

**Habitats Directive Appropriate Assessment Screening Report**  
**for the proposed**  
**Strategic Regional Road Rehabilitation Project R878, Laharn, Tralee**

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



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Kerry County Council  
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## Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Introduction .....	1
1.2	Habitats Directive Requirements .....	1
1.3	Guidance Documents .....	3
<b>2</b>	<b>Establish whether the plan or project is necessary for the management of a Natura 2000 Site.....</b>	<b>4</b>
2.1	Introduction .....	4
2.2	Assessment.....	4
<b>3</b>	<b>Description of the Project.....</b>	<b>5</b>
<b>4</b>	<b>Identification of Natura 2000 Sites potentially affected. ....</b>	<b>7</b>
4.1	Preliminary assessment to identify which Natura 2000 Sites could potentially be affected .....	9
4.2	Summary of Preliminary AA Screening Exercise .....	11
<b>5</b>	<b>Identification and description of potential individual and cumulative significant effects of Plan or Project .....</b>	<b>12</b>
<b>6</b>	<b>Assessment of significant effects on the integrity of Natura 2000 Sites .....</b>	<b>24</b>
<b>7</b>	<b>Conclusion of Appropriate Assessment Screening Report .....</b>	<b>29</b>
7.1	Conclusion Statement .....	29
7.2	Reasons for Conclusion .....	29
	<b>Appendix I.....</b>	<b>30</b>

# 1 Introduction

## 1.1 Introduction

This proposal comprises a regional road rehabilitation project which involves the construction of a footpath, public lighting and narrowing of the carriageway on the old Listowel road north of Oakpark. It seeks to provide approximately 220m of 2m wide concrete footpath with 0.5-1m wide green verge on the eastern side of the R878 Regional Road and 320m of slip form kerbing on the western side of the same road. The works will take place north of Tralee Town in the townland of Laharn. No land take is required as all works are to be carried out within the curtilage of the existing road. Additionally, depending on available funding, a 40mm overlay may also be included in the works total area of 2,240m<sup>2</sup>.

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

## 1.2 Habitats Directive Requirements

Natura 2000, as an EU-wide network of nature protection areas, is the cornerstone of EU nature and biodiversity policy. This network aims to ensure 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 a focus on ensuring that future management is sustainable, both ecologically and economically. Natura 2000 sites, also known as European Sites, encompass 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 on how to conduct a Habitats Directive Assessment. This guidance identifies four main stages in the process as outlined below. Each stage determines whether a subsequent stage in the process is necessary. If, for instance, the conclusions at the end of Stage One indicate 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 an appropriate assessment carried out. Where significant effects cannot be ruled out, beyond a 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), Appropriate Assessment Screening for Development Management (OPR, 2021) 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 within the likely 'Zone of Influence' (Zol) of the Plan or Project;
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.

The Zone of Influence (Zol) for a Plan or Project is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests (QIs) of a European site. To establish which European sites are located within the Zol, the Source-Pathway-Receptor (SPR) model is applied during the screening stage of AA, since, according to the Office of the Planning Regulator guidelines (OPR, 2021), 'a European site will only be at risk from likely significant effects where the Source-Pathway-Receptor link exists between the proposed development and the European site'.

## **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 proposal, under assessment, seeks to provide 220m of 2m wide concrete footpath with 0.5-1m wide green verge on the eastern side and 320m of slip form kerbing on the western side of the R878 Regional Road commencing north of Tralee Town in the townland of Laharn. Full project details are provided below:

<b>Characteristics of the Plan or Project</b>	
Size, scale, area, land take	220m of 2m wide concrete footpath with 0.5-1m wide green verge on the eastern side of Laharn R 878 and 320m of slip form kerbing on the western side of the road. No land take is required. All works are to be carried out within the curtilage of the existing road Depending on available funding, a 40mm overlay may also be included in the works total area of 2,240m <sup>2</sup>
Details of physical changes that will take place during the various stages of implementing the proposal	Dig out of 3m wide strip on the eastern side for 220m to facilitate the construction of the footpath. Dig out 0.3m strip on the western side for 320m to facilitate the construction of a slip form kerb. Compaction of loose material to form foundation of path and slip form kerb. Construction of footpaths in bays with reinforcement. Additional Ducting and lighting will be provided on the western side of the road. Lights to be cowled to be rear to prevent light interference to the natural habitat to west of the site.
Description of resource requirements for the construction/operation and decommissioning of the proposal (water resources, construction material, human presence etc)	Excavators, road saw, dumpers, concrete delivery truck and pump, slip form kerbing machine, Plainer, Paver, pick up trucks.  Total project will take approx. 8 weeks and 30 man hours.
Description of timescale for the various activities that will take place as a result of implementation (including likely start and finish date)	Proposed start date May 2026 to July 2026
Description of wastes arising and other residues (including quantities) and their disposal	Excavated pavement material approximately 230m <sup>3</sup> . This will constitute 106m <sup>3</sup> of bitumen bound material and the remainder 124m <sup>3</sup> of loose granular material including Clause 804

**Characteristics of the Plan or Project**

Description of any additional services required to implement the project or plan, their location and means of construction	Temporary Welfare Facilities, Temporary site compound and Temporary Traffic management
Other	

## 4 Identification of Natura 2000 Sites potentially affected.

Natura 2000 Sites are considered relevant where a source-pathway-receptor link exists between the proposed development and the European Sites. For an impact to occur, there must be a risk of a significant effect on a Natura 2000 site, enabled by having a 'source', a 'receptor' and a pathway between the source and the receptor. The characteristics of the receptor (e.g. SAC) are an important consideration in considering the potential for significant effects on the receptor.

