

Habitat Directive Assessment
Screening Report
of the

Proposed Amendments to the Draft
Castleisland Functional Area
Local Area Plan
2009-2015

IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 6(3)
OF THE
EU HABITATS DIRECTIVE 92/43/EEC



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1 Introduction and Purpose

1.1 Introduction

The 2009-2015 Kerry County Development Plan came into effect on the 4th of May 2009. That County Development Plan sets out a strategic spatial framework within which to guide development over the period of the Plan from 2009 – 2015. An Appropriate Assessment Screening report for the County Development Plan concluded that the Plan would not significantly adversely impact on Natura 2000 Sites.

Kerry County Council is currently preparing a local area plan for the functional area of Castleisland. This local area plan contains an overall strategy for the development of the area and a review of the settlements within the area based on this strategy and consistent with that of the current County Development Plan for Kerry.

The plan also contains a section on the rural areas of the plan, which highlights any development issues which might pertain to the rural areas but would not have been considered of sufficient strategic importance for inclusion in the County Development Plan.

A Habitat Directive Assessment screening document on the Draft Plan was prepared as an initial stage of this process. The draft plan and proposed policies are being screened at this stage to assess if there is likely to be a significant effect on any Natura 2000 site. ~~Following the public consultation period, any proposed amendments will be further assessed in order to assess their impacts.~~ The HDA document which accompanied the Draft Plan has now been updated following public consultation and taking account of the recommended amendments of the members of Kerry County Council. Modifications to the Habitats Directive Assessment Document which accompanied the Draft Castleisland Functional Area Plan are highlighted in green text.

The proactive approach allows for the adjustment of the policies and proposals of the Plan prior to adoption. This will avoid any significant adverse impacts European sites within the Plan area.

A finding of 'No Significant Effects' Report has also been prepared as is attached as Section 8 of this document.

1.2 The Purpose of Habitats Directive Assessment

A Habitats Directive Assessment (HDA), which is also referred to as an Appropriate Assessment (AA), is an evaluation of the potential impacts of a plan on the conservation objectives of a Natura 2000 site, and the development, where necessary, of mitigation or avoidance measures to preclude negative effects. Principally the purpose of a Habitats Directive Assessment is to identify the possible effects of implementing a Plan on the conservation status of designated Natura 2000 sites within the Plan area. The *Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna* – the 'Habitats Directive' provides legal protection for habitats and species of European importance. Article 2 of the Habitats Directive requires the maintenance or restoration of habitats and species of interest to the EU in a favourable condition. The Directive was transposed into Irish law by the European Communities (Natural Habitats) Regulations, SI 94/1997.

Under Article 6(3) of the Habitats Directive an Appropriate Assessment must be undertaken for any plan or program that is likely to have a significant effect on the conservation objectives of a Natura 2000 site. Article 6 paragraph 3 states:-

Any plan or project not directly connected with or necessary to the management of the site 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 and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

In summary, a HDA or AA is an evaluation of the potential impacts of a plan on the conservation objectives of a Natura 2000 site, and the development, where necessary, of mitigation or avoidance measures to preclude negative effects. Principally the purpose of a HDA is to identify the possible effects of implementing a Plan on the conservation status of designated Natura 2000 sites within the Plan area.

In a situation where it is not possible to fully demonstrate that adverse effects on the site integrity would occur, options must be explored so that any risk of damaging designated sites is avoided.

Plans can only be permitted after having ascertained that there will be no significant adverse effect on the integrity of the sites in question. Components within a plan, such as objectives or proposals, can be adjusted or removed to avoid significant adverse impacts prior to implementation. The plan may also proceed if sufficient mitigation or compensation measures are in place to ensure the overall integrity of the site.

1.3 Overview of Habitats Directive Assessment or Appropriate Assessment Process

This HDA Screening for the Castleisland Functional Area Local Area Plan 2009-2015 has been prepared in accordance with "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" published in 2001.

Regard has also been had to the following:

- Circular Letter SEA 1/08 & NPWS 1/08 (Department of the Environment, Heritage and Local Government);
- The Status of EU Protected Habitats and Species in Ireland (National Parks and Wildlife Service 2008);
- Environment in Focus (Environmental Protection Agency 2007).
- European Commissions: *Managing Natura 2000 Sites. The provisions of Article 6, of the 'Habitats' Directive 92/43/EEC*

There are four distinct stages to undertaking an HAD or AA as outlined in current EU guidance and this methodology has been applied to the Assessment for the Local Area Plan 2009-2015. They are:-

1. Screening;
2. Appropriate Assessment;
3. Assessment of Alternatives; and
4. Where no alternatives exist, an assessment of compensatory issues.

This screening should be based on any ecological information available to the authority and an adequate description of the plan and its likely environmental impacts. This should take into account any policies that will set the terms for future development. The results of the screening should be recorded and made available to the public.

In any case where, following screening, it is found that the draft plan or amendment may have an impact on the conservation objectives of a Natura 2000 site or that such an impact cannot be ruled out, adopting a precautionary approach-

- an appropriate assessment of the plan must be carried out and

- in any case where a strategic environmental assessment (SEA) would not otherwise be required, it must also be carried out".

The provisions of Art. 6(4) of the Habitats Directive apply when the results of the preliminary assessment under Art. 6(3) are negative or uncertain. That is:

1. The plan or project will adversely affect the integrity of the site
2. Doubts remain as to the absence of adverse effects on the integrity of the site linked to the plan or project concerned.

