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Finding of No Significant Effects Report

1. Introduction

A Habitats Directive Assessment (HDA) otherwise known as Appropriate Assessment (AA) is an evaluation of the potential impacts of a plan or program on the conservation status of Natura 2000 sites, and the development, where necessary, of mitigation or avoidance measures to preclude negative effects. A finding of no significant effects report is the output document where the project / plan is not considered to be likely to have significant adverse effects on Natura 2000 sites. This finding of no significant effects report is for the 'Castleisland Functional Area Local Area Plan 2009-2015'

*NB: This report should be read in conjunction with the following documents:-

- Draft Castleisland Functional Area Local Area Plan and accompanying SEA Environmental Report and Habitats Directive Assessment Report (Kerry County Council, July 2009)
- Proposed Amendments to the Castleisland Kenmare Functional Area Local Area Plan 2009-2015 and accompanying SEA Addendum Document and Habitats Directive Assessment Report (Kerry County Council, October 2009)
- Kerry County Development Plan 2009-2015 and accompanying SEA Report and Appropriate Assessment Screening Report.

2. Name of Project or Plan

For the purposes of this report the 'plan' should be taken to include the 'Castleisland Functional Area Local Area Plan (FALAP) 2009-2015'

3. Name and Location of Natura 2000 sites

- SAC 000365 - Killarney National Park, Macgillicuddy's Reeks & Caragh River Catchment
- SAC 002165 - Lower River Shannon,
- SAC 002170 - Blackwater River (Cork/Waterford)
- SAC 002185 - Slieve Mish Mountains
- SPA 004038 - Killarney National Park
- SPA 004161 - Stack's to Mullagherisk Mountains, West Limerick Hills & Mount Eagle

Figure 3.1 shows the cSACs which are located within the plan area while **Figure 3.2** shows the SPAs located within the plan area. Figure 3.3 shows the location of Natura 2000 sites which are located in the vicinity of the South West Region. Information, data and maps of Irish Natura 2000 sites, including those identified in this report are available from the Maps and Data Section on the NPWS website at <http://www.npws.ie/en/MapsData>

Figure 3.1 Special Areas of Conservation, including candidate Special Areas of Conservation

