Prepared by
Roughan & O'Donovan
Arena House, Arena Road, Sandyford, Dublin 18
Tel: +353 1 2940800 Fax: +353 1 2940820
Email: info@rod.ie www.rod.ie

Foreshore Licence Application for Capacity Extension at Shannon Foynes

Appropriate Assessment Review

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Client:
Foreshore Unit
Department of Housing, Local Government and Heritage
Newtown Road
Wexford
Y35 AP90

ROD
ROUGHAN & O'DONOVAN

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1.0 INTRODUCTION

1.1 Project Overview

Shannon Foynes Port Company has submitted a Foreshore Licence Application for works to increase the capacity of the port. The proposed capacity extension is presented as two principal elements, (1) the connection of the East Jetty and West Quay, including the relocation of the small craft landing pontoon, and (2) the development of the 'Durnish Lands'.

The development of the Durnish Lands is entirely land-based and does not involve any works on the foreshore. As such, this element of the project has been excluded from further consideration in this report, since it is not of relevance to the Foreshore Licence application in question.

The foreshore elements of the project comprise modifications to the existing jetties and quays at Shannon Foynes Port, including the following and all associated site development works:

(1) Connection of the existing West Quay and East Jetty for the purpose of extending the length of the quay to facilitate the mooring of vessels and other Port-related operations. This would consist of:

   i. Removal of the existing small craft landing pontoon and walkway from its current position affixed to the shore between the West Quay and East Jetty;

   ii. Construction and remedial works to the ends of the existing West Quay and East Jetty to facilitate structural tie-in of the new jetty structure;

   iii. Construction of a new, open piled jetty with suspended, 116.5m, reinforced concrete deck, linking the West Quay and East Jetty, and also tying in with reclaimed land[1] to the rear of the East Jetty; and

   iv. Quayside furnishings including quay fenders, mooring bollards, safety ladders, toe rail and lighting columns.

(2) Relocation of small craft landing pontoon and walkway affixed to the western side of the West Quay wall (Plate 1.4).

This report contains a review of the Natura Impact Statement which has been submitted with the Foreshore Licence Application, and which is comprised of a shadow Appropriate Assessment (AA) Screening exercise and a Stage 2 Natura Impact Statement (NIS). In this review, the document is referred to as '*the NIS'.*

1.2 Application Documents

Shannon Foynes Port Company submitted the following documents as part of the application:

- Foreshore Licence Application Form
- Natura Impact Statement
- Construction and Environmental Management Plan (CEMP)
- Site Location Map
- Foreshore Lease Maps
- Admiralty Chart

[1] Land reclamation ongoing under previous planning permissions (Refs. 12/212 and 17/7019).

- Environmental Impact Assessment Report (Volumes 1-9)
- An Bord Pleanála Order Letter
- Records of Public Consultation and Newspaper Notices
- Submissions from Prescribed Bodies
- Response Document to third party consultations

The contents of these documents were considered in this technical review.

1.3 Legeslative Context

The Habitats Directive and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ("the Birds Directive") list habitats and species which are, in a European context, important for conservation and in need of protection. This protection is afforded in part through the designation of sites which support significant examples of habitats or populations of species ("European sites"). Sites designated for birds are termed "Special Protection Areas" (SPAs) and sites designated for natural habitat types or other species are termed "Special Areas of Conservation" (SACs). The complete network of European sites is referred to as "Natura 2000".

In order to ensure the protection of European sites in the context of land use planning and development, Article 6(3) of the Habitats Directive provides for the assessment of the implications of plans and projects for European sites, as follows:

> "*Any plan or project not directly connected with or necessary to the management of the site* [or sites] *but likely to have a 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* [...]*, 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* [...]*.*"

The requirements arising out of Article 6(3) are transposed into Irish law by Part 5 of the Habitats Regulations and Part XAB of the Planning and Development Act, and the assessment is referred to as "Appropriate Assessment" (AA).