The European Commission's Methodological Guidance recommends a 4 stage approach:

- Stage 1 Screening:** Determining whether the plan 'either alone or in combination with other plans or projects' is likely to have a significant effect on a European site.
- Stage 2 Appropriate Assessment:** Determining whether, in view of the site's conservation objectives, the plan 'either alone or in combination with other plans or projects' would have an adverse effect (or risk of this) on the integrity of the site. If not, the plan can proceed.
- Stage 3: Assessment of Alternative Solutions:** Where it has not been proven that measures considered will not avoid or mitigate the adverse affect on the Natura 2000 site, then an assessment of the alternatives will be required; and if none are acceptable then stage 4 is required to be considered.
- Stage 4 Assessment where no Alternative Solutions Exist and where Adverse Impacts Remain** This will involve assessment where the Plan is considered to result in adverse impacts on the Natura 2000 site and no alternative solutions remain – the imperative reasons of overriding public interest (IROPI) test must be met before authorisation, permission or adoption of the Plan is agreed. This includes the agreement of compensatory measures¹.

This report covers Stage 1 of Habitats Directive Assessment or Appropriate Assessment - Screening.

¹ Compensatory measures are not the same in any way as mitigation and the two should therefore not be confused.

1.4 The Purpose of this Report

This Screening Report will be used to identify whether the Plan- either alone or in combination with other plans or projects - is likely to have a significant effect on a European site. This report will include policy recommendations, if necessary, to avoid any significant adverse effects at the earliest possible stage in decision making.

This report follows European Commission (2001) guidance which recommends that screening should:-

- 1 Determine whether the plan is directly connected with or necessary to the management of the site – if it is, then no further assessment is necessary
- 2 Describe the plan and other plans and projects that, 'in combination', have the potential to have significant effects on a European site
- 3 Identify the potential effects on the European site and
- 4 Assess the significance of any effects on the European site.

The Kerry County Development Plan 2009-2015 contains the strategy for the preparation of local area plans which divides the County into functional areas based on their strategic role and service provision for their hinterlands. The Tralee Killarney Hub, designated under the National Spatial Strategy, is the focal point for the County's development in a National context, being one of a number of Gateways and Hubs throughout the Country identified to promote balanced regional development. In accordance with the provisions of the Kerry County Development Plan 2009-2015, Castleisland is a Primary Functional Area.

The plan for each settlement shall zone sufficient lands for residential, commercial, economic and social development, within defined development limits, and in accordance with its function. Plans will also make provision for the conservation and improvement of the cultural, natural and built heritage of an area.

When adopted by the Council, local area plans will provide the overall framework for the development of an area and will be a material consideration in the assessment of planning applications. In addition to its regulatory functions, plans provide both a blue print for maximizing the social and economic potential of each settlement, and a tool for the spatial management of an area.

The Castleisland FALAP consists of strategy, policies, objectives and land use maps for the area within its boundary including the settlements of Brosna, Castleisland, Cordal, Currans, Currow, Scartaglin and Knccknagashel. The plan lasts for a period of 6 years from its adoption which will be in December 2009. The Plan also contains development management guidelines to ensure that the agreed aims, strategic objectives and policies are complied with from adoption in 2009 until 2015, unless amended.

The Plan area includes lands within its boundary designated as cSACs and pSPAs.

The Draft Plan is not directly connected with or necessary to the Natura 2000 site management for nature conservation.

Consultation has taken 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.*

The Scoping report for the SEA and HDA was sent to the statutory bodies on 5th March 2009 and the closing date was 8th April 2009. Submissions received have been incorporated into the plan where appropriate. ~~It is intended that this report will go on public display from 22nd of July for a period of 6 weeks. Following this period a report on submissions received will be prepared. This report will be considered by the members of the Council and any amendments agreed will be put on public~~

~~display for a further period of 4 weeks. These amendments will be assessed through the SEA process and also a HDA assessment will be carried out.~~

The Screening Report was put on public display on the 22nd of July for a period of 6 weeks, along with the Draft Plan and the Environmental Report. A copy was also sent to the NPWS for comment. The revised documents are to be put on display in October for four weeks and a copy of the revised document will be forwarded to NPWS for review.

Furthermore in line with recommendations in the 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*, representatives from the Environmental Protection Agency (EPA) and The Shannon Regional Fisheries Board (SRFB) have been consulted with in relation to the screening of this Appropriate Assessment.

4 European sites that may be affected

There are a number of European sites which may potentially be affected by the Plan. These have been identified as follows:

- **The Lower River Shannon (cSAC 002165)** see fig 4.1 below.
- **Blackwater River (cSAC 002170)** see fig. 4.1 below.
- **Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment (000365)** see fig 4.1 below.
- **Slieve Mish Mountains (002185)** see fig 4.1 below.
- **Stacks to Mullaghareirk Mountains, West (pSPA 004161)** see fig. 4.2. below.

The Table 4.1 outlines each European site, and their qualifying features, that could potentially be affected by the Plan.

