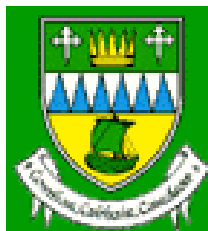


**KERRY COUNTY COUNCIL**

**Habitats Directive Assessment  
Screening Report**

Under Article 6 of the Habitats Directive

**For a Proposed Part 8 Application  
to  
Extend an existing Burial Ground  
in the townland  
of  
Dromkeen West  
Causeway, Co Kerry**



**May 2013**

## Habitats Directive Assessment Screening Report

<b>Planning Reference Number:</b>	<b>Part 8 Planning Application by Water Services, KCC, for a proposed extension to an existing burial ground in the townland of Dromkeen West, Causeway, Co. Kerry.</b>
Description of the proposed development (including a brief outline of its nature and size):	<p>The proposed development consists of the extension of an existing burial ground in the townland of Dromkeen West, Causeway, Co Kerry. The proposed site presently consists of the back gardens of two residences located along Church Street in the village of Causeway. The area of the proposed extension measures 0.2acre. The site is shown in (Figure 1 and Figure 2).</p> <p>The proposed site presently consists of two rear residential gardens off Church Street in the village (Figure 3). The southern boundary of the proposed extension is marked by a high block wall of the existing St John's Church and graveyard. The eastern boundary consists of a hedgerow that separates the gardens from adjoining agricultural fields. The northern boundary is marked by a row of trees that divide the proposed extension site from the neighbouring residential garden. The western boundary is to be constructed.</p> <p>The development of the proposed burial ground will involve the following works:</p> <ul style="list-style-type: none"> <li>• Construction of a stone faced concrete wall that will demarcate the new extension along the western and northern boundary. Existing hedgerows will be retained along both boundaries.</li> <li>• The southern boundary is presently marked by an existing stone built wall. A new opening will be placed in this existing northern wall of burial ground to allow pedestrian access to the new extension.</li> <li>• Lands within the extension will be divided to create 240 graves.</li> <li>• Within the extension plots will be separated by concrete paths measuring 1.8m in width. Headstones will be developed on a standard 0.375m high and 0.75m wide concrete base. Grave spaces will measure 2.75m x 1.25m.</li> </ul>
Is the proposed development directly connected with or necessary to the nature conservation management of a Natura 2000 site	<p>NO</p> <p>(if yes, following consultation and agreement with NPWS, then proceed directly to 4(a))</p>

### 1. Proposed development site location relative to that of Natura 2000 Sites

Description of the development site location, relative to Natura 2000 sites, having particular regard to Natura 2000 sites located within 15Km of the proposed site or within the same water catchment as the proposed site	<p>The following Natura 2000 sites are within or partially within 15km of the development site (distance from Natura 2000 site to proposed development in brackets):</p> <p><b>cSAC</b></p> <ul style="list-style-type: none"> <li>• Lower Shannon cSAC 002165 (4.5km)</li> <li>• Akeragh, Banna and Barrow Harbour cSAC 000332 (7.12km)</li> <li>• Magharee Islands cSAC 002261 (12.65km)</li> </ul> <p><b>SPA</b></p>
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### 1. Proposed development site location relative to that of Natura 2000 Sites

	<ul style="list-style-type: none"> <li>• Kerry Head SPA 004189 (4.20)</li> <li>• Tralee Bay Complex 004188 (7.20km)</li> <li>• Stacks to Mullaghareirk Mts, West Limerick Hills and Mount Eagle SPA 004161 (11.60km)</li> </ul> <p>Due to the scale and nature of the development, the lack of hydrological connectivity between the development and Natura 2000 sites and the distance from the development to Natura sites, none of the above listed SAC or SPA are considered likely to be significantly affected.</p> <p>It is noted that the proposed development site is also located <u>outside</u> a Fresh Water Pearl Mussel catchment.</p>
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### 3. Specialist reports, advice and recommendations received (if any)

