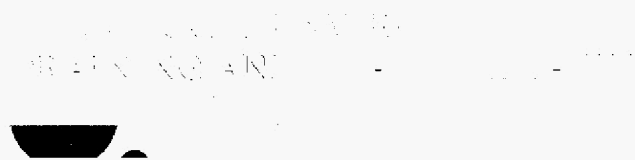


# **MONTGOMERY E.H.S.**



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**Pat Kenny**

**Appropriate Assessment for the proposed  
expansion of a poultry growing operation at  
Coolanoran, Newcastle West, Co. Limerick**

March 2012

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# **Pat Kenny, Coolanoran, Newcastle West, Co. Limerick**

## **Appropriate Assessment Screening**

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# **Pat Kenny, Coolanoran, Newcastle West, Co. Limerick**

## **Appropriate Assessment Screening**

**March 2012**

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# **1 Introduction**

This is an Appropriate Assessment Screening - in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) - of the proposed construction of two poultry houses at Coolanoran, Newcastle West, Co. Limerick

This report was prepared in compliance with the European Communities (2002) Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC - the Screening matrix and the finding of no significant effects report matrix has been taken from Section 4 and 5 (Figures 1 to 5).

## **1.1 Background**

The proposed development consists of the construction of two poultry houses at the rear of the existing poultry operation at Coolanoran, Newcastle West, Co. Limerick.

## **1.2 Survey Methods**

The site was surveyed on the 10<sup>th</sup> October 2010 and 16<sup>th</sup> February 2012. The survey on each day lasted approximately 3 hours. Weather conditions were cool and dry throughout both days.

The aim of the survey was to evaluate the ecological status of the site. This involved studying the types of habitats, flora and fauna present so as to determine the ecological diversity of this area. The entire site and surrounding area was walked with species and habitats recorded.

The survey method involved the following.

1. The site was walked with observations recorded.
2. The species of flora, fauna including avian species encountered were recorded.
3. Habitats were checked for evidence of mammals.
4. The diversity of habitats present was recorded.
5. Habitats were classified in accordance to the standard recommended by The Heritage Council (Fossitt 2000).

### 1.3 Survey Limitations

Every effort has been made to provide an accurate assessment of the situation pertaining to the site at Coolanoran, Newcastle West, Co Limerick at the time of the study.

### 1.4 Purpose and Structure of the Written Submission

The purpose of this Written Submission is to summarise the Appropriate Assessment Screening Report to be submitted to Limerick County Council. The submission addresses the impact of the proposed construction of two poultry houses at Coolanoran, Newcastle West, Co. Limerick. The site is not within or located close to any protected site such as NHA, SPA and SAC.

A pre-planning meeting which discussed the scoping document with Limerick County Council the planning officer requested that an appropriate assessment is completed.

### 1.5 Qualifying Species and Conservation Objectives – Scope of AA

The subject site itself is not designated under any Regional, National or European Environmental Designation. It does not therefore require assessment under the Wildlife (Amendment) Act 2000 (S.I. No. 38 of 2000) or the European Communities (Natural Habitats) Regulations, 1997 (S.I. No. 94 of 1997).

However the following designated areas are located in the Limerick region;

Site Code	Type of Designation	Distance from Site
Stack's to Mullaghareirk (004161)	SPA	8 km
Curraghchase Woods (000174)	pNHA	19 km
Askeaton Fen Complex (002279)	SAC	15 km
Ballymorrisheen Marsh (001425)	pNHA	15 km
Lower River Shannon (002165)	SAC	18 km
Inner Shannon Estuary – South Shore (000435)	pNHA	17 km

SAC	Special Area of Conservation
SPA	Special Protection Area
NHA	Nature Heritage Area

## 1.6 The Purpose of Appropriate Assessment

The *Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna* – the ‘Habitats Directive’ provides legal protection for habitats and species of European importance. Article 2 of the Habitats Directive requires the maintenance or restoration of habitats and species of interest to the EU in a favourable condition. The Directive was transposed into Irish law by the European Communities (Natural Habitats) Regulations, SI 94/1997.

