

Maritime Usage Licence (MUL) Application: Sustainable hand-harvesting of *Ascophyllum nodosum* in Kenmare Bay



ARTICLE 12 (HABITATS DIRECTIVE) SCREENING

Version : 29th of July 2025



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1. INTRODUCTION

Ecofact Environmental Consultants Ltd. was commissioned to carry out an Article 12 (Habitats Directive) Screening of proposed sustainable hand-harvesting of the seaweed *Ascophyllum nodosum* in Kenmare Bay. This screening aims to identify whether this project may have effects on species listed under Annex IV of the Habitats Directive. Under Article 12, Annex IV species are afforded strict protection throughout their range, both inside and outside of designated protected areas.

This screening report has been prepared in accordance with Article 12 of the EU Habitats Directive (Council Directive 92/43/EEC), which requires Member States to establish a system of strict protection for animal species listed in Annex IV(a). These provisions prohibit the deliberate capture, killing, or disturbance of these species, as well as the deterioration or destruction of their breeding sites or resting places. The purpose of this screening is to determine, based on objective scientific information and without reference to mitigation measures, whether the proposed project has the potential to result in any of these prohibited activities.

Where this screening exercise identifies that a risk of impact on Annex IV species cannot be ruled out, the project must proceed to a species-specific assessment. This involves undertaking appropriate surveys and preparing documentation that considers potential impacts and outlines mitigation or avoidance measures. This assessment will determine whether the risk of a breach of Article 12(1) can be excluded through mitigation. Only where a residual risk remains following this assessment would a derogation licence under Article 16 of the Directive be required. Therefore, the inclusion of Annex IV species at the screening stage does not automatically mean that a derogation licence will be necessary.

A derogation licence is a legal authorisation granted by the competent authority (in Ireland, the NPWS) that allows an activity to proceed despite the risk of impacts on strictly protected species, but only under specific and limited circumstances. These include demonstrating that there is no satisfactory alternative, that the activity is for reasons of overriding public interest (or other grounds listed in Article 16), and that the conservation status of the species concerned will not be adversely affected.

Screening under Article 12 of the Habitats Directive is separate from, but often undertaken alongside, screening for Appropriate Assessment under Article 6(3) of the same Directive. Article 6(3) screening determines whether a plan or project is likely to have a significant effect on a European site (SAC or SPA), thereby requiring Appropriate Assessment. In contrast, Article 12 screening applies regardless of site designation and focuses on the strict protection of individual species listed in Annex IV(a) throughout their natural range. Although the two processes are distinct, overlap frequently occurs in practice - particularly where projects are located near or within Natura 2000 sites and have the potential to affect both protected habitats and strictly protected species.

1.1 Legislation

Article 12 of the Habitats Directive is aimed at the establishment and implementation of a strict protection regime for species listed in Annex IV within the whole territory of Member States (i.e. in locations outside protected areas as well as inside their boundaries).

Article 12 of the Directive states:

1. *“Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting: (a) all forms of deliberate capture or killing of specimens of these species in the wild; (b) deliberate disturbance of these species,*



particularly during the period of breeding, rearing, hibernation and migration; (c) deliberate destruction or taking of eggs from the wild; (d) deterioration or destruction of breeding sites or resting places.

2. For these species, Member States shall prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild, except for those taken legally before this Directive is implemented.

3. The prohibition referred to in paragraph 1 (a) and (b) and paragraph 2 shall apply to all stages of life of the animals to which this Article applies.

4. Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a). In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned."

Under Article 12 of the Habitats Directive, all species listed in Annex IV are afforded strict protection, prohibiting deliberate capture, disturbance and destruction of all life stages and deterioration or destruction of breeding sites or resting places. In addition, species listed in Annex II are afforded the same protection, even when not present in numbers which result in the designation of a Natura 2000 site.

As required by Article 12 of the Habitats Directive, the potential impact to species listed on Annex IV of the Directive must be considered prior to a project receiving consent.

The European Communities (Birds and Natural Habitats) Regulations 2011 and also to the 'Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC' (EC, 2007b), which states that:

'The interpretation of Article 12 has to take into consideration the objective of Directive 92/43/EEC set out in Article 2, which applies, without distinction, to all Annexes. Consequently, strict protection measures adopted under Article 12 should aim to fulfil the main objective of the Directive by contributing to the maintenance or restoration, at favourable conservation status, of Annex IV (a) species of Community interest, while taking into account economic, social and cultural requirements and regional and local characteristics' (EC, 2007).'



2. METHODOLOGY

2.1 Guidance

This Screening for Appropriate Assessment follows this guidance as relevant:

- DoEHLG, (2010). 'Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities'.
- OPR (2021). 'Appropriate Assessment Screening for Development Management.'
- European Commission, (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.'
- European Commission, (2007). '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 interests, compensatory measures, overall coherence and opinion of the Commission.'
- European Commission, (2018). 'Managing Natura 2000 Sites. The Provisions of Article 6 of the Habitats Directive 92/43/EEC.'

