

KENLIS PLACE PUBLIC REALM IMPROVEMENTS

SCREENING FOR APPROPRIATE ASSESSMENT

Prepared for: Meath County Council



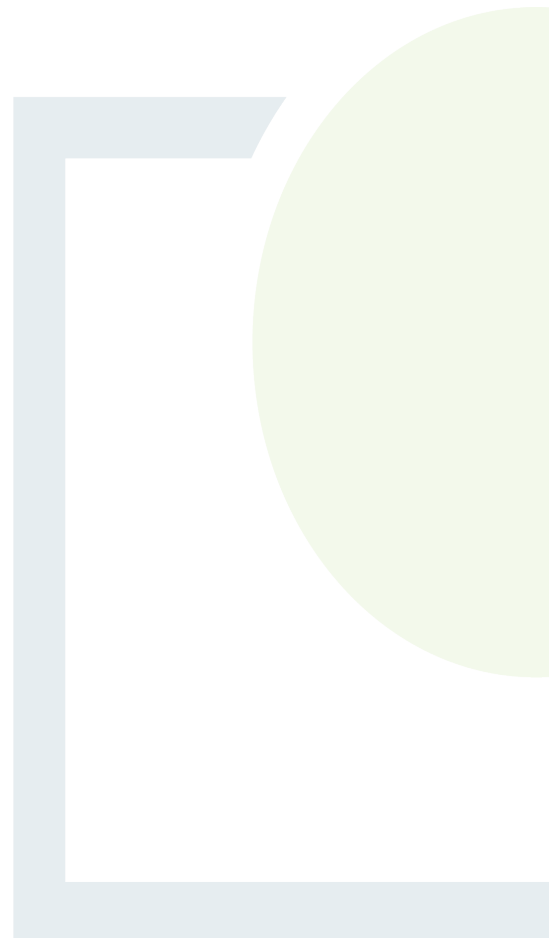
Date: December 2021

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APPROPRIATE ASSESSMENT SCREENING REPORT

KENLIS PLACE PUBLIC REALM IMPROVEMENTS

User is responsible for Checking the Revision Status of This Document

Rev. No.	Description of Changes	Prepared by:	Checked by:	Approved by:	Date:
0	Draft Issue	CW/JO	RM/RD	BG	09/12/2021
1	Final Issue	CW/MG	RM/RD	BG	07.01.2021

Client: Meath County Council

Keywords: Meath, Kells, Screening for Appropriate Assessment

Abstract: Report to inform Screening for Appropriate Assessment, Kenlis Place Public Realm Improvements.

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1 INTRODUCTION

1.1 Introduction

Fehily Timoney and Company (FT) has been engaged by Meath County Council (MCC) to prepare An Appropriate Assessment Screening Report for a Part 8 Planning Application for the proposed 'Kenlis Place Public Realm Improvements' development, which is to be located in the townland of Town Parks, Kells, Co. Meath.

This Appropriate Assessment Screening Report has been prepared in support of the Part 8 Planning Application for the development and is an assessment of the likelihood of the proposed development to have a significant effect on a European site (either alone or in combination with other plans or projects) and is based on best available scientific knowledge.

This report has been prepared to inform the competent authority in completing their statutory obligations in relation to Appropriate Assessment under Council Directive 92/43/EEC (Habitats Directive) as implemented in Ireland under *inter alia* the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), and Section 177U of the Planning and Development Act, 2000 (as amended).

1.2 Legislative Context

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) provides legal protection for habitats and species of European importance. The Directive requires that where a plan or project is likely to have a significant effect on a European Site, while not directly connected with or necessary to the nature conservation management of the site, it will be subject to 'Appropriate Assessment' to identify any implications for the European site in view of the site's Conservation Objectives.

Specifically, Article 6(3) of the Habitats Directive states:

6(3) Any plan or project not directly connected with or necessary to the management of the site (Natura 2000 sites) but likely to have 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.

6(4) 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 social or economic nature, the Member State 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 provisions of Article 6 do not apply where the proposed plan or project is '*connected with or necessary to the management of the site*'. In this case, proposals for the junction upgrade are not directly connected with or necessary to the management of any European site(s) and as such an assessment as to whether the project would be likely to have significant effects on European Sites must be carried out.

