REPORT

Gallowshill Project

Screening for Appropriate Assessment

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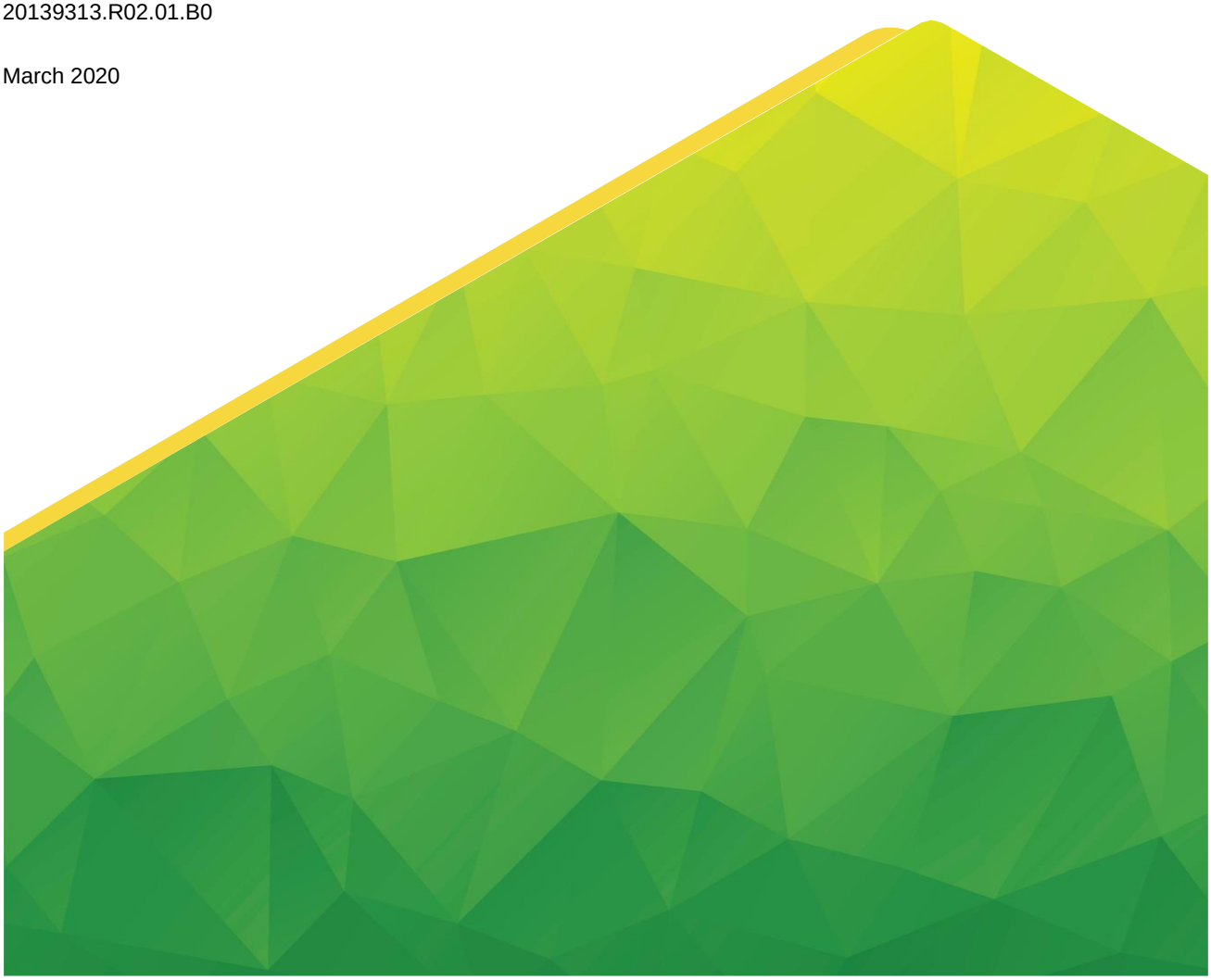

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1.0 INTRODUCTION

Golder Associates Ireland Limited (Golder) was requested by Kildare County Council (KCC) to carry out a Screening for Appropriate Assessment (AA) for their Gallowshill Civic Amenity Site (the Site) in Gallowshill, Athy, Co. Kildare in support of a planning application for the development of welfare facilities at the Site.