2.2 Desk Study

This screening report was informed by a desk study of the information provided by the client, along with a detailed review of the information on designated sites available on the website of the National Parks and Wildlife Service (NPWS).

The desktop study was undertaken to identify the extent and scope of the potentially affected Annex IV species within the study area. A full bibliography of information sources reviewed is provided in the reference section. Information sources reviewed include:

- National Parks and Wildlife Service (NPWS) site synopses.
- NPWS Conservation Objectives and Natura 2000 Forms.
- Protected species data on NPWS/National Biodiversity Data Centre (NBDC) online databases.
- Environmental Sensitivity Mapping (ESM) Tool.
- Environmental Protection Agency (EPA) mapping tools (including AAGeoTool).
- Online aerial imagery (Bing, Google Satellite).



3. DESCRIPTION OF THE PROJECT

A description of the proposed hand harvesting has been provided by BioAtlantis in the following reports:-

- BioAtlantis (2025a) License Application for sustainable hand-harvesting of *Ascophyllum nodosum* in Kenmare Bay. Proposal Document.
- BioAtlantis (2025b) Assessment of Impact of the Maritime Usage (AIMU) Report for the sustainable hand-harvesting of *Ascophyllum nodosum* in Kenmare Bay.

These reports are attached to the current NIS document. The application involves the hand harvesting of up to 1,826 wet tonnes of *Ascophyllum nodosum* per annum in Kenmare River SAC.

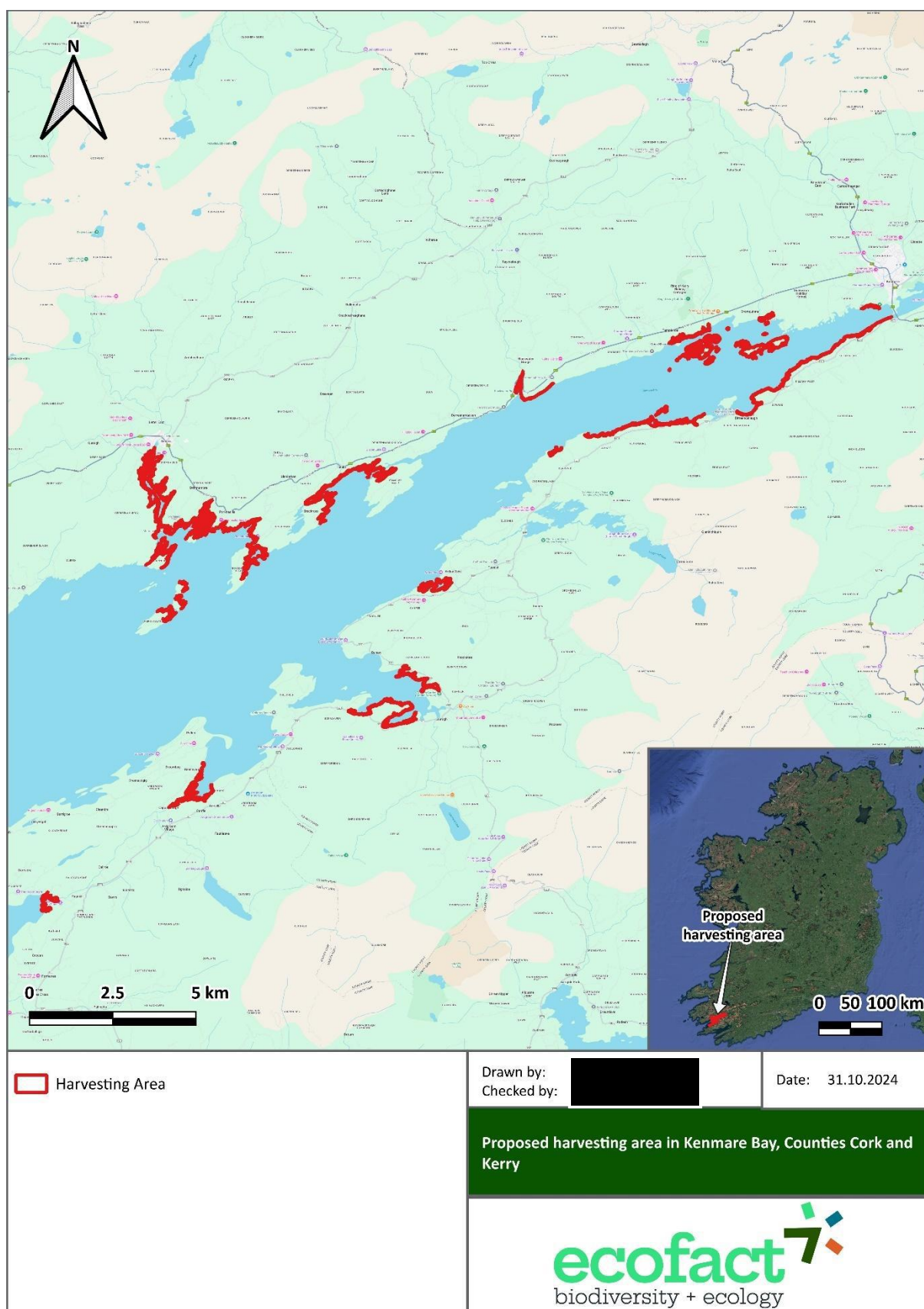


Figure 1 Location of the subject application area for hand-harvesting of *Ascophyllum nodosum* in Kenmare Bay.