The proposed works are located upstream of the Tralee Bay and Magharees Peninsula, West to Cloghane SAC and Tralee Bay Complex SPA. Several other European Natura 2000 sites are located within the wider area. As part of this assessment, the following Natura 2000 sites, which are located within the likely zone of influence 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 002112 - Ballyseedy Wood SAC;
- SAC 002070 - Tralee Bay and Magharees Peninsula, West to Cloghane SAC;
- SAC 002185 - Slieve Mish Mountains SAC;
- SAC 002165 - Lower River Shannon SAC;
- SAC 000332 - Akeragh, Banna and Barrow Harbour SAC.

### **Special Protection Areas (SPA)**

- SPA 004161 - Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA;
- SPA 004188 - Tralee Bay Complex SPA.



Figure 1: Natura 2000 sites located within the zone of influence 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
<b>Ballyseedy Wood SAC (002112)</b>	1 Qualify Interests (QIs) <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation-objectives/CO002112.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation-objectives/CO002112.pdf</a>	4.7km southeast	<b>No</b>  No ecological or hydrological connections/pathways exist.	<b>No</b>  Screened out for the need for Appropriate Assessment
<b>Tralee Bay and Magharees Peninsula, West to Cloghane SAC (002070)</b>	20 Qualify Interests (QIs) <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation-objectives/CO002070.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation-objectives/CO002070.pdf</a>	5.1km southwest	<b>Yes</b>  Based on proximity, the potential hydrological connection and the precautionary principle this European site is screened in for more detailed Appropriate Assessment Screening.	<b>Yes</b>  Screened in for the need for more detailed Appropriate Assessment Screening
<b>Slieve Mish Mountains SAC (002185)</b>	8 Qualify Interests (QIs) <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation-objectives/CO002185.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation-objectives/CO002185.pdf</a>	6.3km south	<b>No</b>  No ecological or hydrological connections/pathways exist.	<b>No</b>  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
<b>Lower River Shannon SAC (002165)</b>	21 Qualify Interests (QIs) <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf</a>	9.2km northeast	<b>No</b>  No ecological or hydrological connections/pathways exist.	<b>No</b>  Screened out for the need for Appropriate Assessment
<b>Akeragh, Banna and Barrow Harbour SAC (000332)</b>	9 Qualify Interests (QIs) <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000332.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000332.pdf</a>	10.3km west	<b>No</b>  No ecological or hydrological connections/pathways exist.	<b>No</b>  Screened out for the need for Appropriate Assessment
<b>Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004038)</b>	QI - 1 bird species. <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004038.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004038.pdf</a>	2.6km northeast	<b>No</b>  No possibility of effects due to the separation distance and lack of a meaningful pathway of impact between the SCI birds / their ecological requirements, and the proposed development site.	<b>No</b>  Screened out for the need for Appropriate Assessment
<b>Tralee Bay Complex SPA (004188)</b>	QI - 23 bird species. <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004188.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004188.pdf</a>	4.9km southwest	<b>Yes</b>  Based on proximity, the potential hydrological connection and the precautionary principle,	<b>Yes</b>  Screened in for the need for more detailed Appropriate

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
			this European site is screened in for more detailed Appropriate Assessment Screening.	Assessment Screening

