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Appropriate Assessment (AA) Screening Report

Castlecomer Discovery Park Bike Trail

Castlecomer Discovery Park

Castlecomer Discovery Park, The Estate Yard, Co. Kilkenny

Prepared by:

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Basis of Report

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Kilkenny County Council - Viewing Purposes Only!

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Acronyms and Abbreviations

AA	Appropriate Assessment
NIS	Natura Impact Statement
SAC	Special Area of Conservation
SPA	Special Protection Area
LSE	Likely Significant Effect
EclA	Ecological Impact Assessment
QI	Qualifying Interest



1.0 Introduction

SLR Consulting Ireland (SLR) was commissioned by Castlecomer Demesne Company Ltd, to prepare an Appropriate Assessment (AA) Screening report for a proposed bike trail through the Park (hereafter referred to as the “the Project”).

1.1 Background

The proposed project is located within the Castlecomer Discovery Park at The Estate Yard, Co. Kilkenny (hereafter, “the Site”). Castlecomer Demesne Company Ltd is a not-for-profit community enterprise which was opened to the public in June 2007. It is set in the former grounds of the 18th century Wandesperde Estate and comprises 80 acres of native and planted woodland, Coillte-managed conifer plantation and man-made lakes, and is situated approximately 17km from Kilkenny town. It began as a community project to rejuvenate the town of Castlecomer following the closure of the coal mines in 1969.

1.2 General Description of the Site

The proposed Site is centred at approximate Irish Transverse Mercator (ITM) coordinates 653810 673234 in the town Castlecomer, County Kilkenny. The lands immediately surrounding the Site are used for agricultural purposes consisting of grazing fields which are divided by hedgerows. There are residential properties in the surrounding areas of the Site. The Dinin River flows in a southern direction directly adjacent to the south-west corner of the Site.

1.3 Purpose of the Report

The purpose of this report is to provide supporting information to assist the competent authority, in this case Kilkenny County Council, to carry out screening for likely significant effects on Natura 2000 sites as a result of the Project.

1.4 Evidence of Technical Competence and Experience

SLR Project Ecologist Brogan Costello prepared this report and SLR Associate Ecologist Michael Bailey carried out the technical review.

Brogan Costello is employed as a Project Ecologist with SLR since April 2022. She holds a BSc. in Science (Botany) from the National University of Ireland, Galway and a MSc. from University College Dublin in Global Change; Ecosystem Science and Policy. Before working with SLR, Brogan was involved in internships with Galway County Council Environmental Department, and also a traineeship with the European Commission. She is a qualifying member of the Chartered Institute of Ecology and Environmental Management.

Michael Bailey holds a BSc. in Biology and Ecology from the University of Ulster and an MSc. in Quantitative Conservation Biology from the University of the Witwatersrand in Johannesburg. He has extensive experience in ecological studies and assessments across a range of sectors in UK and Ireland and of agricultural, mining and renewable energy projects across Africa. He is a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM).



1.5 Relevant Legislation

1.5.1 European Nature Directives (Habitats and Birds)

Previously the Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora), served as the basis for the designation of SAC. Similarly, SPAs were classified under the Birds Directive (Council Directive 2009/147/EEC on the Conservation of Wild Birds). The provisions for designation of these sites have now been incorporated into national legislation and collectively these are referred to as the UK national site network (previously referred to as the Natura 2000 network). In general terms, these sites are the minimum required for the conservation of certain habitats and species. The sites designated for nature conservation under the Habitats and Birds Directives may be referred to as 'European sites'.

1.5.2 European Communities (Birds and Natural Habitats) Regulations 2011

Pursuant to the Habitats Directive, Part 5 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, similarly sets out the requirements for screening assessments and the circumstances under which an AA is required.

Regulation 42(1) requires that 'a screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.' Regulation 42(2) expands on this, stipulating that a public authority must carry out a screening for AA before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken.

Regulation 42(6) requires that 'the public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site'.