The determination of whether or not a plan or project meets the two thresholds for requiring AA is referred to as "Stage 1" or "AA Screening". The first threshold is reached if the plan or project is not directly connected with or necessary to the management of one or more European sites. In its ruling in the Waddenzee case[2], the Court of Justice of the European Union (CJEU) interpreted the second threshold as being reached where "*it cannot be excluded, on the basis of objective information, that* [the plan or project] *will have a significant effect on that site*".

Thus, in applying the Precautionary Principle, the CJEU interpreted the word "likely" to mean that, as long as it cannot be demonstrated that an effect will not occur, that effect is considered "likely". A likely effect is considered to be "significant" only if it interrupts or causes a delay in achieving the Conservation Objectives of the site concerned.[3]

[2] Landelijke Vereniging tot Behoud van de Waddenzee, Nederlandse vereniging tot Bescherming van Vogels *v*. Staatssecretaris van Landbouw, Naturbeheer en Visserij (Waddenzee) [2004] C-127/02 ECR I-7405.
[3] Conservation Objectives are referred to, but not defined, in the Habitats Directive. In Ireland, Conservation Objectives are set for Qualifying Interests (the birds, habitats or other species for which a given European site is

Prior to approval of a plan or project which is the subject of AA (also referred to as "Stage 2"), it is necessary to "*ascertain*" that the plan or project will not "*adversely affect the integrity of the site*". In its guidance document (EC, 2001), the European Commission stated that "*the integrity of a site involves its ecological functions*" and that "*the decision as to whether it is adversely affected should focus on and be limited to the site's conservation objectives*". Regarding the word "ascertain", the CJEU, also in its ruling in the Waddenzee case, interpreted this as meaning "*where no reasonable scientific doubt remains as to the absence of such effects*". Therefore, the legal test at Stage 2 is satisfied (and the plan or project may be authorised) when it can be demonstrated beyond reasonable scientific doubt that the plan or project will not interrupt or cause delays in the achievement of the Conservation Objectives of the site or sites concerned. AA is informed by a "Natura Impact Report" (NIR) in the case of plans or a "Natura Impact Statement" (NIS) in the case of projects.

The CJEU has made a relevant judgment on what information should be contained within documents supporting AA[4] (in the NIR or NIS):

> "[The AA] *cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.*"

The Irish High Court has also provided clarity on how competent authorities should undertake valid and lawful AA[5], directing that the AA:

> "*Must identify, in the light of the best scientific knowledge in the field, all aspects of the development project which can, by itself or in combination with other plans or projects, affect the European site in the light of its conservation objectives. This clearly requires both examination and analysis.*"
>
> "*Must contain complete, precise and definitive findings and conclusions and may not have lacunae or gaps. The requirement for precise and definitive findings and conclusions appears to require examination, analysis, evaluation and decisions. Further, the reference to findings and conclusions in a scientific context requires both findings following analysis and conclusions following an evaluation of each in the light of the best scientific knowledge in the field.*"
>
> "*May only include a determination that the proposed development will not adversely affect the integrity of any relevant European site where, upon the basis of complete, precise and definitive findings and conclusions made, the consenting authority decides that no reasonable scientific doubt remains as to the absence of the identified potential effects.*"

In accordance with Article 6(3) of the Habitats Directive, the responsibility to screen for and carry out AA lies solely with the "competent national authorities", i.e. those with responsibility for granting or refusing consent for plans and projects. In that respect, an AA Screening Report, NIR or NIS (if not prepared by the competent authority) does not in itself constitute a valid AA Screening or AA; it merely provides the competent authority with the information that it needs in order to screen for and carry out its AA. In Ireland, the competent authority for a given plan or project is the relevant planning authority, e.g. the local authority or An Bord Pleanála.

selected) and represent the overall target that must be met for that Qualifying Interest to reach or maintain favourable conservation condition in that site and contribute to its favourable conservation status nationally.

[4] Sweetman *v.* An Bord Pleanála [2013] Case C-258/11.
[5] Kelly *v*. An Bord Pleanála [2014] IEHC 422.

1.4 Methodology

This report comprises a review of the NIS submitted as part of the Foreshore Licence Application. The other documents submitted with the application, listed in Section 1.2 of this report, were also considered in the review.