4. ECOLOGICAL CONTEXT

4.1 Introduction

Annex IV species are those animal and plant species listed in Annex IV of the EU Habitats Directive (Council Directive 92/43/EEC) that are considered to be of Community interest and in need of strict protection across their natural range within the European Union. This list includes a wide variety of taxa such as mammals, amphibians, reptiles, fish, invertebrates, and vascular plants. For these species, Member States are legally required to establish a system of strict protection under Article 12 (for animals) and Article 13 (for plants) of the Directive. This protection regime prohibits, among other actions, the deliberate capture or killing of individuals, deliberate disturbance, and the deterioration or destruction of breeding sites or resting places. Importantly, this obligation applies both inside and outside Natura 2000 sites, meaning that the presence of an Annex IV species can trigger legal obligations regardless of site designation.

A list of species in Ireland listed under Annex IV of the EU Habitats Directive is provided in Table 1. The area of Kenmare Bay is suitable habitat for a range of species that are protected under Annex IV of the Habitats Directive.

4.2 Annex IV species associated with Kenmare Bay SAC

The proposed application area overlaps with Kenmare Bay Special Area of Conservation (Site Code 002158). This site is designated for the following species listed under both Annex IV and Annex II of the EU Habitats Directive:-

- *Rhinolophus hipposideros* (Lesser Horseshoe Bat) [1303]
- *Phocoena phocoena* (Harbour Porpoise) [1351]
- *Lutra lutra* (Otter) [1355]

4.2.1 Otter

The Otter (*Lutra lutra*) is listed under Annex IV and Annex II of the EU Habitats Directive, meaning it is subject to strict protection throughout its range and is also a qualifying interest for the designation of Special Areas of Conservation (SACs). In Ireland, the otter is widespread, occurring along rivers, lakes, coastal shorelines, and estuaries, including many areas where no SAC designation exists. Under Article 12 of the Directive, it is prohibited to deliberately disturb, capture, or kill otters, or to destroy or degrade their breeding or resting sites, which include holts, couches, and other regularly used refuges. Otters are also protected under the Irish Wildlife Acts, making disturbance or destruction of their resting places an offence without a licence. Because otters are highly mobile and often use shoreline habitats, any activity near water bodies, such as seaweed harvesting, must be carefully screened to determine whether there is a risk of an Article 12 offence, and whether further assessment or licensing is required.

Otters are known to the area and the conservation objectives document for the Kenmare River SAC show the commuting habitat for the species throughout the bay (NPWS, 2013). However, this report also notes the absence of survey work to inform this map, and instead includes the entire shoreline mapped to 80m back. NPWS (2013) notes that Otters will regularly commute across stretches of open water up to 500m e.g. between the mainland and an island; between two islands; across an estuary. The report states that it is important that such commuting routes are not obstructed.



4.2.2 Harbour Porpoise

The Harbour Porpoise (*Phocoena phocoena*) is one of only two cetacean species listed under both Annex II and Annex IV of the EU Habitats Directive. As an Annex IV species, it is subject to strict protection under Article 12, which prohibits deliberate disturbance, injury, killing, or deterioration of its breeding or resting sites across its entire natural range, including Irish territorial waters. As an Annex II species, the harbour porpoise is also a qualifying interest for the designation of Special Areas of Conservation (SACs), such as the Rockabill to Dalkey Island SAC and the Blasket Islands SAC, which are specifically designated for the protection of this species in Ireland.

Harbour porpoises are widespread in Irish coastal waters and have been recorded throughout the southwest, including areas such as Kenmare Bay, where they may be present year-round. They are particularly sensitive to underwater noise and disturbance from boat traffic and other marine activities. Consequently, projects involving vessel use, inshore development, or cumulative marine activity must be carefully screened to assess whether they could result in disturbance or other impacts contrary to Article 12. Where risk cannot be excluded, further assessment and potentially a derogation licence may be required.

Kenmare River SAC is also designated for Harbour Porpoise. However, there are no conservation objectives listed for this species in NPWS (2013).

4.2.3 Lesser Horseshoe Bat

Lesser Horseshoe Bats are also a qualifying interest of the Kenmare River SAC. This SAC has been selected for Lesser Horseshoe Bats because of the presence of an internationally important winter roost: Dunkerron souterrain, and the of one internationally important summer roost: Foley's cottage, Killaha. The location of these roosts is shown in Map 9 of the conservation objectives document (NPWS, 2013). There is no overlap with the proposed marine activity and these roost sites. However, bats depend on a network of roosting sites and many of these areas are not known. Therefore, while Lesser Horseshoe Bats and other terrestrial features are unlikely to be directly affected, increased access to remote areas may bring incidental disturbance.