Regulation 42(3)(a) gives the public authority the power to direct a third party to provide a Natura Impact Statement (NIS) and Regulation 42(3)(b) allows it to request any additional information that it needs to complete the screening assessment or AA. Regulation 42(5) goes on to make clear that the NIS should include such information as the public authority considers necessary to enable it to undertake the AA and to ascertain if a project or plan will affect the integrity of a Natura 2000 site. In addition to the information, Regulation 2(1) provides a definition of a Natura Impact Statement as 'a report comprising the scientific examination of a plan or project and the relevant European Site or European Sites, to identify and characterise any possible implications of the plan or project individually or in combination with other plans or projects in view of the conservation objectives of the site or sites, and any further information including, but not limited to, any plans, maps or drawings, scientific information or data required to enable the carrying out of an Appropriate Assessment'.

Regulation 42(11) makes clear that the AA must be carried out by the public authority and that it must include its conclusion as to whether the project or plan would adversely affect the integrity of a Natura 2000 site, and that this must be done prior to consenting the project.



1.5.3 Planning and Development Act 2000 (as amended)

The process has been also incorporated into the Planning and Development Act 2000 (as amended), in sections 177T, 177U and 177V, which are as follows:

s177T(1)(b) A Natura impact statement means a statement, for the purposes of Article 6 of the Habitats Directive of the implications of a proposed development, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites.

(2) Without prejudice to the generality of subsection (1), a Natura impact report or a Natura impact statement, as the case may be, shall include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for one or more than one European site in view of the conservation objectives of the site or sites.

s177U. — (1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.

(4) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

s177V. — (1) An appropriate assessment carried out under this Part shall include a determination by the competent authority under Article 6.3 of the Habitats Directive as to whether or not a draft Land use plan or proposed development would adversely affect the integrity of a European site and an appropriate assessment shall be carried out by the competent authority, in each case where it has made a determination under section 177U(4) that an appropriate assessment is required, before — ... (b) consent is given for the proposed development.



2.0 Methodology

This section of the report sets out the methods of gathering the information to support the preparation of this report.

2.1 General Approach

The methodology used in this report is based on guidance provided by the National Parks and Wildlife Service (NPWS, 2010), the Office of the Planning Regulator (OPR, 2021) and EC Guidance (EC, 2018) (EC, 2020) (EC, 2021) on the application of Article 6 of the Habitats Directive. The 2021 EC guidance describes a series of stages and steps which should be completed when carrying out the assessment and these are followed here with minor modifications. The assessment applies only to Natura 2000 sites (SPAs and SACs). More specifically, it only applies to the qualifying interest features of such sites i.e. the features which are the reason that the site was designated.

2.2 Stage One: Screening

Stage One is a screening assessment, the purpose of which is to determine whether a plan or project requires more detailed assessment. There are two principal tests. The first considers whether the plan or project is needed for the management of a European site for the purpose of maintaining or restoring its conservation interest. Any such plans or projects can usually be screened out of further assessment. The second test considers whether the plan or project, without specific mitigation measures, would be likely to have a significant effect on any European Site. This requires consideration of the project on its own and in combination with other plans or projects.

A project can only be screened out of further assessment if it is certain (beyond reasonable scientific doubt and on the basis of the best scientific knowledge) that there would be no significant effects on any Natura 2000 site without mitigation designed specifically to address potential impacts on the qualifying interest of such sites.

Significant effects in this assessment are those which could undermine the conservation objectives of a qualifying interest feature. The process is used to determine which Natura 2000 Sites should be included in the later stages of the assessment. It can also be used to determine which qualifying interest features require further assessment.

2.3 Stage Two: Appropriate Assessment

Stage Two is a more detailed assessment, known as an "Appropriate Assessment" due to the terminology in the legislation. This essentially repeats the second test of the screening assessment but in more detail and considering mitigation measures before reaching a conclusion. At this stage, the test is whether the project or plan will have an adverse effect on the integrity of any European site. This must be done in the light of the conservation objectives for each of the sites and qualifying interest features that have been 'screened in' by the earlier stage of assessment. Any effect which could undermine the conservation objectives is considered an adverse effect on the integrity of the site, and vice versa. If the project is predicted to lead to adverse effects upon the integrity of the site, further stages of assessment are required before the project can be authorised.

2.4 Sources of Information

Sources of information for the assessment of the Project 'alone' include:



- Article 17 and Article 12 reports completed by the National Parks and Wildlife Service¹;
- Site Synopses, Conservation Objectives and Standard Data Forms for the Natura 2000 sites²;
- Environmental Protection Agency (EPA) Maps³.