The Screening for Appropriate Assessment comprises an appraisal of potential impacts on European designated conservation sites within a 15 km radius of the Site. This AA screening has been prepared by **Hannah McGillycuddy, Geo-Environmental Scientist,** Golder Associates and reviewed by **Freddy Brookes MSc., MCIEEM – Senior Ecologist,** Golder Associates.

The terms of reference of this report are set out below.

1.1 Terms of Reference

This screening has been undertaken in accordance with the requirements of the EU Habitats Directive (Directive 92/43/EEC). Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the 'Habitats Directive' - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 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*. Natura 2000 sites 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/EEC).

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans or projects affecting Natura 2000 sites. Article 6(3) establishes the requirement for Appropriate Assessment:

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

Article 6(4) deals with the steps that should be taken when it is determined, as a result of Appropriate Assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) states:

> *"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member 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.*
>
> *Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."*

The requirements of Articles 6(3) and 6(4) of the Habitats Directive have been transposed into Irish legislation by means of the Habitats Regulations, 1997 (S.I. No. 94 of 1997) and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011).

2.0 METHODS

2.1 Desktop Review and Data Collation

A desktop review was conducted of available published and unpublished information, together with a review of data available on the NPWS http://www.npws.ie/en/, National Biodiversity Data Centre http://maps.biodiversityireland.ie/, and Environment Protection Agency web-based databases.

2.2 Screening for Appropriate Assessment

This report has been prepared with reference to the following documents:

- 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 Communities, 2002);
- Managing Natura 2000 sites: the provisions of Article of the 'Habitats Directive' 92/43/EC; and
- Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities. (DOE, 2009, Revision Notes 2010).

Appropriate Assessment is carried out in stages, as recommended by the above-referenced Guidance Documents. There are four stages as follows:

2.2.1 Stage 1: Screening

This initial stage aims to identify the likely impacts of the project on a Natura 2000 site, either alone or in combination with other projects or plans. The impacts are examined to establish whether these impacts are likely to be significant. Assessment of the significance of effects is carried out in consultation with the relevant nature agencies.

2.2.2 Stage 2: Appropriate Assessment

The aim of this stage is to identify the conservation objectives of the site and to assess whether or not the project, either alone or in combination with other projects or plans will result in adverse effects on the integrity of the site, as defined by the conservation objectives and status of the site. Stage 2 is carried out in consultation with the relevant nature agencies. Where it cannot be demonstrated that there will be no adverse effects on the site, it is necessary to devise mitigation measures to avoid, where possible, any adverse effects.

2.2.3 Stage 3: Assessment of Alternative Solutions

This stage examines alternative ways of implementing the project that, where possible, avoid any adverse impacts on the integrity of the Natura 2000 site. If alternative solutions have been identified that will either avoid any adverse impacts or result in less severe impacts on the site, it will be necessary to assess their potential impact by recommencing the assessment at Stage One or Stage Two as appropriate. However, if it can be reasonably and objectively concluded that there is an absence of alternatives, it will be necessary to proceed to Stage Four of this assessment methodology.

2.2.4 Stage 4: Assessment where Adverse Impacts Remain

For sites that host priority habitats and species, it is necessary to consider whether or not there are human health or safety considerations or environmental benefits flowing from the project. If such considerations do exist, then it will be necessary to carry out the Stage Four assessments of compensatory measures. If no such considerations exist, then establish whether there are other imperative reasons of overriding public interest (IROPI) before carrying out the Stage Four assessments.

Where IROPI exist, an assessment to consider whether compensatory measures will or will not effectively offset the damage to the site will be necessary before the project or plan can proceed.

This report is for Screening (Stage 1) for Appropriate Assessment only.