Brief overview of specialist reports, advice, and recommendations received from NPWS / Heritage Officer / other Specialists (where appropriate)	-
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### 4. Ecological description of the proposed development site (particular reference to any annexed habitats or species)

Describe the development site including habitats, water features, topography etc. Particular reference should be made to any annexed habitats or species recorded.	<p>The site of the proposed development was inspected on May 8<sup>th</sup>, 2013. The aim was to undertake a baseline ecological survey of the site and evaluate its nature conservation importance. The survey informed the assessment of any direct, indirect and cumulative impacts of the proposed development presented in this report and the likelihood of significant effects on Natura 2000 sites. Habitats were classed according to Fossit's 2000 <i>A Guide to Habitats in Ireland</i> and nomenclature according to Webb's 2012 <i>An Irish Flora</i> and Rose's 2006 <i>The Wild Flower Key</i>.</p> <p>The proposed development site consists of the two rear residential gardens of properties that adjoin the existing Causeway burial ground to the northwest (Photo 1 &amp; 2). Only a portion of these gardens are to be used as part of the proposed extension, c0.2acres.</p> <p><b>cSAC: Annexed Habitats and Species/SPA Species of Conservation Interest</b></p> <p>As shown in Figure 4 the site is approximately 4km from the nearest SPA and SAC. Considering the distance from the proposed development to the Natura 2000 sites, the nature of the development and the lack of hydrological connectivity between the development and Natura 2000 sites, no significant effects are likely.</p>
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**5. Describe the potential for significant effects on Natura 2000 sites as a result of the various elements of the project**

<p>Describe the individual elements of the project (either alone or in combination with other plans and projects) likely to give rise to impacts on Natura 2000 site by virtue of:</p> <ul style="list-style-type: none"> <li>• Size and scale</li> <li>• Distance from the Natura 200 site or key features of the site</li> <li>• Resource requirements (water abstraction etc)</li> <li>• Emissions (disposal to land, water or air)</li> <li>• Excavation requirements</li> <li>• Transportation requirements</li> <li>• Duration of construction, operation, decommissioning</li> <li>• other</li> </ul>	<p><b>Size and Scale</b></p> <ul style="list-style-type: none"> <li>• The size and scale of the proposed development implies there is unlikely to be a direct impact on Natura 2000 sites. The existing graveyard is to be extended. The land is not within or directly adjacent to a Natura 2000 site. Significant effects on Natura 2000 sites are deemed unlikely due to the size, scale and nature of the development.</li> </ul> <p><b>Distance from Natura 2000 sites</b></p> <ul style="list-style-type: none"> <li>• The proposed works are over 4km from nearest Natura 2000 site. There will be no direct impact as a result of the proposed development. At operational stage the burial ground will be used intermittently and this use will not impact on Natura sites.</li> </ul> <p><b>Resource Requirements</b></p> <ul style="list-style-type: none"> <li>• There are no major resource requirements for the proposed works. All materials will be brought on site and/or existing walls and hedgerows will be used. No significant effects on Natura 2000 sites are considered due to the resource requirements of the proposed development.</li> </ul> <p><b>Emissions</b></p> <ul style="list-style-type: none"> <li>• There are no emissions at either construction or operational phase. No significant effects on Natura 2000 sites are considered likely.</li> </ul> <p><b>Excavation requirements</b></p> <ul style="list-style-type: none"> <li>• The proposed works are over 4km from nearest Natura 2000 site. There will be no direct impact as a result of the proposed development.</li> </ul> <p><b>Transportation requirements</b></p> <ul style="list-style-type: none"> <li>• The proposed works are over 4km from nearest Natura 2000 site. There will be no direct impact as a result of the proposed development.</li> </ul> <p><b>Duration of construction, operation, decommissioning</b></p> <ul style="list-style-type: none"> <li>• The construction works required for the extension is likely to take 2 weeks. Once complete it will be a permanent addition to the burial ground and is expected to be in use for the foreseeable future.</li> <li>• At operational stage the site is expected to be used intermittently for the foreseeable future.</li> </ul>
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**6. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites**