Sources of information for the plans and projects for the 'in combination' assessment were as above and also include:

- Kilkenny County Development Plans 2021 – 2029⁴
- Kilkenny County Council planning portal⁵ and myplan.ie⁶ were accessed for information on other projects and plans.

¹ <https://www.npws.ie/publications/article-17-reports?msclid=0c19d260b00a11ecaf5a935da63f219b> (last accessed August 2023)

² <https://www.npws.ie/protected-sites> (last accessed August 2023)

³ <http://gis.epa.ie/> (last accessed August 2023)

⁴ [Adopted City and County Development Plan - Kilkenny County Council \(kilkennycoco.ie\)](https://www.kilkennycoco.ie/adopted-city-and-county-development-plan)

⁵ [ePlan::Find a planning application \(kilkennycoco.ie\)](https://www.kilkennycoco.ie/eplan)

⁶ <https://myplan.ie/> (last accessed August 2023)



3.0 Stage One: Appropriate Assessment Screening

3.1 Step 1 – Part 1: Management of Natura 2000 Sites

The Site is not connected with, or necessary for, the management of a Natura 2000 site.

3.2 Step 2 – Part 1: Project Description

3.2.1 Location and Setting

The Project will take place in Castlecomer Discovery Park which is located c. 17km north of Kilkenny City. The Project will predominately involve the widening of existing pathways that are within the mixed woodland on Site.

The site address is: Castlecomer Discovery Park, The Estate Yard, Castlecomer, Co. Kilkenny

3.2.2 Outline Description of the Project

The Project will consist of an 8.2km bike trail at Castlecomer Discovery Park (Figure 1). The bike trail will be between 0.8 – 2.2m wide including surface and boundary treatment, signage and all associated works, within Castlecomer Demesne. The bike trail surface will consist of compacted material comprising loose gravel material which is no larger than 20mm. The Project will predominately involve the widening of existing pathways and the replacement of surface layers with the aforementioned materials. The works will require minimal disturbance and tree removal (within existing Coillte forestry) and suitable paths between the existing trees will be used where possible.

3.3 Step 2 – Part 2: Potential Impact Factors

The Project has the potential to result in the following impacts:

- Habitat loss – there will be the need to remove some trees (category C trees, with a stem diameter less than 150 mm) within the Castlecomer woodland to facilitate the bike trail

The use of heavy machinery during construction stage will be avoided and construction machinery will be limited to small dump trucks to transport gravel materials and possibly a small roller to compact the gravel.

There will be no need for the use of water during construction and therefore any run-off will be limited to rainfall. As the bike trails will be mostly with the soft-soiled and wooded areas, and the gravel trails will be thinly layered and narrow, any rainwater run-off will be restricted to the immediate fringes of the trail. Also due to the limited amount of compacted gravel used there will be minimal dust created during the construction phase.

The habitats and species listed as features of interest of any Natura 2000 sites within zone of influence of the Project must therefore be assessed for affects from habitat loss and these effects are considered further below.

3.4 Identification of relevant Natura 2000 Sites

Based on the size and nature of the Project it is considered that the maximum distance for which the Project should be evaluated in terms of European sites is up to a radius of 2km, however as the Dinin River links to Natura 2000 sites outside of the 2km radius, sites up to 10km from the Project have also been assessed for any potential Source-Pathway-Receptor (S-P-R) links between the Site and any European site(s). Any Natura 2000 sites outside of this radius have also been assessed for any S-P-R links.



Natura 2000 sites within the zone of influence or those with potential S-P-R links are listed in Table 3.2.2-1, assessed further in Table 3.2.2-2 and their locations in relation to the proposed project site shown in Figure 2.

Table 3.2.2-1: Natura 2000 Sites with potential Source-Pathway-Receptor links

Site Name	Site Code	Nearest Distance to the Application Site (km) ⁷
River Barrow and River Nore SAC	002162	Adjacent to the Site
River Nore SPA	004233	9.5km west
Lisbigney Bog SAC	000869	9.9km north

Given the nature of the Project and the sensitivity of the sites, these Natura 2000 sites have been identified as requiring screening either on account of the proximity of the application Site or on the basis of connectivity to the Site.