3.0 PROJECT LOCATION

The Site is located within the town of Athy, ca. 8 km from the M9 (Figure 1.1 below). The Site itself is situated within a larger site operated by KCC Roads and Transport division for the storage and distribution of road infrastructure materials.

Due to its location on the eastern side of Athy, the setting of the Site is mixed use. In the immediate vicinity of the Site, the area is industrial with residential housing estates located to the north and west. Industrial land is located to the immediate east of the Site (Athy Civic Amenity facility borders the east) with agricultural land and one-off housing located further east. To the south is commercial land.

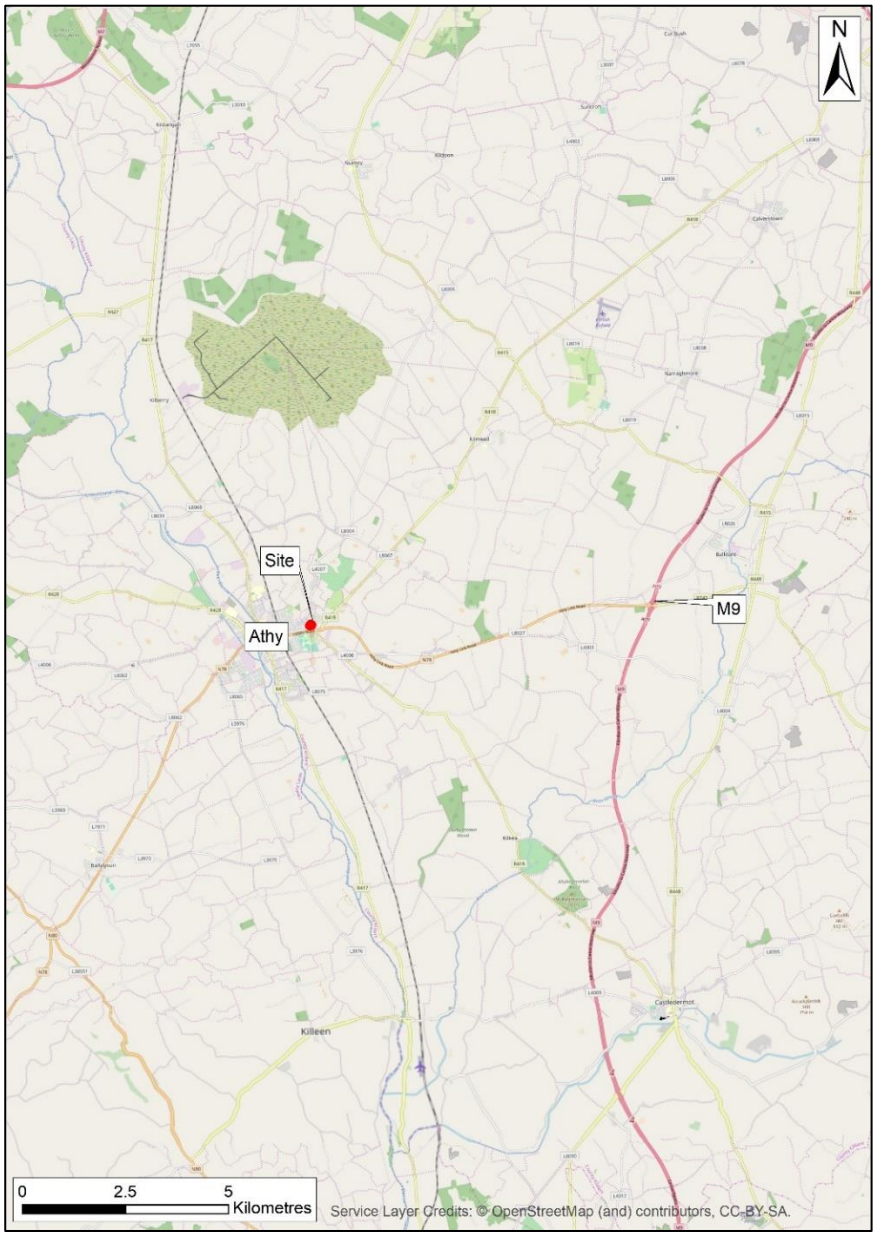

Figure 1.1: Site Location Plan

3.1 Proposed Development

The proposed development involves the construction and operation of a welfare facility on the Site. The facility would provide a canteen, training room, office, toilets, changing facilities and an amenity patio seating area. The welfare facility would be serviced by new connections to the existing water mains and surface water system, foul water supply and by a new connection to the existing electricity supply located on the larger KCC site.