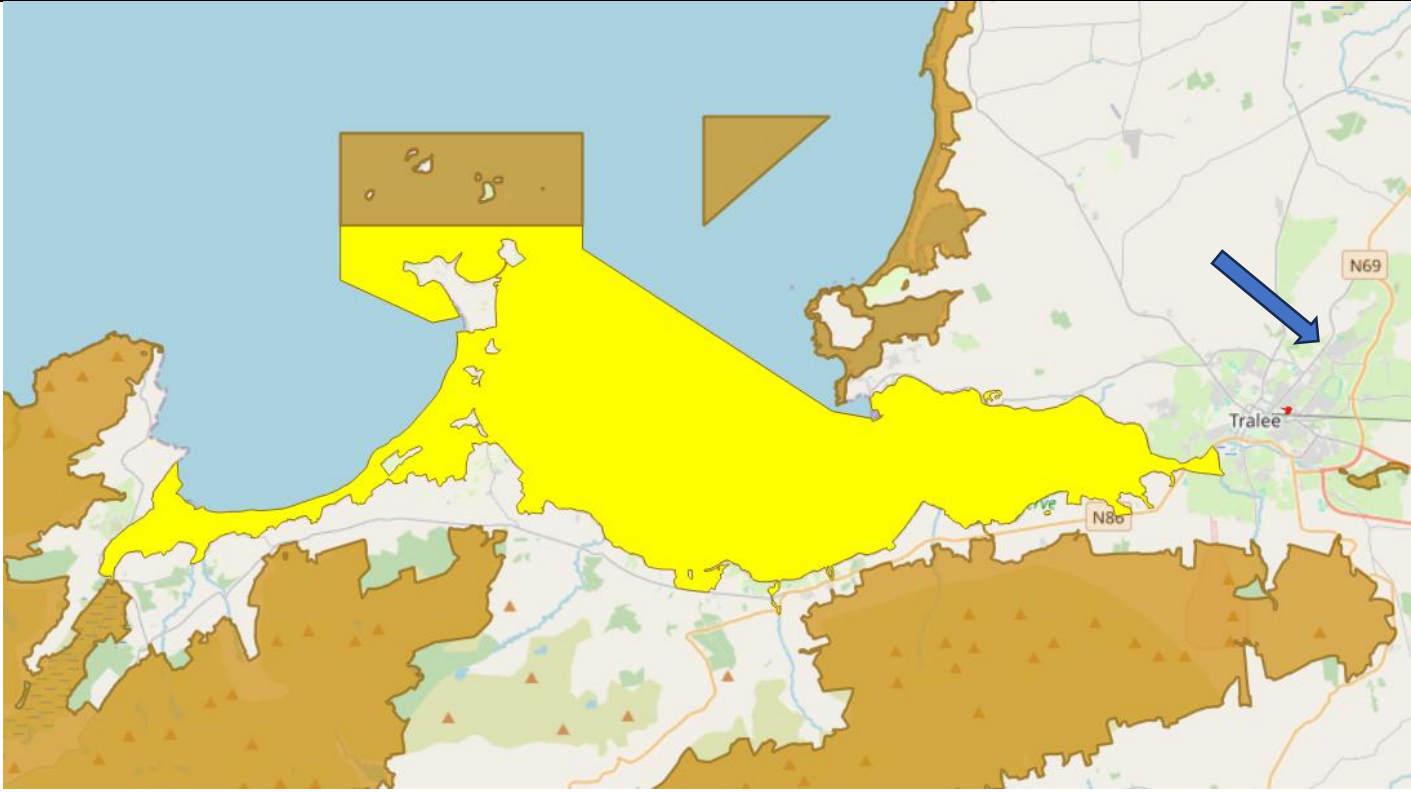
#### 4.2 Summary of Preliminary AA Screening Exercise

The proposed works area is located upstream of the Tralee Bay and Magharees Peninsula, West to Cloghane SAC and Tralee Bay Complex SPA. There are no other connecting pathways between the development (source) and Natura 2000 sites (receptors).

The potential for significant effects on Ballyseedy Wood SAC (002121), Slieve Mish Mountains SAC (002185), Lower River Shannon SAC (002165), Akeragh, Banna and Barrow Harbour SAC (000332) and Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) can be ruled out beyond reasonable scientific doubt given the separation distance and the lack of a hydrological connection between the project and these European Sites.

The potential for significant effects on the Tralee Bay and Magharees Peninsula, West to Cloghane SAC (002070) and the Tralee Bay Complex SPA (004188) 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: Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code 002070)	
<b>Site designation status</b>	<b>Special Area of Conservation (SAC)</b>
The Natura 2000 site is highlighted in yellow. The approximate location of the works is indicated by the blue arrow.	
<b>Natura 2000 Site Description</b>	This large site stretches from Tralee town westwards to Fenit Harbour and Cloghane, encompassing Tralee Bay, Brandon Bay and the Magharees Peninsula. It includes extensive mudflats at the eastern end, the beaches of Derrymore Island, the sand dunes and lagoons of the Magharees Peninsula as well as the rocky headlands at its end. The site includes two Statutory Nature Reserves, Tralee Bay and Derrymore Island, and much of the estuarine part of the site has been designated an SPA.

Natura 2000 Site: Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code 002070)									
	<p>Both the Tralee and Brandon (Owenmore) estuaries feature wide expanses of sheltered intertidal flats, often fringed with saltmarsh vegetation. The majority of Tralee Bay is shallow and composed of sublittoral sediments. In the more sheltered areas of the bay, there is a variety of important sublittoral sediment communities in which a number of rare species occur.</p> <p>More information on this Natura 2000 site is available from the NPWS and on-line at: <a href="http://www.NPWS.ie">www.NPWS.ie</a></p>								
Qualifying species	<ul style="list-style-type: none"> <li>• Otter (<i>Lutra lutra</i>) [1355]</li> <li>• Petalwort (<i>Petalophyllum ralfsii</i>) [1395]</li> </ul> <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>Otter <i>Lutra lutra</i></td> <td>To restore the favourable conservation condition</td> </tr> <tr> <td>Petalwort</td> <td>To restore the favourable conservation condition</td> </tr> </tbody> </table>	Status of key species of interest		Features of Interest	Objective	Otter <i>Lutra lutra</i>	To restore the favourable conservation condition	Petalwort	To restore the favourable conservation condition
Status of key species of interest									
Features of Interest	Objective								
Otter <i>Lutra lutra</i>	To restore the favourable conservation condition								
Petalwort	To restore the favourable conservation condition								
Qualifying habitats	<ul style="list-style-type: none"> <li>• Estuaries [1130]</li> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Coastal lagoons [1150]</li> <li>• Large shallow inlets and bays [1160]</li> <li>• Reefs [1170]</li> <li>• Annual vegetation of drift lines [1210]</li> <li>• Perennial vegetation of stony banks [1220]</li> <li>• Salicornia and other annuals colonizing mud and sand [1310]</li> <li>• Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</li> <li>• Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</li> <li>• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</li> <li>• Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</li> <li>• Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salix arenaria</i>) [2170]</li> <li>• Humid dune slacks [2190]</li> <li>• <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</li> <li>• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</li> </ul>								