Table 4.1 European sites that could possibly be adversely affected by the Plan

Designated Site	Site Code	Reason for Designation	Sensitivity
Lower River Shannon (cSAC)	002165	The Lower Shannon SAC extends 120 km from Killaloe to Loop Head/ Kerry Head. The site thus encompasses the Shannon, Feale, Mulkear and Fergus Estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head. The site has been selected as a SAC for the presence of lagoons and alluvial wet woodlands, both habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for floating river vegetation, Molinia meadows, estuaries, tidal mudflats, Atlantic salt meadows, Mediterranean salt meadows, Salicornia mudflats, sand banks, perennial vegetation of stony banks, sea cliffs, reefs and large shallow inlets and bays all habitats listed on Annex I of the E.U.	Eutrophication, water quality, landuse practices, siltation, reclamation of parts of the estuary

		<p>Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive – Bottle-nosed Dolphin, Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Atlantic salmon and Otter.</p> <p>A good number of Red Data Book species are also present, perhaps most notably the thriving populations of Triangular Club-rush. A number of species listed on Annex I of the E.U. Birds Directive are also present, either wintering or breeding. Indeed, the Shannon and Fergus Estuaries form the largest estuarine complex in Ireland and support more wintering wildfowl and waders than any other site in the country. Most of the estuarine part of the site has been designated a Special Protection Area (SPA), under the E.U. Birds Directive, primarily to protect the large numbers of migratory birds present in winter.</p>	
Blackwater River (Cork/ Waterford) (cSAC)	002170	<p>The River Blackwater is one of the largest rivers in Ireland, draining a major part of Co. Cork and five ranges of mountains. The extent of the Blackwater and its tributaries in this site, flows through the counties of Kerry, Cork, Limerick, Tipperary and Waterford. The site is a candidate SAC selected for alluvial wet woodlands and Yew wood, both priority habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected as a candidate SAC for floating river vegetation, estuaries, tidal mudflats, Salicornia mudflats, Atlantic salt meadows, Mediterranean salt meadows, perennial vegetation of stony banks and old Oak woodlands, all habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive – Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter and the plant, Killarney Fern. The site is also important for the presence of several Habitats Directive Annex II animal species, including Sea Lamprey (<i>Petromyzon marinus</i>), Brook Lamprey (<i>Lampetra planeri</i>), River Lamprey (<i>L. fluviatilis</i>), Twaite Shad (<i>Alosa fallax fallax</i>), Freshwater Pearl-mussel (<i>Margaritifera margaritifera</i>), Otter (<i>Lutra lutra</i>) and Salmon (<i>Salmo salar</i>). The Awbeg supports a population of White-clawed Crayfish (<i>Austropotamobius pallipes</i>). This threatened species has been recorded from a number of locations and its remains are also frequently found in Otter spraints, particularly in the lower reaches of the river. The</p>	<p>Agricultural run-off and several sewage plants, dredging of the Awbeg, woodland overgrazing and invasion by non native species</p>

		freshwater stretches of the Blackwater and Bride Rivers are designated salmonid rivers. Several bird species listed on Annex I of the E.U. Birds Directive are found on the site, including Long-eared Owl and Barn Owl. .	
Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment (cSAC)	000365	<p>This very large site encompasses the mountains, rivers and lakes of the Iveragh peninsula, and the Paps Mountains which stretch eastward from Killarney towards Millstreet. It is the most mountainous region in Ireland and includes Carrauntoohil (1039m), the highest peak in the country.</p> <p>The site is of great ecological interest, with at least ten habitats which are listed on Annex I of the EU Habitats Directive. The site is a candidate SAC selected for blanket bog, Yew wood and alluvial woodlands, priority habitats on Annex I of the E.U. Habitats Directive. The site is also selected as a candidate SAC for lowland oligotrophic lakes, upland oligotrophic lakes, floating river vegetation, alpine heath, dry heath, wet heath, <i>Molinia</i> meadows, old Oak woodlands, Rhynchosporion, Calaminarian grassland and Juniper scrub, all habitats listed on Annex I of the E.U. Habitats Directive. The lakes and rivers associated with these lakes are also of importance.</p> <p>The site is also selected for the following species listed on Annex II of the same directive – Killarney Fern, Slender Naiad, Freshwater Pearl Mussel, Kerry Slug, Marsh Fritillary, Killarney Shad, Atlantic Salmon, Brook Lamprey, River Lamprey, Sea Lamprey, Lesser Horseshoe Bat and Otter. Overall, the site is of high ecological value because of the diversity, quality and extensiveness of many of the habitats and impressive list of rare species of flora and fauna. In recognition of its importance the Killarney National Park has been designated a World Biosphere Reserve.</p>	Overgrazing of woodlands, invasion of Rhododendron ponticum, Peatlands are sensitive to overgrazing, peat extraction, burning and afforestation. The lakes are sensitive to afforestation and eutrophication. Water Quality.
Slieve Mish Mountains (cSAC)	002185	The dominant habitat within the site is heath. Wet heath, dry heath and acid grassland occur in mosaics on the lower slopes of the mountains, while dry heath tends to dominate the upper, steeper slopes. The site is of considerable conservation significance, particularly for the presence of several habitats and species that are listed on Annexes I and II, respectively, of the EU Habitats Directive. The presence of two bird species that are listed on Annex I of the EU Birds Directive and the populations of several rare or scarce plant species adds to the importance of the	Overgrazing, Peat extraction, afforestation, land reclamation.