3.2 Description of the Site, Baseline Conditions

A walkover survey of the Site was conducted on the 24th February 2020 to record the habitats currently present on, and adjacent to, the Site. Habitats are named and described following Fossitt (2000). Habitat Assessment follows the Joint Nature Conservation Committee (JNCC) Phase One Habitat Survey methodology (JNCC, 1990, revised 2010). Additionally, aerial photographs (satellite imagery) assisted the habitat survey.

The proposed Project footprint is comprised predominantly of buildings and artificial surfaces with small patchy areas of recolonising bare ground.

Buildings and Artificial Surfaces (BL3)

An asphalt accessway with a thin loose gravel overlayer is present in the south and west of the Site while the east and north of the Site is dominated by hardcore with three shipping containers and two cabins, Figure 1.2.

Figure 1.2: View of the Site looking to the south with the predominance of built structures evident onsite

Recolonising Bare Ground (ED3)

Along the south eastern boundary of the Site,a thin linear strip of recolonising bare ground is present, Figure 1.3. An additional small section of recolonising bare ground was seen between two of the shipping containers. The hardcore surface here is patchy and plants such as cat's ear (*Hypochoeris radicata*), Nipplewort (*Lapsana communis*) and moss (*Grimmia sp*) are widespread throughout.

Figure 1.3: View looking to the east along the boundary of the Site and Athy Civic Amenity site with areas of recolonising ground present

3.3 Aquatic Receptors (on and off Site)

Aquatic receptors are a key focus for the AA screening process as there are no habitat or species synergies between Natura sites and the Project Site.

As part of the Project it is proposed that the proposed welfare system will be connected to the existing services which currently serve the larger KCC site. It is not proposed that there will be any discharge or abstraction from a surface or groundwater feature due to the proposed development. As such, there is no connection between with any potential aquatic receptors such as local streams or ditches and these are unlikely to be impacted by the proposed development.

3.4 Natura 2000 Sites

Sites of international importance including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are collectively known as Natura 2000 sites. These sites contain examples of some of the most important natural and semi-natural ecosystems in Europe. The designated search area was 15 km from the Project for Natura 2000 sites.

In total, two Natura 2000 sites (sites of international importance) have been identified as occurring within 15 km of the project (Figure 1.4). These are as follows:

- River Barrow and River Nore SAC (ca. 1.1 km west); and
- Ballyprior Grassland SAC (ca. 10.9 km west).

