

# **Habitat Directive Assessment Screening Report**

for the

## **Proposed Amendments to the Draft Killorglin Functional Area Local Area Plan 2010-2016 and for the related / complimentary 3<sup>rd</sup> Variation to the Kerry County Development Plan 2009-2015**

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



JUNE 2010

---

## Table of Contents

---

1. Introduction	2
2. Name of Project or Plan	3
3. Name and Location of Natura 2000 sites	3
4. Description of the Project or Plan	7
5. Is this Project or Plan directly connected with or necessary to the management of the sites? (provide details)	7
6. Are there other Projects or Plans that together with the project or plan being assessed could affect the sites? (provide details)	7
7. Describe how the Project or Plan (alone or in combination) is likely to affect Natura 2000 sites	7
8. Explain why these effects are not considered significant	8
9. List of Agencies consulted	8
10. Response to Consultation	8
11. Data collected to carry out the Assessment	9
12. Who carried out this Assessment?	9
13. Sources of Data	9
14. Level of Assessment completed	9
15. Where the full results of the assessment can be accessed and viewed?	9
16. Overall Recommendations and Conclusions	10
17. Explain how the overall conclusion, that there are no significant effects on the Natura 2000 site, was arrived at?	12
<b>Appendix 1:</b> Detailed Screening for Potential Effects on Natura 2000 Sites	13

---

## **Finding of No Significant Effects Report**

---

### **1. Introduction**

A Habitats Directive Assessment (HDA) 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.

A Draft Local Area Plan and accompanying Environmental and Habitats Directive Assessment Reports were prepared for the Killorglin Functional Area in February 2010. Following receipt of submissions and observations and consideration of these and the Managers Report, by the members, it is now proposed to amend the Draft Local Area Plan as outlined in the 'Proposed Amendments to the Killorglin Functional Area Draft Local Area Plan 2010-2016' document.

It is also proposed to amend the Kerry County Development Plan 2009-2015 by way of Variation No.3, so as to incorporate the provisions of the Functional Area Local Area Plan 2010-2016 and to amend the zoning of lands, at and adjacent to the following settlements to reflect the provisions of the plan: Killorglin, Glenbeigh, and Cromane. This variation will amend the existing zoning within these settlements and the contiguous rural areas. Other settlements located within the plan area are Glencar, Rossbeigh and Kilgobnet. In addition the proposed variation would give effect to Objective SS 3-10(a) of the County Development Plan which states that it is an objective of the Council to 'prepare local area plans for each of the functional areas of the County during the lifetime of the plan in accordance with relevant legislation including the Planning and Development (Strategic Environmental Assessment) Regulations 2004'.

This Habitats Directive Screening report assesses the potential impact of the proposed amendments and of the proposed variation on Natura 2000 sites and recommends, where necessary, mitigation or avoidance measures so as to preclude negative effects on Natura 2000 sites.

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

- Draft Killorglin Functional Area Local Area Plan (Kerry County Council, Feb 2010).
- Draft Killorglin Functional Area Local Area Plan Volume 3 – Habitats Directive Assessment (Kerry County Council, Feb 2010).
- Proposed Amendments to the Killorglin Functional Area Local Area Plan 2010-2016 (Kerry County Council, May 2010).
- Proposed Variation to the Kerry County Development Plan 2009-2015 – Variation No. 3 (Kerry County Council, May 2010).
- Kerry County Development Plan 2009-2015

- Appropriate Assessment Screening Report for the Kerry County Development Plan 2009-2015

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

## 2. Name of Project or Plan

For the purposes of this report the ‘plan’ should be taken to include the ‘Proposed Amendments to the Killorglin Functional Area Draft Local Area Plan (FALAP) 2010-2016’ document in addition to the ‘Proposed Variation Number 3’ to the Kerry County Development Plan 2009-2015’ document (which is a related / complimentary variation).

