



Screening Report for Appropriate Assessment

Screening Report for Appropriate Assessment in relation to a Part 8 planning application by Tipperary County Council for the Nenagh Historic and Cultural Quarter Public Realm Project, Nenagh, Co. Tipperary.

Greentrack Environmental Consultants

November 2023

DOCUMENT DETAILS

Client: Tipperary County Council

Project Title: Appropriate Assessment Screening Report

Project Number: 23.1004

Document Title: AA Screening Report – TCC Nenagh H&CQ

Completion Date: 3rd November 2023

Prepared By:



Greentrack Consultancy Limited
4 Roe House,
Dry Arch Business Park,
Letterkenny,
Co. Donegal
F92 NHT0

074 9126483

Table of Contents

List of Figures	3
List of Tables	3
1 INTRODUCTION	4
1.1 Background	4
1.2 Legislative Context	4
1.3 Stages of the Appropriate Assessment Process.....	5
2 METHODOLOGY	6
2.1 Approach.....	6
2.2 Guidance Documents.....	6
2.3 Statement of Authority	6
3 DESCRIPTION OF THE PROJECT	7
3.1 Project Description.....	7
4 THE RECEIVING ENVIRONMENT	9
4.1 General Location	9
4.2 Site Description and Biodiversity	9
4.3 Hydrology	9
5 NATURA 2000 SITES	10
5.1 Identification of Natura 2000 Sites	10
5.2 Conservation Status	13
6 ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS	13
6.1 Review of Potential Impacts	13
6.2 Cumulative Effects	14
7 CONCLUSION AND SCREENING STATEMENT	19
References:	20

List of Figures

Figure 1.1: Stages of Screening	5
Figure 3.1: Site boundary of public realm and footpaths	8
Figure 3.2: Zones within Nenagh Historical and Cultural Quarter public realm	8
Figure 4.1: Subject site location.....	9
Figure 4.2: Current hydrological connection from site to the Natura 2000 sites.....	10
Figure 5.1: Proximal Natura 2000 sites	12
Figure 6.1: Public Realm area including the Rialto site with public realm elements.....	16

List of Tables

Table 5.1: Screening of Natura 2000 Sites within Zone of Influence.....	11
Table 6.1: Cumulative Impact Assessment of Plans listed on the Local Authority Database	15
Table 6.2: Screening Determination of Proposed Development on Natura 2000 sites.	17

1 INTRODUCTION

1.1 Background

Greentrack Consultants have been instructed by Tipperary County Council c/o Robin Lee Architecture, 71 Queensway, London, W2 4QH to undertake this Screening Report for Appropriate Assessment under Article 6 of the EU Habitats Directive, examining their proposal for the implementation of various environmental improvements to the Historical and Cultural Quarter and all associated development works in the centre of Nenagh, Co. Tipperary.

This Screening Report has been prepared by Greentrack Consultants with all reasonable care, due diligence, professional application, and best scientific knowledge available to Greentrack at the time of writing. Information contained within this report is based on the interpretation of data collected and has been accepted by Greentrack in good faith. Greentrack accept no responsibility to any third party to whom this report is made known or available. Any such third parties rely on the findings of this report at their own risk. The aim of this screening report is to aid the Competent Authority in determining whether or not an “Appropriate Assessment” is required for the proposed works. This report will assess any likely significant effects or impacts (if any) caused by the proposed development on any Natura 2000 sites within the zone of influence of this proposed development, both independently and in conjunction with other plans and projects.

1.2 Legislative Context

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as “*The Habitats Directive*”, provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/ECC) as codified by Directive 2009/147/EC.

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (AA):

Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

Article 6(4) states:

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

1.3 Stages of the Appropriate Assessment Process

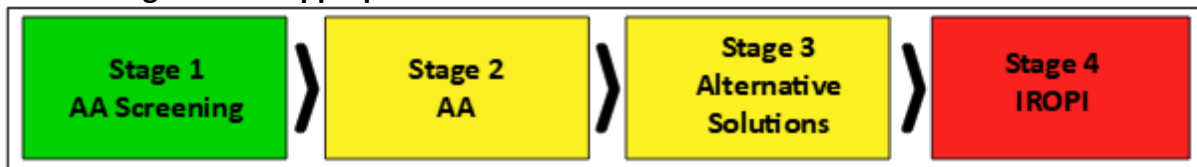


Figure 1.1: Stages of Screening

Stage 1 - Screening for any likely significant impacts. Screening involves an initial assessment of the project or plan's effect on a Natura 2000 site(s). If it cannot be concluded that there will be no significant effect upon a Natura 2000 site, an Appropriate Assessment is required. The process addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

- I. whether a plan or project is directly connected to or necessary for the management of the site, and
- II. whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation. The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage on grounds of no impact. This report provides the information necessary to enable the appropriate authority to screen the proposed development for the requirement to prepare an Appropriate Assessment.

Stage 2 - Appropriate Assessment (Natura Impact Statement or NIS): The consideration of the impact on the integrity of the Natura 2000 site(s) from 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 3 – 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. The process must return to Stage 2, as alternatives will require appropriate assessment in order to proceed. Demonstrating that all reasonable alternatives have been considered and assessed, and that the least damaging option has been selected, is necessary to progress to Stage 4.

Stage 4 – Assessment where no alternative solutions exist and where adverse impacts remain: Stage 4 is the main derogation process of Article 6(4), which examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project that will have adverse effects on the integrity of a Natura 2000 site to proceed in cases where it has been established that no less damaging alternative solution exists. Compensatory measures must be proposed and assessed. The Commission must be informed of the compensatory measures. Compensatory measures must be practical, implementable, likely to succeed, proportionate and enforceable, and they must be approved by the Minister. Each listed stage determines whether a further stage in the process is necessary. If, for example, the conclusions at the end of Stage One are that there will be no significant impacts on the Natura 2000 site(s), there is no requirement to proceed further.

Following on from Article 6(3) of the Habitats Directive the objective of this report is to screen for “Any Likely Significant Effects” and to conclude whether or not an Appropriate Assessment is necessary for the proposed development. This report will screen the proposed development against the qualifying interests of Natura 2000 sites within its zone of influence and will examine any likely significant effects that the proposed activity may have on these sites.