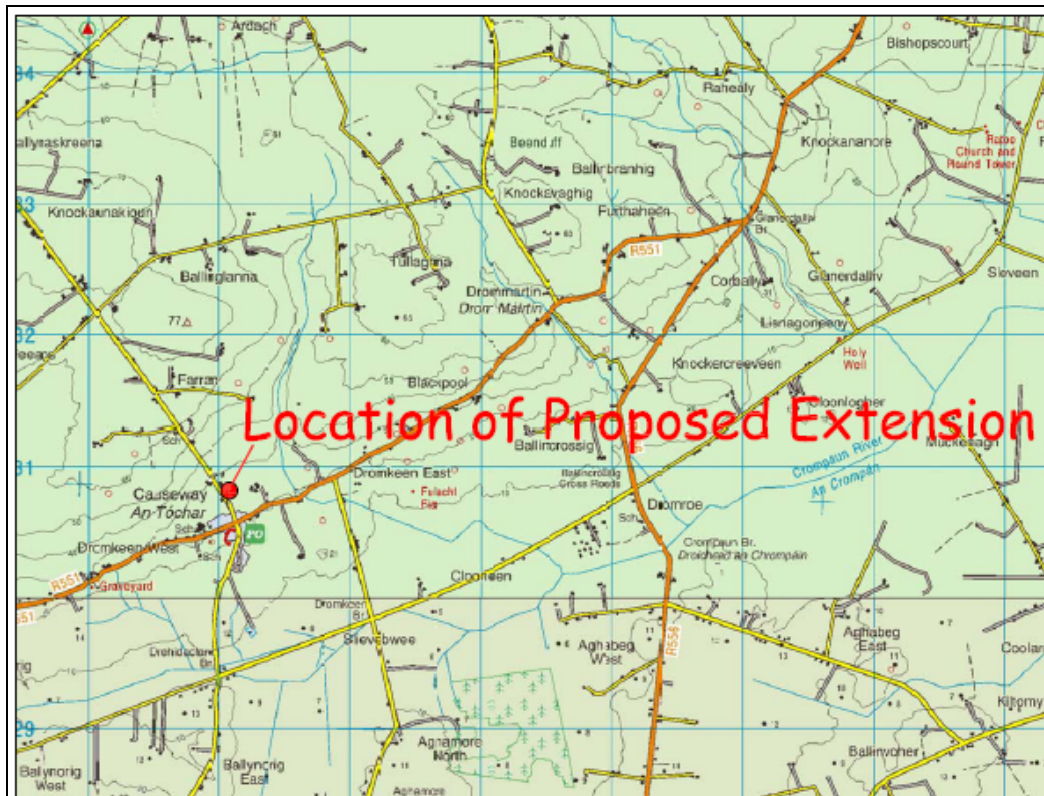
Potential significance indicators include:	Potential significance impacts on Natura 2000 sites
<ul style="list-style-type: none"> <li>Reduction / erosion / fragmentation of key habitat(s)</li> </ul>	<p><b>cSAC/SPA</b> The development site is outside any Natura 2000 designations. No reduction/erosion/fragmentation of key habitats is likely.</p>
<ul style="list-style-type: none"> <li>Disturbance / mortality / harm of key species (e.g. noise or light pollution, trampling, general disturbance)</li> </ul>	<p><b>cSAC/SPA</b> The development site is outside any Natura 2000 designation.</p>
<ul style="list-style-type: none"> <li>Alteration of key environmental conditions (e.g. water quality, water supply, air quality)</li> </ul>	<p>None identified, there is no water source/receptor in the immediate environs of the site and no hydrological connectivity to Natura 2000 sites</p>
<ul style="list-style-type: none"> <li>Facilitation of the introduction / spread of exotic invasive species within Natura 2000 sites</li> </ul>	<p>Not likely, no invasive species recorded on site.</p>
<ul style="list-style-type: none"> <li>Interference with the movement of key species within, between or in the vicinity of Natura 2000 sites</li> </ul>	<p>Not likely, interference with key species is unlikely due to the scale and nature of the development.</p>
<ul style="list-style-type: none"> <li>Interference with the movement of mobile dune and intertidal Natura 2000 habitats</li> </ul>	<p>Not applicable in this case.</p>
<ul style="list-style-type: none"> <li>Interactive / cumulative / in combination impacts including potential climate change impacts and those with other plans and projects</li> </ul> <p>In line with the precautionary principle, where doubt exists, it should be assumed that effects could be significant.</p>	<p>None expected considering the scale and nature of the development and the distance from Natura 2000 sites.</p>

