are known as the River Cashen. It is an active river with erosion and depositional features upstream and downstream of Listowel.

A land drain enters a culvert to the north of the proposed works (as seen below). It drains water from land within the town park. This culvert discharges to the Feale downstream of the Listowel Bridge by way of a flap valve. The culvert is separated from the works by a footpath, a vegetated area and a greenway cycle lane. The separation distance and the use of standard water protection methods will reduce the risk of silt/sediment and other pollutants entering the culvert to very low levels.



The proposed works will be located within an existing carpark. There is a very low potential for overland flow to reach the Feale. The OPW-maintained flood defence embankment located at the southwestern end of the carpark and the existing natural stone wall to the south will provide a natural barrier to the potential overland flow of pollutants to the River Feale (see below).

There is no realistic potential for impact on water quality or other indicators of conservation value in this instance, taking account of the nature and small scale of the proposed works.



Loss / Reduction of habitat area

The proposed new amenity is located within an existing carpark and is located outside of Natura 2000 designations and no direct impacts on key or qualifying interest habitats will occur. The proposed works will not alter the habitats or the balance of these habitats in any way at this location. The nature of the proposal is such that there is no real potential for water quality impacts to arise – there are no development works of

significance proposed. Any accidental leakage of hydrocarbons from vehicles would be contained within the existing site which is a significant distance from the River Feale.

The potential for silt/sediment to be transported to sensitive watercourses is considered very low due to the lack of surface water drains or watercourses flowing through the works area. Existing structures as described previously will act as a natural barrier between the works site and waterbodies. Therefore, there is no potential for habitat loss or reduction of any qualifying interest habitat or functionally linked supporting habitat.

Disturbance to key species

Impact on qualifying species, having regard to conservation objectives of the Natura 2000 sites in the vicinity (disturbance reduction in density etc).

Status of key species of interest and potential for impact		
Features of Interest	Objective	Potential for impact
Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>	To restore the favourable conservation condition	It is noted that the Lower River Shannon SAC Freshwater Pearl Mussel (FWPM) Conservation Objective applies to the FWPM population in the Cloon River, Co. Clare only. Neither the proposed works nor the River Feale are located within or near the Cloon River Catchment. It is also noted that the extant FWPM population in the Feale is confined to well upstream of the present study area (Williams 2018 – Appendix 3). There is no potential for impact in this instance.
Sea Lamprey <i>Petromyzon marinus</i>	To restore the favourable conservation condition	It is noted that this proposal is located outside of the SAC and therefore direct impacts on these protected populations are unlikely. Lamprey The land drains connecting the development works to the River Feale are not accessible to Lamprey.
Brook Lamprey <i>Lampetra planeri</i>	To maintain the favourable conservation condition	
River Lamprey <i>Lampetra fluviatilis</i>	To maintain the favourable conservation condition	

	Atlantic Salmon <i>Salmo salar</i> (only in fresh water)	To restore the favourable conservation condition	<p>They discharge to a 100m culvert fitted with a flap valve. Accordingly, it is considered that this proposal has no potential to impact on Lamprey populations or their conservation status within the Lower River Shannon SAC.</p> <p>Atlantic Salmon</p> <p>The land drains connecting the development works to the River Feale are not accessible to or suitable for Salmon. The River Feale main channel does contain spawning, nursing and holding pools areas for the species. It is noted that an IFI 2013 survey showed good numbers of Salmon (mainly parr) on the main channel and that the catchment exceeded its conservation Limit for Salmon. IFI surveys of 2014 also returned good numbers of Salmon fry and parr on the Feale main channel. As discussed, no appreciable change to water quality in the River Feale is considered likely or possible. Potential for significant effects can be ruled out.</p>
	Otter <i>Lutra lutra</i>	To restore the favourable conservation condition	<p>Otters although rare in parts of Europe, are widely distributed in the Irish countryside in both marine and freshwater habitats. Other than the river Feale there are no watercourses in the vicinity likely to be used by Otters. Disturbance of Otter can be ruled out, given the habitualisation of Otters at this location to traffic / vehicular movements and to recreational activities. In addition, construction and operational activity will for the most part occur during daylight hours when the species are likely to avoid this area. This proposal has no potential to impact on fisheries populations or other resources of use to Otter.</p>

			<p>Woodland in the vicinity of watercourses can be of importance to Otters – potentially providing holting sites. This proposal does not have the potential to impact negatively on woodland as there is no woodland within the proposed site.</p> <p>It can be concluded that the proposal would not significantly impact Otter in the Lower River Shannon SAC.</p>
	Bottlenose dolphin	To maintain the favourable conservation condition	<p>The Dolphin population is associated with the Shannon Estuary. The River Feale / Cashen does not drain into the Shannon Estuary. No theoretical impact was identified as there is no realistic or viable pathway for impact between the proposed development (source) and the receptor (Bottlenose Dolphin).</p>
<p>Reduction or fragmentation of habitat or species There will be no habitat loss fragmentation or land take from a Natura 2000 site or of functionally linked habitat such as Otter habitat of potential importance as outlined in the Conservation Objective Report for the Lower River Shannon SAC.</p> <p>Disturbance of key species Disturbance of key species is unlikely to arise as a result of this proposal. Specifically, disturbance of Otter can be ruled out, given the habitualisation of otters at this location to traffic / vehicular movements and recreational activities.</p> <p>Reduction in species density and or changes in key indicators of conservation value The proposal has no realistic potential to impact water quality in the River Feale or to otherwise reduce species density change key indicators of conservation value.</p>			