2 METHODOLOGY

2.1 Approach

The methodology used for this screening report is undertaken in the following stages:

- Define the project and determine whether it is necessary for the conservation management of Natura 2000 sites.
- Identify Natura 2000 sites likely to be influenced by this development.
- Review the project to determine if it has the potential to affect the Natura 2000 sites and determine whether the Natura 2000 sites are vulnerable to the effect.
- Identify other plans or project that, in combination with this project, have the potential to affect Natura 2000 sites.
- If potential significant effects on Natura 2000 sites cannot be excluded at this stage, Stage 2 appropriate assessment is required.
- If potential significant effects on Natura 2000 sites can be excluded at this stage, Stage 2 appropriate assessment is not required.

2.2 Guidance Documents

This report was carried out in accordance with relevant guidance, in particular:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. Department of Environment, Heritage and Local Government, 2010.
- European Commission. Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. Office for Official Publications of the European Communities, Luxembourg, 2018.
- Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC. European Commission, 2002.
- Guidance Document on Article 6 (4) of the 'Habitats Directive' 92/43/EEC. Clarification of the Concepts of Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence. Opinion of the European Commission. European Commission, 2007 / 2012.
- Habitats Directive and environmental assessment of plans and projects. García Ureta, A. Journal for European Environmental and Planning Law 2, 8496, 2007.
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10.
- Compliance Conditions in respect of Developments requiring (1) Environmental Impact Assessment (EIA); or (2) having potential impacts on Natura 2000 sites. Circular letter PD 2/07, NPWS 1/07.
- Compliance of Existing Land Use Plans with the EU Habitats Directive. Department of Environment, Heritage and Local Government (2011) Circular Letter PSSP 5/2011.
- Communication from the Commission on the precautionary principle (European Commission, 2000).
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (European Commission, 2019).
- Assessment of plans and projects in relation to Natura 2000 Sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC Brussels, 28.9.2021 C (European Commission, 2021); and,
- Appropriate Assessment Screening for Development Management, OPR Practice Note PN01, Office of the Planning Regulator March 2021.

2.3 Statement of Authority

This report has been prepared by Shannen McEwen, Ecologist with Greentrack. Shannen holds a B.Sc. (Hons) Environmental Science with a Diploma in Professional Practice from the University of Ulster.

She has been involved in all aspects of Appropriate Assessment, Natura Impact Statement and Environmental Impact Assessment preparation since 2017. Shannen is an Associate Member of the Institution of Environmental Sciences.

3 DESCRIPTION OF THE PROJECT

3.1 Project Description

The proposal is for a wide range of environmental improvements to the historical and cultural quarter of Nenagh. The project is described in 7 different zones found within Nenagh town centre:

- Banba Square
- Castle Forecourt
- Castle Bailey
- Castle Field
- Nenagh Gaol
- Bachelor's Walk
- Footpaths Upgrade

Works proposed are slightly different in each zone depending on the particular requirements of each zone but common proposals to almost all zones are:

- Decluttering of existing public realm
- Conservation of existing historic buildings
- Upgrade of existing surface materials and finishes
- Uplighting
- New street furniture, paving, planting and lighting
- Reallocation of space for increased pedestrian areas
- Increased planting and nature-based SUDs drainage

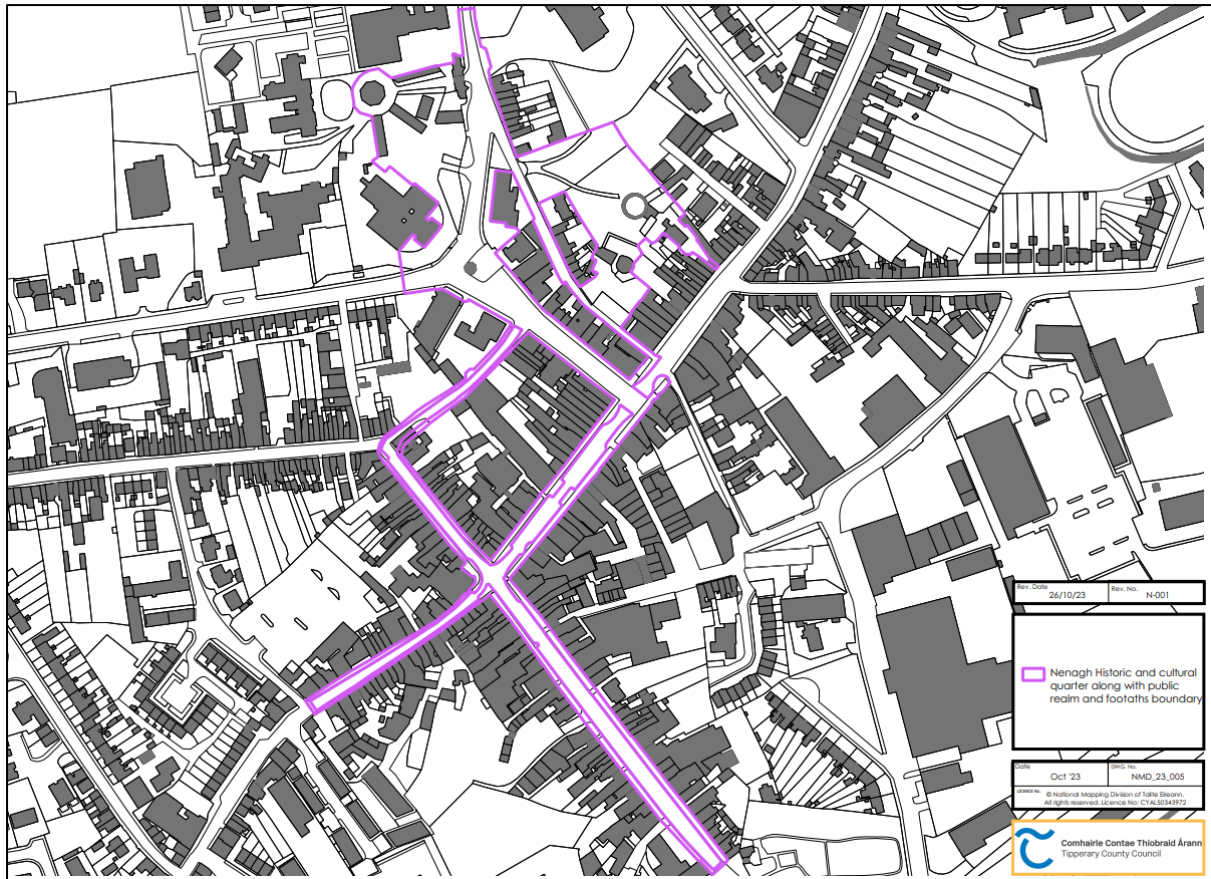
There are other elements of public realm linked to this project such as the public realm proposed as part of the Rialto digital and enterprise hub project. The Rialto project does not fall under the scope of this application but is assessed in the in-combination effects as it is linked to the proposal contained within the Nenagh Historic and Cultural Quarter public realm project.