This technical review has been carried out with regard to the relevant legislation, case law and guidance. The NIS has been carefully assessed to determine if it complies with the relevant legislation, guidance and will also be cognisant of recent case law, including but not limited to:

- DEHLG (2010) *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*. Department of the Environment, Heritage and Local Government, Dublin.
- NPWS (2010) *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities*. Circular Letter NPWS 1/10 & PSSP 2/10. National Parks & Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin.
- EC (2001) *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*. Environment Directorate-General of the European Commission.
- EC (2018) *Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*. European Commission, Brussels.

2.0 EXECUTIVE SUMMARY

This report has been prepared by Roughan & O'Donovan Consulting Engineers and contains a review of the NIS submitted with the foreshore licence application submitted by Shannon Foynes Port Company.

The purpose of the review is to ensure that the document contains complete, precise and definitive findings and conclusions to allow the Department of Housing, Local Government and Heritage, in their capacity as the Competent Authority, to carry out Appropriate Assessment of the project and to make a determination as to whether or not the project, either individually or in combination with other plans or projects, will adversely affect the integrity of one or more European sites.

It is Roughan & O'Donovan's opinion that the NIS and relevant accompanying documents have been prepared in accordance with the relevant provisions of the Habitats Directive, the Habitats Regulations and the Planning and Development Act, as well as the relevant case law and current guidance. It has demonstrated that, in the absence of appropriate mitigation, the elements which are relevant to the Foreshore Licence Application for the proposed Capacity Extension at Shannon Foynes, individually or in combination with other plans or projects, would adversely affect the integrity of two European sites, namely the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. Considering this finding, the NIS has prescribed appropriate mitigation to eliminate and minimise all negative impacts such that they no longer constitute adverse effects on the integrity of the sites concerned. This assessment was been undertaken based on the best scientific knowledge in the field and the Precautionary Principle and no reasonable scientific doubt remains as to the absence of such effects.

It is the considered opinion of ROD, as the author of this review, that, in making its AA in respect of the Foreshore Licence Application for the proposed Capacity Extension at Shannon Foynes, that the Department of Housing, Local Government and Heritage, as the Competent Authority in this case, can determine that, given the full and proper implementation of the mitigation prescribed in the NIS, the proposed development, either individually or in combination with other plans or projects, will not adversely affect the integrity of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA or any other European site.

Table 1 Summary of Appraisal/Corrections/Comments

Section	Comment
1	The experience and qualifications of the author(s) should be provided, and the NIS should be dated, so that the Competent Authority can be assured that the assessment was undertaken by a competent expert and that the timeframe between the NIS and lodgement of the Foreshore Licence Application is reasonable.
5	Further information is required in relation to the methodology, the search area and the time-scale for the in-combination assessment.

3.0 NATURA IMPACT STATEMENT

3.1 Introduction (Section 1 of the NIS)

Section 1 is divided into five subsections that are summarised as follows:

- Section 1.1.1 and 1.1.2 of the NIS present an overview of the Natura 2000 Network and Appropriate Assessment.
- Section 1.1.3 outlines the objective of the report and notes that the NIS refers to information contained in the EIAR, which is submitted alongside the NIS.
- Section 1.1.4 outlines the structure of the NIS.
- Section 1.1.5 contains a statement that the project is not directly connected to or necessary to the management of any European site.

Appraisal/ Comments

Section 1 should include a summary of the qualifications and experience of the author(s), as evidence that the NIS *has been prepared by a person or persons with the requisite ecological expertise and experience* (DEHLGH, 2010).

The NIS is undated.

Further information is required to address the omission described above.

3.2 Methodology (Section 2 of the NIS)

Section 2 is divided into five subsections that are summarised as follows:

- Section 2.1 presents the four-step approach described in the European Commission guidance (EC, 2001) and contains four subsection which are summarised as follows:
- Section 2.1.1 contains a comprehensive list of guidance documents used to inform the NIS.
- Section 2.1.2 defines the threshold for 'Likely Significant Effect'.
- Section 2.1.3 describes Conservation Objectives and Favourable Conservation Status.
- Section 2.1.4 discusses Site-Specific Conservation Objectives for the sites discussed in the NIS.