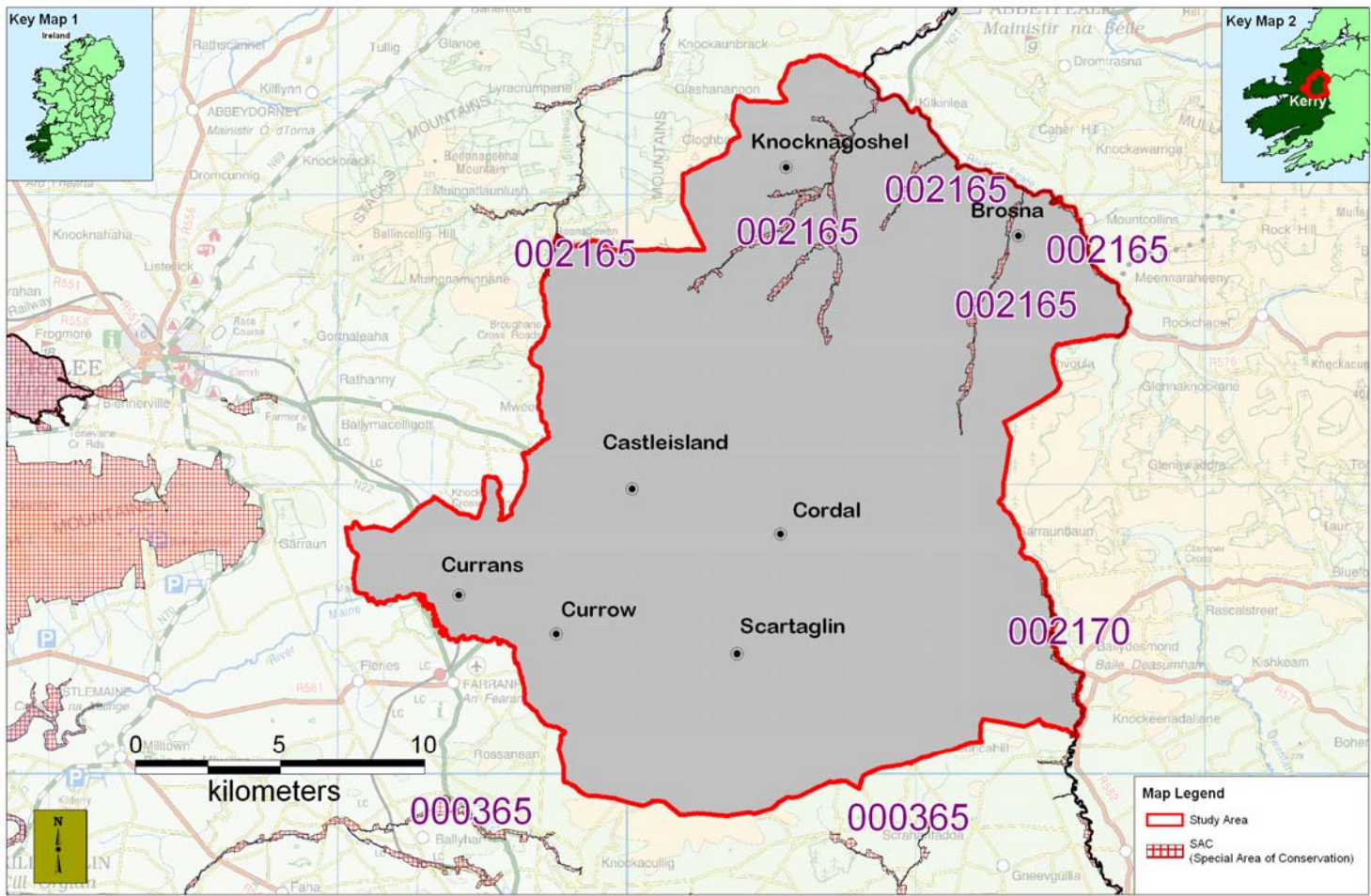


Figure 3.2 Special Protected Areas including proposed Special