Figure 3.1 shows the proposed site boundary of the public realm and footpaths. Figure 3.2 shows the various zones within the overall public realm project. The project can be considered in two distinct stages:

- **Construction Stage**
 - Site clearance
 - Construction/Re-surfacing of footpaths and open spaces.
 - Hard landscaping with street furniture, paving and lighting.
 - Landscaping of the site with native trees and shrubs.
- **Operational Stage**
 - Standard day to day use of the public realm space

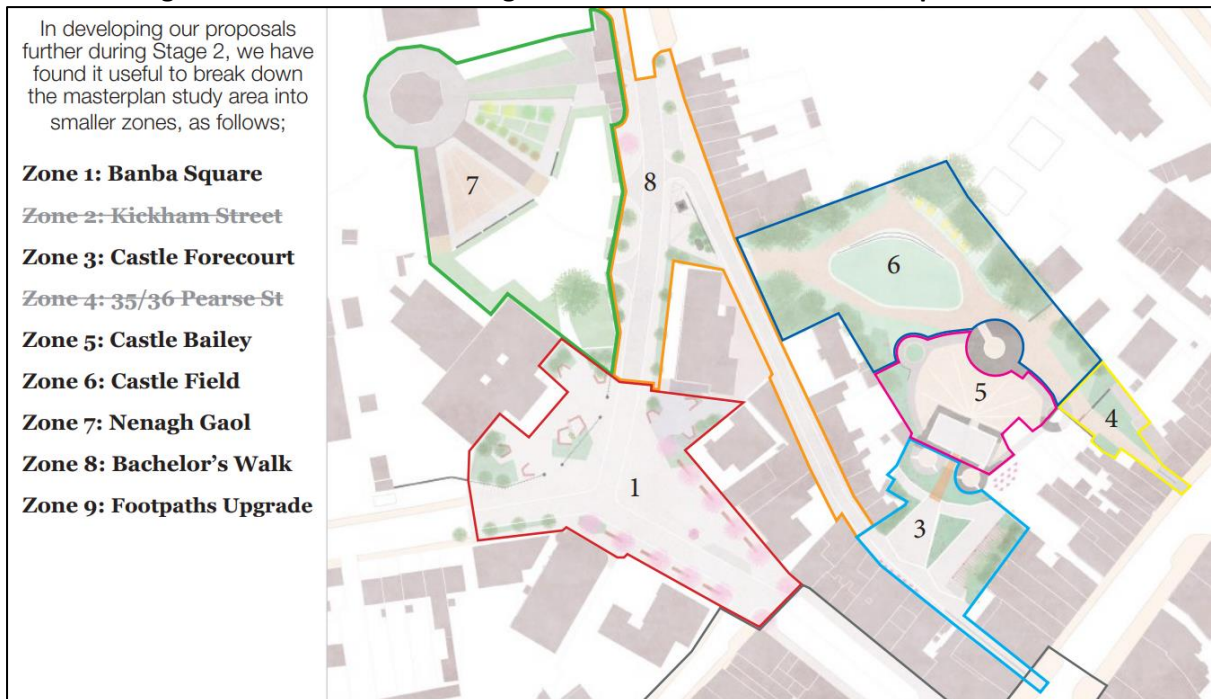
The proposed site layout is shown below in Figure 3.1.

Figure 3.1: Site boundary of public realm and footpaths



(Extract from drawing provided by Tipperary County Council)