Article 6 of the Habitats Directive is implemented by the provisions of sections 177U and 177V of the *Planning and Development Act, 2000* (as amended). Article 177U requires that before consent is given, the competent authority must carry out a screening for appropriate assessment to assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site. If it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site, an appropriate assessment of its implications for the Site(s) in view of the Site's conservation objectives is required to be carried out. Section 42, paragraph 13 of the S.I. No. 293/2021 - European Union (Birds and Natural Habitats) (Amendment) Regulations 2021, has also introduced a mandatory requirement for the public authority to undertake consultation with the public prior to the Appropriate Assessment determination being made, and that the public authority shall have regard to any submissions or observations received during the public consultation.



2 METHODOLOGY

2.1 Guidance

In the preparation of this assessment regard has been had to the relevant guidance, in particular:

- *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*, Office for Official Publications of the European Communities, Luxembourg (EC, 2002). This document was updated by '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'. Commission notice (2021) Brussels, 28.9.2021 C(2021) 6913 final;
- *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities*. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin (2010);
- *Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC*. European Commission (2018). Brussels, 21.11.2018 C (2018) 7621 final; and
- Office of the Planning Regulator Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).

2.2 Assessment Protocol

The process of determining the likelihood of significant effects from a proposed project on European sites is an iterative process centred around a Source-Pathway-Receptor assessment.

The assessment commences with a description of the project. All elements of the project are presented including the project location and existing baseline environment. The type of impacts which are likely due to the project are identified having regard to the spatial and temporal scale of the project, resource requirements and likely emissions. The zone of influence (Zol) of the project is therefore defined, and the potential source-pathway-receptor (S-P-R) connectivity to European Sites and their qualifying interests / special conservation interests are identified.

The potential for in-combination effects with other plans and projects is also assessed having regard to the identified impacts of the project.

The likelihood of significant effects on the European Sites within the Zol is determined having regard to the sensitivity of the Site to the impacts associated with the project on its own and in combination with other plans and projects. Having regard to the European Commission Communication on the Precautionary Principle (EC, 2000), where the likelihood of significant effects cannot be demonstrated on the basis of scientific evidence (e.g. through quantifiable cause and effect relationship), the precautionary principle is adopted and significant effects are assumed.

Where significant effects are determined to be likely, or where there is uncertainty regarding the likelihood of significant effects, the project will be required under law to be subjected to Appropriate Assessment.



2.3 Information Consulted in the Preparation of this Report

A desk study was conducted and comprised a review of the following publications, data and datasets:

- National Parks and Wildlife Service – online European site network information, including site conservation objectives www.npws.ie;
- National Parks and Wildlife Service – Information on the status of EU protected habitats in Ireland (Article 17 Reports);
- National Biodiversity Data Centre – www.biodiversityireland.ie;
- Environmental Protection Agency (EPA) (on-line map-viewer);
- Inland Fisheries Ireland (online map-viewer) - <https://www.fisheriesireland.ie/>
- Water Framework Directive website – www.catchments.ie; and
- Meath County Development Plan 2021 – 2027.



3 ROJECT DESCRIPTION

3.1 Baseline Environment

The lands proposed for development comprise approximately 0.25 hectares of pre-developed land situated in an urban area, in the town centre of Kells, Co. Meath. The lands are bordered to the north, east and south by regional roads with their junction the subject of the proposed upgrade works. Commercial and light industrial units can also be found immediately to the north, east, west, north west and north east of the site. A landscaped garden is situated directly south east of the site.

The area immediately surrounding the proposed project is characterised by commercial, light residential and recreational use, with the area being zoned for B1 Commercial /Town or Village Centre with areas of C1 Mixed Use in the Draft Meath County Development Plan 2021-2027. The wider area is distinctly urban in nature. See Figure 3-1 for Site location.

3.2 Project Overview

Meath County Council intend to apply for permission for the proposed 'Kenlis Place Public Realm Improvements' development which is to be located at Kenlis Place Junction in the townland of Town Parks, Kells, Co. Meath.

The aim of the proposed development is to amend, improve and enhance the setting of public realm and traffic junction efficiency at Kenlis Place Junction.

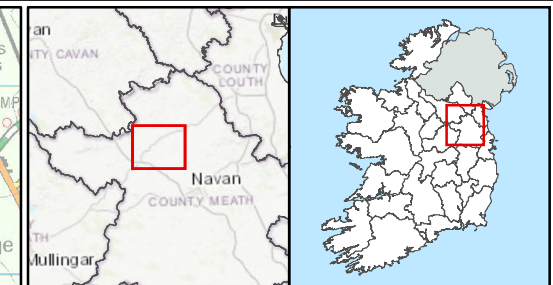
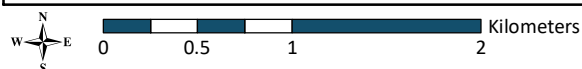
The proposed development will involve the following:

- Three existing car parking spaces in front of the Credit Union building will be replaced by a pedestrian plaza incorporating hard and soft landscaping features including stone walls, a raised planted area, and seating.
- Kerbing on both sides of Kenlis Place will be realigned where it forms the junction with Headfort Place to reduce the overall road width to 6m.
- Limestone bollards will be placed on both sides of Kenlis Place within the realigned kerb.
- A 33m long and 6m wide raised road table with 4m wide pedestrian (zebra) crossing will be provided across Kenlis place.
- A new pedestrian crossing across John's Street will be developed.
- A ramped access route to St. Colmcille's Credit Union will be developed off of John Street.
- Lands the southern side of Kenlis Place including the existing Parnell Garden will be replaced with realigned footways and new raised planted areas.
- The existing statue of the Virgin Mary along with its plinth is to be moved approximately 13m west from its current position to the proposed raised planted area to be situated in the proposed pedestrian plaza.
- New gullies will be installed in locations wherever kerbing is to be aligned.
- Provision is to be made within the enlarged pedestrian area for placing the Christmas tree from advent through to new year.



A Site Location Plan showing the location of the proposed development and the surrounding context is shown in Figure 3-1 below.

A Site Layout Plan showing the layout of the proposed development is shown in Figure 3-2 below.



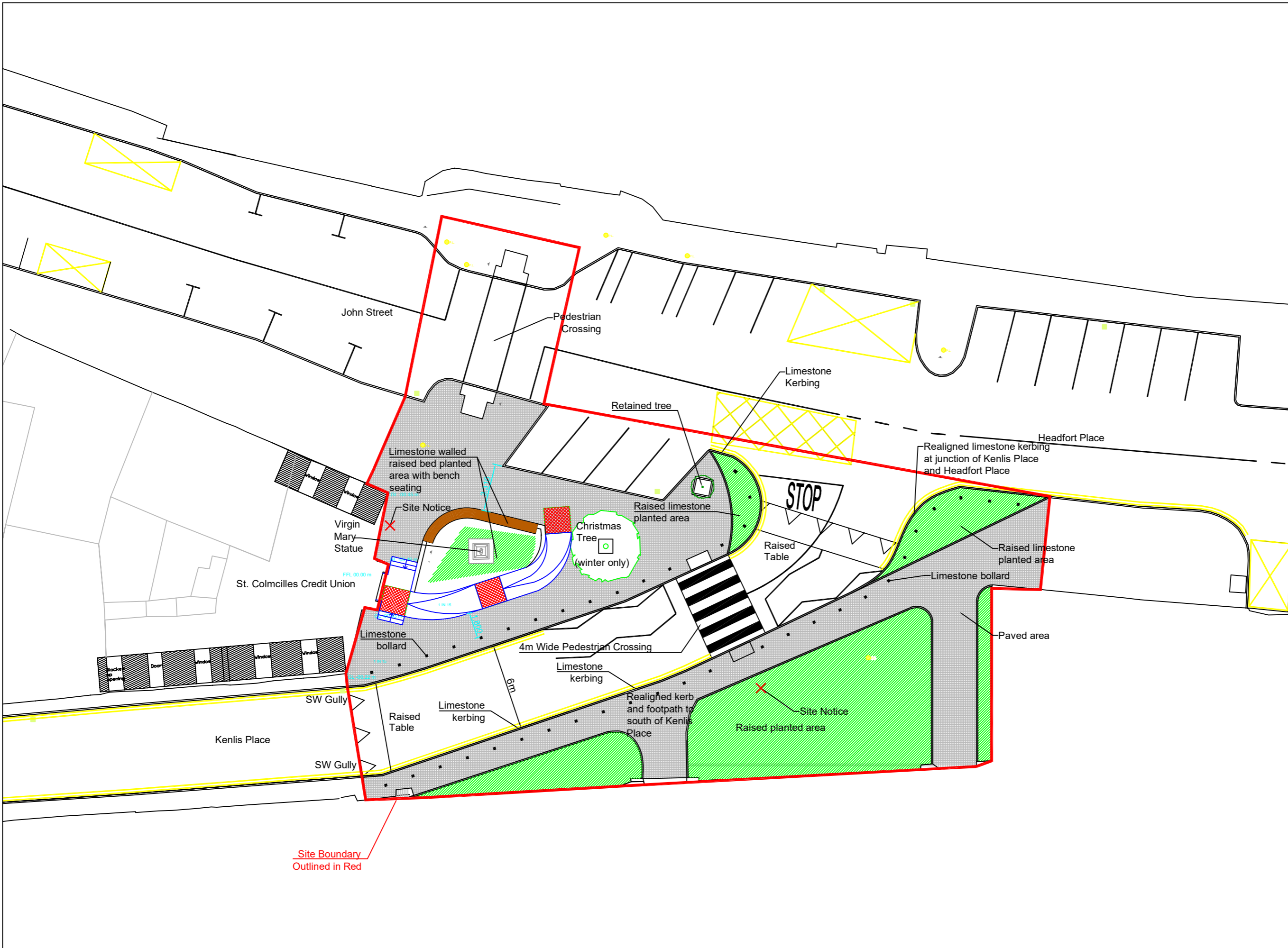
Legend
 Site Boundary

TITLE:	Site Location
PROJECT:	Part VIII Planning Service: Kells Junction Upgrade
FIGURE NO:	3.1
CLIENT:	Meath County Council
SCALE:	1:40000
REVISION:	0
DATE:	10/11/2021
PAGE SIZE:	A3



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2. DO NOT SCALE, use figured dimensions only, if in doubt ask.



No.	Date	Amendment / Issue	Drn	Chk	App
1	18/10/2021	Ramp Incorporated into design	MM	AS	AS

Stage: XXXX

Comhairle Chontae na Mí
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Project:
Kenlis Place Public Realm Improvement Works

Title:
Site Layout Plan

Drawn by: M. Murphy
 Checked by: A. Smith
 Approved by: A. Smith

File Reference: TRA-12-17-07-02-01
 Scale: 1:250 @ A3
 Date: 18/10/2021
 Drg. No: DG002
 Rev: 1

LEGEND



3.3 Description of Construction Works

The methods and forms of construction used for the development of the proposed upgrade works have been selected to ensure the development has no significant impact on the receiving environment and sensitive receptors within that environment.

A small and basic contractors compounds will be situated on-site. Plant, equipment, materials and goods required for construction will be stored within this compound temporarily during construction works. This compound will be relocated during the works as necessary to accommodate progressing site development.

There are two access points to the junction, these will be used to transport materials and machinery into the site. These access points are along the Headfort Place Road and John Street.