Protected Areas

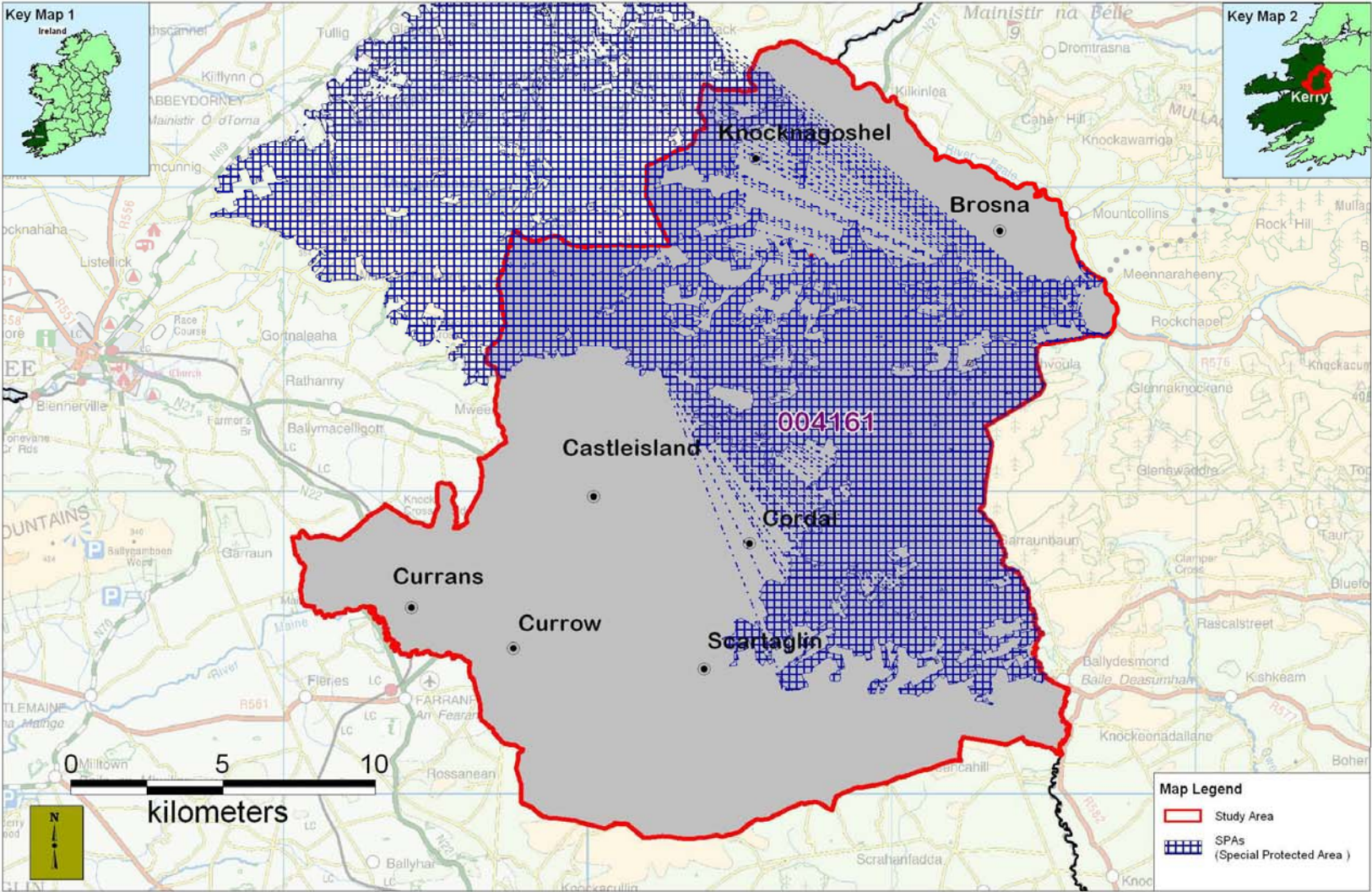
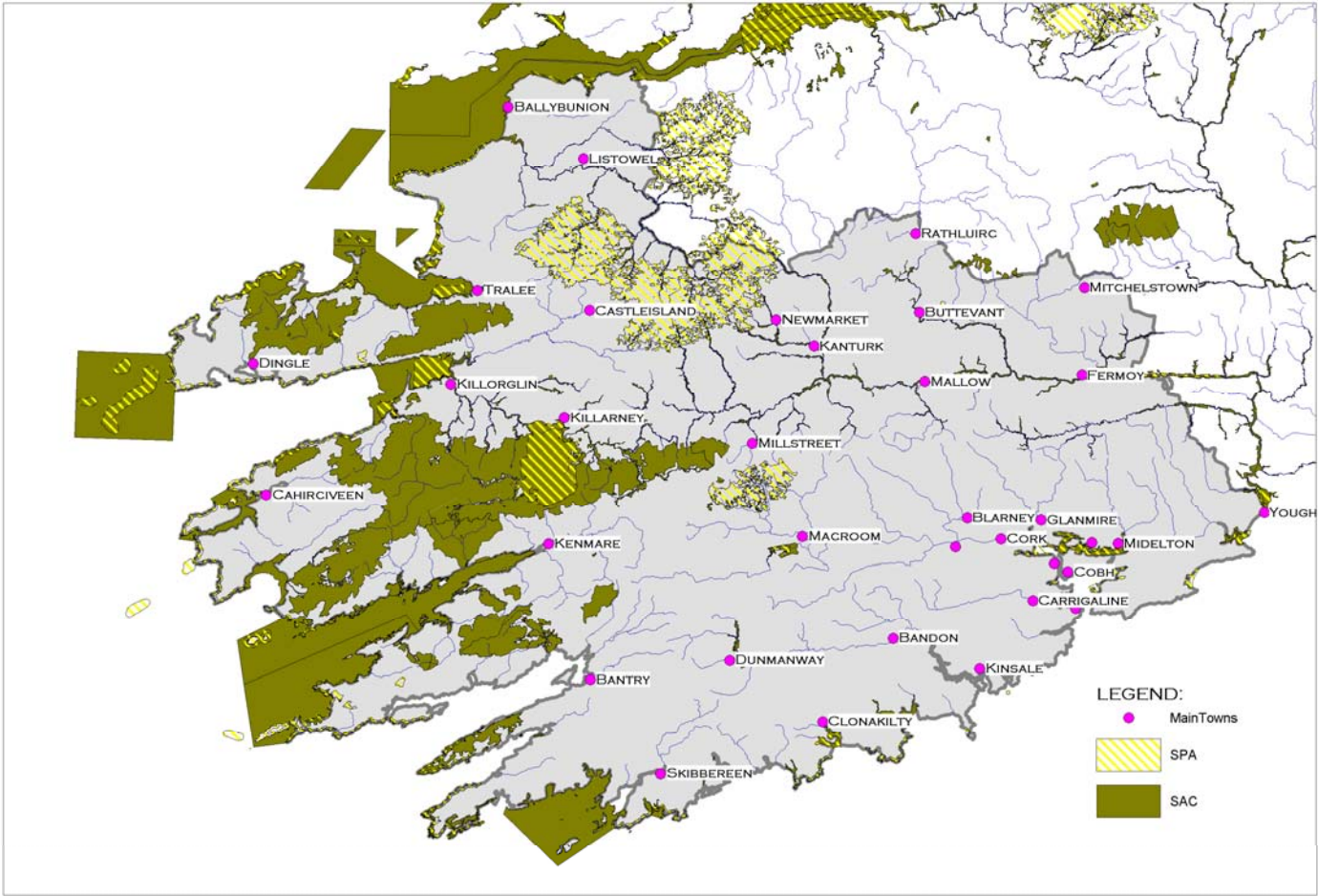