⁷ When measured in a straight line to the nearest point.



Table 3.2.2-2: Natura 2000 Sites within the zone of influence of the Project

Natura 2000 Site	Qualifying Interests ⁸	Conservation Objective	Brief Description ⁹	Connections (Source-Pathway-Receptor)
River Barrow and River Nore SAC	• Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Reefs [1170] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260] • European dry heaths [4030] • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]	To maintain the favourable conservation condition of Desmoulin's whorl snail, White-clawed crayfish, Mudflats and sandflats not covered by seawater at low tide, Salicornia and other annuals colonising mud and sand, Killarney fern, Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation, European dry heaths, Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels, Petrifying springs with tufa formation at River Nore and River Barrow SAC, And, To restore the favourable conservation	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. Both rivers rise in the Old Red Sandstone of the Slieve Bloom Mountains before passing through a band of Carboniferous shales and sandstones. The site is of considerable conservation significance for the occurrence of good examples of habitats and of populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive. Furthermore, it is of high conservation value for the populations of bird species that use it. The occurrence of several Red Data Book plant species including three rare plants in the salt meadows and the population of the hard water form of the Freshwater Pearl Mussel, which is	Habitat Loss – as habitat loss from the Project will be limited to trees within the Site, with a stem diameter less than 100, it will not impact any of the habitats for which this SAC is designated. Water run-off - There will be very limited /no run-off from the gravel trails and no discharge to watercourses and they will be maintained as permeable surfaces. Noise & Dust – this SAC is sufficiently distant from the project site to not be affected by dust. Therefore no likely significant effects are predicted. SCREENED OUT

⁸ For SPAs, the bird species that are the reason for designation are Species of Conservation Interest (SCIs) and for SACs the habitats and species that are the reason for designation are its Qualifying Interests (QIs). For convenience, the term qualifying interest or QI is used here for both SPAs and SACs.

⁹ [Protected Sites in Ireland | National Parks & Wildlife Service \(npws.ie\)](https://www.npws.ie/Protected-Sites-in-Ireland)



Natura 2000 Site	Qualifying Interests ⁸	Conservation Objective	Brief Description ⁹	Connections (Source-Pathway-Receptor)
	• Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] • <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016] • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] • <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092] • <i>Petromyzon marinus</i> (Sea Lamprey) [1095] • <i>Lampetra planeri</i> (Brook Lamprey) [1096] • <i>Lampetra fluviatilis</i> (River Lamprey) [1099] • <i>Alosa fallax fallax</i> (Twaiite Shad) [1103] • <i>Salmo salar</i> (Salmon) [1106] • <i>Lutra lutra</i> (Otter) [1355] • <i>Trichomanes speciosum</i> (Killarney Fern) [1421]	conditions of all other Qualifying Interest features of River Nore and River Barrow SAC	limited to a 10 km stretch of the Nore, add further interest to this site.	



Natura 2000 Site	Qualifying Interests ⁸	Conservation Objective	Brief Description ⁹	Connections (Source-Pathway-Receptor)
	<i>Margaritifera durrovensis</i> (Nore Pearl Mussel) [1990]			
River Nore SPA	Kingfisher (<i>Alcedo atthis</i>)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	The River Nore SPA is a long, linear site that includes the following river sections: the River Nore from the bridge at Townparks, (north-west of Borris in Ossory) to Coolnamuck (approximately 3 km south of Inistioge) in Co. Kilkenny; the Delour River from its junction with the River Nore to Derrynaseera bridge (west of Castletown) in Co. Laois; the Erkina River from its junction with the River Nore at Durrow Mills to Boston Bridge in Co. Laois; a 1.5 km stretch of the River Goul upstream of its junction with the Erkina River; the Kings River from its junction with the River Nore to a bridge at ill Island, Co. Kilkenny. The site includes the river channel and	The Site is outside the foraging range of Kingfisher. In addition, there will be no disturbance or removal of riverbank habitat or discharge to any watercourses to effect water quality and the ability of kingfisher to forage. Therefore no likely significant effects are predicted. SCREENED OUT
Lisbigney Bog SAC	- Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]	To restore the favourable conservation condition of all QI's at Lisbigney Bog SAC.	Lisbigney Bog is situated about 5 km north-east of Durrow in Co. Laois. Although referred to as a bog, this site is actually a wetland dominated by fen vegetation. It is a former lake basin, and is now criss-crossed by streams. Lisbigney Bog is of considerable conservation significance for the good example of <i>Cladium</i> fen, a priority-listed habitat on Annex I of the E.U. Habitats Directive, and for the population of <i>Vertigo moulinsiana</i> that it supports.	Habitat Loss – as habitat loss from the Project will be limited to trees within the Site, with a stem diameter less than 100, it will not impact any of the habitats for which this SAC is designated. Water run-off - There will be very limited run-off from the gravel trails and no discharge to



