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**Limerick | Shannon Metropolitan Area Transport Strategy (LSMATS)  
Appropriate Assessment Determination Statement**

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National Transport Authority

## Limerick Shannon Metropolitan Area Transport Strategy

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## 1. Introduction

This Appropriate Assessment (AA) Determination Statement is provided for the public and relevant bodies to establish that an AA has been conducted in relation to the Limerick Shannon Metropolitan Area Transport Strategy (LSMATS).

The EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora in particular the provisions of Article 6(3), as transposed into Irish law through the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) as amended (2011 Regulations) sets out the requirement for AA.

In the context of Article 6(3), an AA screening must be carried out to assess whether, on the basis of objective scientific information the plan, individually or in-combination with other plans or projects, is likely to have a significant effect on a European site.

Specifically, Regulation 42(1) of the 2011 Regulations states:

*" Subject to Regulation 42A, 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 42A applies to situations where the Minister for Housing, Local Government and Heritage is the relevant public authority for the purposes of Appropriate Assessment).

Regulation 42(6) of the 2011 Regulations goes on to provide 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."*

The AA screening carried out in relation to the LSMATS determined that it could not be excluded, on the basis of objective scientific information, that the LSMATS, individually or in-combination with other plans and projects, would have a significant effect on a European site(s). Accordingly, the AA screening determined that full AA of the LSMATS in view of the relevant sites' conservation objectives was required.

Regulation 42(16) of the 2011 Regulations provides that a public authority shall undertake or adopt a plan only after having determined that the relevant plan shall not adversely affect the integrity of a European site.

To inform its determination on AA, in accordance with the 2011 Regulations, NTA prepared a Natura Impact Statement (NIS), which is a report comprising the scientific examination of the LSMATS and the relevant European Site or European Sites, to identify and characterise any possible implications of the LSMATS 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.

In carrying out the AA, the 2011 Regulations require the NTA to take into account each of the following matters:

- The NIS;
- Any other plans that may, in-combination with the LSMATS, adversely affect the integrity of a European site;

- Any supplemental information furnished in relation to any such report or statement;
- If appropriate, any additional information sought by the authority and furnished by the applicant in relation to the NIS;
- Any information or advice obtained by the public authority;
- If appropriate, any written submissions or observations made to the public authority in relation to the LSMATS; and,
- Any other relevant information.

The methodology and guidance documents for undertaking the assessment is presented in Section 2 of the NIS. European Sites potentially affected are presented in Section 3 of the NIS. A full list of the Conservation Objectives (COs) and Qualifying Interests (QIs)/Special Conservation Interests (SCIs) that each European site is designated for, as well as the attributes and targets to maintain or restore the QIs/SCIs to a favourable conservation condition are available from the National Parks and Wildlife Service (NPWS) website and have used in the NIS assessment. Plans with potential in-combination effects are assessed in Section 6 of the NIS.

## 2. LSMATS Scope and Contents

The Limerick Shannon Metropolitan Area Transport Strategy (LSMATS) considers all land transport modes, with the objective of providing a long-term strategic planning framework for the integrated development of transport infrastructure and services in the LSMA. It will be used to inform transport investment priorities over the short and long term and will inform sustainable integrated land use and transport policy formulation at the metropolitan and local level.

Each of the considerations below are included within the LSMATS:

- Public transport infrastructure and service proposals (rail, bus, public bikes and taxi);
- Measures to facilitate and promote walking;
- Measures to facilitate and promote cycling, including cycling infrastructure;
- Planning policies aimed at closer integration between land use development and sustainable transport;
- Traffic management policies including potential changes to traffic circulation in Limerick City centre;
- Demand management measures including policies related to parking and tolling;
- Behavioural change measures;
- Measures to promote integration between all modes;
- Policies related to the management of freight; and,
- Road infrastructure.

Specifically, elements within the LSMATS are broken down into strategic measures based on the following:

- Walking;
- Cycling;
- Bus;
- Rail;
- Land Use, Regeneration and Schools;
- Urban Design and Placemaking;
- Roads and Demand Management Parking;
- Freight, Delivery and Servicing; and,
- Supporting Measures and Integration.

The NIS has assessed the specific measures included within LSMATS using the “source-pathway-receptor” model. This assessment was undertaken in consideration of all potential impact pathways connecting elements of the LSMATS to European sites in view of their conservation objectives.

The NIS included a screening process based on the current measures included in the LSMATS to identify likely significant effects (LSE) on European sites. Those elements of the LSMATS that may result in LSE were then assessed for potential adverse effects on site integrity (Appropriate Assessment). Avoidance/mitigation to address such effects were proposed as required within the NIS.