Appraisal/ Comments

In Section 2.1.1, EC (2000) *Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC* is cited. This is an old version of this document which was updated in 2018.

This error is likely to be a result of the time that has passed since the lodgement of the planning application to An Bord Pleanála, and it has no bearing on the assessment. The information contained in Section 2 of the NIS is otherwise accurate and in accordance with current legislation and best practice.

3.3 The Proposed Development (Section 3 of the NIS)

Section 3.1 is titled 'The Location of the Project' and contains five subsections which are summarised as follows:

- Section 3.1.1 provides a high-level description of the site location.

- Section 3.1.2 contains a more in-depth description of the development area.
- Section 3.1.3 described the adjacent land uses.
- Section 3.1.4 discusses the existing port operations.
- Section 3.1.5 contains the amenity designation within the Shannon Estuary.

Section 3.2 is titled 'Characteristics of the Project' and contains six subsections which are summarised as follows:

- Section 3.2.1 describes the nature of the proposed development.
- Section 3.2.2 contains a clarification on the planning permission and environmental assessment in relation to the development on the Durnish lands.
- Section 3.2.3 describes the physical characteristics of the proposed development.
- Section 3.2.4 address the risk of accidents and states that this has been dealt with in the NIS.
- Section 3.2.5 describes the decommissioning of the project, stating that the project should be considered permanent.
- Section 3.2.6 contains a statement on related project and the potential for ex-situ impacts.

Appraisal/ Comments

Section 3 does not describe the artificial lighting associated with the proposed development. This proposed lighting and a discussion on the potential for effects on the Natura 2000 Sites is provided in the *Response Document to Third Party Consultations,* and this issue is considered to be addressed.

Section 3 contains limited information on any changes to shipping in the Shannon Estuary. This issue was raised by the DCHG and is addressed in the *Response Document to Third Party Consultations.*

Section 3 of the NIS, when considered in tandem with the EIAR and the *Response Document to Third Party Consultations* Document*,* is considered to be accurate and in accordance with current legislation and best practice.

3.4 Screening for Appropriate Assessment (Section 4 of the NIS)

Section 4.1 is titled 'European Sites in Proximity to the Port of Foynes' and is divided into seven subsections summarised as follows:

Section 4.1.1 is titled 'Establishing an Impact Pathway. Notably, this section cites NPWS (2012), which advises that the conservation objectives for the Lower River Shannon SAC should be used in conjunction with the conservation objectives for five other European Sites that it overlaps with, and one further European site that occurs adjacent to it. The likely zone of impact is described as the area where a pathway for effects can reasonably be established. The potential impact themes are listed.

Section 4.1.2 summarises the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA and concludes that a pathway for effect cannot reasonably be established.

Section 4.1.3 summaries the Askeaton Fen Complex SAC and concludes that a pathway for effect cannot reasonably be established.

Section 4.1.4 summaries the Barrigone SAC and concludes that a pathway for effect cannot reasonably be established.

Section 4.1.5 summaries the Curraghchase Woods SAC and concludes that a pathway for effect cannot reasonably be established.

Section 4.1.6 summaries the Lower River Shannon SAC and concludes that a pathway for effect cannot reasonably be established. The Qualifying Interests and Conservation Objectives are also described.

Section 4.1.7 summaries the River Shannon and River Fergus Estuaries SPA and concludes that a pathway for effect cannot reasonably be established. The Qualifying Interests and Conservation Objectives are also described.

Section 4.1.8 describes the River Shannon European Site Complex with subsection on habitats, marine biodiversity, avifauna as well and the threats and pressures, and an appraisal of the value of the site complex (subsections 4.1.8.1- 4.1.8.5).

Section 4.2 is titled 'Possible Effects' and has four subsections (4.2.1-4.2.4) which discuss these effects:

- Water Quality and Habitat Deterioration
- Underwater Noise and Disturbance
- Aerial Noise and Visual Disturbance
- Habitat Loss

Section 4.3 provides a summary of the screening assessment, indicating that likely significant effects on the Lower River Shannon SAC and the River Shannon and River Fergus SPA cannot be discounted.