**Natura 2000 Site: Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code 002070)**

<b>Status of key habitats of interest</b>	
<b>Features of Interest</b>	<b>Objective</b>
Estuaries	To maintain the favourable conservation condition
Mudflats and sandflats not covered by seawater at low tide	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
Annual vegetation of drift lines	To restore the favourable conservation condition
Perennial vegetation of stony banks	To maintain the favourable conservation condition
Salicornia and other annuals colonizing mud and sand	To maintain the favourable conservation condition
Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> )	To maintain the favourable conservation condition
Mediterranean salt meadows ( <i>Juncetalia maritimi</i> )	To maintain the favourable conservation condition
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	To restore the favourable conservation condition
Fixed coastal dunes with herbaceous vegetation (grey dunes)	To restore the favourable conservation condition
Dunes with <i>Salix repens</i> ssp. <i>argentea</i> ( <i>Salix arenariae</i> )	To maintain the favourable conservation condition
Humid dune slacks	To restore the favourable conservation condition
<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils ( <i>Molinion caeruleae</i> )	To maintain the favourable conservation condition

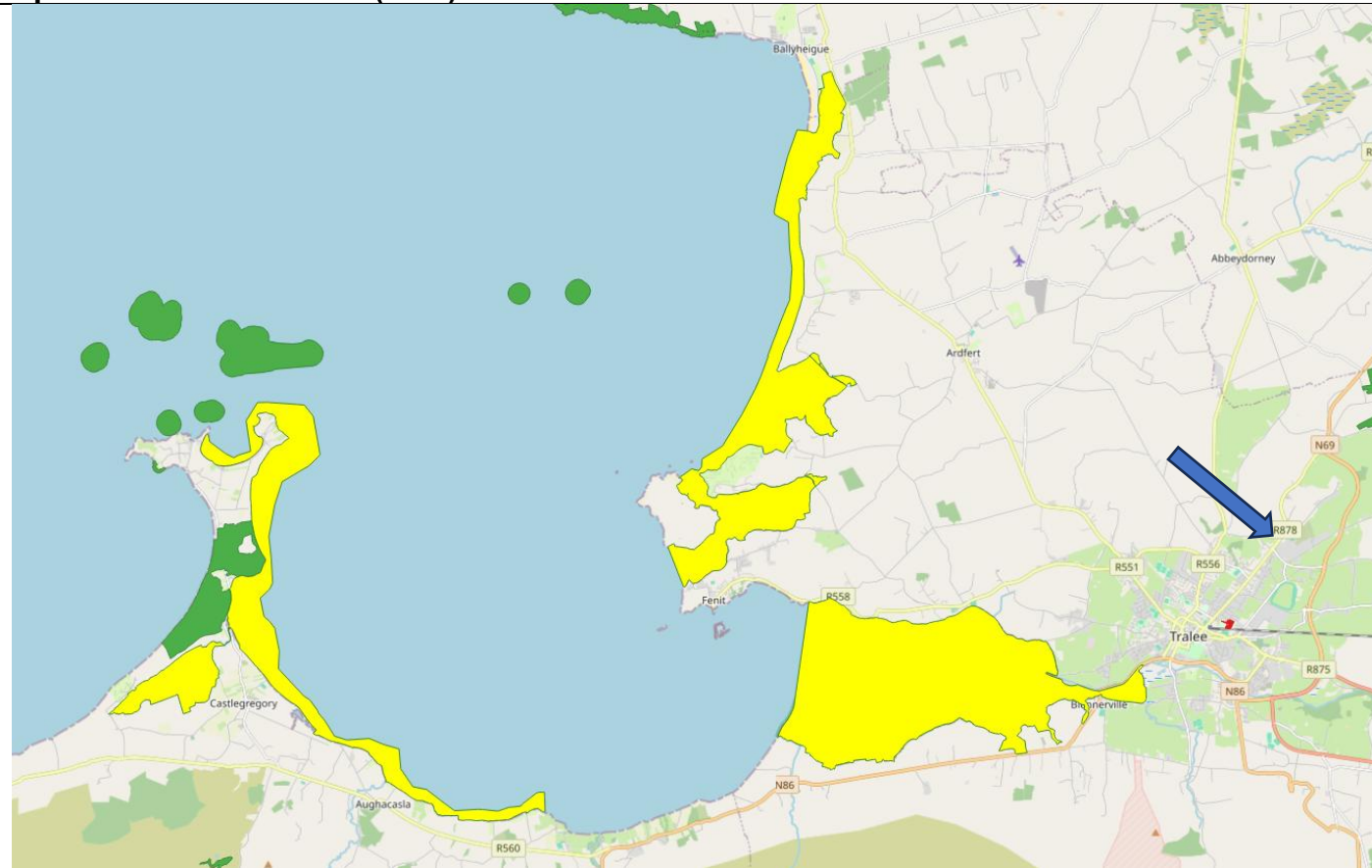
Natura 2000 Site: Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code 002070)		
	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> )	To restore the favourable conservation condition
Non-qualifying species and habitats of interest	Additional Special Conservation Interests: Several relatively rare plant species are also present and a good number of Red Data Book species. Tralee Bay, including Lough Gill, is an internationally important wetland for wintering waders and wildfowl. The presence of several Red Data Book species including the largest population of Natterjack Toads in Ireland, is notable.	
Unit size	11,632.15Ha	
Condition/threats	<p>The dunes face pressures from intensive farming practices and recreational use by visitors to the site. The most threatening activities include fertilisation of the species-rich dune grasslands, overgrazing, and trampling of areas of dunes adjacent to tourist facilities (e.g. caravan parks). These activities may lead to severe erosion of the dune system and eutrophication of the dune grasslands and dune slacks. Parts of the dune system are also vulnerable to invasion by Sea Buckthorn (<i>Hippophae rhamnoides</i>).</p> <p>Agricultural run-off from areas of fertilised dune grasslands in the vicinity of Lough Gill poses a continued threat to the nutrient status of the lagoon; algal blooms and fish kills have occurred in the past. Removal of sand has also occurred and poses a threat to the integrity of the system.</p> <p>Generally, the intertidal areas are relatively robust, although certain communities are vulnerable. For example, <i>Spartina</i> has spread widely, and may oust less vigorous colonisers of mud and may also reduce the area of mudflats available to feeding birds. Other activities, such as land reclamation and aquaculture, pose potential threats in terms of damage to habitats and potential disturbance to wintering birds. Domestic and industrial wastes are discharged into inner Tralee Bay, but water quality is generally satisfactory - except in the inner bay reflecting the sewage load from Tralee Town. Further industrial development along the bay in the vicinity of Tralee Town and Fenit and water-polluting operations are potential threats.</p>	