Figure 3.2: Zones within Nenagh Historical and Cultural Quarter public realm



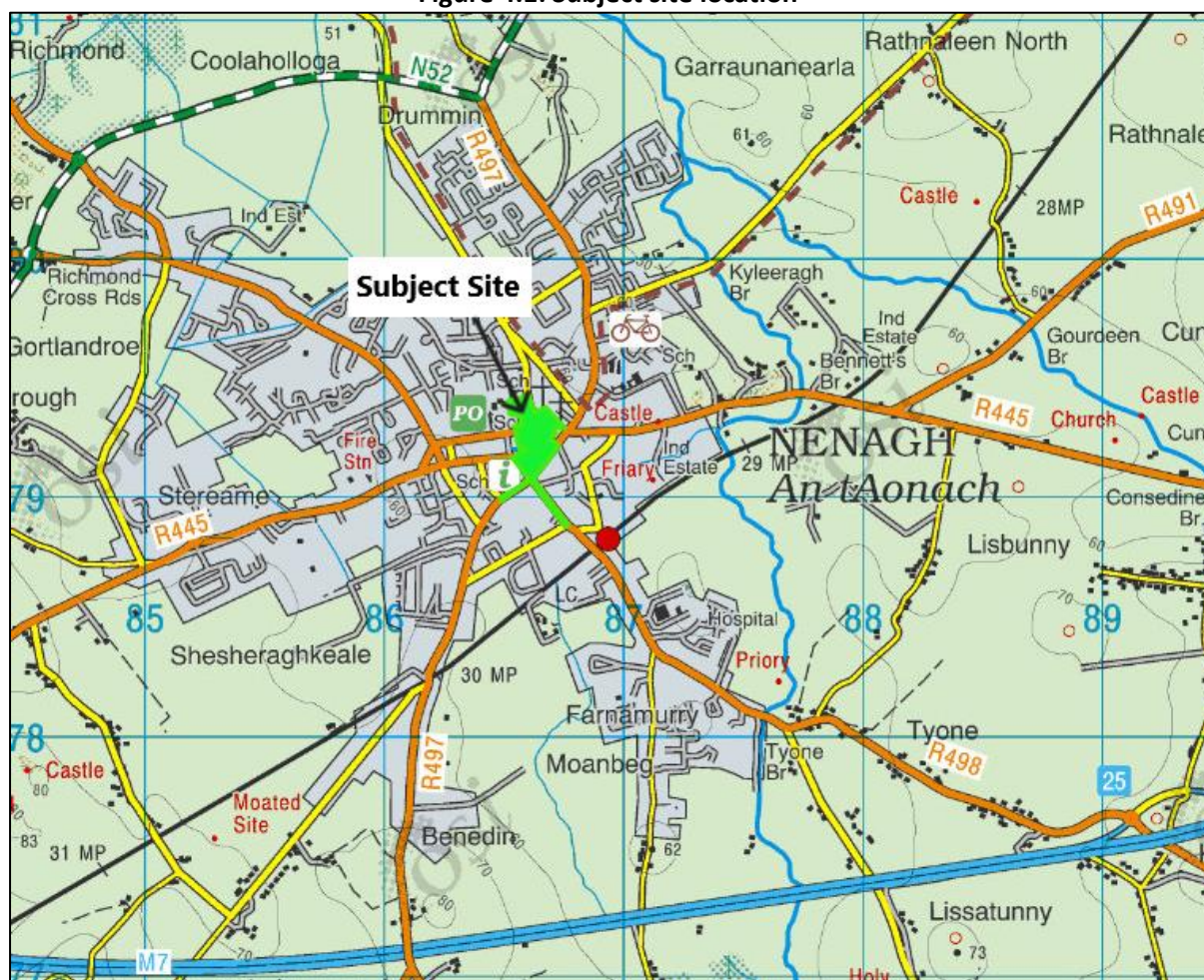
(Extract from drawing provided by Tipperary County Council)

4 THE RECEIVING ENVIRONMENT

4.1 General Location

The proposal is for the regeneration of historic and cultural areas within the centre of Nenagh to provide enhanced visitor experience and increased connectivity. The overall site encompasses the main historic and cultural areas of Nenagh including Banba Square, Nenagh Castle and Nenagh Gaol. Access to the site is provided by any of the main access routes into Nenagh town centre and the site is surrounded by commercial and residential properties. Figure 4.1 below shows the location of the site.

Figure 4.1: Subject site location



CYAL50313729 © Ordnance Survey Ireland/Government of Ireland

4.2 Site Description and Biodiversity

Photographs of the site were supplied to Greentrack and Google Street Maps Images were viewed. A remote habitat assessment was conducted using guidelines produced by the JNCC¹ in conjunction with Fossitt's Guide to Habitats in Ireland². The majority of the site can be classed as Buildings and artificial surfaces (BL3), with a small portion of the overall site classified as amenity grassland (GA2) and flower beds and borders (BC4).

4.3 Hydrology

The subject site is located within the Water Framework Directive (WFD) Catchment 25C Lower Shannon and falls within the Nenagh_SC_020 WFD sub-catchment. The site is currently serviced by the existing public storm sewer network which discharges to the Nenagh River at the nearest point to

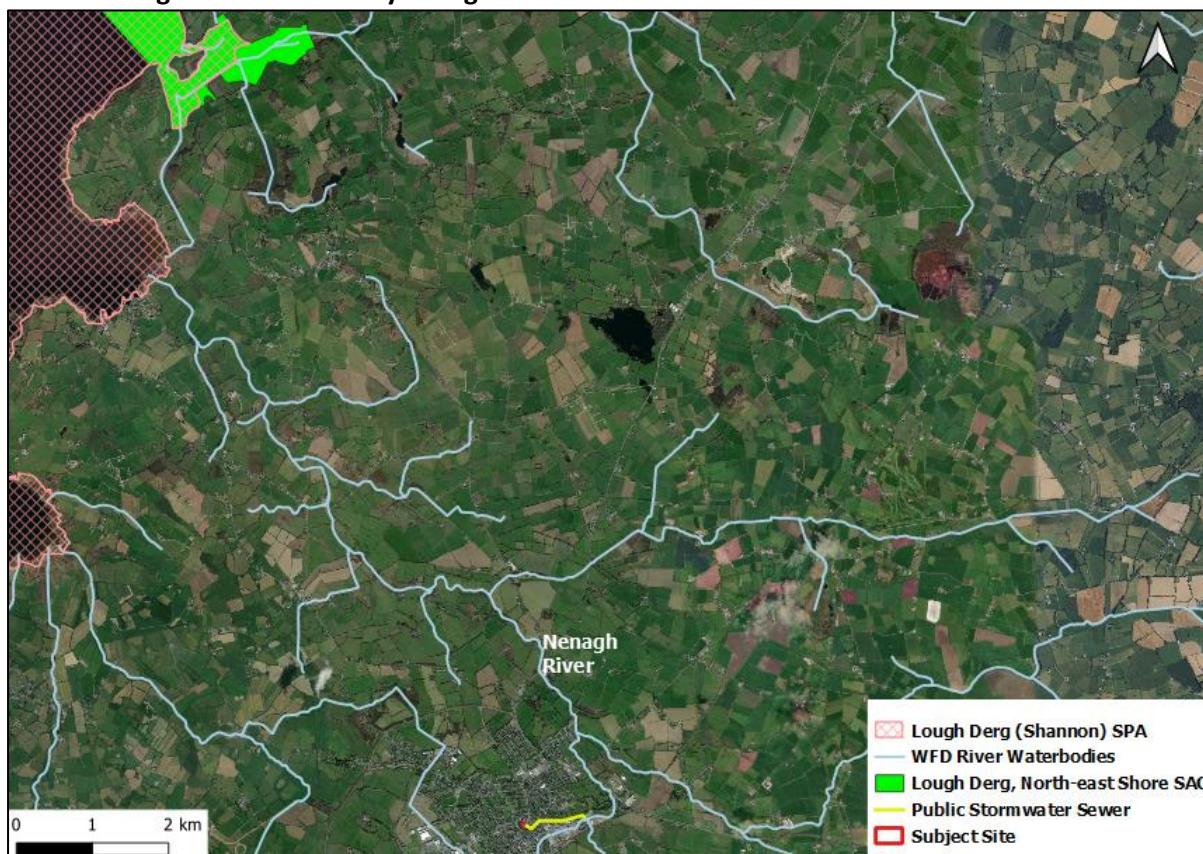
¹ JNCC. (2010) Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit. Joint Nature Conservation Committee, Peterborough.