Articles 6(3) and 6(4) of the Habitats Directive require an Appropriate Assessment of plans to prevent significant adverse effects on European sites, also known as SAC or Natura 2000 sites. In this particular case the purpose of Appropriate Assessment is to assess the potential impacts of a land-use plan on the conservation objectives of European sites. The assessment must determine whether the plan would have significant adverse affects upon the integrity of each site in terms of its nature conservation objectives. The integrity of the site has been defined as “*the coherence of the site’s ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified*”. Where negative effects are identified other options should be thoroughly examined to avoid any potential damaging effects prior to implementing the plan.

The Natura 2000 network is a European network of ecologically important sites (SPAs and SACs) that have been designated for protection under either the Habitats Directive (Council Directive 92/43/EEC) or the Birds Directive (Council Directive 79/409/EEC). The statutory agency responsible for these designated areas is the National Parks & Wildlife Service of the Department of Environment, Heritage and Local Government.

Plans can only be permitted after having ascertained that there will be no significant adverse effect on the integrity of the sites in question. Components within a plan, such as objectives or proposals, can be adjusted or removed to avoid significant adverse impacts prior to implementation. The plan may also proceed if sufficient mitigation or compensation measures are in place to ensure the overall integrity of the site.

## **1.7 Overview of Appropriate Assessment Process**

In the preparation of this assessment reference has been made to the following documents:

European Commissions: *Managing Natura 2000 Sites. The provisions of Article 6, of the 'Habitats' Directive 92/43/EEC*

This screening should be based on any ecological information available to the authority and an adequate description of the plan and its likely environmental impacts. This should take into account any policies that will set the terms for future development. The results of the screening should be recorded and made available to the public.

In any case where, following screening, it is found that the project may have an impact on the conservation objectives of a Natura 2000 site or that such an impact cannot be ruled out, adopting a precautionary approach an appropriate assessment of the project must be carried out.

The European Commission's Methodological Guidance recommends a 4 stage approach:

### **Stage 1 Screening:**

Determining whether the plan 'either alone or in combination with other projects' is likely to have a significant effect on a European site.

### **Stage 2 Appropriate Assessment:**

Determining whether, in view of the site's conservation objectives, the plan 'either alone or in combination with other projects' would have an adverse effect (or risk of this) on the integrity of the site. If not, the plan can proceed.

### **Stage 3: Assessment of Alternative Solutions:**

Where it has not been proven that measures considered will not avoid or mitigate the adverse affect on the Natura 2000 site, then an assessment of the alternatives will be required; and if none are acceptable then stage 4 is required to be considered.

### **Stage 4 Assessment where no Alternative Solutions Exist and where Adverse Impacts Remain**

This will involve assessment where the Plan is considered to result in adverse impacts on the Natura 2000 site and no alternative solutions remain – the imperative reasons of overriding public interest (IROPI) test must be met before authorisation, permission or adoption of the Plan is agreed. This includes the agreement of compensatory measures.

This report covers Stage 1 of Appropriate Assessment -Screening.



## **1.8 The Purpose of this Report**

This Screening Report will be used to identify whether proposed construction of two poultry houses at Coolanoran, Newcastle West, Co. Limerick either alone or in combination with other plans or projects -is likely to have a no significant effect on a European site. This report will include recommendations, if necessary, to avoid any significant adverse effects at the earliest possible stage in decision making.

This report follows European Commission (2001) guidance which recommends that screening should:

- Determine whether the proposed development is directly connected with or necessary to the management of the site – if it is not, then no further assessment is necessary
- Describe the proposed and other plans and projects that, ‘in combination’, have the potential to have significant effects on a European site
- Identify the potential effects on the European site and
- Assess the significance of any effects on the European site

## **2.0 Brief Description of the Project**

The Appropriate assessment is being submitted by Pat Kenny who intends to apply to Limerick County Council for planning permission for the proposed expansion of his poultry growing operation at Coolanoran, Newcastlewest, Co. Limerick.