4.3 Bats

All bat species in Ireland are listed under Annex IV(a) of the EU Habitats Directive, meaning they are subject to strict protection under Article 12 of the Directive. This includes commonly recorded species such as the Common Pipistrelle (*Pipistrellus pipistrellus*), Leisler's Bat (*Nyctalus leisleri*), and Daubenton's Bat (*Myotis daubentonii*), as well as rarer species like the Lesser Horseshoe Bat (*Rhinolophus hipposideros*), which is also listed under Annex II and has designated Special Areas of Conservation (SACs) for its protection (see Section 4.2.3).

Under Irish law, all bats are protected under the Wildlife Acts, making it an offence to deliberately disturb, capture, injure, or destroy bats or their roosts without a licence. Bat roosts are protected regardless of the time of year or whether bats are present at the time of disturbance. As such, any project with the potential to impact bat roosts, foraging areas, or commuting routes must be carefully screened under Article 12, and if necessary, assessed to determine the need for a derogation licence.

The National Biodiversity Data Centre (NBDC) maps landscape suitability for bats based on Lundy *et al.*, (2011). The maps are a visualisation of the results of the analyses based on a 'habitat suitability'



index. The marine areas of Kenmare Bay are not included in this bat landscape rating as marine areas are not considered to be bat habitats. The areas adjoining the bay are important for bats and may receive very high landscape suitability ratings. However, it is considered that there is no likely overlap with bats and the proposed project. Lesser Horseshoe Bats are a qualifying interest of the Kenmare River SAC as noted above. Increased access to remote areas may bring incidental disturbance so bats are screened in.

4.4 Cetaceans

All cetacean species (whales, dolphins, and porpoises) occurring in Irish waters are listed under Annex IV(a) of the EU Habitats Directive, meaning they are subject to strict protection under Article 12 throughout their entire range, whether or not they occur within a designated Natura 2000 site. This includes commonly recorded species such as the Harbour Porpoise (*Phocoena phocoena*), Bottlenose Dolphin (*Tursiops truncatus*), and Common Dolphin (*Delphinus delphis*), as well as less frequently observed species like Humpback Whale, Fin Whale, and various beaked whales. The Harbour Porpoise and Bottlenose Dolphin are also listed under Annex II, requiring the designation of Special Areas of Conservation (SACs) for their habitat.

Under Article 12, it is an offence to deliberately disturb, capture, kill, or degrade the habitats or resting areas of any cetacean species. In Irish waters, cetaceans are widely distributed, particularly along the Atlantic coast and inshore bays such as Kenmare Bay, where several species have been recorded. Cetaceans are highly sensitive to underwater noise, disturbance from boats, and cumulative marine activity. As such, any coastal or marine project must be carefully screened to determine the potential for impacts. Where there is a risk of disturbance, further assessment under Article 12 may be required, and a derogation licence may be necessary if impacts cannot be ruled out.

Several cetacean species have been recorded in Kenmare Bay, Co. Kerry, based on confirmed sightings compiled by the Irish Whale and Dolphin Group (IWDG) and other marine monitoring initiatives. Regular observations of Common Dolphin (*Delphinus delphis*) have been documented in Kenmare Bay and nearby areas such as Derrynane Bay and the Skellig Islands, where the species is often seen in social groups and may approach boats. Humpback Whales (*Megaptera novaeangliae*) have also been recorded in the bay, with two individuals photo-identified there in March 2023, contributing to the Irish Humpback Whale Catalogue. In addition, Risso's Dolphin (*Grampus griseus*) was observed in the bay in December 2022, and Harbour Porpoise (*Phocoena phocoena*), though not extensively documented specifically within the bay, is commonly recorded in adjacent coastal waters and is likely present.

It should be noted, however, that cetacean records for Kenmare Bay are likely to be incomplete due to under-recording and low survey effort in the area. Sightings data are often opportunistic and dependent on weather, observer coverage, and accessibility. Therefore, the current records probably underestimate the true diversity and frequency of cetacean occurrence in the bay, and a precautionary approach should be adopted when considering potential impacts on these strictly protected species.

4.5 Marine Turtles

Marine turtles, all of which are listed under Annex IV of the EU Habitats Directive, are infrequent but documented visitors to Irish waters, including the southwest coast encompassing Kenmare Bay. The Leatherback Turtle (*Dermochelys coriacea*) is the most commonly recorded species, particularly during the summer months when they forage on jellyfish. While specific records from Kenmare Bay are limited, the presence of leatherbacks in adjacent coastal areas suggests they may occasionally enter the bay.



Other species, such as the Loggerhead Turtle (*Caretta caretta*), Kemp's Ridley Turtle (*Lepidochelys kempii*), and Green Turtle (*Chelonia mydas*), have been recorded in Irish waters, though these occurrences are rare and often involve stranded individuals.