### **3. Potential Impacts**

The screening for Appropriate Assessment identified measures included within the LSMATS which could, by itself or in-combination with other plans and projects, affect European sites in light of their conservation objectives. The AA Screening identified that the implementation of the LSMATS may give rise to measures that could result LSE via a variety of possible effect pathways, including but not limited to:

- Physical loss of habitats/functional habitat;
- Mortality;
- Habitat degradation - changes in air/water quality (pollution);
- Habitat degradation - hydrological/ hydrogeological changes;
- Change in hydrology - water table/availability; and,
- Disturbance (including biological disturbance).

Based on the scope and scale of the measures included with the LSMATS the screening assessment determined that seven European sites would be taken forward to the next stage of Appropriate Assessment to determine Adverse Effects on Site Integrity (AESI). These sites were:

- Askeaton Fen Complex SAC;
- Curraghchase Woods SAC;
- Lower River Shannon SAC;
- Tory Hill SAC;
- Ballyallia Lough SPA;
- Lough Derg (Shannon) SPA; and,
- River Shannon and River Fergus Estuaries SPA.

## 4. Data Sources and Guidance

The following desktop data sources have been used to inform the assessment within the NIS:

- The National Parks and Wildlife Service (NPWS) website (<https://www.npws.ie/>), where site synopses, Natura 2000 data forms and conservation objectives were obtained.
- National Biodiversity Data Centre (<http://www.biodiversityireland.ie/>)
- Environmental Protection Agency maps website (<https://gis.epa.ie/EPAMaps/>)
- Planning website ([www.eplanning.ie](http://www.eplanning.ie))

The Natura Impact Statement was prepared with reference to the following documents:

- Practice Note (PN) 01 Appropriate Assessment Screening for Development Management (Office of the Planning Regulator, 2021);
- The strict protection of animal species of Community interest under the Habitats Directive (EC, 2021)
- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2010a);
- 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 (European Commission, 2021);
- Communication from the Commission on the Precautionary Principle (European Commission, 2000);
- 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 Commission (European Commission, 2007);
- Marine Natura Impacts Statements in Irish Special Areas of Conservation. A working Document (Department of Arts, Heritage and the Gaeltacht, 2012); and
- Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2018).

The following circulars also outline the AA requirements:

- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 and PSSP 2/10 (Department of Environment, Heritage and Local Government, 2010b);
- Appropriate Assessment of Land Use Plans. Circular Letter SEA 1/08 & NPWS 1/08 (Department of Environment, Heritage and Local Government, 2008a);
- 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 and NPWS 1/07;
- Guidance on Compliance with Regulation 23 of the Habitats Directive. Circular Letter NPWS 2/07 (Department of Environment, Heritage and Local Government, 2007); and
- Water Services Investment and Rural Water Programmes – Protection of Natural Heritage and National Monuments. Circular L8/08 Department of Environment, Heritage and Local Government (2008b).



## **5. AA Screening and AA Summary**

An AA screening process was conducted on the LSMATS. The conclusion of that screening was that it could not be excluded on the basis of objective scientific information that the LSMATS, individually or in-combination with other plans or projects, would have a significant effect on a European site or European sites. It was therefore concluded that, in accordance with Article 6(3) of the Habitats Directive, the implications of the LSMATS for the relevant European sites were required to be subject to AA in view of the relevant sites' conservation objectives.

At next stage of the AA process the assessment evaluated the potential of the measures within the LSMATS to adversely affect the integrity of a European site(s) (AESI), taking account of the potential for direct, indirect and cumulative impacts alone or in-combination with other plans and projects. As detailed in Section 4 of the NIS, seven European sites, Lower River Shannon SAC, the Curraghchase Woods SAC, the Askeaton Fens Complex SAC, Tory Hill SAC, Ballyallia Lough SPA, Lough Derg (Shannon) SPA and River Shannon and River Fergus Estuaries SPA, have the potential to be adversely affected by the measures included within the LSMATS.

Section 5 of the NIS provides details of proposed avoidance/mitigation to address the potential for AESI identified in relation to a European site as a result of the implementation of the strategy. As noted in the NIS there will be focus on avoidance of AESI through an overarching commitment to applying the mitigation hierarchy at the plan level which would in turn inform the design/progression of projects and plans contained within the LSMATS. Where required specific mitigation measures have been proposed within the NIS to safeguard sensitive habitats and species listed as QI's of the European Site.

Project-level environmental assessment as and when they are implemented, will include assessments of the potential to affect European sites during construction and/or operation. The full list of general and specific mitigation measures as presented in the NIS will ensure that the LSMATS will not result in adverse effects on the integrity of any European site.