Natura 2000 Site	Qualifying Interests ⁸	Conservation Objective	Brief Description ⁹	Connections (Source-Pathway-Receptor)
				watercourses. and they will be maintained as permeable surfaces. Noise & Dust – this SAC is sufficiently distant from the project site to not be affected by dust. Therefore no likely significant effects are predicted. SCREENED OUT



3.5 Step 4 – Part 1: Description of Natura 2000 Sites with potential Source-Pathway-Receptor links

The main potential source of impact was identified as a result of the Project was habitat loss (felling of trees) from construction phases of the project. However, none of the habitats found in the relevant Natura 2000 sites will be affected by the Project.

In addition, there will be no discharge of surface water to any watercourse so there is no impact source as a result of the project.

3.6 Step 4 – Part 2: Assessment of Likely Significant ‘In Combination’ Effects

In combination, or cumulative, effects can result from individually insignificant but collectively significant actions taking place over a period of time or concentrated in a location. Cumulative effects can occur where a proposed development results in individually insignificant impacts that, when considered in-combination with impacts of other proposed or permitted plans and projects, can result in significant effects.

Other plans and projects that should be considered when establishing cumulative effects are:

- proposals for which consent has been applied but which are awaiting determination;
- projects which have been granted consent, but which have not yet been started or which have been started but are not yet completed (i.e., under construction);
- proposals which have been refused permission, but which are subject to appeal, and the appeal is undetermined;
- constructed developments whose full environmental effects are not yet felt and therefore cannot be accounted for in the baseline; or
- developments specifically referenced in a National Policy Statement, a National Plan or a Local Plan.

A search of the Kilkenny County Council online planning search facilities indicates that all developments in the surrounding townlands that have been granted planning permission in the last five years are restricted to single house extensions or farm building developments and none have the potential to give rise to any significant adverse cumulative impacts on the local environment.

There are no policies or objectives within the Kilkenny City and County Development Plan 2021 – 2027 that when considered with the Project could give rise to cumulative effects on Natura 2000 sites.

As there are no effects on Natura 2000 sites predicted to occur as a result of the Project, there are no pathways for the project to act in-combination with other plans or projects. Therefore, cumulative effects on nearby Natura 2000 Sites will not occur as a result of the Project.



4.0 Conclusion

This screening assessment based on the best available scientific information, shows that the proposed Project will not undermine the conservation objectives of the River Barrow and River Nore SAC, the River Nore SPA or Lisbigney Bog SAC, either alone or in-combination with other projects or plans.

Based in the findings from this assessment, it is considered there is no requirement to proceed to Stage 2 Appropriate Assessment for the proposed permit variation for the Site.