It is important to note that the apparent scarcity of marine turtle records in Kenmare Bay may be attributed to under-recording, as sightings are often opportunistic and dependent on factors such as observer effort and environmental conditions. Consequently, the absence of records does not necessarily indicate the absence of these species. Given their protected status and the potential for undetected presence, a precautionary approach is recommended when assessing activities that may impact marine turtles in the region.

4.5 Kerry slug

The Kerry Slug (*Geomalacus maculosus*) is a terrestrial mollusc endemic to southwest Ireland and northwest Iberia, with a notable presence in County Kerry. Its preferred habitats include humid woodlands, blanket bogs, and heathlands, particularly in areas with sandstone geology. In Ireland, it has been recorded in various locations within County Kerry, including areas surrounding Kenmare Bay.

While the Kerry Slug is primarily a terrestrial species, its habitats can be adjacent to coastal areas like Kenmare Bay. Activities such as sustainable seaweed harvesting, which involve hand cutting, use of boats, and storage on existing piers, are unlikely to directly impact the Kerry Slug due to its land-based habitat preferences. However, indirect effects, such as habitat disturbance from increased human activity or changes in land use near the shoreline, could potentially affect local populations. Given the species' protected status under Annex IV of the EU Habitats Directive, any proposed activities in areas where the Kerry Slug is known or likely to occur should be carefully assessed to ensure compliance with conservation objectives.

4.6 Natterjack Toad

The Natterjack Toad (*Epidalea calamita*) is a rare and legally protected amphibian in Ireland, listed under Annex IV of the EU Habitats Directive and the Irish Wildlife Acts. It is Ireland's only toad species and is confined to a limited number of coastal sites in southwest Kerry, primarily in the Castlemaine Harbour SAC, the Derrynane area, and small dune systems along the Iveragh Peninsula. Its core habitats are coastal sand dunes, wet grasslands, and shallow temporary pools, which it uses for breeding. The species is particularly vulnerable to habitat loss, disturbance, and hydrological changes.

Although parts of the broader Kerry coastline support populations of Natterjack Toad, there are no known records of the species within the Kenmare Bay area itself. The bay is predominantly marine and estuarine, with adjacent habitats comprising rocky and wooded shorelines rather than the dune or marsh habitats preferred by Natterjacks. In addition, the proposed sustainable hand-harvesting of *Ascophyllum nodosum* involves activity limited to the intertidal zone and existing piers, well outside the species' typical habitat. As such, there is no ecological overlap between the proposed project and the habitat requirements of the Natterjack Toad, and it can be concluded with confidence that the species will not be affected. Therefore, no assessment is required under Article 12 of the Habitats Directive in respect of this species.

4.7 Slender Naiad

The Slender Naiad (*Najas flexilis*) is a submerged aquatic plant listed under Annexes II and IV of the EU Habitats Directive and protected under Ireland's Flora Protection Order. It is typically found in



oligotrophic to mesotrophic lakes with clear, low-nutrient waters and sandy or silty substrates. In Ireland, its distribution is concentrated in the western counties, including Kerry, where it has been recorded in several freshwater lakes.

Within the Kenmare Bay area, there are no confirmed records of *Najas flexilis* in the marine or estuarine environments. However, the species has been documented in nearby freshwater systems, such as Lough Yganavan and Lough Nambrackdarrig, which are designated as Special Areas of Conservation (SACs) partly due to the presence of *Najas flexilis*. Given its specific habitat requirements, *Najas flexilis* is unlikely to occur in the marine environments of Kenmare Bay where seaweed harvesting activities take place. Therefore, such operations are not expected to impact this species. Nonetheless, it is essential to ensure that any associated activities do not indirectly affect nearby freshwater habitats where *Najas flexilis* may be present.

4.8 Killarney Fern

The Killarney Fern (*Trichomanes speciosum*), also known as *Vandenboschia speciosa*, is a rare and protected species in Ireland, listed under Annexes II and IV of the EU Habitats Directive and the Flora Protection Order. It thrives in humid, shaded environments such as dripping caves, ravines, and damp woodlands, particularly in the southwest of Ireland, including County Kerry. The fern has a unique life cycle with two distinct stages: the sporophyte, which is the typical fern form, and the gametophyte, a filamentous stage capable of independent asexual reproduction. While the sporophyte is rare and found in limited locations, the gametophyte is more widespread but often under-recorded due to its inconspicuous nature.

In the Kenmare Bay area, specific records of the Killarney Fern are scarce, likely due to under-recording and the species' preference for secluded habitats. However, given the suitable environmental conditions and the presence of known populations in the broader region, it's plausible that the fern exists in the surrounding areas. Activities such as sustainable seaweed harvesting, which involve hand cutting and the use of boats and existing piers, are unlikely to directly impact the Killarney Fern, as it does not inhabit intertidal zones. Nevertheless, any associated activities that could alter the microclimate or hydrology of adjacent terrestrial habitats should be carefully managed to avoid indirect effects on this sensitive species.