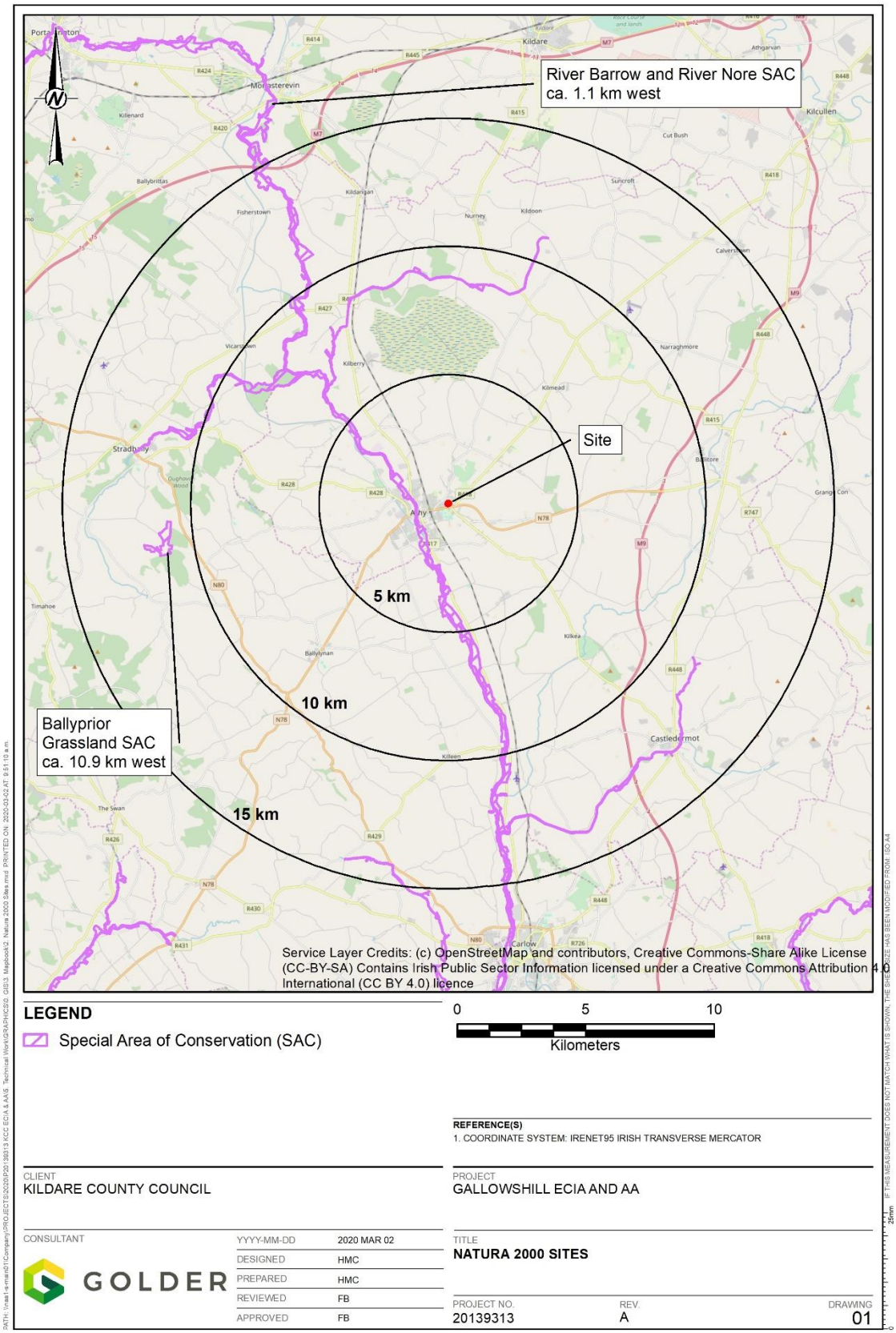

Figure 1.4: Natura 2000 sites within the desk study area

The citations for the sites that may be potentially affected by Project proposals are provided below verbatim as sourced from the National Parks and Wildlife Service (NPWS) website[1]:

3.5 River Barrow and River Nore SAC

This site consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford. Major towns along the edge of the site include Mountmellick, Portarlington, Monasterevin, Stradbally, Athy, Carlow, Leighlinbridge, Graiguenamanagh, New Ross, Inistioge, Thomastown, Callan, Bennettsbridge, Kilkenny and Durrow. The larger of the many tributaries include the Lerr, Fushoge, Mountain, Aughavaud, Owenass, Boherbaun and Stradbally Rivers of the Barrow, and the Delour, Dinin, Erkina, Owveg, Munster, Arrigle and King's Rivers on the Nore.