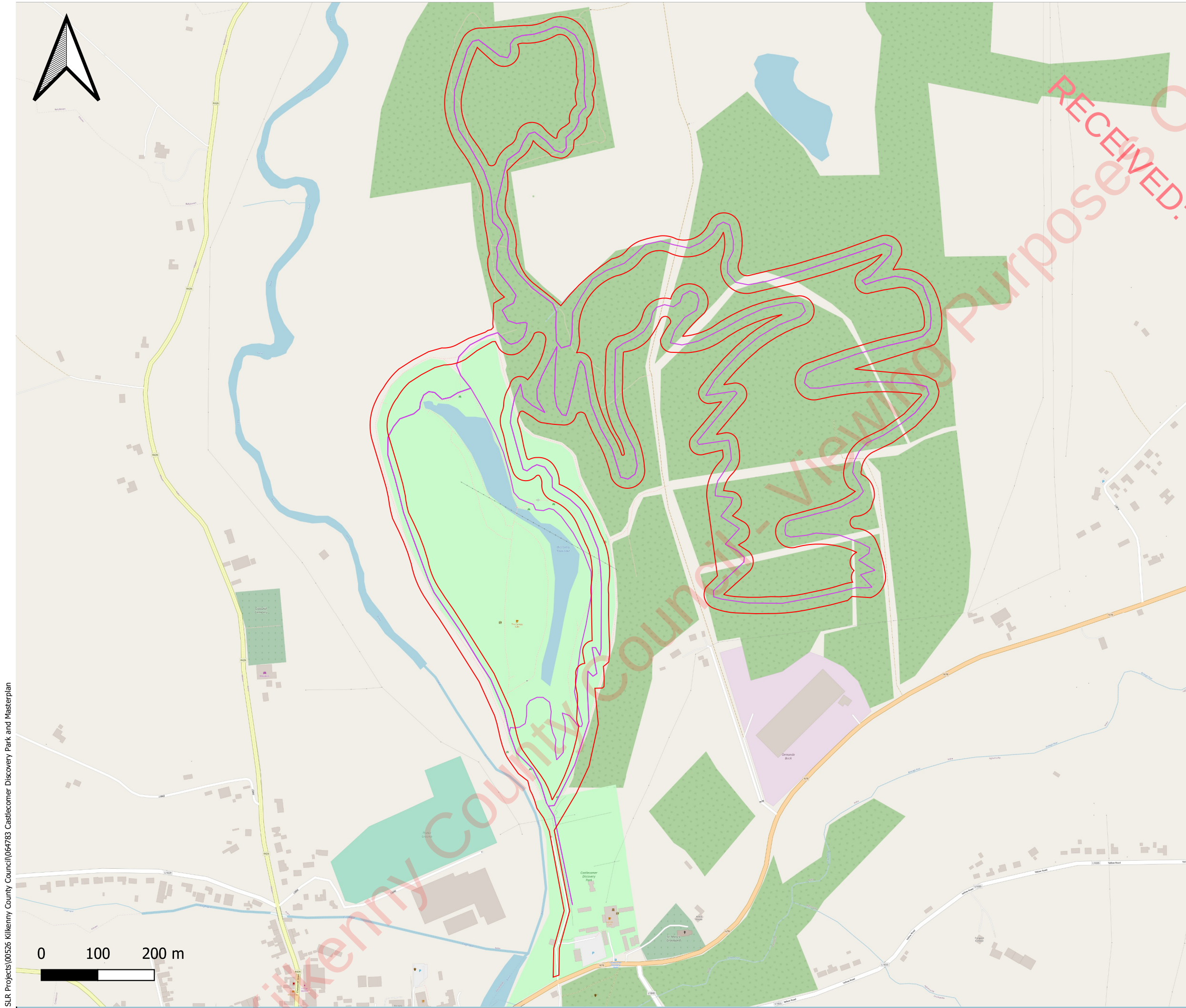
Based on the information set out in this report we submit that the competent authority has sufficient information to allow it to determine that the application for a bike trail within the Castlecomer Discovery Park, Co. Kilkenny, individually or in combination with other plans or projects, will not have an adverse effect on the integrity or pose a risk of likely significant effects on the Natura 2000 sites of the River Barrow and River Nore SAC, the River Nore SPA or Lisbigney Bog SAC, or any other Natura 2000 site.



5.0 Figures

Figure 1: Site Location Map





NOTES

1. Base Mapping: OpenStreetMap © (www.openstreetmap.org/copyright)
2. CYAL50316488
- © Ordnance Survey Ireland/Government of Ireland.