<b>7. Conclusion (a, b, c or d)</b>	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a Natura 2000 site <sup>1</sup>	
(b) There is no potential for significant effects to Natura 2000 sites <sup>1</sup>	b). There will be no significant effect on Natura 2000 sites. An appropriate assessment is not required in this case.
(c) The potential for significant effects to Natura 2000 sites cannot be ruled out <sup>2</sup>	
(d) Significant effects to Natura 2000 sites are certain or likely or where potential for significant effects to Natura 2000 sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010 <sup>3</sup>	

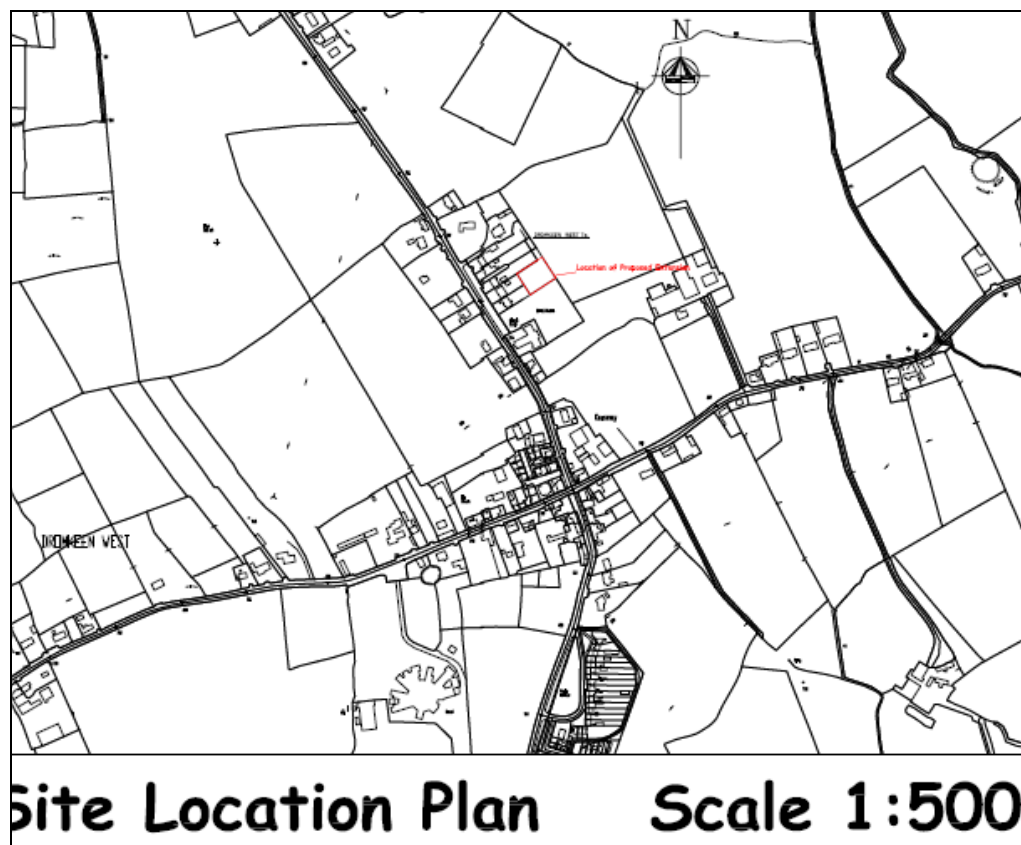
<sup>1</sup> Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

<sup>2</sup> In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Assessment Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document '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. This guidance document is available on at: [http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf) Alternatively, where other planning concerns arise the proposal could be refused planning permission.