Figure 3.3 Location of Natura 2000 sites in the vicinity of the South West Region



4. Description of the Project or Plan

The Castleisland Functional Area Local Area Plan consists of strategies, policies, objectives and land use maps for the area within its boundary including the settlements of Castleisland, Brosna, Currow, Knocknagoshel, Scartaglen, Cordal, and Currans. The plan will last for a period of 6 years from the 21st of December 2009 (the date of its adoption). 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. The Castleisland FALAP document also contains policies for rural areas which due to their specific nature were not included in the County Development Plan.

The strategy for the Plan Area, as outlined in the plan, is stated to be dependent on the growth of the settlements, to be achieved through creating employment and attracting people to live in the settlements, thereby strengthening their urban structure and creating a demand to support local services. The provision of attractive settlements is considered to be critical to attracting inward migration to the area.

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

The Castleisland FALAP document is a land use plan and is therefore not directly connected with or necessary to the management of Natura 2000 sites.

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

Such projects / plans are outlined in the Habitats Directive Assessment (HDA) documents which accompany the Draft Castleisland Functional Area Local Area Plan, the proposed amendments to the Draft Castleisland Functional Area Local Area Plan

The Kerry County Development Plan (2009-2015) is a higher level plan which together with the plan being assessed could affect Natura 2000 Sites.

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

A significant proportion of the plan area is contained within or is located in the vicinity of Natura 2000 sites. The following are the key issues which were identified as being of potential significance:-

Eutrophication, water quality, landuse practices, siltation, agricultural run-off, sewage plant discharges, dredging, overgrazing, invasion by non native species, peat extraction, burning, afforestation, land reclamation, wind farm development.

The Plan was formulated in such a manner so as to ensure that uses, developments and effects arising from it (either individually or in combination with other plans or projects) would not give rise to significant adverse impacts on the integrity of any Natura 2000 site.