LEGEND

- Site Outline
- Proposed Bike Paths



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Kilkenny County Council

**APPROPRIATE ASSESSMENT
SCREENING**

Castlecomer, Co. Kilkenny

SITE LOCATION MAP

FIGURE 1

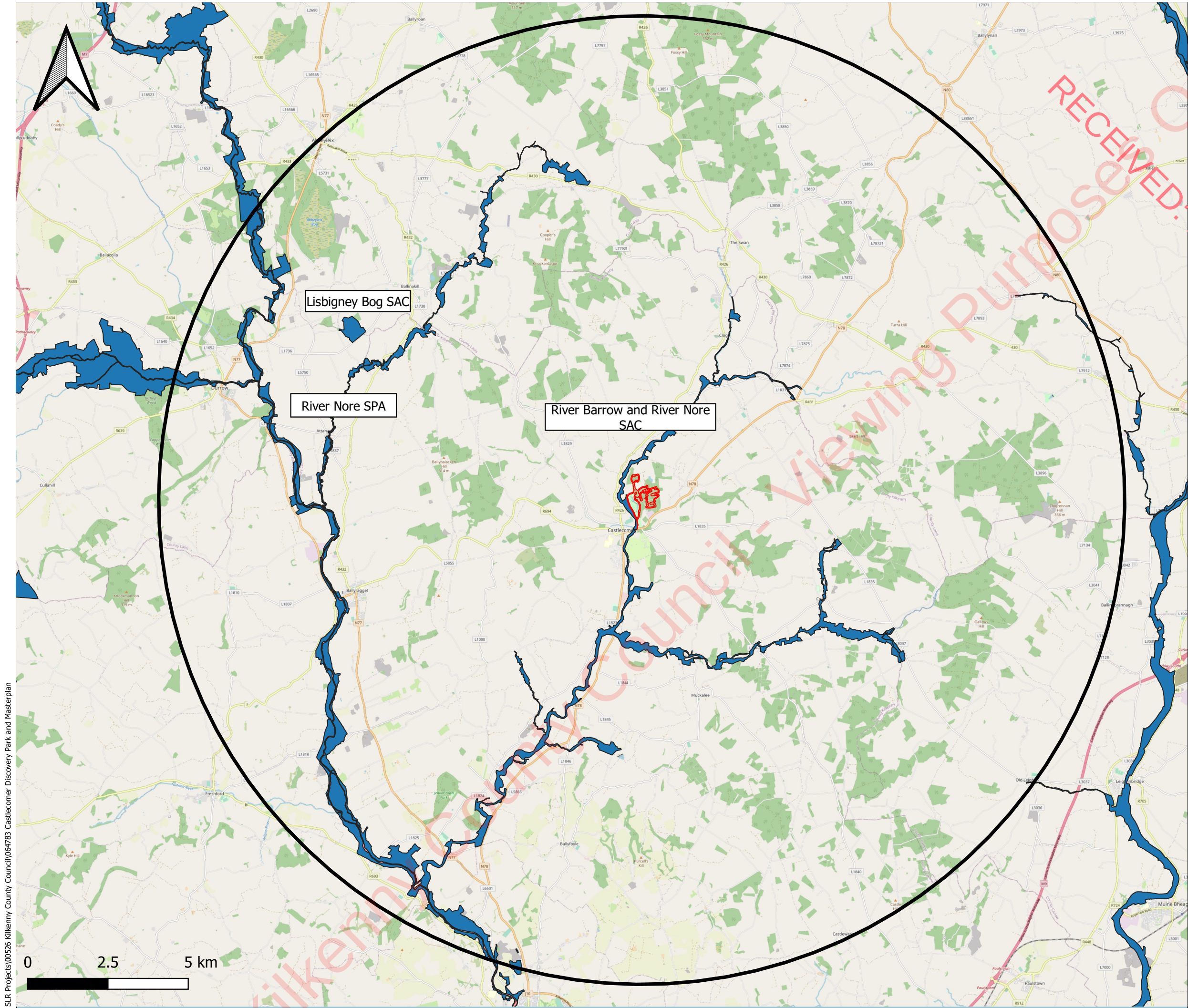
Scale
1:50000 @ A3

Date
AUGUST 2023

Figure 2: Natura 2000 Sites Map



SLR Projects\00526 Kilkenny County Council\064783 Castlecomer Discovery Park and Masterplan



NOTES

1. Base Mapping: OpenStreetMap © (www.openstreetmap.org/copyright)
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LEGEND

- 15km Radius Buffer
- Site Outline
- Special Areas of Conservation (SAC)
- Special Protection Area (SPA)



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Kilkenny County Council

APPROPRIATE ASSESSMENT SCREENING

Castlecomer, Co. Kilkenny

NATURA 2000 SITES MAP

FIGURE 2

Scale
1:50000 @ A3

Date
AUGUST 2023

6.0 References

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