<sup>3</sup> The proposed development must either be refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.



**Figure 1** The location of the existing burial ground and proposed extension being assessed in this screening report.



**Figure 2** Location of the proposed extension (marked in red) to the existing burial ground at Causeway.

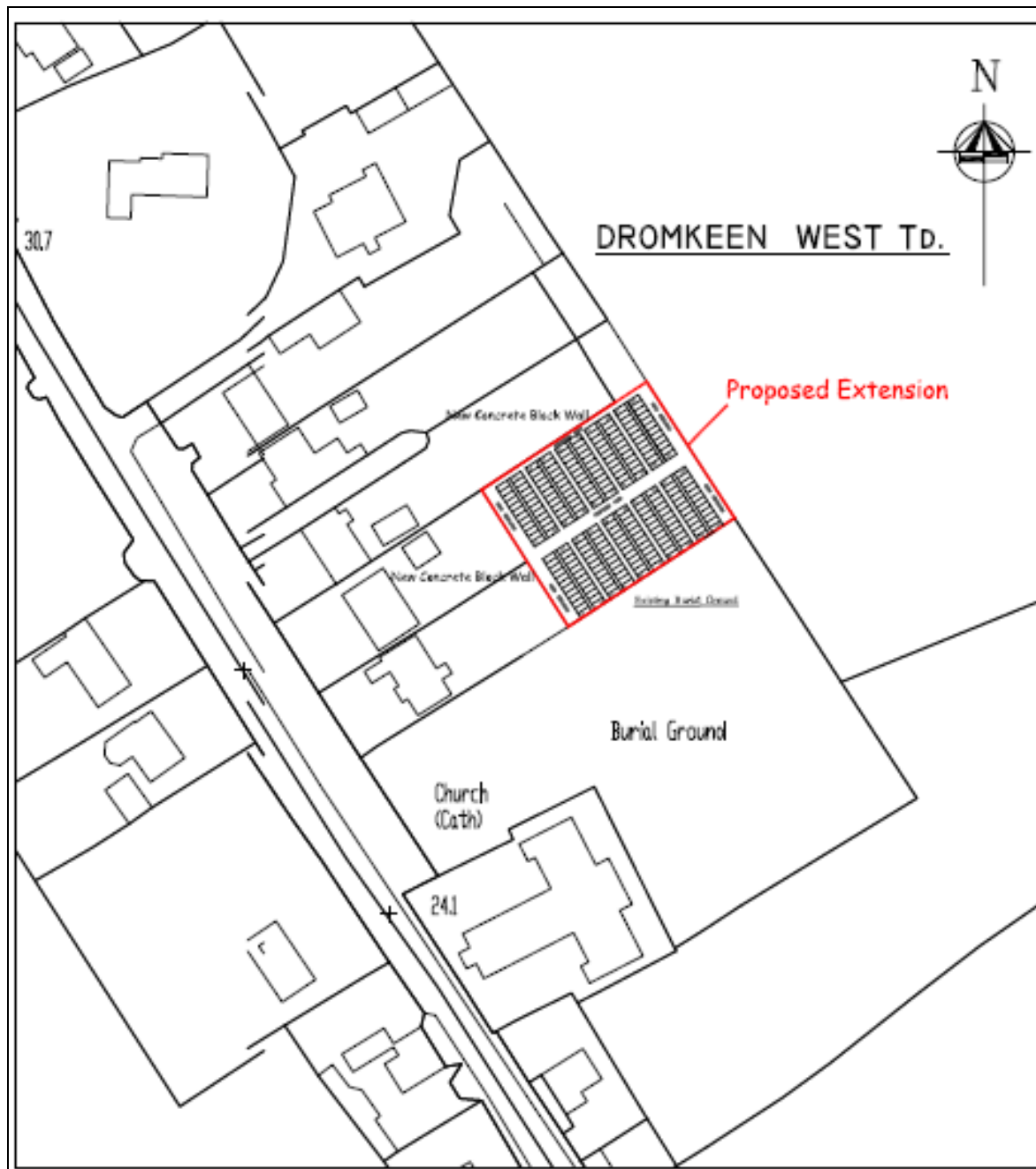
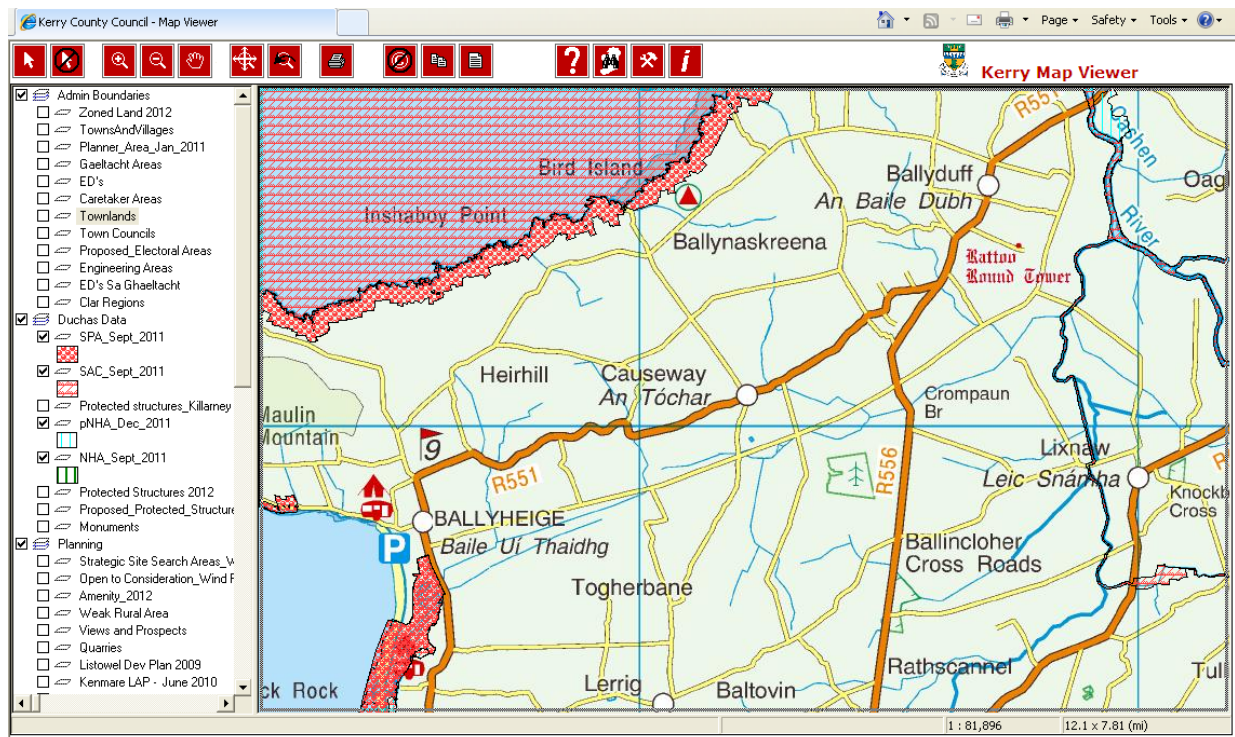


Figure 3 Proposed extension and associated works to the existing burial ground at Causeway.



**Figure 4** Location of the proposed extension relative to the Lower Shannon cSAC 002165 and Kerry Head SPA 004189 (hashed red) to the north.

## PHOTOGRAPHS



**Photo 1** Garden directly adjoining the existing burial ground to the northwest. Looking east.



**Photo 2** Second garden located to the northwest of the burial ground. The northern boundary (to the left of the image) is to be retained but a wall is to be built to the inside of the hedgerow. Looking east.