**Natura 2000 Site: Tralee Bay Complex SPA (Site Code 004188)**

**Site designation status**

**Special Protection Area (SPA)**

The Natura 2000 site is highlighted in yellow. The approximate location of the works is indicated by the blue arrow.



**Natura 2000 Site Description**

This Natura 2000 site is an amalgamation and extension to the following previously designated Natura 2000 sites: Lough Gill SPA (Site Code 004011), Tralee Bay SPA (Site Code 004018) and Akeragh, Banna & Barrow Harbour SPA (Site Code 004079).

Inner Tralee Bay is well sheltered by the Derrymore Island peninsula. The intertidal sediments vary from muddy sands on the upper shore to firm rippled sands on the lower, more exposed shore. The sediments

**Natura 2000 Site: Tralee Bay Complex SPA (Site Code 004188)**

have a diverse macro-invertebrate fauna, with such species as Cockle (*Cerastoderma edule*), Lugworm (*Arenicola marina*), Ragworm (*Hediste diversicolor*), Baltic Tellin (*Macorna balthica*) and Shrimp (*Crangon crangon*) occurring. The intertidal flats have extensive beds of Eelgrass (*Zostera* spp.).

Tralee Bay Complex SPA is of high ornithological importance as it annually supports over 20,000 wintering waterbirds, many of which are bird species of Special Conservation Interest (SCI), including an internationally important population of Light-bellied Brent Geese and nationally important populations of 21 other species. It is of note that three of the species that regularly occur, Whooper swan, Golden Plover and Bar-tailed Godwit, are listed on Annex I of the E.U. Birds Directive.

More information on this Natura 2000 site is available from the NPWS and online at: [www.NPWS.ie](http://www.NPWS.ie)

**Qualifying species**

- Whooper Swan (*Cygnus cygnus*) [A038]
- Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]
- Shelduck (*Tadorna tadorna*) [A048]
- Wigeon (*Anas penelope*) [A050]
- Teal (*Anas crecca*) [A052]
- Mallard (*Anas platyrhynchos*) [A053]
- Pintail (*Anas acuta*) [A054]
- Scaup (*Aythya marila*) [A062]
- Oystercatcher (*Haematopus ostralegus*) [A130]
- Ringed Plover (*Charadrius hiaticula*) [A137]
- Golden Plover (*Pluvialis apricaria*) [A140]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Lapwing (*Vanellus vanellus*) [A142]
- Sanderling (*Calidris alba*) [A144]
- Dunlin (*Calidris alpina*) [A149]
- Black-tailed Godwit (*Limosa limosa*) [A156]
- Bar-tailed Godwit (*Limosa lapponica*) [A157]
- Curlew (*Numenius arquata*) [A160]
- Redshank (*Tringa totanus*) [A162]
- Turnstone (*Arenaria interpres*) [A169]
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
- Common Gull (*Larus canus*) [A182]

<b>Natura 2000 Site: Tralee Bay Complex SPA (Site Code 004188)</b>	
Qualifying habitats	<ul style="list-style-type: none"> <li>• Wetland and Waterbirds [A999]</li> </ul>
Non-qualifying species and habitats of interest	-
Unit size	The Tralee Bay Complex SPA is located along the coast of North Co. Kerry between Ballyheigue in the north, Tralee in the east and Stradbally in the west. The site includes the inner part of Tralee Bay, including Derrymore Island, the inlets of Barrow Harbour and Carrahane Strand, Akeragh Lough, Lough Gill, and much of the intertidal habitat from Scraggane Point at the northern end of the Magharees Peninsula around the coast to the south of Ballyheigue.
Condition/threats	Part of Tralee Bay SPA is a Statutory Nature Reserve and there appears to be no serious threats to the wintering birds within this area. However, the intertidal areas receive somewhat polluted water via the River Lee and there may be some disturbance from walkers, free-running dogs, sailing activities and bait-digging. Land reclamation also poses a threat in certain areas as does the spread of exotic species (habitat loss/alteration).