		<p>site. The site contains a good population of Killaney Fern (<i>Trichomanes speciosum</i>), a species that is listed on Annex II of the EU Habitats Directive. Two other plants that are also listed in the Irish Red Data Book occur, namely Betony (<i>Stachys officinalis</i>) and Cornish Moneywort (<i>Sibthorpia europaea</i>). In Ireland, the latter species is confined to the Dingle Peninsula - its most easterly known station lies within the site. Other notable plant species recorded from the site include Whorled Caraway (<i>Carum verticillatum</i>), Lemon-scented Fern (<i>Oreopteris limbosperma</i>) and Ivy-leaved Bellflower (<i>Wahlenbergia hederacea</i>). Peregrines breed on cliffs within the site and Chough are known to feed in the area. Both of these species are listed on Annex I of the EU Birds Directive.</p>	
Stacks to Mullaghareirk Mountains, West pSPA	004161	<p>The Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA is a very large site centred on the borders between the counties of Cork, Kerry and Limerick. The site is skirted by the towns of Newcastle West, Ballydesmond, Castleisland, Tralee and Abbeyfeale. The site consists of a variety of upland habitats, though almost half is afforested. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for Hen Harrier and supports the largest concentration of the species in the country.</p> <p>Short-eared Owl, also listed on Annex I of the E.U. Birds Directive and very rare in Ireland, has been known to breed within the site. Nesting certainly occurred in the late 1970s and birds have been recorded intermittently since. The owls are considered to favour this site due to the presence of Bank Voles, a favoured prey item. Merlin, a further E.U. Birds Directive Annex I species, also breeds but the size of the population is not known. Red Grouse is found on some of the unplanted areas of bog and heath – this is a species that has declined in Ireland and is now Red-listed.</p>	<p>The main threat to the long-term survival of Hen Harriers within the site is further afforestation, which would reduce and fragment the area of foraging habitat, resulting in possible reductions in breeding density and productivity. The site has a number of wind farm developments but it is not yet known if these have any adverse impacts on the Hen Harriers.</p>

Figure 4.1 Candidate Special Areas of Conservation (cSAC)

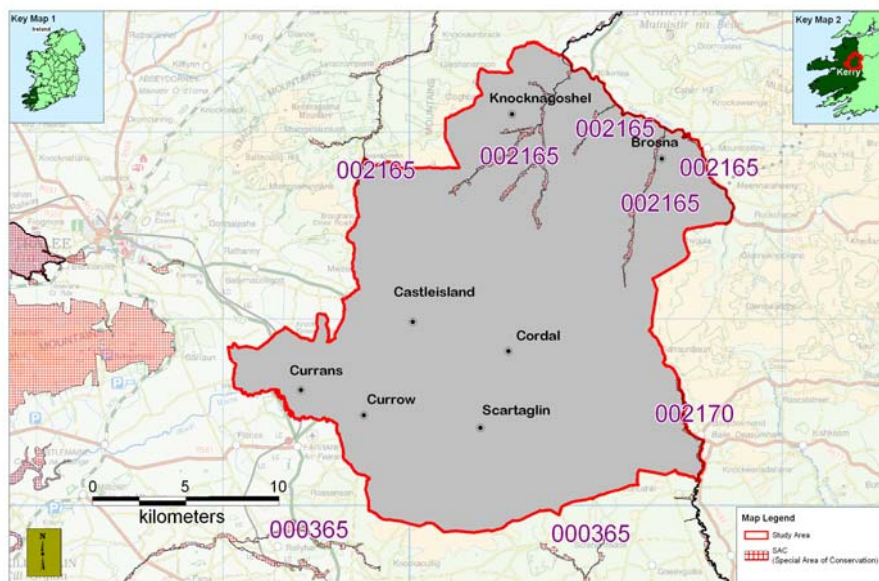
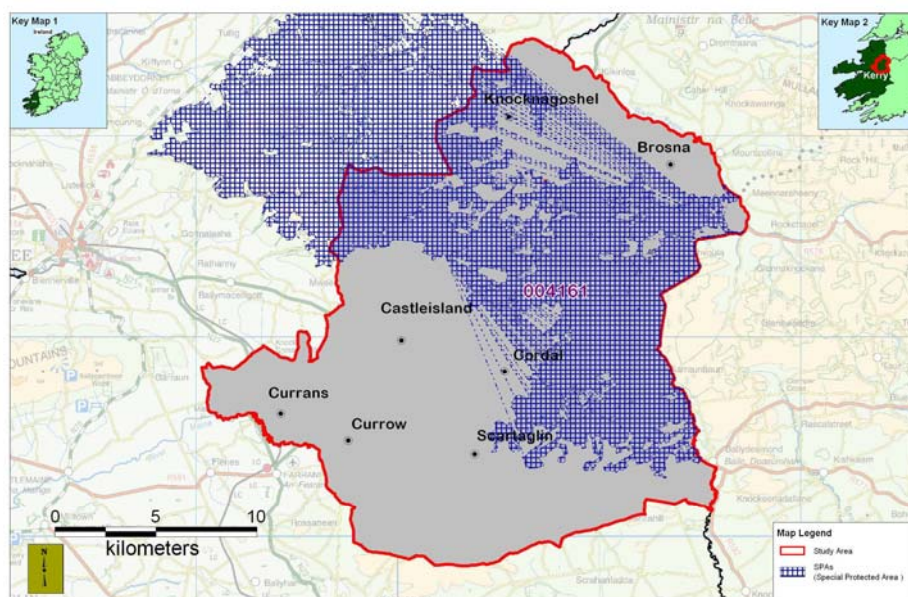


Figure 4.2 Proposed Special Protected Areas (pSPA)



5 The Plan: Possible Effects and 'In Combination' Effects

5.1 Possible Effects of the Castleisland Local Area Plan

The Local Area Plan sets out the overall strategy for the proper planning and sustainable development of the Castleisland Functional Area and consists of a written statement and plans indicating the development objectives for the plan area. The plan sets out a strategic spatial framework within which to guide development over the period of the plan.