² J. Fossitt. (2000) A Guide to Habitats in Ireland. The Heritage Council, Dublin

the site approximately 750 m east of the subject site. The Nenagh River flows northwest and empties into Lough Derg approximately 8.5 km northwest of the subject site. Lough Derg is designated as an SPA – Lough Derg (Shannon) SPA, and part of Lough Derg is designated as an SAC – Lough Derg, North-east Shore SAC. The approximate hydrological distance from the subject site to discharge point in Lough Derg SPA is 12.92 km, and a further hydrological 3.83 km (total 16.75 km) to the Lough Derg, North-east Shore SAC.

Figure 4.2 below shows the current hydrological connection between the site and the Natura 2000 sites.

Figure 4.2: Current hydrological connection from site to the Natura 2000 sites



(Created using QGIS software)

5 NATURA 2000 SITES

5.1 Identification of Natura 2000 Sites

In terms of the identification of relevant Natura 2000 sites, the zone of impact (also known as the area of influence) is determined based on their potential connectivity (*source-pathway-receptor* model) to the proposed project in terms of, for example:

- Nature, scale, timing, and duration of works and possible impacts.
- Distance and nature of pathways (dilution and dispersion; intervening ‘buffer’ lands, roads etc.); and
- Sensitivity and location of ecological features.

The ‘zone of influence’ (Zoi) is essentially the effect area over which alterations may have potential ecological impact. The Zoi over which the proposed development may impact upon Natura 2000 Sites and their Qualifying Interests will vary for different ecological receptors, depending on the pathway for potential impacts, as well as the specific nature of the habitats/species (e.g., some species have ability to move/disperse, and some habitats have better ability than others to absorb impacts). Having considered the potential ecological impacts through source-receptor-pathway connectivity (e.g.,

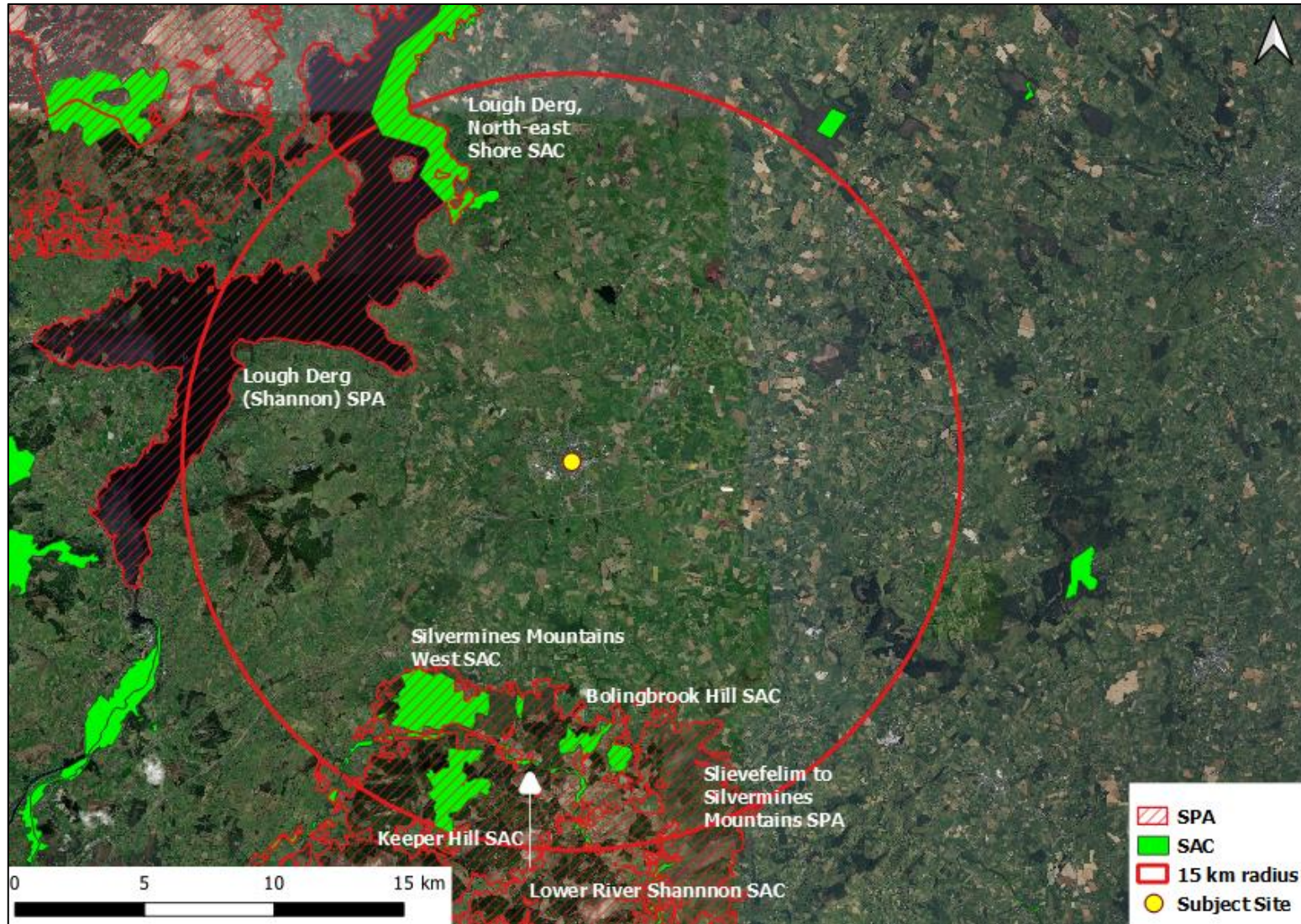
hydrological link) and given the nature of the proposed project, it was deemed that the zone of influence for such projects would be limited to a radius of 15km as recommended by NPWS.