The site is not within a SPA, SAC or NHA and the nearest protected site is a SPA, Stack’s to Mullaghareirks (Site Code - 004161)

## **2.1 Consultation**

Consultation with the National Parks and Wildlife Service (hereafter NPWS) regarding the designated sites listed above.

## **2.2 European sites that may be affected**

There are no European sites of importance present or identified within or close to the subject site which may potentially be affected by the proposed development.

A 'sphere of influence' of 10 kilometres was assessed, this being deemed as an area which the proposed Development Plan may affect, either alone or in combination with other plans.

The location of the European sites is illustrated in Table 1 which outlines each European site, and their qualifying features, that could potentially be affected by the proposed development of two poultry houses at Coolanoran, Newcastle West, Co. Limerick.

**Table 1:** European & National Sites that could possibly be adversely affected by Proposed Development at Coolanoran, Newcastle West, Co. Limerick.

Name	Site Code	Key Features of the Site
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle pSPA	4161	Designated for the protection of the Hen Harrier, ( <i>Circus cyaneus</i> ) which is listed on Annex 1 of the Birds Directive (79/409/EEC). The pSPA includes conifer plantations, heath and bog and rough grassland. Intensively managed agricultural land, houses and farm buildings are generally excluded
Curraghchase Wood cSAC & pNHA	174	The site consists of mixed woodland and a series of wetlands. The site also contains a hibernation site of the Lesser Horseshoe Bat ( <i>Rhinolophus hipposideros</i> ), a species listed on Annex II of the EU Habitats Directive. The combination of a secure hibernation site and suitable foraging habitat, and the presence of over 60 individuals makes this an internationally important site for the Lesser Horseshoe Bat.
Askeaton Fen Complex cSAC	2279	The site contains Cladium fen and alkaline fen, both habitats listed on Annex I of the EU Habitats Directive. The site also provides a refuge for fauna in an otherwise intensively managed countryside.
Ballymorrisheen Marsh pNHA	1425	Transition/Reedbeds (Irish Peatland Conservation Council)
Lower River Shannon cSAC	2165	A very large site which stretches along the Shannon Estuary from Killaloe to Loop Head/Kerry Head. It includes the freshwater stretches of the Feale catchments as well as the Feale and Shannon estuaries. The site contains a number of habitats listed on Annex I of the EU Habitats Directive such as lagoons, alluvial woodlands and floating river vegetation. It also contains a number of species listed on Annex II of the same directive such as otters and freshwater pearl mussels. In addition, it contains a number of plant species which are listed in the Irish Red Data Book, several of which are also protected under the Flora(Protection) Order 1999, including Triangular Club Rush, Meadow Barley and Hairy Violet.

## **2.3 Existing legislation, plans and proposals**

### **2.3.1 Convention on Biological Diversity (CBD)**

The protection of biodiversity is enshrined in the CBD to which Ireland is a signatory. As part of its commitment to this international treaty Ireland, as part of a wider European Union initiative, is committed to the halt in loss of biodiversity by the year 2010. The National Biodiversity Plan (Dúchas, 2002), published in 2002, states that “each local authority is to prepare a local biodiversity action plan”. All Local Authorities are or have completed the process of drawing up its first Biodiversity action plan. Limerick County Council has not published a Bio-diversity plan. In addition, the Department of the Environment, Heritage and Local Government is currently preparing the second National Biodiversity Plan.

### **2.3.2 Limerick County Council County Development Plan 2005 – 2011 (LCC, 2005)**

The Limerick County Development plan seeks to:

- Promote the conservation and enhancement of natural heritage, cultural heritage, archaeological heritage, landscape, biodiversity and the built environment as important elements of the long term economic growth and regeneration of the County.
- Due recognition shall be given to protected species under the Wildlife Act 2000 and where possible all efforts will be made to ensure that development will have minimal impact on the natural environment.

#### **Environment**

The Local Agenda 21 Partnership Fund provides for projects on the theme of Biodiversity, as it is a fundamental part of sustainable development. Control of permits and licencing for waste disposal by this section, as well as enforcement, helps protect sensitive habitats. Provision of better information for the section on the location of locally important habitats would avoid habitat damage and loss and so avoid costly clean-up bills.