## 6. In-combination Assessment

Under Article 6(3) of the Habitats Directive an assessment of in-combination effects of the LSMATS with other plans and projects is required (see Chapter 6 in the NIS). Given the strategic nature of a regional level plan the assessment of in-combination effects focused on other regional plans and major projects within the Zol (Zone of Influence) of the LSMATS. Regional plans considered with the NIS are as listed below:

- Project Ireland: National Planning Framework (NPF) 2040;
- Project Ireland: National Development Plan (NDP) 2018 – 2027;
- National Investment Framework for Transport in Ireland (NIFTI) (Department of Transport, 2021);
- The Southern Regional Assembly (SRA) - Southern Regional, Spatial and Economic Strategy (RSES);
- Clare County Development Plan 2017-2023;
- Limerick County Development Plan 2010-2016 (As Extended);
- Limerick City Development Plan 2010-2016 (As extended);
- Adare Local Area Plan (LAP) 2015-2021;
- Rathkeale Local Area Plan 2012-2018 (As Extended to 2022);
- Askeaton Local Area Plan 2015-2021; and,
- Limerick 2030 – An Economic and Spatial Plan for Limerick (2013).

The potential impacts of the plans and their in-combination effects were assessed by desktop study. The assessment found that with avoidance/mitigation measures, there would be no in-combination effects with any other plan and therefore no anticipated adverse effects on any European site's integrity.

## 7. Consultation

Consultations on the content of the NIS were undertaken with National Parks and Wildlife Services within the Development Applications Unit (DAU) and comments were received in June 2022 and November 2022.

Based on consultation comments received from DAU amendments to Section 4.2 (Potential Adverse effects on Site Integrity) and Section 5 (Mitigation) of the NIS were undertaken. Changes to these sections in response to DAU comments were minor clarifications on wording to strengthen the assessment and provide greater assurance on avoidance/mitigation measures proposed. While some amendments were made to the NIS in response to DAU comment and observations, no material changes were required to the assessment in the NIS in response to consultation. None of the changes represented a material change to the LSMATS and were added to improve understanding and clarity only in the final LSMATS and NIS.

The amendments to the NIS in response to DAU comments are as follows:

- Updates to Section 2.1 of the NIS to clarify the interaction between plan level and project level assessments;
- Updated text in Section 2.4.1 of the NIS to confirm a commitment to applying the mitigation hierarchy – specifically prioritising avoidance measures to address both LSE and AESI;
- Updated text in Section 5.1 (Mitigation) of the NIS to clarify that avoidance and mitigation measures are embedded within the LSMATS;
- Amended text throughout Table 5.1 in of the NIS to include a statement to provide a commitment in relation to project level assessments as follows:
  - At a project level should issues arise under Article 6(3) of the Habitats Directive then the project will not be progressed unless alternative solutions cannot be identified, or additional measures implemented which would avoid the potential for AESI.
  - Where alternative solutions cannot be identified project level assessments utilizing the full provisions for AA as set out in the requirements of the EU Habitats Directive 92/43/EEC (the Habitats Directive) on the Conservation of Natural Habitats and of Wild Fauna and Flora may be necessary. Table 4.4 within Chapter 4 of the NIS was updated to further consider potential for AESI on the QI Habitat “Water courses of plain to montane levels with the *Ranuncion fluitantis* and *Callitricho-Batrachion* vegetation.
- Table 4.4 within Chapter 4 of the NIS was updated to further consider potential for AESI on the QI Habitat Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*.
- Tables 4.5 and Table 4.7 within Chapter 4 of the NIS was updated to further consider potential for AESI on QI bird species within Ballyallia Lough SPA and the River Shannon and River Fergus Estuaries SPA.

## 8. Determination/AA Conclusion

The NTA is satisfied that given the high-level nature of the LSMATS that no additional information was required for the assessment and that the information presented in the NIS was sufficient for a complete, precise and definitive assessment to be carried out with no lacunae or gaps. As competent authority, NTA is satisfied that the LSMATS will not result in adverse effects on the integrity of any European site in view of their conservation objectives, either alone or in-combination with other plans.

This decision is based on the following considerations:

- assessment and conclusions as presented in the Natura Impact Statement which was written with the best available scientific information at time of writing;
- other relevant plans that may in-combination with the LSMATS, adversely affect the integrity of a European site;
- no supplemental information was furnished in relation to any such report or statement, as NTA was satisfied that no such supplemental information was required to enable NTA to carry out the AA;
- as the AA concerned a plan and not a project, there was no additional information sought by NTA from an applicant;
- no other information or advice was obtained by NTA, as NTA was satisfied that no such information or advice was necessary to enable NTA to carry out the AA;
- the written submissions and observations made to NTA by DAU in relation to the LSMATS, NIS and AA were taken on board and addressed in a subsequent version of the NIS; and;
- NTA was satisfied that no other information was required for NTA to carry out the AA.

Date: 23/11/22

Signed:   
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**Anne Graham**