As such, the possible effects of the Plan on Natura 2000 sites could arise from:

- Intensification of development, rising population density, increasing mobility, disturbance and greater noise and light pollution.
- A decrease in water quality owing to greater volume of untreated water discharge.

The effects shown are discussed in greater detail in the following sections.

In relation to habitats of significant importance, the main thrust of the Plan will be to conserve and protect these areas. Aims, policies and objectives will be applied to any identified sites which fall within the remit of this Plan.

6 Potential Impacts

Elements of the Local Area Plan that could potentially lead to development proposals in the vicinity of each European Site are identified in the following Tables along with the main, generic threats of such development to the European Sites in question. The qualifying features and conservation objectives of the European Sites are also presented. The Tables identify the predicted impact of the Functional Area Local Area Plan as a whole upon each of the European Sites and the reasoning for this prediction. Possible in-combination effects with other plans or programmes are also reported and an overall summary of and reasoning behind the impact prediction is presented.

In accordance with the EU guidance, the impacts are predicted in the absence of proposed mitigation; however, measures which control the severity of a potential impact have been highlighted.

6.1 Lower River Shannon: Candidate Special Area of Conservation (cSAC) (002165)

Qualifying Features of European Site include	Conservation Objectives	Current Condition and Threats	Possible Effects arising from the Local Area Plan	Possible Effects arising from 'In-combination' Effects	Control Measures	Residual risk of Significant Adverse Effects of Sites Integrity
<p>Salmon (<i>Salmo salar</i>);</p> <p>Sea Lamprey (<i>Petromyzon marinus</i>);</p> <p>Brook Lamprey (<i>Lampetra planeri</i>);</p> <p>River Lamprey (<i>Lampetra fluviatilis</i>)</p>	<p>Objective 1: To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status: Large shallow inlets and bays; Estuaries; <i>Salicornia</i> and other annuals colonising mud and sand; Vegetated sea cliffs of the Atlantic and Baltic coasts; Mediterranean salt meadows (<i>Juncetalia maritimi</i>); Coastal lagoons; Mudflats and sandflats not covered by seawater at low tide; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>); Sandbanks which are slightly covered by sea water all the time; Reefs; Perennial vegetation of stony banks; Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation; <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion</i>)</p>	<p>A counter located at Scartlea indicates that the number of spawning salmon is sufficient to meet their Conservation Limits.</p> <p>The EPAs River Water Quality Report 2005 assigns a Q value of 3-4 to the River Feale.</p> <p>Upper Feale at risk of not achieving 'good status' in the WFD Risk Status.</p> <p>There has been a serious decline in sea trout over the last number of years.</p>	<p>The objectives to strengthen Brosna and Knocknagashel may attract greater numbers of people to the site. These are the only two plan settlements within the catchment. No rural policies will have any effect in addition to those considered through the county Development Plan.</p> <p>Possible impacts (dependent on location) include increased air pollution (traffic), water abstraction and pollution, and disturbance (direct and indirect).</p> <p>Increased pressure on sewer infrastructure and WWTP as a result of increased residential and commercial zoning.</p>	<p>Increased development including residential and employment related development, with associated infrastructure in Brosna and Knocknagashel. General aspects include waste generation, water pollution, air pollution, noise nuisance and recreational requirements/ issues.</p> <p>There may be potential risks to water quality if certain development policies presented within the revised Kerry County Development Plan are realised, without adequate provision for wastewater treatment and surface water disposal.</p>	<p>Development must adhere to the overarching principles of the EU Water Framework Directive and Urban Waste Water Treatment Regulations 2001 which include aspects on maintaining water quality.</p> <p>The Environmental Protection Agency issues licences to abstract water and monitors discharges to the River Feale. Comply with the maximum abstraction rate at the water intake works upstream of Brosna.</p> <p>Comply with S.I. No. 293/1988 – European Communities (Quality of Salmonid Waters) Regulations 1998</p> <p>Objective in plan to protect water quality.</p> <p>Comply with Waste Management (Licensing) Regulations 2004.</p>	<p>In line with Precautionary Principle potential effects have been identified associated with water quality and disturbance although the risk of these effects occurring is considered to be low.</p>