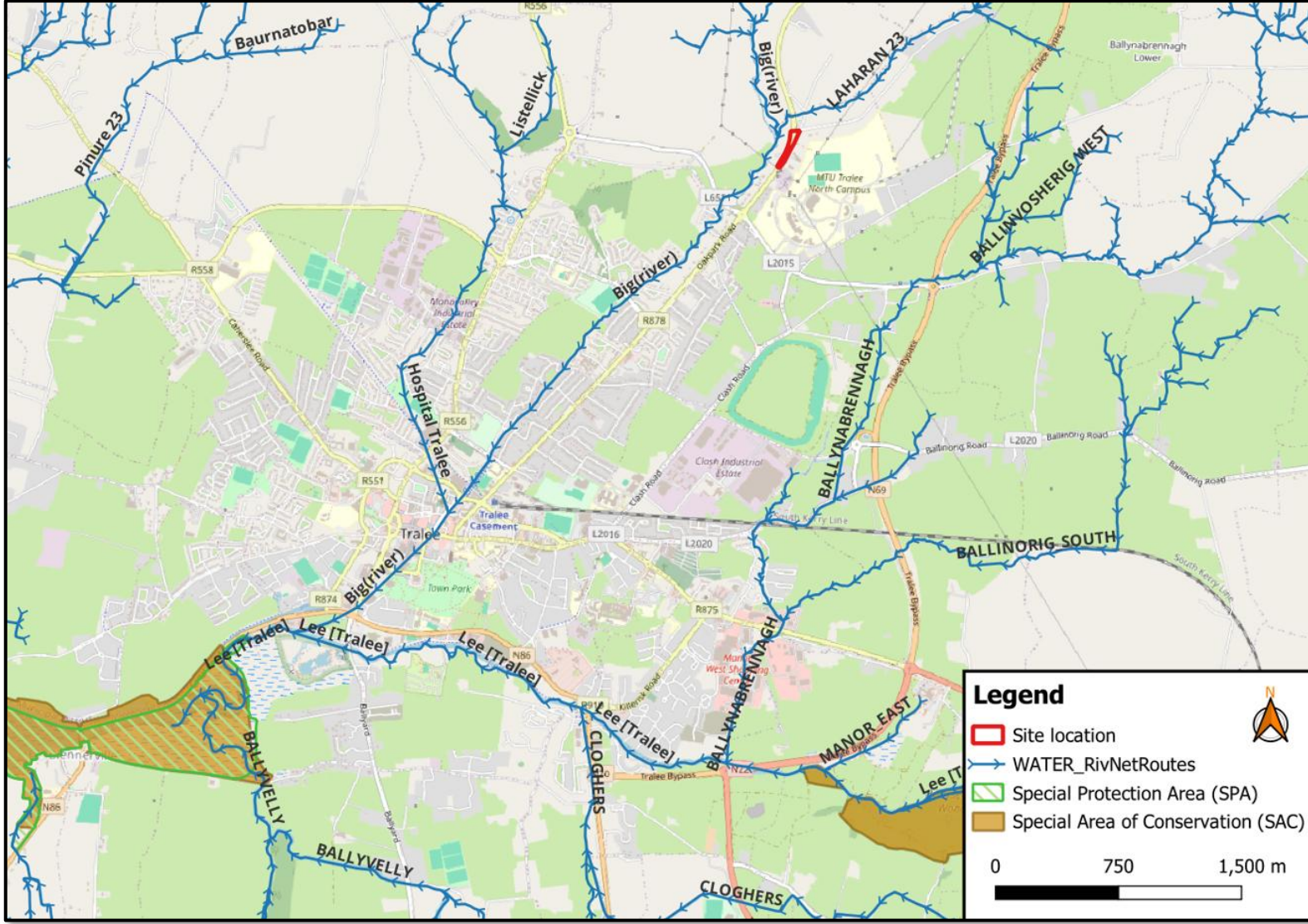


Figure 2. Map showing proposed development location relative to the SACs, SPAs and watercourses in the area.



Figure 3: Map showing R878 roadway and relevant watercourses.

**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 water quality downstream by way of sediment release. The use of construction machinery could result in hydrocarbon spillages or leaks. Construction aspects could also facilitate the spread of non-native invasive species.

**Plans**

The proposed development site is located within the area of influence of the ‘Tralee Municipal District Local Area Plan 2018-2024’ and the ‘Kerry County Development Plan 2022-2028’. These documents outline the importance of transport connectivity and biodiversity protection.

**Projects**

Land use in the area is a combination of commercial, residential, educational, 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.

**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:**

The proposed project is located within the zone of influence of the Tralee Bay and Magharees Peninsula West to Cloghane SAC (Site Code 002070), and Tralee Bay Complex SPA (Site Code 004188).