Both rivers rise in the Old Red Sandstone of the Slieve Bloom Mountains before passing through a band of Carboniferous shales and sandstones. The Nore, for a large part of its course, traverses limestone plains and then Old Red Sandstone for a short stretch below Thomastown. Before joining the Barrow it runs over intrusive rocks poor in silica. The upper reaches of the Barrow also run through limestone. The middle reaches and many of the eastern tributaries, sourced in the Blackstairs Mountains, run through Leinster Granite. The southern end, like the Nore runs over intrusive rocks poor in silica. Waterford Harbour is a deep valley excavated by glacial floodwaters when the sea level was lower than today. The coast shelves quite rapidly along much of the shore.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

- [1130] Estuaries;
- [1140] Tidal Mudflats and Sandflats;
- [1170] Reefs;
- [1310] Salicornia Mud;
- [1330] Atlantic Salt Meadows;
- [1410] Mediterranean Salt Meadows;
- [3260] Floating River Vegetation;
- [4030] Dry Heath;
- [6430] Hydrophilous Tall Herb Communities;
- [7220] Petrifying Springs*;
- [91A0] Old Oak Woodlands;
- [91E0] Alluvial Forests*;
- [1016] Desmoulin's Whorl Snail (Vertigo moulinsiana);
- [1029] Freshwater Pearl Mussel (Margaritifera margaritifera)
- [1092] White-clawed Crayfish (Austropotamobius pallipes);

[1] http://www.npws.ie/protected-sites

- [1095] Sea Lamprey (Petromyzon marinus);
- [1096] Brook Lamprey (Lampetra planeri);
- [1099] River Lamprey (Lampetra fluviatilis);
- [1103] Twaite Shad (Alosa fallax);
- [1106] Atlantic Salmon (Salmo salar);
- [1355] Otter (Lutra lutra);
- [1421] Killarney Fern (Trichomanes speciosum); and
- [1990] Nore Freshwater Pearl Mussel (Margaritifera durrovensis).

3.6 Ballyprior Grassland SAC

Ballyprior Grassland, 4 km south of the village of Stradbally in Co. Laois, is located at the north end of the Castlecomer Plateau on largely limestone bedrock. The soils of the area are generally thin and well drained, varying from a deeper sandy loam in lower places (10-20 cm depth), to thin or stony soil over local drift (5- 10 cm depth) on the elevated plateau.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

- [6210] Orchid-rich Calcareous Grassland*

Ballyprior Grassland SAC contains old grassland habitat of high quality and the site is important due to the loss of similar habitat in surrounding areas. The site has an exceptionally rich myco-flora (fungi) which is a good indication of grassland quality (in terms of continuity, lack of disturbance and low nutrient status).

4.0 STAGE 1 SCREENING ASSESSMENT CRITERIA

4.1 Describe any likely direct, indirect or secondary impacts of the Project (either alone or in combination with other plans or projects) on the Natura 2000 sites by virtue of:

Size and Scale	The proposed development site is c. 0.2 ha in size and currently is part of an existing industrial site.
Land-take	None from Natura 2000 sites. The closest Natura 2000 site is ca. 1.1 km in distance.
Distance from Natura 2000 site or key features of the site	■ The closest Natura site is 1.1 km west and is known as the River Barrow and River Nore SAC. The next closest Natura 2000 site is the Ballyprior Grassland SAC ca. 10.9 km west.
Connectivity with the Natura 2000 site and Site	■ The Site is within the same groundwater aquifer as the River Barrow and River Nore SAC, however, the project does not propose discharging to or abstracting from the groundwater body. As such, these sites are not considered to be connected hydrogeologically. There is also no direct hydrological connection between the sites; and

	■ The Site and the Ballyprior SAC are not considered to be hydrogeologically or hydrologically connected as they sit in separate groundwater bodies, geological units and have no surface water connection.
Resource requirements (water abstraction etc.)	No resources from a Natura site are required.
Emissions (disposal to land, water or air)	**Air Emissions** Air emissions from the project Site are unlikely to cause impacts on the Natura 2000 sites due to the nature of project proposals and relative lack of proximity or emissions. **Surface and Groundwater** The proposed development will involve connecting to the existing water services which currently service the larger KCC site. There is no proposal for the discharge to or abstraction of surface or groundwater due to the proposed development.
Excavation requirements	There are no excavation requirements within the Natura 2000 sites.
Transportation requirements	No traffic movements will affect Natura 2000 sites.
Duration of construction, operation, decommissioning etc.	The development of the Site is likely to extend over the long-term e.g. 15 to 60 years or become permanent. However, this will not cause any likely effect on the Natura 2000 site.
Other	None.