Qualifying Features of European Site include	Conservation Objectives	Current Condition and Threats	Possible Effects arising from the Local Area Plan	Possible Effects arising from 'In-combination' Effects	Control Measures	Residual risk of Significant Adverse Effects of Sites Integrity
	<p>caeruleae); Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)</p> <p>Objective 2: To maintain the Annex II species for which the cSAC has been selected at favourable conservation status: <i>Lampetra fluviatilis</i>, <i>Lampetra planeri</i>, <i>Petromyzon marinus</i>, <i>Salmo salar</i>, <i>Margaritifera margaritifera</i>, <i>Tursiops truncatus</i>, <i>Lutra lutra</i></p> <p>Objective 3: To maintain the extent, species richness and biodiversity of the entire site</p> <p>Objective 4: To establish effective liaison to establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>				<p>Objectives to be included for the provision of SUDS and associated attenuation systems in all new developments where appropriate.</p> <p>The Plan promotes Water Conservation Measures (OO-22) and states that the development of zoned land within the settlements is dependent on the provision of adequate water and wastewater infrastructure (OO-12).</p> <p>As a precautionary measure, additional assessments will be required to be carried out at project stage as outlined in R 19 (recommendations of this report).</p>	

6.2 Backwater River: Candidate Special Area of Conservation (002170)

Qualifying Features of European Site include	Conservation Objectives	Current Condition and Threats	Possible Effects Arising from the Local Area Plan	Possible Effects Arising from 'in-combination' effects	Control Measures	Residual risk of Significant Adverse Effects of Sites Integrity
Salmon (<i>Salmo salar</i>); Sea Lamprey (<i>Petromyzon marinus</i>); Brook Lamprey (<i>Lampetra planeri</i>); River Lamprey (<i>Lampetra fluviatilis</i>)	Objective 1: To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks; <i>Salicornia</i> and other annuals colonising mud and sand; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>); editerranean salt meadows (<i>Juncetalia maritimi</i>); Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation; Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno- Padion, Alnion incanae, Salicion albae); Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles; <i>Taxus baccata</i>	The main threats to the site and current damaging activities include high inputs of nutrients into the river system from agricultural run-off and several sewage plants, dredging of the upper reaches of the Awbeg, overgrazing within the woodland areas, and invasion by nonnative species, for example Cherry Laurel.	There are no possible effects on this cSAC from the implementation of this Local Area Plan. The upper reaches of the Blackwater impinge along the boundary of the plan for a distance of Approx. 5 km. None of the settlements of the plan are within the catchment of the river.	The Blackwater river is forms the boundary of the functional areas of Kerry County Council and Cork County Council. Accordingly there is the possibility of "in combination" effects arising from the land use plans of both local authorities.	As a precautionary measure, additional assessments will be required to be carried out at project stage as outlined in R 19 (recommendations of this report).	None

Qualifying Features of European Sites include	Conservation Objectives	Current Condition and Threats	Possible Effects Arising from the Local Area Plan	Possible Effects Arising from 'in-combination' effects	Control Measures	Residual risk of Significant Adverse Effects of Sites Integrity
	<p>woods of the British Isles.</p> <p>Objective 2: To maintain the Annex II species for which the cSAC has been selected at favourable conservation status: <i>Trichomanes speciosum</i>; <i>Margaritifera margaritifera</i>; <i>Austropotamobius pallipes</i>; <i>Petromyzon marinus</i>; <i>Lampetra planeri</i>; <i>Lampetra fluviatilis</i>; <i>Alosa fallax</i>; <i>Salmo salar</i>; <i>Lutra lutra</i>.</p> <p>Objective 3: To maintain the extent, species richness and biodiversity of the entire site.</p> <p>Objective 4: To establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>					

6.3 Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment: candidate Special Area of Conservation (000365)

Qualifying Features of Site European include	Conservation Objectives	Current Condition and Threats	Possible Effects Arising from the Local Area Plan	Possible Effects Arising from 'in-combination' effects	Control Measures	Residual risk of Significant Adverse Effects of Sites Integrity
Slender Naiad (<i>Najas flexilis</i>) Killarney Fern (<i>Trichomanes speciosum</i>) Freshwater Pearl Mussel, Kerry Slug, Marsh Fritillary, Killarney Shad, Atlantic Salmon, (<i>Salmo salar</i>); Brook Lamprey (<i>Lampetra planeri</i>) River Lamprey (<i>Lampetra fluviatilis</i>) Sea Lamprey (<i>Petromyzon</i>)	<p>Objective 1: To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status:</p> <p>Objective 2: To maintain the Annex II species for which the cSAC has been selected at favourable conservation status:</p> <p>Objective 3: To maintain the extent, species richness and biodiversity of the entire site.</p> <p>Objective 4: To establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>	<p>The main threats to the site and current damaging activities overgrazing of woodlands, invasion by Rhododendron ponticum, Peatlands are sensitive to overgrazing peat extraction, burning and afforestation. The lakes are sensitive to afforestation and eutrophication.</p> <p>Water Quality is also a threat.</p>	<p>There are no possible direct effects on this cSAC from the implementation of this Local Area Plan, the settlements of which are located outside of its catchment.</p>	<p>In combination effects are possible because Lough Guitane, which forms part of this cSAC, is the main water supply source serving the plan area.</p>	<p>The Plan promotes Water Conservation Measures (OO-22) and states that the development of zoned land within the settlements is dependent on the provision of adequate water and wastewater infrastructure (OO-12).</p>	<p>Low</p>

Qualifying Features of European Sites include	Conservation Objectives	Current Condition and Threats	Possible Effects Arising from the Local Area Plan	Possible Effects Arising from 'in-combination' effects	Control Measures	Residual risk of Significant Adverse Effects of Sites Integrity
<i>marinus</i>) Lesser Horseshoe Bat Otter (<i>Lutra lutra</i>)						