- To protect natural heritage sites designated in National and European legislation. This includes sites proposed to be designated or designated as Special Areas of

Conservation (SAC), Natural Heritage Areas (NHA), Nature Reserves and Wildfowl Sanctuaries. This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan.

- To assess all proposed developments (individually or in combination with other proposals, as appropriate) which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- To consult with the prescribed bodies and relevant government agencies when assessing developments which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- To ensure that any development in or near a designated natural heritage site will avoid any significant adverse impact on the features for which the site has been designated.
- To require an appropriate environmental assessment in respect of any proposed development likely to have an impact on a designated natural heritage site, or those sites proposed to be designated.

### **2.3.3 National Sustainable Development Strategy**

The 2002 document: 'Making Ireland's Development Sustainable' (DOEHLG, 2002) highlights "respect for ecological integrity and biodiversity" as a core theme, while the associated principle is that: "the diversity of wildlife, habitats and species should be maintained and improved". An update to this document is to be published.

### **2.3.4 Long-term Strategy of the Environmental Protection Agency (EPA)**

In 2007 the EPA published '2020 Vision: Protecting and Improving Ireland's Environment' (EPA, 2007) and identified the protection of soil and biodiversity as one of six environmental goals.

## **2.4 Scoping of the study/Literature Review**

There is little site specific information regarding the area as the area is primarily an area of improved agricultural grassland.

### **3.0 Baseline Data**

#### **3.1 Methodology**

A site visit was carried out on 10<sup>th</sup> October 2010 and the 16<sup>th</sup> February 2012. The site was surveyed in accordance with the Heritage Council's draft Habitat Survey guidelines (Heritage Council, 2002) and the 'Guidelines for Baseline Ecological Assessment' from the Institute of Environmental Assessment (IEA, 1995). Habitats were identified in accordance with Fossitt's 'Guide to Habitats in Ireland' (Fossitt, 2000). A species list for each habitat was compiled and target notes were made.

#### **3.2 Constraints**

The time of year for the assessment of flora is late in the plant cycle. It was therefore reasonable to expect that some floral species will not be apparent or will be difficult to identify.

### **3.3 Flora**

#### **3.3.1 Improved Agricultural Grassland – GA1**

The proposed site is comprised of grassland that has been applied with industrial fertilisers it is species poor and is therefore of low ecological value. Typical species include those grasses that have been sowed for grazing e.g. Perennial Rye Grass *Lolium perenne*, Cock's foot *Dactylis glomerata* and a small number of tolerant plants such as Thistles *Cirsium sp.*, Doc *Rumex sp.*, Common nettle *Urtica dioica* and in wet ground Rushes *Juncus sp.*

### **3.4 Fauna**

#### **3.4.1 Mammals**

Since a dedicated fauna survey was not carried out, the presence of various species is deduced from the existence of suitable habitat and this is shown in Table 2.

The old buildings in the surrounding area are likely to provide suitable habitat for bats, although it is not possible to determine which species without further study. All

bat species are protected by law.

Areas of hedgerow with earthen banks and drainage ditches could provide a suitable habitat for Rabbits *Oryctolagus cuniculus*, Badger *Meles meles*, and Hedgehog *Erinaceus europaeus*. No droppings were recorded during the site visit. The Badger is protected under the Wildlife (Amendment) Act, 2000.