	<p>Climate change Climate change is likely to result in more extreme weather events. This consideration has taken into account as part of the consideration of potential cumulative and in combination impacts.</p>
<p>Describe any likely impacts on the Natura 2000 site as a whole in terms of:</p> <ul style="list-style-type: none"> • Interference with the Key relationships that define the structure of the site • Interference with key relationships that define the function of the site 	<p>Interference with the key relationships that define the structure of the site: Key relationships that define the structure of the Natura 2000 Sites will not be interfered with or effected by way of this proposal.</p> <p>Interference with key relationships that define the function of the site: Key relationships that define the function of the Natura 2000 Sites will not be interfered with or effected by way of this proposal.</p>
<p>Describe from the above those elements of the project, or combination of elements, where the above impacts are likely to be significant or where the scale of magnitude of impacts is not known.</p>	<p>Construction works associated with this project are minor in nature, extent, complexity, and duration and will be located within an existing carpark.</p> <p>The project does not have the potential to have significant effects on Natura 2000 sites in the area or elsewhere. The potential for significant effects of the proposal has been ruled out beyond reasonable scientific doubt. Consequently, this Appropriate Assessment screening exercise concludes that a Stage 2 Natura Impact Statement / Appropriate Assessment is <u>not</u> required in this instance.</p>

7 Conclusion of Appropriate Assessment Screening Report

7.1 Conclusion Statement

It is concluded beyond reasonable scientific doubt that the proposed works, individually or in combination with other plans/projects are not likely to have a significant effect on a European site (Natura 2000 Site). It is therefore considered that a Stage 2 Appropriate Assessment / Natura Impact Statement, is not required.

7.2 Reasons for Conclusion

- The location of the proposed development within and immediately adjoining the existing carpark and outside of any designated European (Natura 2000) site,
- The nature of the construction works which are small in scale, short in duration and which involve limited excavation works;
- The lack of a viable pathway for significant effect or impact;
- The lack of in-combination effects arising from other proposed and permitted development in the vicinity;
- That there would be no significant loss or degradation of European (Natura 2000) habitat;
- That there would be no significant direct or indirect impact on qualifying habitat or species associated with European (Natura 2000) sites as a result of the proposal.

*Note: Measures intended to avoid or reduce negative effects on the European sites have not been relied upon in reaching this conclusion.

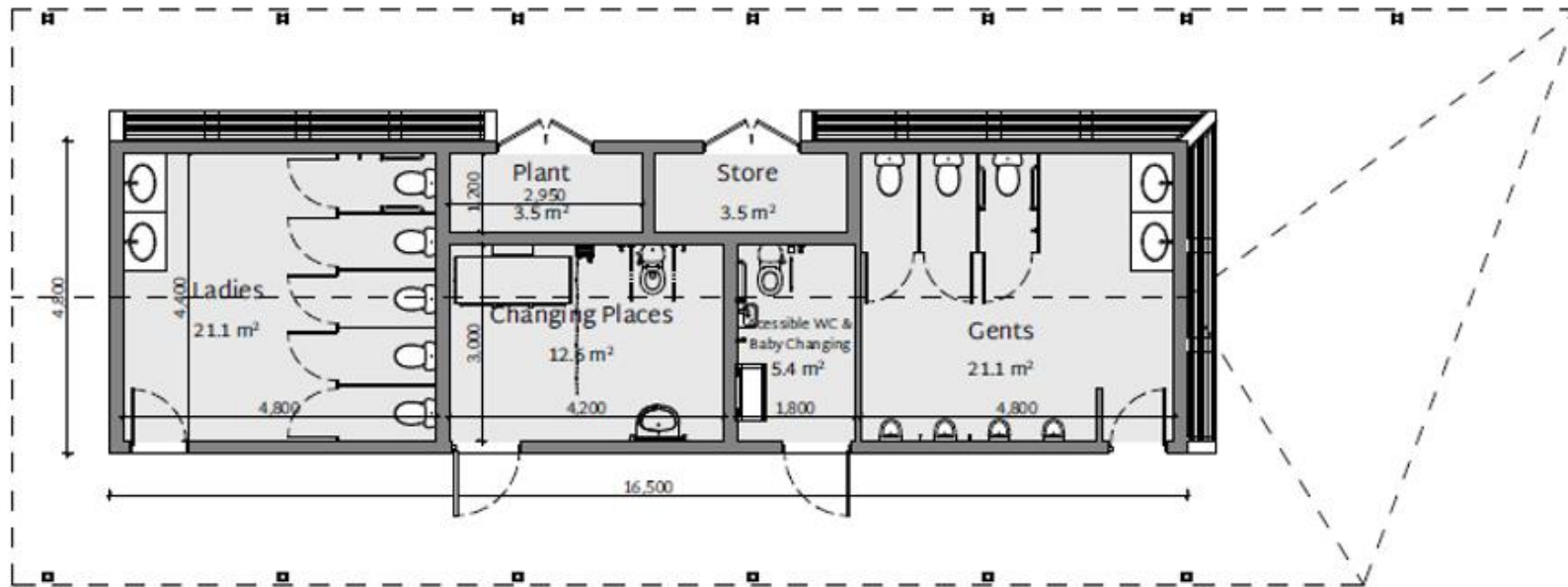
Signed:  _____

Brendan O'Connor (Ecologist)

Environmental Assessment Unit (EAU)

Date: 21/02/2024

Appendix I – Proposed Layout



Option A (iii) (Revised)

Proposed Ground Floor Plan

Scale 1:100

Area = 71m²