6.4 Slieve Mish Mountains (002185)

Qualifying Features of European Sites include	Conservation Objectives	Current Condition and Threats	Possible Effects Arising from the Local Area Plan	Possible Effects Arising from 'in-combination' effects	Control Measures	Residual risk of Significant Adverse Effects of Sites Integrity
Peregrines, Choughs, Killaney Fern (<i>Trichomanes speciosum</i>) Northern Atlantic wet heaths with <i>Erica tetralix</i> ; European dry heaths; Alpine and Boreal heaths; Siliceous rocky slopes with chasmophytic vegetation	<p>To maintain the Annex I species and Annex II habitats at favourable conservation status.</p> <p>To maintain the extent, species richness and biodiversity of the entire site.</p> <p>To establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>	Overgrazing, Peat extraction, afforestation, land reclamation.	The plan area is located over 2.5km from the nearest edge of the cSAC. Development in rural areas has been dealt with in the County Development Plan. '	There are no 'in-combination' effects likely to arise.	None	None

6.5 Stacks to Mullaghareirk, West. Special Protection Area (004161)

Qualifying Features of European Site include	Conservation Objectives	Current Condition and Threats	Possible Effects Arising from the Local Area Plan	Possible Effects Arising from 'in-combination' effects	Control Measures	Residual risk of Significant Adverse Effects of Sites Integrity
Hen Harrier (<i>Circus cyaneus</i>)	Maintain the current habitat in a condition which will not adversely affect the protected species present.	<p>Overall, the site provides excellent nesting and foraging habitat for breeding Hen Harrier, and is considered to be among the top two sites in the country for the species.</p> <p>The main threat to the long-term survival of Hen Harriers within the site is further afforestation, which would reduce and fragment the area of foraging habitat, resulting in possible reductions in breeding density and productivity. The site has a number of wind farm developments but it is not yet known if these have any adverse impacts on the Hen Harriers.</p>	The settlements of Knocknagashel, Brosna, Scartaglin and Cordal are all within 1.5 Km of the SPA. The development of these settlements is highly unlikely to have any impact on the SPA as all the proposed development land is contiguous to the existing settlements. Development in rural areas has been dealt with in the County Development Plan. The most likely cause of adverse impact on the SPA is windfarm development. This has been addressed in the County Development Plan and the Overlapping zone has been downgraded from 'preferred' to 'open to consideration '.	There are no 'in-combination' effects arising with the exception of the possible in-combination or cumulative effects of windfarm development on the Hen Harrier habitat.	<p>In order to address the possible cumulative effects of windfarms on the habitat it is recommended that the following objectives be inserted:</p> <p>RU-17:</p> <p>It is an objective of the Council that application for windfarm developments will address the cumulative effects of the proposed, existing and permitted windfarms in the area, on the SPA habitat. Applicants are strongly advised to consult with the NPWS in this regard prior to arranging preplanning meetings.</p> <p>Ensure that applications for windfarm developments in or in the vicinity of areas proposed or designated SPA will address the cumulative effects of the proposed, existing and permitted windfarms in the area, on proposed or designated habitat. Applicants are</p>	In line with the Precautionary Principle potential effects have been identified associated with habitat loss although the risk of these effects occurring, considering proposed objectives RU-17 and RU-18 is considered to be low.

Qualifying Features of European Sites include	Conservation Objectives	Current Condition and Threats	Possible Effects Arising from the Local Area Plan	Possible Effects Arising from 'in-combination' effects	Control Measures	Residual risk of Significant Adverse Effects of Sites Integrity
					<p>strongly advised to consult with the NPWS in this regard prior to arranging preplanning meetings.</p> <p>RU-18:</p> <p>Development which is likely to have a significant adverse effect on the conservation value or objectives of any Natura 2000 site will not be permitted.</p> <p>Ensure that no projects which will be reasonably likely to give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).</p>	

7.1 Recommendations for the Local Area Plan

The Castleisland FALAP should include the following overall core objectives:

RU-17:

~~It is an objective of the Council that application for windfarm developments will address the cumulative effects of the proposed, existing and permitted windfarms in the area, on the SPA habitat. Applicants are strongly advised to consult with the NPWS in this regard prior to arranging preplanning meetings.~~

Ensure that applications for windfarm developments in or in the vicinity of areas proposed or designated SPA will address the cumulative effects of the proposed, existing and permitted windfarms in the area, on proposed or designated habitat. Applicants are strongly advised to consult with the NPWS in this regard prior to arranging preplanning meetings.

RU-18:

~~Ensure that Development which is likely to have a significant adverse effect on the conservation value or objectives of any Natura 2000 site will not be permitted.~~

Ensure that no projects which will be reasonably likely to give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).

RU-19

~~Given the sensitive nature of the Lower River Shannon cSAC and of the Blackwater River cSAC, of which the Rivers Clydagh, Glashacoonsco, Owveg, Glona, Tullaaleague, Smerla and Blackwater that flow through the plan area form part, should any new development on Greenfield and Brownfield lands (that is, development not located within existing buildings) be realised within 30m of the nearest edge of the cSAC, screening for Stage II Appropriate Assessment shall be carried out, as part of the environmental assessment process.~~

Ensure that screening for Appropriate Assessment / Habitats Directive Assessment is carried out as part of the environmental assessment process as per the requirements of Article 6 of the Habitats Directive.