**Table 2** Mammals known for which there is suitable habitat (Harris & Yalden, 2008)

	Level of Protection	Habitat
Otter <i>Lutra lutra</i>	Annex II & IV Habitats Directive; Wildlife (Amendment) Act, 2000	Rivers and wetlands
Whiskered bat <i>Myotis mystacinus</i>	Annex IV Habitats Directive; Wildlife (Amendment) Act, 2000	Gardens, parks and riparian habitats
Natterer's bat <i>Myotis nattereri</i>		Woodland
Leisler's bat <i>Nyctalus leisleri</i>		Open areas roosting in attics
Brown long-eared bat <i>Plecotus auritus</i>		Woodland
Leisler's bat <i>Nyctalus leisleri</i>		Woodlands and buildings
Common pipistrelle <i>Pipistrellus pipistrellus</i>		Farmland, woodland and urban areas
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>		
Daubenton's bat <i>Myotis daubentonii</i>		Woodlands and bridges associated with open water
Irish hare <i>Lepus timidus hibernicus</i>	Annex B Habitats Directive; Wildlife (Amendment) Act, 2000	Wide range of habitats
Hedgehog <i>Erinaceus europaeus</i>	Wildlife (Amendment) Act, 2000	Woodlands and hedgerows
Pygmy shrew <i>Sorex minutus</i>		Woodlands, heathland, and wetlands
Red squirrel <i>Sciurus vulgaris</i>		Woodlands
Irish stoat <i>Mustela erminea hibernica</i>		Wide range of habitats
Badger <i>Meles meles</i>		Farmland, woodland and urban areas

### 3.4.2 Birds

Incidental recordings of birds were made and include many typical countryside species and these are detailed in table 3. No dedicated bird survey was carried out. Nearly all bird species and their nests are protected under the Wildlife (Amendment) Act, 2000.

This species is listed under the Annex I of the Birds Directive.

**Table 3 – Incidental records of birds observed during the survey**

Latin Name	English Name	Conservation Status
<i>Corvus frugilegus</i>	Rook	Green
<i>Erithacus rubecula</i>	Robin	Green
<i>Sturnus vulgaris</i>	Starling	Red
<i>Motacilla cinerea</i>	Grey wagtail	Green
<i>Pyrrhula pyrrhula</i>	Bullfinch	Amber
<i>Turdus merula</i>	Blackbird	Green

Conservation status is derived from BirdWatch Ireland's list of Birds of Conservation Concern in Ireland (Lynas et al., 2007) where green = low concern; amber = medium concern; and red = high concern.

### 3.4.3 Amphibians

The Common frog *Rana temporaria* was not recorded although they could breed in the marginal areas of the drainage ditch on site. The frog is protected under the Wildlife (Amendment) Act, 2000 also the frog is also protected under Annex V of the Habitats Directive.

### 3.4.5 Invertebrates

A large number of insects are likely to be present in the area and all habitats present are suitable for a wide range of species. It is unlikely that protected species would be present due to agricultural practices. Hedgerows and drainage ditches present would provide suitable habitat for a variety of invertebrates supported by the tree mix present along hedgerows notably native species such as Hawthorn *Crataegus monogyna* and Ash *Fraxinus excelsior*.



## **4.0 Screening Matrix**

### **4.1 Brief description of the project**

The proposed development consists of the construction of two poultry houses at a single storey construction at Coolanoran, Newcastle West, Co. Limerick.

### **4.2 Brief description of the Natura 2000 site**

There are no protected sites within 5 Kilometers of the site

### **4.3 Assessment criteria**

- Describe the individual elements of the project (either alone or in combination with other projects) likely to give rise to impacts on the Natura 2000 site.
  - The construction of two additional poultry houses at Coolanoran, Newcastlewest Co. Limerick as the site is far from protected sites and will have a low to no impact on the protected site.
- 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 site by virtue of:
  - size and scale;
    - (a) Direct impacts  
None
    - (b) Indirect  
None
    - (c) Secondary  
None
- land-take;
  - Yes for two poultry houses area approx. 0.8 hectare.
- distance from the Natura 2000 site or key features of the site;
  - No protected sites within 5 kilometers
- resource requirements (water abstraction etc.);
  - The new poultry houses will be serviced by on-site wells

- emissions (disposal to land, water or air);
  - The proposed poultry houses are outside of the catchment of the municipal sewerage network. Effluent generated from any permitted poultry houses is directed to effluent storage tanks. The stored effluent goes to land spreading.
  - Pat Kenny's domestic residence will be used for the disposal of domestic wastewater only which and will be treated by the present treatment system in place for domestic dwelling.
- excavation requirements;
  - Yes excavation is required for foundations, drainage and external paved areas.
- transportation requirements;
  - All materials and resources required for the building and operating the poultry houses will be transported to the site via road.
- duration of construction, operation, decommissioning, etc.;
  - The duration of construction will be approximately 1 to 2 months.
  - A time line for operation and decommission is not known.
- other
  - None

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

- reduction of habitat area:
  - Yes area for the additional poultry houses is on grassland but the habitat is of poor species diversity. A reduction in the area of grassland habitat will occur to the order of 0.8 hectares. The habitat is of poor species diversity.