Loss of habitat is not possible as works are confined to within the existing road boundaries (disturbed ground, made ground, grassy verge and other non-qualifying interest habitat). Excavations associated with the construction phase will generate unconsolidated material, though it is noted that deep excavations are not required in this instance. In addition, the small scale and the nature of the work proposed, which involves a limited area under excavation at any time and all within the existing road boundaries, ensure that the potential for such an impact arising is low.

Identification and description of the individual and cumulative significant effects of the Plan or Project	
	<p>There is no potential for construction stage species disturbance. The R878 Regional Road is a busy roadway. No additional noise or disturbance of significance is likely to arise. There is no potential for any operational stage impacts given the nature of the proposed upgrade works within the existing road boundaries.</p> <p>Summary of elements of the project which have the potential to give rise to significant effects:  <i>Excavations associated with the construction phase can generate unconsolidated material which could potentially make its way to watercourses and reduce water quality (sedimentation) – though the risks of same are considered to be low.</i></p>
<p>Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on Natura 2000 sites by virtue of:</p> <ul style="list-style-type: none"> <li>• Size and scale</li> <li>• Land-take</li> <li>• Distance from Natura 2000 Site or key features of the Site</li> <li>• Resource requirements</li> <li>• Emissions</li> <li>• Excavation requirements</li> <li>• Transportation requirements</li> <li>• Duration of construction, operation etc</li> <li>• Others</li> </ul>	<p><b>Size and scale</b>  This proposal is a relatively small-scale pavement improvement project. The proposal is c.300m in length.</p> <p><b>Distance from Natura 2000 Site or key features of the Site</b>  The proposed works area is located upstream of the Tralee Bay and Magharees Peninsula West to Cloghane SAC and Tralee Bay Complex SPA. The Big River (EPA_Code 23B04) flows to the west of the proposed works (as shown in Figure 3). The Big River provides a hydrologic connection to the SAC and SPA downstream. It should be noted that there is a significant distance between the proposed works and the Big River.</p> <p><b>Land take</b>  There will be no land take or loss of qualifying or potentially supporting habitat associated with the Natura 2000 site network as a result of this proposal.</p> <p><b>Resource and excavation requirements</b>  Minimal requirements for excavation and building materials. No large-scale or complex excavation works are required.</p>

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

**Emissions**

Emissions will not be significantly different to those associated with maintenance and usage of the existing roadway. 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 network.

**Duration of construction, operation, etc**

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

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

<p>Describe any likely changes to the site arising as a result of:</p> <ul style="list-style-type: none"> <li>• Reduction of habitat area</li> <li>• Disturbance of key species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction in species density</li> <li>• Changes in key indicators of conservation value</li> <li>• Climate change</li> <li>• Invasive Species</li> </ul>	<p><b>Loss / Reduction of habitat area</b></p> <p>The proposal would be accommodated within the existing road boundaries. No loss or degradation of any Natura 2000 qualifying habitat will result from this proposal. The proposed development site is not located within the Tralee Bay and Magharees Peninsula, West to Cloghane SAC or the Tralee Bay Complex SPA.</p> <p>The Conservation Objectives (COs) of Tralee Bay and Magharees Peninsula, West to Cloghane SAC<sup>1</sup> list a number of habitats included as Qualifying Interests for this SAC site. These habitats are predominantly coastal, and it is not reasonably foreseeable that the proposed works will result in significant alteration impacts on these coastal and saline/marine habitat types.</p> <p>The COs of this SAC further list 'Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]' habitat type as a woodland Qualifying Feature of Interest. The mapping in the COs for this SAC site indicates that this habitat type is not located in the vicinity of the proposed works.</p> <p>Additionally, the COs for the Tralee Bay Complex SPA<sup>2</sup> list 'Wetland and Waterbirds [A999]' as a resource for the regularly occurring migratory waterbirds that utilise it. The Conservation objective target for this habitat is that 'the permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 3,657 hectares, other than that occurring from natural patterns of variation'. Due to the separation distance and lack of direct hydrological connection, it is not reasonably foreseeable that the proposed works will result in significant effects on this target.</p> <p>Therefore, the proposed works have no potential to cause habitat loss or the reduction of any qualifying interest habitat or functionally linked supporting habitat.</p>
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<sup>1</sup> NPWS (2014) Conservation Objectives: Tralee Bay and Magharees Peninsula, West to Cloghane SAC 002070. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

<sup>2</sup> NPWS (2014) Conservation Objectives: Tralee Bay Complex SPA 004188. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

**Changes in key indicators of conservation value, such as a decrease in water quality and quantity**

Construction projects can release sediment once the soil is disturbed. In this instance, the small scale and the nature of the work, which involves a limited area under excavation at any time, ensure that the potential for such an impact arising in this instance is low.

There is a significant distance between the proposed works and the Big River, which flows into the SAC and SPA. In the unlikely event that soiled water containing sediment would enter the lands between the works and the river, it would be contained naturally, and no soiled water would reach the river. The addition of routine effective measures in the form of silt fencing will further reduce the risk of unconsolidated material reaching the watercourse during the construction phase. It is therefore considered that any such release would not impact Natura 2000 or functionally linked habitat quality downstream, having regard to the minor scale of the works generally within existing road boundaries.