**Photo 3** The hedgerow to the east to be retained. A former mass path ran along the inside of this boundary towards the St John's Church. Looking south.

# **Finding of No Significant Effects Report (FONSE)**

## **1.1 Introduction**

This Findings of No Significant Effects Report (FONSE) documents the conclusions of the screening process for a Habitats Directive Assessment of a Part 8 planning application by Water Services of KCC to extend an existing burial ground at Causeway, Co Kerry. The proposed project is being screened at this stage in order to assess if there is likely to be a significant effect or adverse effect on any Natura 2000 site.

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

The following Natura 2000 sites are within 15km of the development site (distance from the Natura 2000 site to the site boundary in brackets):

### **cSAC**

- Lower Shannon cSAC 002165 (4.5km)
- Akeragh, Banna and Barrow Harbour cSAC 000332 (7.12km)
- Magharee Islands cSAC 002261 (12.65km)

### **SPA**

- Kerry Head SPA 004189 (4.10km)
- Tralee Bay Complex 004188 (7.20km)
- Stacks to Mullaghareirk Mts, West Limerick Hills and Mount Eagle SPA 004161 (11.60km)

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

The proposed development consists of the extension of an existing burial ground at Dromkeen West, Causeway. The proposed site presently consists of two rear residential gardens off Church Street in the village (Figure 3). The southern boundary of the proposed extension is marked by a high block wall of the existing St John's Church and graveyard. The eastern boundary consists of a hedgerow that separates the gardens from adjoining agricultural fields. The northern boundary is marked by a row of trees that divide the proposed extension site from the neighbouring residential garden. The western boundary is to be constructed.

The development of the proposed burial ground will involve the following works:

- Construction of a stone faced concrete wall that will demarcate the new extension along the western and northern boundary. Existing hedgerows will be retained along both boundaries.
- The southern boundary is presently marked by an existing stone built wall. A new opening will be placed in this existing northern wall to allow pedestrian access to the new extension.
- Lands within the extension will be divided to create 240 graves.
- Within the extension plots will be separated by concrete paths measuring 1.8m in width. Headstones will be developed on a standard 0.375m high and 0.75m wide concrete base. Grave spaces will measure 2.75m x 1.25m.

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

The proposed development is not directly connected with or necessary to the management of Natura 2000 sites.

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

Considering the nature and scale of this proposed development and the distance of the development from Natura 2000 sites, it is unlikely that this development together with another project/plan will affect Natura 2000 sites.

### **1.6 Describe how the project or plan (alone or in combination) is likely to affect Natura 2000 sites**

Following a Habitats Directive Assessment of the project, no likely affects to Natura 2000 sites were identified.

### **1.7 Explain why these effects are not considered significant**

Following the screening of the proposed development for possible significant effects on the Natura 2000 sites detailed in this report, no significant affects were identified. The nature and scale of the development and the distance of the development from Natura 2000 sites implies that no significant effects are likely.

### **1.8 List of agencies consulted**

Consultation will take place in accordance with the Department's circular letter which states that: *The National Parks and Wildlife Service (NPWS) of the Department has a formal consultation role (through the Development Applications Unit (DAU)) as part of the screening and assessment process.* This Part 8 planning application will be formally sent to NPWS through the Departments of Arts, Heritage and the Gaeltacht, Development Applications Unit, Newtown Road, Wexford.

### **1.9 Who carried out this assessment?**

This assessment was carried out by the Planning Policy Unit of Kerry County Council.

### **1.10 Sources of data**

The Habitats Directive Assessment of potential impacts on the integrity of Natura 2000 sites in this study is based on consultation, a desktop review of literature, existing and relevant NPWS Natura 2000 Site Synopses Data, Qualifying Interests, Conservation Management Plans and the (draft) Conservation Objectives.