Section 4.4 summaries the screening assessment and introduces the next section: Appropriate Assessment (Stage 2 NIS).

Appraisal/ Comments

Section 4.1.1 notes that NPWS (2012) recommends that the conservation objectives for the Lower River Shannon SAC should be read in conjunction with the Natura 2000 sites overlapping and adjacent as appropriate, on account of its size and the fact that it overlaps with five other Natura 2000 sites and occurs adjacent to a further Natura 2000 site. This approach is not necessarily in accordance with the provisions in Article 6(3), which is concerned with the effect that a plan or a project may have on a Natura 2000 site(s), alone or in combination with other plans or projects.

The approach of treating the Natura 2000 sites as one 'complex' is not in accordance with Article 6(3), however, in doing this, the NIS goes above and beyond the requirement of Article 6(3). However, the NIS goes above and beyond the requirements of Article 6(3) by identifying each site and the potential for effects individually (Section 4.1.2- 4.1.6), and together, as "the River Shannon European Site Complex" (Section 4.1.8).

Section 4.1.1 states that the exercise will screen the proposed development against those European sites for which a pathway of effect can be reasonably established between a receptor and the source of effect. The likely zone of impact has not been mapped, as is common practice in AA Screening reports. Nonetheless, Section 4 goes

on to discuss all of the Natura 2000 Sites that occur within 15 km of the proposed development, and this is considered to cover all Natura 2000 sites where a pathway for effect could be reasonably established.

Section 4 of the NIS established the likely zone of impact and correctly identifies all of the Natura 2000 site where a pathway for impact can be reasonably established. Section 4 then identified the Natura 2000 sites where likely significant effects could not be excluded, which are taken forward to AA Stage 2. The shadow AA Screening element, Section 4, is accurate and is in accordance with current legislation and best practice.

3.5 Appropriate Assessment of the Implications of the Porposed Development (Section 5 of the NIS)

The introduction to Section 5 summaries the findings of the screening assessment (Section 4) and introduces AA Stage 2 (NIS).

Section 5.1 'Possible Adverse Effects on the Integrity of the Site'. This section is divided into subsection, section 5.1.1: the Lower River Shannon SAC and 5.1.2: the River Shannon and River Fergus Estuaries SPA.

For each of the two Natura 2000 sites, the respective sections describe each Qualifying Interest in view of the Qualifying Interest's site-specific conservation objective, as defined by their attributes and targets. The sections then describe the potential effects of the proposed development on each attribute, citing NPWS explanatory notes on the attributes and targets, followed by a statement on whether adverse effects are predicted.

Section 5.1.1.1 discusses the permanent loss of 81m^2 of Annex I (and Qualifying Interest) habitat '*Sandbanks which are slightly covered by sea water all the time*' [1110] within the SAC and the dissimilarities between this situation and that of Sweetman and Other v An Bord Pleanála (C-258/11). The NIS notes that C-258/11 was concerned with a priority Annex I habitat and states that this ruling therefore, does not concern this assessment.

Section 5.1.3 is titled 'In-combination Effects'. Subsection 5.1.3.1 discussed the future phases of the proposed development on the Durnish Lands. Subsection 5.1.3.2 presents a list of other projects considered in the assessment of in-combinations effects.

Section 5.2 presents the mitigation measures required to avoid and reduce adverse effects on the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA during the construction phase (Section 5.2.1) and the operational phase (Section 5.2.2).

Appraisal/ Comments

The NIS identifies the habitat within the footprint of the jetty piles as occurring on the Annex I habitat '*sandbanks which are slightly covered by the seawater all the time'* [1110]. It should be noted that while the biological community '*Subtidal sand to mixed sediment with* Nephtys *species community complex'* corresponds to the aforementioned Annex I habitat, in this case the conservation objectives for the Lower River Shannon SAC clearly show this Annex I habitat occurs in the outer estuary. Therefore, there will be no loss of Annex I '*sandbanks which are slightly covered by the seawater all the time'* [1110]. However, as the NIS rightly states, the proposed development will result in the loss of the Annex I habitat *'Estuaries'* [1130]. This error

has resulted in a worse-case scenario being assessed and therefore it does not invalidate the overall assessment conclusion.