- disturbance to key species;
  - None
- habitat or species fragmentation;
  - None as the area of habitat is improved grassland which is utilised for silage production twice per year.
- reduction in species density;
  - None
- changes in key indicators of conservation value (water quality etc.);
  - no key indicators
- climate change.
  - None

**4.5 Describe any likely impacts on the Natura 2000 site as a whole in terms of:**

- interference with the key relationships that define the structure of the site;
  - The site a significant distance for any protected site and the impact will be low to none.
- interference with key relationships that define the function of the site.
  - None

## **5.0 Finding of no significant effects report matrix**

### **5.1 Name of project or plan**

Pat Kenny, Coolanoran, Newcastle West, Co. Limerick, development of two poultry houses.

### **5.2 Name and Location of Natura 2000 sites**

None within 5 kilometers

See Figures 1 to 5.

### **5.3 Description of the project or plan**

The proposed development consists of the construction of two poultry houses which will have the capacity to growing 20,000 birds each at, Coolanoran, Newcastle West, Co. Limerick.

### **5.4 Is this project directly connected with or necessary to the management of the sites (provide details)?**

No the proposed development is not connected with any protected site and no management is required.

### **5.5 Are there other project that together with the project or plan being assessed could affect the sites (provide details)?**

It is unlikely that the proposed poultry growing operation project alone or in combination with the existing or proposed poultry developments would impact on protected sites.

### **5.6 The assessment of significance of effects**

The proposed development will lead to the expansion of an existing poultry growing operation which comprises of 2 poultry houses. There is the presence of other poultry houses in the locality.

The proposed development does not comprise of a new development to the site but rather an expansion of an authorised development. The development will have a low impact on the area.

### **5.7 Explain why these effects are not considered significant.**

The proposed site is comprised of agricultural grassland of low ecological value. This habitat type is representative of all agricultural land used for grazing and silage cutting in the region. The land take for the development is approximately 0.8 hectares.

The proposed development is not expected to adversely affect the integrity of any Protected sites. Furthermore, the proposed development if permitted shall be required to conform to the relevant regulatory provisions for the prevention of pollution, nuisance or other environmental effects likely to significantly and adversely affect the integrity of any protected site.

### **5.8 List of agencies consulted.**

NPWS

### **5.9 Response to consultation.**

Consultation was held with NPWS.

### **5.10 Data collected to carry out the assessment**

- Who carried out this assessment?
  - Trevor Montgomery & Miriam Montgomery
- Sources of data
  - Documents supplied by Pat Kenny Pat Kenny, Coolanoran, Newcastle West, Co. Limerick
  - Limerick County Council Website
  - NPWS website

### **5.11 Level of assessment completed**

Site Visits and a desktop study

#### **5.11.1 Where can the full results of the assessment can be accessed and viewed?**

This screening report is to be submitted to Limerick County Council as part of a planning application for the proposed development

## **6.0 Assessment of Likely Significant Effects**

The proposed development of 2 poultry houses as part of an expansion of an existing poultry growing operation at Coolanoran, Newcastle West, Co. Limerick is not directly connected to any protected site.

It is unlikely to impact on any development site due its location with the nearest protected site being situated over 5 km away.

## **7.0 Conclusion**

The outcome of the screening process is that there is no need therefore to proceed to stage 2 of the appropriate assessment and ascertain the effect on site integrity or investigate mitigation measures or alternative solutions. Therefore no need for a formal appropriate assessment to be made under the EU Habitats Directive before the planning authority considers the application in full.

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## **Appendices**

### **Appendix 1      Figures**