4.9 Yellow Marsh Saxifrage

The Yellow Marsh Saxifrage (*Saxifraga hirculus*) is a rare, yellow-flowered perennial plant protected under Annex II and Annex IV of the EU Habitats Directive. In Ireland, its distribution is limited to a few locations, primarily in County Mayo and County Antrim. There are no confirmed records of *S. hirculus* in the Kenmare Bay area or elsewhere in County Kerry. The species typically inhabits base-rich flushes in mountain bogs or moorlands, environments that are scarce or absent in the Kenmare Bay region.

Habitas

Given the lack of suitable habitat and the absence of recorded occurrences, it is highly unlikely that *S. hirculus* is present in the Kenmare Bay area. Therefore, activities such as sustainable seaweed harvesting, which involve hand cutting, use of boats, and use of existing piers for storage, are not expected to impact this species. Nonetheless, it is essential to ensure that such activities do not indirectly affect nearby habitats that could potentially support rare or protected species.



Table 1 List of species in Ireland listed under Annex IV of the EU Habitats Directive.

Species Group	Common Name	Scientific Name	Annex IV	Annex II
Amphibians	Natterjack Toad	<i>Epidalea calamita</i>	Yes	
Bats (Rhinolophidae)	Lesser Horseshoe Bat	<i>Rhinolophus hipposideros</i>	Yes	Yes
	Brandt's Bat	<i>Myotis brandtii</i>	Yes	
	Brown Long-eared Bat	<i>Plecotus auritus</i>	Yes	
	Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	Yes	
	Daubenton's Bat	<i>Myotis daubentonii</i>	Yes	
	Leisler's Bat	<i>Nyctalus leisleri</i>	Yes	
	Nathusius' Pipistrelle	<i>Pipistrellus nathusii</i>	Yes	
	Natterer's Bat	<i>Myotis nattereri</i>	Yes	
	Soprano Pipistrelle	<i>Pipistrellus pygmaeus</i>	Yes	
	Whiskered Bat	<i>Myotis mystacinus</i>	Yes	
Carnivores	Otter	<i>Lutra lutra</i>	Yes	Yes
Cetaceans	Atlantic White-sided Dolphin	<i>Lagenorhynchus acutus</i>	Yes	
	Blue Whale	<i>Balaenoptera musculus</i>	Yes	
	Bottlenose Dolphin	<i>Tursiops truncatus</i>	Yes	Yes
	Common Dolphin	<i>Delphinus delphis</i>	Yes	
	Cuvier's Beaked Whale	<i>Ziphius cavirostris</i>	Yes	
	False Killer Whale	<i>Pseudorca crassidens</i>	Yes	
	Fin Whale	<i>Balaenoptera physalus</i>	Yes	
	Harbour Porpoise	<i>Phocoena phocoena</i>	Yes	Yes
	Humpback Whale	<i>Megaptera novaeangliae</i>	Yes	
	Killer Whale (Orca)	<i>Orcinus orca</i>	Yes	
	Long-finned Pilot Whale	<i>Globicephala melas</i>	Yes	
	Minke Whale	<i>Balaenoptera acutorostrata</i>	Yes	
	Northern Bottlenose Whale	<i>Hyperoodon ampullatus</i>	Yes	
	Northern Right Whale	<i>Eubalaena glacialis</i>	Yes	
	Pygmy Sperm Whale	<i>Kogia breviceps</i>	Yes	
	Risso's Dolphin	<i>Grampus griseus</i>	Yes	
	Sei Whale	<i>Balaenoptera borealis</i>	Yes	
	Sowerby's Beaked Whale	<i>Mesoplodon bidens</i>	Yes	
	Sperm Whale	<i>Physeter macrocephalus</i>	Yes	
	True's Beaked Whale	<i>Mesoplodon mirus</i>	Yes	
	White-beaked Dolphin	<i>Lagenorhynchus albirostris</i>	Yes	
	All other cetaceans	<i>Various</i>	Yes	
Reptiles (Marine Turtles)	Hawksbill Turtle	<i>Eretmochelys imbricata</i>	Yes	
	Kemp's Ridley Turtle	<i>Lepidochelys kempii</i>	Yes	
	Leatherback Turtle	<i>Dermochelys coriacea</i>	Yes	
	Loggerhead Turtle	<i>Caretta caretta</i>	Yes	
Invertebrates (Gastropods)	Kerry Slug	<i>Geomalacus maculosus</i>	Yes	Yes
Plants (Aquatic)	Slender Naiad	<i>Najas flexilis</i>	Yes	
Plants (Ferns)	Killarney Fern	<i>Trichomanes speciosum</i>	Yes	
Plants (Flowering Plants)	Yellow Marsh Saxifrage	<i>Saxifraga hirculus</i>	Yes	



5. SCREENING CONSIDERATION

Table 2 presents the findings of an Article 12 screening exercise conducted for Annex IV species of the EU Habitats Directive in relation to the proposed sustainable seaweed harvesting operation in Kenmare Bay, Co. Kerry. The screening considers whether the project has the potential to result in any breach of Article 12(1) prohibitions. These include deliberate disturbance, killing or injury of strictly protected species, or the deterioration or destruction of their breeding sites or resting places.