**Disturbance to key species**

Disturbance of key species can be ruled out with certainty in this instance, as the noise and activities associated with the development works will be temporary in nature and will not differ significantly from those associated with the existing use of land in the area. Operational stage impacts will be similar to existing ones and are not likely to be significant. This will be further assessed below:

**Effect on qualifying species, having regard to conservation objectives of the Natura 2000 Sites in the vicinity (reduction in density, etc.).**

<b>Status of key species of interest and potential for impact - Tralee Bay and Magharees Peninsula, West to Cloghane SAC.</b>		
<b>Features of Interest</b>	<b>Objective</b>	<b>Potential for likely significant effects</b>
Petalwort <i>Petalophyllum ralfsii</i>	To restore the favourable conservation condition	This species is not present within or adjacent to the proposed development. It is also not within the vicinity of the proposed development in such a manner that it could be influenced by changes to hydrology (e.g. drainage or flooding regimes) or the transfer of materials/substances (e.g. nutrients, sediment, chemicals, etc.)  Petalwort is mapped as occurring on the dune

			<p>slacks on the Magharees Peninsula, a considerable distance from the proposed development.</p> <p>It can be concluded that the proposal would not have a likely significant effect on Petalwort in the Tralee Bay and Magharees Peninsula, West to Cloghane SAC.</p>
	<p>Otter <i>Lutra lutra</i></p>	<p>To restore the favourable conservation condition</p>	<p>Otters, although rare in parts of Europe, are widely distributed in the Irish countryside in both marine and freshwater habitats. Otter has been identified as utilising Tralee Bay and the Canal.</p> <p>Disturbance of otters can be ruled out, given the habituation of otters at this location to traffic / vehicular movements and recreational activities. In addition, construction will for the most part occur during daylight hours when the species are likely to avoid this area. Once operational, this proposal has no potential to impact 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 have a likely significant effect on Otter in the Tralee Bay and Magharees Peninsula, West to Cloghane SAC.</p>

<b>Status of key species of interest and potential for theoretical impact - Tralee Bay Complex SPA</b>		
<b>Features of Interest</b>	<b>Objective</b>	
Whooper Swan ( <i>Cygnus cygnus</i> ) Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) Shelduck ( <i>Tadorna tadorna</i> ) Wigeon ( <i>Anas penelope</i> ) Teal ( <i>Anas crecca</i> ) Mallard ( <i>Anas platyrhynchos</i> ) Pintail ( <i>Anas acuta</i> ) Scaup ( <i>Aythya marila</i> ) Oystercatcher ( <i>Haematopus ostralegus</i> ) Ringed Plover ( <i>Charadrius hiaticula</i> ) Golden Plover ( <i>Pluvialis apricaria</i> ) Grey Plover ( <i>Pluvialis squatarola</i> ) Lapwing ( <i>Vanellus vanellus</i> ) Sanderling ( <i>Calidris alba</i> ) Dunlin ( <i>Calidris alpina</i> ) Black-tailed Godwit ( <i>Limosa limosa</i> ) Bar-tailed Godwit ( <i>Limosa lapponica</i> ) Curlew ( <i>Numenius arquata</i> ) Redshank ( <i>Tringa totanus</i> ) Turnstone ( <i>Arenaria interpres</i> )	To maintain the favourable conservation condition	<p>The ecological characteristics, requirements &amp; specialities of the SCI species largely restrict their distribution to habitats which are not identified within the proposed development site. The SCI species are either intertidal, shallow, or sheltered &amp; shallow subtidal mud and/or sand flat feeders. The Conservation Objective attribute target for the distribution of these SCIs is 'No significant decrease in the range, timing and intensity of use of areas other than that occurring from natural patterns of variation'. The proposed development is located on an existing road, which is located in an urban environment and is therefore subject to regular disturbance. It is considered that there is no possibility of effects on SCI birds due to the separation distance from the development to areas of interest for the species and the lack of any meaningful ecological connection between the SCI birds / their ecological requirements and the proposed development site.</p> <p>It can be concluded that the proposal would not have a likely significant effect on SCI species associated with the SPA from the construction or operational phase can be ruled out, having regard to the existing developments in the area and land uses.</p>

	<p><b>Invasive Species</b> There were no invasive species identified with the footprint of the proposed works.</p> <p><b>Climate change</b> Climate change is likely to result in more extreme weather events. This consideration has been considered as part of this assessment.</p> <p>Having regard to the above, it is considered that significant changes to Natura 2000 sites, key habitats or species are not likely to occur.</p>
<p>Describe any likely impacts on the Natura 2000 site as a whole in terms of:</p> <ul style="list-style-type: none"> <li>• Interference with the Key relationships that define the structure of the site</li> <li>• Interference with key relationships that define the function of the site</li> </ul>	<p><b>Interference with the key relationships that define the structure of the site:</b> 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><b>Interference with key relationships that define the function of the site:</b> 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 make use of the existing road infrastructure and overall are relatively minor in scale, complexity and duration and do not have the potential to have significant effects on Natura 2000 European 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 a 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 road development works within and immediately adjoining the boundaries of the existing public road;
- The nature of the works, which are small in scale, short in duration and involve limited excavation works;
- The lack of a viable pathway for significant effect or impact;
- The lack of in-combination effects arising from other projects 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 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: 03/03/2026

# Appendix I – Site Layout



**DRAFT**