The Natura 2000 sites occurring within 15km of the subject site are listed in Table 5.1 and are screened for possible threats from the proposed development. Figure 5.1 indicates the relative locations of all listed Natura 2000 sites in relation to the subject site.

Table 5.1: Screening of Natura 2000 Sites within Zone of Influence

Site Name	Site Code	Distance from Subject Site	Avenue of Connctivity to Subject Site	Significant Threat Possible (Y/N)
Lough Derg (Shannon) SPA	004058	6.91 km NW	No avenue for direct effects. Potential for indirect impacts through surface water runoff	Y
Slievefelim to Silvermines Mountains SPA	004165	8.31 km S	No avenue for direct effects or indirect effects.	N
Lough Derg, North-east Shore SAC	002241	10.11 km NW	No avenue for direct effects. Potential for indirect impacts through surface water runoff	Y
Silvermines Mountains West SAC	002258	9.61 km SW	No avenue for direct effects or indirect effects.	N
Silvermines Mountains SAC	000939	9.03 km S	No avenue for direct effects or indirect effects.	N
Bolingbrook Hill SAC	002124	9.96 km S	No avenue for direct effects or indirect effects.	N
Lower River Shannon SAC	002165	11.05 km S	No avenue for direct effects or indirect effects.	N
Keeper Hill SAC	001197	11.57 km S	No avenue for direct effects or indirect effects.	N

Figure 5.1: Proximal Natura 2000 sites



(Created using QGIS software)

Table 5.1 has identified potential source-pathway-receptor links to the following Natura 2000 sites:

- Lough Derg (Shannon) SPA
- Lough Derg, North-east Shore SAC

5.2 Conservation Status

The overall aim of the Habitats Directive is to maintain or restore the favorable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network. European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favorable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites. The maintenance of habitats and species within Natura 2000 sites at favorable conservation condition will contribute to the overall maintenance of favorable conservation status of those habitats and species at a national level.

The favorable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, is stable or increasing,
- and the ecological factors that are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future,
- and the conservation status of its typical species is favorable.

The favorable conservation status of a species is achieved when:

- population data on the species concerned indicate that it is maintaining itself,
- and the natural range of the species is neither being reduced or likely to be reduced for the foreseeable future,
- and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

6 ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

The criteria adopted for this assessment are based on a detailed field and desk assessment of the influence the development may have on the Natura 2000 sites within the zone of influence and what, if any, impact this development will have on the Natura 2000 network.

Tables 6.1 and 6.2 examine potential cumulative effects identified plans/projects may have with the proposed development. Table 6.3 further examines possible impacts to the Natura 2000 sites identified in Table 5.1. The screening determination is informed by the characteristics of the proposed development and the likelihood of deleterious effects on the Natura 2000 network through identified pathways for pollution/ habitat degradation / habitat removal/ species disruption/ species loss.

6.1 Review of Potential Impacts

Habitat Loss

The proposed development is not located within, or adjacent to, any SAC or SPA. No habitat loss can occur inside any Natura 2000 site.

Ex situ habitat impacts

The site is over 11 km from the boundary of the Lower River Shannon SAC. The development site does not provide suitable habitat for the Otter which is a qualifying interest for the Lower River Shannon SAC. Loss or disturbance of ex-situ habitat is not predicted.

Hydrological Impacts – wastewater

The proposal includes the provision of toilet facilities in the half gaol block currently used as a garage by Civil Defence. These toilets will be connected to the public foul water sewer. The overall aim of the project is to enhance the visitor experience and encourage more tourist numbers into the Historical and Cultural Quarter of Nenagh. This will lead to an indirect increase on the demands on the existing foul water system. Toilet facilities within the public realm area are all connected to the public sewer system. The latest available Annual Environmental Report from Irish Water for the wastewater treatment plant in Nenagh show that the plant was compliant with all its discharges in 2022. The capacity (PE) of the WWTP in Nenagh is due to be raised from 15,300 to 19,800. No negative effects on the Natura 2000 sites are predicted to arise from potential increases in the use of the foul water drainage infrastructure.

Hydrological Impacts – surface water during construction

Construction works will be temporary, and ground preparation/site clearance works will be minimal due to the existing hard surface. Due to the separation of the Natura 2000 sites and the variety of drainage structures in the hydrological pathway to the Natura 2000 sites, it is not predicted construction works will give rise to hydrological impacts that could affect the Natura 2000 sites.

Hydrological Impacts – surface water during operation

Surface water runoff will be connected into the existing public stormwater drainage system which discharges into the Nenagh River approximately 750 m from the nearest point to the subject site. The hydrological distance from subject site to the nearest Natura 2000 sites is 12.92 km. SUDs drainage features are designed into the development as part of best practice and not as a means to reduce potential impact on Natura 2000 sites. No significant effects on water resource quality in the Natura 2000 sites are predicted to occur due to surface water run-off during the operation of the proposed development due to the distance separating the Natura 2000 sites from the subject site and the SUDs features designed into the development.

Dust/Noise

The Lough Derg (Shannon) SPA is almost 7 km northwest from the proposed development. Some of the intervening lands are urbanised and some contain regional and national road networks. It is not predicted noise or dust emissions from the construction or operation of the proposed developed will impact the Natura 2000 site due to the separation distance from the subject site and the nature of the intervening lands.

6.2 Cumulative Effects

To assess cumulative impacts with other plans or projects for the proposed development, a search for plans or projects that have been already completed, approved but uncompleted, or proposed (i.e., for which an application for approval or consent has been submitted) has been conducted.

The EIA Portal was searched for any projects/plans that could combine with the proposed development and cumulatively affect Natura 2000 sites. No plans/projects were identified within the vicinity of the proposed development or its pathway of connectivity to Natura 2000 sites.