Initially, existing pavements and hard surfaces will be broken out and minor foundation excavations will be carried out. Construction and demolition wastes will arise on-site during this process.

Concrete footings will then be laid to facilitate construction of walls at a later stage.

The pavement and pathways within and around the pedestrian plaza will then be manually laid on a pre prepared subbase of crushed stone to match the surroundings pavement. Paving work will require the removal of the existing pavement, localised subbase reprofiling and placement and pavement laying. Pavements slabs will be laid on a prepared mortar bedding with grouting be applied upon setting between all joints.

The kerb laying is done manually. A cutting in the existing road will be made deep enough to accommodate the proposed kerb and the cement bedding beneath. Once the concrete bed is laid the kerb is laid atop and haunching concrete is placed at the back along the full length of edging.

Modular limestone bollards will be installed either side of Kenlis Place along the realigned kerbed area.

A 33m long and 6m wide raised road table surface with sub-base course will be constructed at Kenlis Place adjacent to the junction between Kenlis Place and John Street. A 4m wide pedestrian crossing across Kenlis Place will be painted. The construction requires the current tarmac wearing to be removed, the crossing will be raised with a bitumen layer on a subbase of crushed stones which will be set by compactors. Once this is done thermoplastic road markings will be is applied identifying the crossing area.

A raised unmarked pedestrian crossing will be constructed across John Street using the same methods.

The ramped access route to St. Colmcille's Credit Union will then be constructed. The following steps will be carried out during the construction of the access ramp:

- Minor ramp walls (block and mortar) will be constructed
- Proposed facings and capping will be installed
- Suitable placement and compaction of sub-base hardcore will take place
- Paving will be laid
- Access ramp railing will be installed



Pre-cast concrete moulds will also be used to construct the steps connected to the ramped access route and the proposed raised planted areas either side of Kenlis place. These moulds will be constructed in a modular basis and set into the relevant areas on-site.

Pre-case seating units will be installed at the plaza adjacent to the proposed planted area which will be situated in the centre of the plaza.

The existing Virgin Mary statue and its plinth will be removed from its current location and set in concrete at its proposed new location in the centre of the proposed plaza.

Minor shallow excavation works will be carried to allow for the installation of gullies. These excavated areas will be filled with hardcore material which will compacted before being re-surfaced.

A plinth for the annual town Christmas tree will be set into concrete at the centre of the proposed plaza.

Only very minor concrete pours and excavation will take place within the subject site.