Each species listed in Annex IV and known to occur or potentially occur in Ireland has been evaluated for (i) its likelihood of presence in or near the project area, and (ii) the potential for impacts arising from the proposed activity, either directly or in combination with other ongoing activities in the bay. The screening conclusions follow the precautionary principle and do not take into account any mitigation measures.

The majority of species, including all Annex IV-listed plants, invertebrates, amphibians, and marine turtles, as well as many bat and cetacean species, are screened out due to a lack of habitat overlap, ecological separation, or extremely low likelihood of occurrence in the project area. These include strictly terrestrial species (e.g. Killarney Fern, Kerry Slug), species associated exclusively with freshwater or upland habitats (e.g. Slender Naiad, Yellow Marsh Saxifrage, Natterjack Toad), and deepwater cetaceans that do not utilise nearshore habitats.

A small number of species were identified as requiring further assessment. These include: Otter (*Lutra lutra*), which has been recorded within the project area and may be sensitive to disturbance near resting sites. Several cetacean species known to occur in the bay (e.g. Harbour Porpoise, Bottlenose Dolphin, Common Dolphin, Humpback Whale) are screened in due to their sensitivity to cumulative disturbance from vessel activity and noise. Bat species with some potential to forage in coastal zones or near piers are also screened in on a precautionary basis.

Species that are 'screened in' require additional site-specific information and survey data to determine whether any Article 12 offence is likely and, if so, whether mitigation can eliminate the risk.



Table 2 Article 12 Screening of Annex IV Species in Relation to the Sustainable Hand-Harvesting of *Ascophyllum nodosum* in Kenmare Bay, Co. Kerry

Species Group	Common Name	Scientific Name	Potential for impacts identified	Screening conclusion
Amphibians	Natterjack Toad	<i>Epidalea calamita</i>	Known in Co. Kerry but not coastal; no overlap with marine activity.	No assessment required – impacts can be ruled out.
Bats (Rhinolophidae)	Lesser Horseshoe Bat	<i>Rhinolophus hipposideros</i>	Recorded in region; no likely overlap with marine activity. However, increased activity, potential use of boat sheds etc. needs to be considered.,	Precautionary approach advised (screened in).
	Brandt's Bat	<i>Myotis brandtii</i>	No overlap with marine activities.	No assessment required – impacts can be ruled out.
	Brown Long-eared Bat	<i>Plecotus auritus</i>	No overlap with marine activities.	No assessment required – impacts can be ruled out.
	Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	Widespread; No overlap with marine activities, no likely impact.	No assessment required – impacts can be ruled out.
	Daubenton's Bat	<i>Myotis daubentonii</i>	Inland freshwater species; no overlap.	No assessment required – impacts can be ruled out.
	Leisler's Bat	<i>Nyctalus leisleri</i>	Aerial feeder; unlikely interaction with marine operations.	Assessment required – precautionary approach advised.
	Nathusius' Pipistrelle	<i>Pipistrellus nathusii</i>	Occasionally coastal; but no significant risk.	Assessment required – potential for impact exists.
	Natterer's Bat	<i>Myotis nattereri</i>	Woodland-associated; no overlap.	No assessment required – impacts can be ruled out.
	Soprano Pipistrelle	<i>Pipistrellus pygmaeus</i>	Widespread; no likely impact.	No assessment required – impacts can be ruled out.
	Whiskered Bat	<i>Myotis mystacinus</i>	No overlap with marine activities.	No assessment required – impacts can be ruled out.
Carnivores	Otter	<i>Lutra lutra</i>	Otters have been recorded from within the project area and impacts are possible; sensitive to disturbance.	Assessment required – precautionary approach advised.
Cetaceans	Atlantic White-sided Dolphin	<i>Lagenorhynchus acutus</i>	Rare; unlikely in Kenmare Bay.	No assessment required – impacts can be ruled out.
	Blue Whale	<i>Balaenoptera musculus</i>	Vagrant; not expected in Kenmare Bay.	No assessment required – impacts can be ruled out.