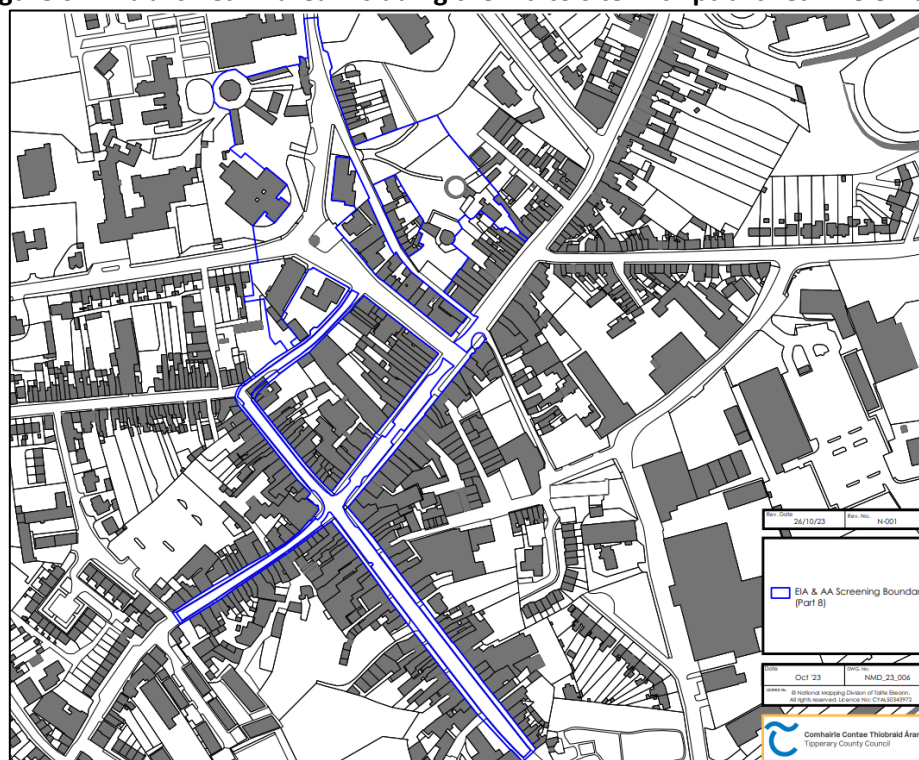
The Tipperary County Council planning maps were examined to cumulatively assess any impact on European Sites in combination with the proposal. Multiple developments were listed in the portal. The search for potential developments that could combine with the proposed development focused on proximal developments, and proximal large-scale developments that have been recently completed, approved but uncompleted, or proposed.

Table 6.1: Cumulative Impact Assessment of Plans listed on the Local Authority Database

Planning Reference	Description	Status	Assessment	Potential for Cumulative Effects
22/60211	Demolition of existing combined retail/residential units and construct 6 no. dwelling houses along with all ancillary site works	Granted 01/23	Appropriate Assessment screening was carried out by the planning authority. The screening concluded that there was no potential for significant effects therefore Appropriate Assessment is not required.	N
21/734	The construction of a dwelling extension including the conversion of an attached garage to habitable space and all associated site works.	Granted 07/21	Appropriate Assessment screening was carried out by the planning authority. The screening concluded that there was no potential for significant effects therefore Appropriate Assessment is not required.	N
20/1280	Repairs to existing shopfront, internal layout alterations at ground and first floor, changes to the rear facade, demolition of a section of the existing single-story store, demolition of an existing two-storey store, alterations to the car park and the provision of insulated sheeting to the perimeter of the existing building facing Abbey Street and all associated site works	Granted 12/20	Appropriate Assessment screening was carried out by the planning authority. The screening concluded that there was no potential for significant effects therefore Appropriate Assessment is not required.	N
n/a	Rialto digital hub and enterprise project. Repurposing of the Rialto cinema to office space and construction of car parking and outdoor space to include an element of public realm comprising hard landscaping, tree planting, rain gardens and permeable paving as part of a SUDs system. Figure 6.1 below highlights the overall area with regard to public realm taken into consideration for	Proposal	Appropriate Assessment screening carried out by Greentrack Consultants. The screening conclusion was that the possibility that the proposed development will have a significant effect on Natura 2000 sites may be excluded and Appropriate Assessment is not required.	N

Planning Reference	Description	Status	Assessment	Potential for Cumulative Effects
	potential cumulative effects.			
n/a	Rialto Housing project. Within the disused Rialto cinema site a 13-unit housing project is planned with car parking and all associated site works including SUDs systems and an element of public realm.	Proposal	Appropriate Assessment screening carried out by Greentrack Consultants. The screening conclusion was that the possibility that the proposed development will have a significant effect on Natura 2000 sites may be excluded and Appropriate Assessment is not required.	N

Figure 6.1: Public Realm area including the Rialto site with public realm elements



The Tipperary County Development Plan 2022 - 2028 was reviewed to assess potential cumulative effects in combination with the proposed development. The Tipperary CDP has undergone strategic Appropriate Assessment and strategic Environmental Assessment. This proposal is aligned and compatible with the County Development Plan.

The draft Local Area Plan (LAP) for Nenagh (2024-2030) was also examined. The LAP has undergone strategic Appropriate Assessment and strategic Environmental Assessment. This proposal is aligned and is compatible with the draft Nenagh Local Area Plan.

On this basis it is not predicted that cumulative effects will occur with this project.

Table 6.2: Screening Determination of Proposed Development on Natura 2000 sites.