4 EUROPEAN SITES WITHIN THE ZONE OF INFLUENCE

4.1 Source Pathway Receptor Assessment

The OPR (2021) Practice Note PN01 recommends that the zone of influence of a project should be considered using the Source-Pathway-Receptor model.

European sites which may potentially be significantly affected by the proposed junction upgrade are identified using the 'source-pathway-receptor' (S-P-R) conceptual model. The S-P-R model is a standard tool in environmental assessment to determine links between sensitive features and sources of impacts. For an effect to occur, all three elements of this mechanism must be in place. The absence of one of the elements of the mechanism means there is no likelihood for the effect to occur e.g. if there is no ecological pathway or functional link between the proposed development and the European site, there is no potential for impact and as such no potential for significant effects.

It is important to note that an impact may occur without having a significant effect. An impact is essentially the 'source' in the S-P-R assessment. It is the biophysical change caused to the environment by the project e.g. increase in sediment runoff due to ground disturbance. For the effect to be significant, the Qualifying Interests / Special Conservation Interests of the European site must be sensitive to the biophysical change.

Having regard to the 'Habitats Directive assessment review package' set out in the guidance document '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), the likely impacts of the proposed works are set out relative to the following project features:

- Size and scale;
- Land-take;
- Physical changes to the environment;
- Resource requirements;
- Emissions, wastes and residues;
- Transportation requirements; and
- Duration of construction, operation, decommissioning.

The source-pathway-receptor connectivity between these impacts and European sites is set out for the proposed development in Table 4-1 over.



Table 4-1: Source-Pathway-Receptor

Source	Pathway	Receptor	S-P-R connectivity	
Potential Land-take & Scale of Development & physical change to the environment	The junction upgrade in the town centre of Kells is a relatively small development, encompassing approximately 0.25 hectares of urban environment. The land is already part of the urban fabric.	The proposed development site is wholly outside of any European Site. There will be no direct land take or physical change to any European site.	None	No connectivity identified between the proposed junction upgrade development and European sites.
Potential Resource Requirements	There will be no resources required from European Sites.	None	None	No S-P-R connectivity
Potential Emissions	Noise Emissions Noise, vibration, lighting and human presence, presence of machinery during construction activities and general usage of the junction.	The River Boyne and River Blackwater SAC (002299) and SPA (004232) are situated approximately 950 metres to the east and north east of the site, with these rivers flowing from a north east to south western direction. The next nearest protected sites to the subject site are Girley Bog SAC (002203) 6.2km south west of the site and Killyconny Bog (Cloughnbally) SAC 8.8km north west of the site. The proposed development site is so far removed from any SPA and SAC that any noise, vibration and lighting emissions would not affect these European sites. The works are also proposed within the urban fabric of the town which has existing high levels of background noise and lighting.	None in the absence of a pathway	No S-P-R connectivity
	Dust Emissions Dust produced by construction and machinery.	The Institute of Air Quality Management ' <i>Guidance on the Assessment of dust from demolition and construction</i> ' (Holman et al, 2020) prescribes potential dust emission risk classes to ecological receptors. The guidelines specify that, for highly sensitive ecological receptors, sensitivity to dust is 'High' up to 20m from the source and reduces to 'Medium' over 50m from the source.	None in the absence of a pathway	No S-P-R connectivity



Source	Pathway	Receptor	S-P-R connectivity
		The nearest European site is 950m away, and is beyond the ZOI for dust.	
	Water Emissions Silt/ sediment and concrete/hydrocarbon runoff.	The drainage system upstream and downstream of the works area will be temporarily blocked in order to accommodate the works including the installation of the new gullies. As such there is no potential pathway beyond the site for runoff.	None in the absence of a pathway
			No S-P-R connectivity

4.2 Potential Cumulative Impacts

As no Source-Pathway Receptor could be identified between the junction upgrade works and any European sites, there is no potential for in combination effects with other plans or projects.



5 CONCLUSION

This assessment, based on the available scientific information and best scientific knowledge, demonstrates that:

- The subject proposed development in the town centre of Kells, alone and in combination with other plans and projects, is unlikely to have any significant effect on any European site given the absence of any source-pathway-receptor connectivity.

We therefore submit that the competent authority can determine that, in view of best scientific knowledge, an appropriate assessment is not required in order to ascertain if the subject proposed development, alone or in combination with other plans and projects, will not adversely affect the integrity of a European site.

Mitigation measures to reduce or avoid a significant effect where not considered within this screening for appropriate assessment to reach this conclusion.



6 REFERENCES

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