Species Group	Common Name	Scientific Name	Potential for impacts identified	Screening conclusion
	Bottlenose Dolphin	<i>Tursiops truncatus</i>	Present; potential disturbance from boat activity and in-combination effects.	Assessment required – precautionary approach advised.
	Common Dolphin	<i>Delphinus delphis</i>	Present; similar considerations as bottlenose dolphin.	Assessment required – precautionary approach advised.
	Cuvier's Beaked Whale	<i>Ziphius cavirostris</i>	Deep offshore; not relevant.	Assessment required – potential for impact exists.
	False Killer Whale	<i>Pseudorca crassidens</i>	Very rare; no likely overlap.	Assessment required – potential for impact exists.
	Fin Whale	<i>Balaenoptera physalus</i>	Seasonal offshore visitor; unlikely to be affected by inshore harvesting.	No assessment required – impacts can be ruled out.
	Harbour Porpoise	<i>Phocoena phocoena</i>	Present; may be sensitive to boat disturbance and cumulative noise impacts.	Assessment required – precautionary approach advised.
	Humpback Whale	<i>Megaptera novaeangliae</i>	Occasional offshore presence; low likelihood of inshore interaction.	Assessment required – precautionary approach advised.
	Killer Whale (Orca)	<i>Orcinus orca</i>	Rare; no evidence of residency in the bay.	No assessment required – impacts can be ruled out.
	Long-finned Pilot Whale	<i>Globicephala melas</i>	Occasional offshore; no likely interaction.	No assessment required – impacts can be ruled out.
	Minke Whale	<i>Balaenoptera acutorostrata</i>	Occasional visitor; low risk from hand-cutting, but potential cumulative disturbance.	No assessment required – impacts can be ruled out.
	Northern Bottlenose Whale	<i>Hyperoodon ampullatus</i>	Deep-water species; not relevant.	No assessment required – impacts can be ruled out.
	Northern Right Whale	<i>Eubalaena glacialis</i>	Extremely rare/vagrant; not expected.	No assessment required – impacts can be ruled out.
	Pygmy Sperm Whale	<i>Kogia breviceps</i>	Rare; no likely overlap.	No assessment required – impacts can be ruled out.
	Risso's Dolphin	<i>Grampus griseus</i>	Occasional visitor; low risk.	No assessment required – impacts can be ruled out.
	Sei Whale	<i>Balaenoptera borealis</i>	Rare; unlikely to occur in the bay.	No assessment required – impacts can be ruled out.



Species Group	Common Name	Scientific Name	Potential for impacts identified	Screening conclusion
	Sowerby's Beaked Whale	<i>Mesoplodon bidens</i>	Deep offshore; not relevant.	No assessment required – impacts can be ruled out.
	Sperm Whale	<i>Physeter macrocephalus</i>	Deep offshore species; no risk.	No assessment required – impacts can be ruled out.
	True's Beaked Whale	<i>Mesoplodon mirus</i>	Vagrant; not relevant.	No assessment required – impacts can be ruled out.
	White-beaked Dolphin	<i>Lagenorhynchus albirostris</i>	Rare visitor; low relevance.	No assessment required – impacts can be ruled out.
	All other cetaceans	<i>Various</i>	Rare; unlikely in Kenmare Bay.	No assessment required – impacts can be ruled out.
Reptiles (Marine Turtles)	Hawksbill Turtle	<i>Eretmochelys imbricata</i>	Extremely rare/vagrant; no relevance.	No assessment required – impacts can be ruled out.
	Kemp's Ridley Turtle	<i>Lepidochelys kempii</i>	Rare; no significant overlap.	No assessment required – impacts can be ruled out.
	Leatherback Turtle	<i>Dermochelys coriacea</i>	Regular summer visitor; very low risk from seaweed hand harvesting.	No assessment required – impacts can be ruled out.
	Loggerhead Turtle	<i>Caretta caretta</i>	Occasional; very low risk.	No assessment required – impacts can be ruled out.
Invertebrates (Gastropods)	Kerry Slug	<i>Geomalacus maculosus</i>	Terrestrial; potential presence in adjacent woodlands but no direct impact from marine activities.	No assessment required – impacts can be ruled out.
Plants (Aquatic)	Slender Naiad	<i>Najas flexilis</i>	Freshwater aquatic plant; not relevant.	No assessment required – impacts can be ruled out.
Plants (Ferns)	Killarney Fern	<i>Trichomanes speciosum</i>	Terrestrial shade-loving plant; not relevant.	No assessment required – impacts can be ruled out.
Plants (Flowering Plants)	Yellow Marsh Saxifrage	<i>Saxifraga hirculus</i>	Wet grassland/bog habitat; not relevant.	No assessment required – impacts can be ruled out.



6. SCREENING CONCLUSION

The screening exercise concludes that for most Annex IV species, impacts can be confidently ruled out, and therefore no further assessment is required. However, for a small number of species, a detailed assessment is required to determine whether the proposed activity could result in deliberate disturbance or habitat deterioration.

The following species have been screened in for Article 12 species-specific assessments:-

- Otter (*Lutra lutra*)
- Harbour Porpoise (*Phocoena Phocoena*)

The following species have been screened in on a precautionary basis.

- Lesser Horseshoe Bat *Rhinolophus hipposideros*
- Bottlenose Dolphin (*Tursiops truncatus*)
- Common Dolphin (*Delphinus delphis*)
- Humpback Whale (*Megaptera novaeangliae*)

If, following assessment, a risk of breach under Article 12(1) cannot be ruled out, a derogation licence under Article 16 of the Habitats Directive may be required before the project can proceed.

Table 5 DoEHLG (2010) potential findings, outcomes and conclusion for Screening for Appropriate Assessment for the proposed project.

Finding	Potential Outcome	Conclusion
Project is directly connected to or necessary for the management of a designated site	Stage 2 (AA) is not required	
No potential for significant effects on any Annex IV species	Article 12 assessment is not required	
Potential for significant effects identified, or potential for impacts is uncertain	Article 12 species assessments is required	✓



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