It should be noted that the in-combination assessment (Section 5.1.3) is discussed prior to the mitigation measures section (Section 5.2). The mitigation measures should be included before the in-combination assessment is carried out.

The mitigation measures are considered to be appropriate to avoid and reduce potential adverse effects which could occur as a result of pollution to aquatic habitats and underwater noise.

No methodology, search area or time-scale has been provided for the in-combination assessment.

It is also noted that the DCHG submitted that additional information was required on habitat loss in the estuary overall to inform the in-combination assessment. This information was subsequently provided in the *Response Document to Third Party Consultations*. The further information provided is considered sufficient to address the issue raised by the DCHG.

The DCHG requested further information on the potential of the introduction and spread of invasive species, which is not dealt with in the NIS. This information was subsequently provided in the *Response Document to Third Party Consultations*. The further information provided is considered sufficient to address the issue raised by the DCHG.

Further information is required in relation to the methodology, the search area and the time-scale for the in-combination assessment.

3.6 Conclusion (Section 6 of the NIS)

Section 6 of the NIS contains a summary of the assessment and results of same contained in the NIS and statement that adverse effects are not predicted following the inclusion of mitigation relating to:

- Pollution incidents upon Annex I habitats and Annex II species.
- Underwater noise or disturbance to Annex II species.

The conclusion also states that the absence of adverse effects can be concluded without mitigation measures in relation to:

- Aerial noise and visual disturbance effects
- Habitat loss effects

Appraisal/ Comments

The conclusion of the NIS, when considered in tandem with the EIAR and the *Response Document to Third Party Consultations,* is accurate and in accordance with current legislation and best practice, provided the further information listed in Table 1 of this review document is provided.

APPENDIX A

Review Matrix

The review matrix is based on the following guidance: EC (2001) *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*. Environment Directorate-General of the European Commission.

The review grades to be applied to the review criteria are as follows:
A = The information provided is complete, with no significant omissions, and the conclusions drawn can be reasonably and objectively accepted.
B = The information provided is not complete, but, in the circumstances of the particular case, the conclusions drawn can be reasonably and objectively accepted.
C = The information provided is not complete; there are significant omissions, and it will be necessary to seek clarification on certain issues before the conclusions drawn can be reasonably and objectively accepted.
D = The information provided is wholly inadequate and there can be no confidence in the conclusions drawn from the evidence.

Criterion	Grade	Comment
1. Features of the proposed development		
1.1. The purpose(s) and objectives of the project or plan are fully explained	A	The purpose and objectives are provided in Section 3.
1.2. Plans, diagrams and maps are provided which clearly identify the location of the proposed project or plan	A	The location of the project is shown in Figures 3.1 to 3.6,
1.3. The size, scale, area and land-take/cover of the project or plan are fully explained	A	The size, scale, area and land-take/cover of the project or plan are fully explained in Section 3.
1.4. Provides details of the physical changes that will take place during the various stages of implementing the project or plan	A	Section 3.2 provides details of the physical changes that will take place during the various stages of implementing the project.
1.5. Describes the resource requirements for the construction/operation and decommissioning of the project or plan (including water resources, construction material and human presence)	A	Section 3.2 provides details of the resource requirements for the construction/operation and decommissioning of the project.