Data collected to carry out the assessment in this report includes:

- Identification of Natura 2000 sites located within or immediately adjoining the project area in situ and ex situ
- Mapping of Natura 2000 sites located within 15kms of the project area
- Identification of the reasons for site designation,
- Identification of (draft) conservation objectives
- Identification of the environmental conditions considered necessary to support site integrity
- Summary of key issues identified as being of importance in maintaining site integrity
- Identification of Natura 2000 sites which may be potentially affected by the project

### **1.11 Level of assessment completed**

Stage One Screening.

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

The full results of the assessment are contained within this document.

### **1.13 Overall Conclusions**

This report concludes that no significant effects on Natura 2000 sites are likely.

### **1.14 Explain how the overall conclusion that there are no significant effects on the Natura 2000 site was arrived at**

The overall conclusion that no significant effects on Natura 2000 are likely was determined following a methodological assessment carried out having regard to the following guidance documents:-

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009).
- European Commissions: *Managing Natura 2000 Sites. The provisions of Article 6, of the 'Habitats' Directive 92/43/EEC*
- European Commission: *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*
- Guidance document on Article 6(4) of 'Habitats Directive' 92/43/EEC
- Department of the Environment Heritage and Local Government (DEHLG) Circular letter SEA 1/08 & NPWS 1/08 dated 15 February, 2008.
- Department of the Environment (1994). *Planning and Policy Guidance: Nature Conservation (PPG9)* (HMSO).

In identifying the potential issues which could affect the integrity of these sites a range of factors were taken into account, including the possibility of effects manifesting themselves in the short, medium and long-term, in combination effects and the potential impacts of climate change. In addition the precautionary principle was adhered to in the carrying out of this assessment.

### **1.15 Determination Statements**

#### **1.15.1 Determination Statement**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the objective information provided in this report, Kerry County Council as Competent Authority determines that the proposed extension of an existing burial ground in the townland of Dromkeen West, Causeway, individually or in combination with other plans/projects is not likely to have a significant effect on a European site (Natura 2000 site). An appropriate assessment, under Section 177V of the Planning and Development Act 2000 (as amended), is not required.

#### **1.15.2 Reasons for Determination**

Following the screening of the proposed development for possible significant effects on the Natura 2000 sites detailed in this report, no significant effects were identified. The nature and scale of the development, the distance of the development from Natura 2000 sites and the lack of a hydrological linkage between the proposed development site and Natura 2000 sites determined no significant effects are likely.

<p><b><i>This report finds that the proposed extension of an existing burial ground in the townland of Dromkeen West, Causeway would <u>not</u> have significant effects on Natura 2000 sites. It is therefore considered that an appropriate assessment is not required.</i></b></p>
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Signed Cathy Fisher  
Cathy Fisher, Biodiversity Officer

Date 16/5/13.

Signed Michael McMahon  
Michael McMahon, Director of Planning and Sustainable Development

Date 17/5/2013

in identifying the potential issues which could affect the integrity of these sites a range of factors were taken into account, including the possibility of effects manifesting themselves in the short, medium and long-term, in combination effects and the potential impacts of climate change. In addition the precautionary principle was adhered to in the carrying out of this assessment.

#### 1.15 Determination Statements

##### 1.15.1 Determination Statement

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the objective information provided in this report, Kerry County Council as Competent Authority determines that the proposed extension of an existing burial ground in the townland of Dromkeen West, Causeway, individually or in combination with other plans/projects is not likely to have a significant effect on a Natura 2000 site (Natura 2000 site). An appropriate assessment, under Section 177V of the Planning and Development Act 2000 (as amended), is not required.

##### 1.15.2 Reasons for Determination

Following the screening of the proposed development for possible significant effects on the Natura 2000 sites detailed in this report, no significant effects were identified. The nature and scale of the development, the distance of the development from Natura 2000 sites and the lack of a hydrological linkage between the proposed development site and Natura 2000 sites determined no significant effects are likely.

This report finds that the proposed extension of an existing burial ground in the townland of Dromkeen West, Causeway would not have significant effects on Natura 2000 sites. It is therefore considered that an appropriate assessment is not required.