It is recommended that Objectives OO-26 should be amended to read as follows:

OO-26 Ensure full compliance with the requirements of Directives 79/409/EEC (Birds Directive) and 92/43/EEC (Habitats Directive) with respect to 'Appropriate Assessment / Habitats Directive Assessment' of any relevant plans or development proposals. As part of this any proposed amendments / variations to the plan or development proposals should be screened with respect to the potential impact on Natura 2000 sites and the requirement for "appropriate assessment / Habitats Directive Assessment" in accordance with Article 6 of the Habitats Directive.

It is recommended that the following objectives should be included as objectives OO-27g and OO-27h 'Overall Objectives for Environment' contained in the Introduction to the Plan:

- **OO – 27g** *Protect all designated habitats (Natura 2000 sites and Natural Heritage Areas) and species (including those listed in Annex II of the Habitats Directive) within the plan area and to promote the establishment, management and protection of buffer zones surrounding designated sites, where appropriate.*
- **OO – 27h** *Facilitate the National Parks and Wildlife Service in the implementation of the "Main Objectives Over The Coming Five Years and Beyond" as set out in the Conclusions of the National Parks and Wildlife Service Report "The Status of EU Protected Habitats and Species in Ireland", (NPWS, Department of the Environment, Heritage and Local Government), (2008) and in the implementation of conservation management plans for Natura 2000 sites.*

It is recommended that the following bullet point should be added to Section 1.6.4 'Zoning Criteria' of the Introduction of the Plan:

- *The Water Framework Directive and impacts on Natura 2000 sites shall be taken into consideration for any proposed rezoning, zoning or development, which may occur within the Plan area. The provision of appropriate buffer zones between designated ecological sites and areas zoned for development will be considered in consultation with the National Parks and Wildlife Service (NPWS) of the Department of Environment, Heritage & Local Government (DOEH&LG).*

7.2 Conclusion

In light of this screening assessment, it can be concluded that the Castleisland Functional Area Local Area Plan will not have any significant effects upon the integrity of any of the European Sites within its geographical scope, either alone or in combination with other plans or projects provided all of the environment objectives and policies in the Plan are strictly adhered to.

Introduction

Name of project or plan

Castleisland Functional Area Local Area Plan 2009-2015

Name and Location of Natura 200 sites

There are a number of European sites which may potentially be affected by the Plan. These have been identified as follows:

- **The Lower River Shannon (cSAC 002165)**
- **Blackwater River (cSAC 002170)**
- **Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment (000365)**
- **Slieve Mish Mountains (002185)**
- **Stacks to Mullaghareirk Mountains, West (pSPA 004161)**

For maps refer to section four of this document and to the National Parks and Wildlife Service website <http://www.npws.ie/en/MapsData>

Description of the project or plan

As provided in Section two of this document

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

The Plan is not directly connected with or necessary to the management of the sites. This is a land use plan and not a plan designed directly or indirectly for the purpose of conservation management of Natura 2000 Sites.

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

The recently adopted Kerry County Development Plan (2009-2015) and Cork County Development Plan (2009-2015) are higher level plans which together with the plan being assessed could affect Natura 2000 Sites. However, this plan has been formulated to ensure that uses, developments and effects based upon this Plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of Natura 2000 sites.

The assessment of significance of effects

Describe how the project of plan (alone or in combination) is likely to affect the Natura 2000 site

The Plan has been formulated to ensure that uses, developments and effects arising from this Plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of any Natura 2000 site.

Explain why these effects are not considered significant.

The policies and objectives of the Plan have been devised to anticipate and avoid the need for developments that would be likely to significantly and adversely affect the integrity of any Natura 2000 sites. Furthermore, such developments as will be permitted on foot of the provisions of this Plan shall be required to conform to the relevant regulatory provisions for the prevention of pollution, nuisance or other environmental effects likely to significantly and adversely affect the integrity of any Natura 2000 sites.

List of agencies consulted

- Department of the Environment, Heritage and Local Government (DoEHLG)
- Mr. Jervis Good, Divisional Ecologist - Southern Division, (NPWS)
- Department of Communications, Energy and Natural Resources (DoCENR)
- Environmental Protection Agency (EPA)
- South West Regional Fisheries Board (SWRFB) and Shannon Regional Fisheries Board (SRFB)

Response to Consultation

No specific response was received in relation to the HDA. Submissions and observations received on the Draft Plan were taken into account, including those from the DEHLG, the EPA and the SWRFB.

Data collected to carry out the assessment

Who carried out this assessment?

Planning Policy Unit, Kerry County Council

Sources of data

Existing Records available from the DoEHLG, EPA, SRFB, SWRFB, NPWS and Kerry County Council.

Level of assessment completed

Desktop study / Literature review and a site visit undertaken by the HDA team

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

This document contains the full results of the Habitats Directive Assessment exercise. It may be inspected free of charge between 9am and 5pm Monday to Friday, excluding public holidays (or a copy obtained for a reasonable charge) at the Planning Offices of Kerry County Council, Rathass, Tralee, Co Kerry.

Overall Conclusions

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

This plan was assessed in accordance with the 'Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43' and a Finding of No Significant Effects Report has been completed.

This report finds that the Plan would not adversely impact on the site integrity of Natura 2000 Sites and therefore it is considered that further appropriate assessment is not required.