Criterion	Grade	Comment
1.6. Describes the timescales for the various activities that will take place as a result of implementing the project or plan (including likely start and finish dates)	A	Section 3.2.3.3 provides details of the programme.
2. Cumulative effects		
2.1. Identifies all projects or plans that may, in combination with the proposed project or plan, give rise to adverse effects on the Natura 2000 site	A	A list of plans and projects is provided in the in-combination assessment in Section 5.1.3. This is augmented with further details of projects in the Shannon Estuary in the *Response to Third Party Consultations* Document.
2.2. Defines the boundaries used when identifying cumulative effects	C	No boundary for identifying in-combination effects has been described.
2.3. Defines the timescales over which cumulative effects have been considered	C	No timescale for which cumulative effects have been considered has been described.
2.4. Identifies the potential cumulative pathways	C	The potential pathways for in-combination effects have not been described.
3. Description of the Natura 2000 site(s)		
3.1. Describes the site(s) in terms of its physical area, habitat types, presence of key species, etc.	A	All European sites within 15 km have been described in Sections 4.1.2 to 4.1.7.
3.2. Sets out in full the conservation objectives of the site including the factors that contribute to the conservation value of the site	A	The Conservation Objectives and attributes of the two sites which were screened in have been described in Sections 5.1.1 and 5.1.2. It was established that no pathways exist between the proposed development and the other Natura 2000 sites, and therefore the conservation objectives did not need to be provided.
3.3. Explains the existing baseline conditions — including species and habitat dynamics and ecology (including seasonal fluctuations), the physical and chemical composition and the key structural and functional relationships that maintain the site's integrity	A	The baseline conditions are described in Section 3.1.
3.4. Describes the methodologies used to gather information on the baseline conditions of the site	A	Details of the methodologies used to gather information on the baseline sites are provided in Sections 2 and 4.
3.5. Identifies the organisations consulted to gather information on the baseline conditions of the site	A	The sources of data are mentioned throughout the NIS.
4. Screening		

Criterion	Grade	Comment
4.1. Where no significant impacts are predicted on the Natura 2000 site, a finding of no significant impacts statement is provided which clearly sets out why this conclusion has been drawn and provides evidence that the relevant nature conservation agencies and authorities are in agreement with this finding	A	A statement of no significant effects is provided at the end of each of the sections 4.1.2 to 4.1.7, where relevant.
4.2. Where likely significant impacts are identified, these are clearly explained and where possible quantified	A	Likely significant effects are identified and an explained.
4.3. Evidence is provided of the assessment methodologies uses in the screening process	A	The methodology is provided in Section 2.
4.4. There is clear evidence in the documentation that sufficient account and assessment have been taken of the possibility of cumulative impacts from other projects or plans	A	A list of plans and projects is provided in the in-combination assessment in Section 5.1.3. This is augmented with further details of projects in the Shannon Estuary in the *Response to Third Party Consultations* Document.
5. Appropriate assessment		
5.1. The methods of assessment and prediction are clearly explained and the sources of information are provided and fully justified	A	The methodology is provided in Section 2.
5.2. The effects of the project or plan on the conservation objectives of the site are explained in full	A	Section 4.2 explains the potential adverse effects arising from the proposed development.
5.3. The impact of the project or plan on the defining structure and functions of the site are fully explained	A	The potential impact of the project on the two sites which were screened in have been described in Sections 5.1.1 and 5.1.2.
5.4. Any loss of area of the site, or reduction in species population, is quantified and assessed in terms of its impact upon the conservation objectives of the site and its impact on key habitats and species	A	The loss of habitat has been described in Sections 5.1.1 and 5.1.2.
5.5. Likely impacts on the site due to disturbance, disruption, fragmentation and chemical changes, etc. are fully assessed and explained	A	The potential impact of the project on the two sites which were screened in have been described in Sections 5.1.1 and 5.1.2.
6. Mitigation		

Criterion	Grade	Comment
6.1. There is clear evidence that the mitigation measures have been assessed against the 'mitigation hierarchy' (with the avoidance of adverse impact on the site being the preferred outcome)	A	The proposed mitigation measures have applied the mitigation hierarchy to their design. Where avoiding the impact at source has not been possible, the mitigation measures proposed have been used to address the pathway for impacts.
6.2. There is clear evidence that the mitigation measures have the support of the relevant nature conservation agencies	A	The MMO monitoring protocol will be used and has been prepared by the Department of Arts, Heritage and Gaeltacht, which contains the National Parks and Wildlife Service. Mitigation measures in relation to water quality are established best practice and the relevant guidelines have been cited in Section 5.2.
6.3. There is clear evidence that the mitigation measures can be secured over the short, medium and long term through legal or financial mechanisms	A	The mitigation measures are required prior to and during the survey works.