8. Explain why these Effects are Not Considered Significant.

The effects of the plan are not considered to be significant as they either:-

- Will not lead to development,
- Are intended to protect the natural environment, including biodiversity (see Article 10 of Directive),
- Are intended to conserve or enhance the natural, built or historic environment and are unlikely to have an effect on a Natura 2000 site,
- Positively steer development away from Natura 2000 sites and associated sensitive areas,
- Positively make provision to ensure that the policy / objective implementation will not have a significant effect or adverse affect on the integrity of a Natura 2000 site, or
- Policies and objectives that can be dealt with by using a caveat or conditional approach requiring, where necessary, a case by case HDA.

The results of the screening exercise are contained within the Habitats Directive Assessment (HDA) documents which accompanied the Draft Castleisland Functional Area Local Area Plan, the proposed amendments to the Draft Castleisland Functional Area Local Area Plan

The Plan was 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 the FALAP or the County Development Plan are 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.

9. List of Agencies consulted

The Pre Draft Scoping Document and the Habitats Directive Assessment (HDA) documents which accompanied the Draft Castleisland Functional Area Local Area Plan, the proposed amendments to the Draft Castleisland Functional Area Local Area Plan were referred to a wide range of statutory and non statutory consultation bodies, including the following:-

- Department of the Environment, Heritage and Local Government (DoEHLG)
- National Parks and Wildlife Service (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)

10. Response to Consultation

No specific responses were received in relation to the HDA. Submissions and observations received on the Draft Castleisland FALAP were taken into account, including those from the DEHLG, the EPA and the SWRFB. The responses received to the consultation process are outlined in the Managers Reports prepared as part of the Castleisland Functional Area Local Area Plan making process.

Summaries of the responses received as part of the pre-draft scoping exercise are contained within SEA Environmental Report.

11. Data collected to carry out the Assessment

- Identification of Natura 2000 sites located within or immediately adjoining the plan area
- Mapping of Natura 2000 sites located within the plan area
- Identification of the reasons for site designation
- Identification of (draft) conservation objectives
- Identification of current site condition and threats

12. Who carried out this Assessment?

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

13. Sources of Data

The Habitats Directive Assessment of potential impacts on the integrity of Natura 2000 sites in this study is based on consultation, a desktop review of literature, existing and relevant NPWS Natura 2000 Site Synopses Data, Qualifying Interests, Conservation Management Plans and the (draft) Conservation Objectives. A review was also carried out of Habitats Directive Assessments recently carried out in relation to plans /projects in the area – namely those of the Kerry County Development Plans 2009-2015 and of the Draft River Basin Management Plans for the South West and Shannon River Basin Districts.

14. Level of Assessment completed

Stage One Screening

15. Where the full results of the Assessment can be accessed and viewed?

The full results of the assessment are contained within this document and the Habitats Directive Assessment (HDA) documents which accompanied the Draft Castleisland Functional Area Local Area Plan, the proposed amendments to the Draft Castleisland Functional Area Local Area Plan The Appropriate Assessment Screening report prepared for the Kerry County Development Plan contains the results of that assessment.

16. Overall Conclusions

In light of this assessment, it can be concluded that the Castleisland Functional Area Local Area Plan 2009-2015 will not have any significant effects upon the integrity of Natura 2000 sites, either alone or in combination with other plans or projects.

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

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

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009).

- European Commissions: *Managing Natura 2000 Sites. The provisions of Article 6, of the 'Habitats' Directive 92/43/EEC*
- European Commission: *Assessment of plans and projects significantly affecting Natura 2000 sites Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*
- Guidance document on Article 6(4) of 'Habitats Directive' 92/43/EEC
- Department of the Environment Heritage and Local Government (DEHLG) Circular letter SEA 1/08 & NPWS 1/08 dated 15 February, 2008.
- Department of the Environment (1994). *Planning and Policy Guidance: Nature Conservation (PPG9)* (HMSO).

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

Where it was considered that certain policies and objectives contained in the plan document (including in combination and accumulative effects) had the potential to effect Natura 2000 sites, mitigation measures have been identified, so as to ensure that significant effects on Natura 2000 sites are avoided.

<p><i>This report finds that the Castleisland Functional Area Local Area Plan 2009-2015 would <u>not</u> have significant effects on Natura 2000 sites. Therefore it is considered that further appropriate assessment is not required in this instance.</i></p>