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

Reduction of habitat area	None to Natura 2000 sites.
Disturbance to key species	Disturbance to Natura qualifying species is considered to be highly improbable.
Habitat or species fragmentation	There will be no habitat or species fragmentation. The Site is not part of the Natura 2000 sites in question and no resources are required from it. Designated habitats

Reduction of habitat area	None to Natura 2000 sites.
	and species of the SACs will not be impacted given their distance and lack of connectivity with the Site.
Reduction in species density	No reduction in species density is anticipated.
Changes in key indicators of conservation value (water quality etc.	None.
Climate change	No measurable contribution.

4.3 Describe any likely impacts on the Natura 2000 sites as a whole in terms of:

Interference with the key relationships that define the structure of the site:	No impacts are likely.
Interference with key relationships that define the function of the site	No impacts are likely.

4.4 Provide indicators of significance as a result of the identification of effects set out above in terms of:

Loss (Estimated percentage of lost area of habitat)	There will be no habitat loss.
Fragmentation	There will be no habitat fragmentation.
Disruption and disturbance	Disturbance and disruption to species is considered highly unlikely. Species for which the Natura 2000 sites have been designated for are highly unlikely to utilise the Site or be influenced by the Site in terms of water quality due to distance and a lack of environmental connectivity between sites.

Loss (Estimated percentage of lost area of habitat)	There will be no habitat loss.
Change to key elements of the site (e.g. water quality etc.)	None.

4.5 Cumulative Impact

Cumulative impacts are defined as impacts that result from incremental changes caused by other past, present or reasonably foreseeable actions together with the project (European Communities, 1999). A review of the relevant County Council planning website was undertaken for details of other developments in the area which may lead for the potential for cumulative impacts to arise.

The proposed project will connect up to the existing foul/sewage pipework, given the scale of the Project it is considered unlikely that this additional contribution of waste would amount to a measurable cumulative impact.

4.6 Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is unknown

The proposed Project is not located within, or directly adjacent to, any European site. The Appropriate Assessment screening process considered potential impacts which may arise during the construction, operational, closure and restoration works for the proposed development. Through an assessment of the pathways for effects and an evaluation of the Project, taking account of the processes involved and the significant distance of separation between European sites in the wider study area, it has been evaluated that there are no likely significant adverse effects on the qualifying interests or the conservation objectives of any designated European site. In conclusion, it has been evaluated that there are no likely significant adverse effects arising from the proposed Project to any European site, whether direct, indirect, or in-combination, to the conservation objectives of the habitats or species for which it was designated, either alone or in combination with other plans or projects. Consequently, this proposed development does not need to advance in the Appropriate Assessment process or require a Natura Impact Statement.

5.0 DATA COLLECTED TO CARRY OUT THE ASSESSMENT

The assessment was carried out by:

Hannah McGillycuddy MSc., Geo-Environmental Scientist.

Reviewed by:

Freddy Brookes MSc., MCIEEM – Senior Ecologist Golder Associates.

Sources of Data:

Existing information from published and unpublished reports, project description and records, NPWS, GSI, EPA and MyPlan.ie.

Level of assessment completed:

Field Survey, Desktop study and Screening report.

6.0 REFERENCES

Environmental Protection Agency, 2019a: Unified GIS Application “EPA Maps”, https://gis.epa.ie/EPAMaps/, accessed 2 March 2020.

Environmental Protection Agency, 2019b: https://www.epa.ie/water/wm/groundwater/, accessed 2 March 2020.

Geological Survey Ireland, 2019a: Geological Survey Ireland Groundwater Data Viewer, https://dcenr.maps.arcgis.com/apps/MapSeries/index.html?appid=a30af518e87a4c0ab2fbde2aaac3c228, accessed 2 March 2020.

Geological Survey Ireland, 2019b: Source Protection Area Data Viewer, https://data.gov.ie/dataset/gsi-source-protection-areas, accessed 2 March 2020.

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