Natura 2000 Site	Qualifying Interests for which the site was selected/ Special Conservation Interest	Conservation Objectives (Accessed via NPWS website November 2023)	Impact determination
Special Areas of Conservation			
Lough Derg, North-east Shore SAC	<ul style="list-style-type: none"> • [5130] Juniperus communis formations on heaths or calcareous grasslands • [7210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae • [7230] Alkaline fens • [8240] Limestone pavements • [91E0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) • [91J0] Taxus baccata woods of the British Isles 	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 for. ³	<p>The subject site is over 10 km distant from the SAC. There is no potential for direct impacts such as habitat loss/fragmentation as a result of the proposal.</p> <p>The public wastewater treatment system has adequate capacity to deal with any potential increased discharges of foul water associated with increased footfall due to the project output. No negative effects are predicted.</p> <p>A source-receptor pathway exists to the qualifying interests of this SAC in the form of the surface water pathway on site, representing an avenue for indirect effects such as deterioration of water resource quality. However, due to the existing commercial nature of the site which will require minimal excavation and clearance works for the proposed development, SUDs elements incorporated into the design and the considerable hydrological distance from the site to the SAC (approximately 16.75 km) there is no likelihood of a deterioration in water resource quality in the SAC. No significant negative effects on the SAC are predicted, and no further assessment is required.</p>
Special Protection Areas			
Lough Derg (Shannon) SPA	<ul style="list-style-type: none"> • [A017] Cormorant (Phalacrocorax carbo) • [A061] Tufted Duck (Aythya fuligula) • [A067] Goldeneye (Bucephala clangula) • [A193] Common Tern (Sterna hirundo) • [A999] Wetland and Waterbirds 	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex	The subject site is over 7 km distant from the SPA. There is no potential for direct impacts such as habitat loss/fragmentation as a result of the proposal.

³ NPWS (2019) Conservation Objectives: Lough Derg, North-east Shore SAC 002241. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

Natura 2000 Site	Qualifying Interests for which the site was selected/ Special Conservation Interest	Conservation Objectives (Accessed via NPWS website November 2023)	Impact determination
		<p>11 species for which the SPA has been selected for⁴</p>	<p>Potential disturbance to wildlife/birds due to dust/noise associated with the clearance/construction phase can be ruled out due to the distance between the site and the SPA, and the urban nature of much of the intervening lands which also contain regional and national road transport routes.</p> <p>The public wastewater treatment system has adequate capacity to deal with any potential increased discharges of foul water associated with increased footfall due to the project output. No negative effects are predicted.</p> <p>A source-receptor pathway exists to the qualifying interests of this SPA in the form of the surface water pathway on site, representing an avenue for indirect effects such as deterioration of water resource quality. However, due to the existing commercial nature of the site which will require minimal excavation and clearance works for the proposed development, SUDs elements incorporated into the design and the considerable hydrological distance from the site to the SPA (approximately 12.92 km) there is no likelihood of a deterioration in water resource quality in the SPA. No significant negative effects on the SPA are predicted, and no further assessment is required.</p>

⁴ https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004058.pdf

Having established the assessment criteria, the impacts associated with the proposed development and associated works on the identified Natura 2000 sites, the development has been assessed with regard to all the qualifying interests/Special Conservation Interests. The screening determination table found significant effects can be excluded at this stage.

7 CONCLUSION AND SCREENING STATEMENT

Following the assessment as detailed in this AA Screening Report and screening determination in section 6, it is concluded based on the examination, analysis, and evaluation of relevant information that the possibility that the proposed development will have a significant effect on Natura 2000 sites may be excluded.

Therefore Stage 2 Appropriate Assessment is not required. This conclusion was reached based on objective information and in view of best scientific knowledge.

Date: 3rd November 2023

This report has been prepared for the exclusive use of our client and unless otherwise agreed in writing by Greentrack Consultants no other party may use, make use of or rely on the contents of this report. The report has been compiled using the resources agreed with the client and in accordance with the scope of work agreed with the client. No liability is accepted by Greentrack Consultants for any use of this report, other than the purpose for which it was prepared. Greentrack Consultants accepts no responsibility for any documents or information supplied to Greentrack Consultants by others and no legal liability arising from the use by others of opinions or data contained in this report. It is expressly stated that no independent verification of any documents or information supplied by others has been made. Greentrack Consultants has used reasonable skill, care and diligence in compiling this report and no warranty is provided as to the report's accuracy. No part of this report may be copied or reproduced, by any means, without the written permission of Greentrack Consultants.

References:

Compliance Conditions in respect of Developments requiring (1) Environmental Impact Assessment (EIA); or (2) having potential impacts on Natura 2000 sites. Circular letter PD 2/07, NPWS 1/07. Available: <https://www.npws.ie/sites/default/files/general/circular-pd-02-07.pdf>

Department of Environment, Heritage and Local Government. (2007). Compliance Conditions in respect of Developments requiring (1) Environmental Impact Assessment (EIA); or (2) having potential impacts on Natura 2000 sites. Circular letter PD 2/07, NPWS 1/07. Available: <https://www.npws.ie/sites/default/files/general/circular-pd-02-07.pdf>.

Department of Environment, Heritage and Local Government. (2008). Appropriate Assessment of Land Use Patterns. Available: <https://www.npws.ie/sites/default/files/general/circular-sea-01-08.pdf>.

Department of Environment, Heritage and Local Government. (2009). Appropriate Assessment of Plans and Projects in Ireland. Available: https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf.

Department of Environment, Heritage and Local Government. (2010). Appropriate Assessment under Article 6 of the Habitats Directive: guidance for Planning Authorities. Available: <https://www.npws.ie/sites/default/files/general/Circular%20NPW1-10%20&%20PSSP2-10%20Final.pdf>.

Department of Environment, Heritage and Local Government (2011) Circular Letter PSSP 5/2011, Compliance of Existing Land Use Plans with the EU Habitats Directive.

Donegal County Council Planning Portal:

<http://donegal.maps.arcgis.com/apps/webappviewer/index.html?id=8be91e332a8f47bfbbe83add1550c666>.

Environmental protection agency online map viewer, <https://gis.epa.ie/EPAMaps/>

European Commission. (2002). *Assessment of plans and Projects Significantly Affecting Natura 2000 Sites*. Available: http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf.

European Commission. (2007). Guidance document on Article 6 (4) of the 'Habitats Directive' 92/43/EEC.

European Commission. (2018) *Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*. Office for Official Publications of the European Communities, Luxembourg.

Fossitt, J. (2000) *A guide to habitats in Ireland* The Heritage Council, Kilkenny.

Habitats Directive. (1992). Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. *Official Journal of the European Union*, 206, p. 7-50.

Inland Fisheries Ireland (2016). *Guidelines on the protection of fisheries during construction works in and adjacent to waters*.

Ureta, A. G. (2007). Habitats Directive and environmental assessment of plans and projects. *Journal for European Environmental & Planning Law*, 4(2), p 84-96.