## 3. Name and Location of Natura 2000 sites

- SAC 000343 - Castlemaine Harbour
- SAC 000365 - Killarney National Park, Macgillicuddy's Reeks & Caragh River Catchment
- SAC 000370 - Lough Yganavan & Lough Nambrackdarrig
- SAC 000375 - Mount Brandon
- SAC 002070 - Tralee Bay & Magharees Peninsula, West to Cloghane
- SAC 002158 - Kenmare River
- SAC 002173 - Blackwater River (Kerry)
- SAC 002185 - Slieve Mish Mountains
- SPA 004018 - Tralee Bay
- SPA 004029 - Castlemaine Harbour
- SPA 004038 - Killarney National Park
- SPA 004153 - Dingle Peninsula
- SPA 004154 - Iveragh Peninsula
- SPA 004108 - Eirk Bog

**Figure 3.1** shows the cSACs within 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 above 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

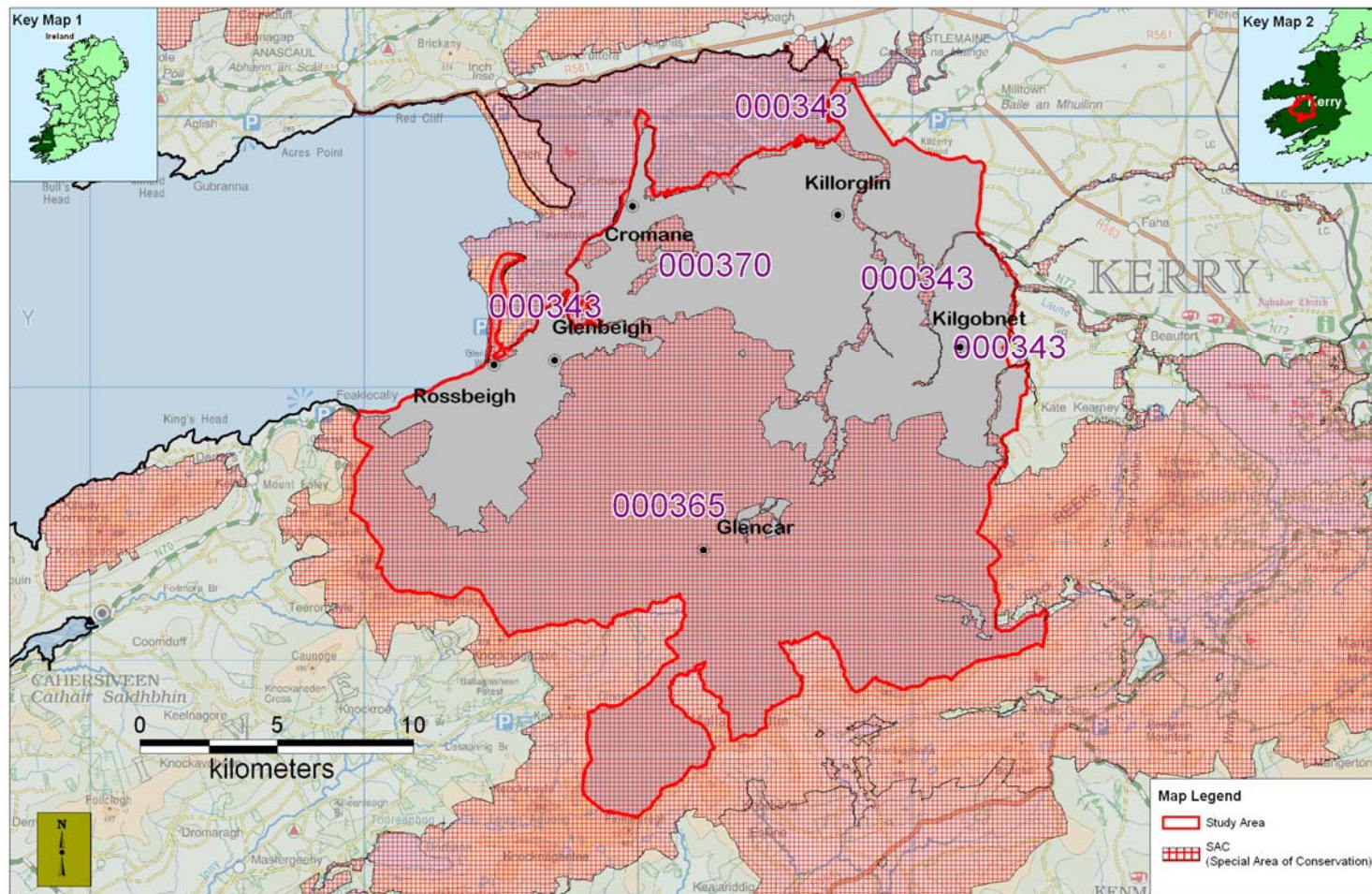
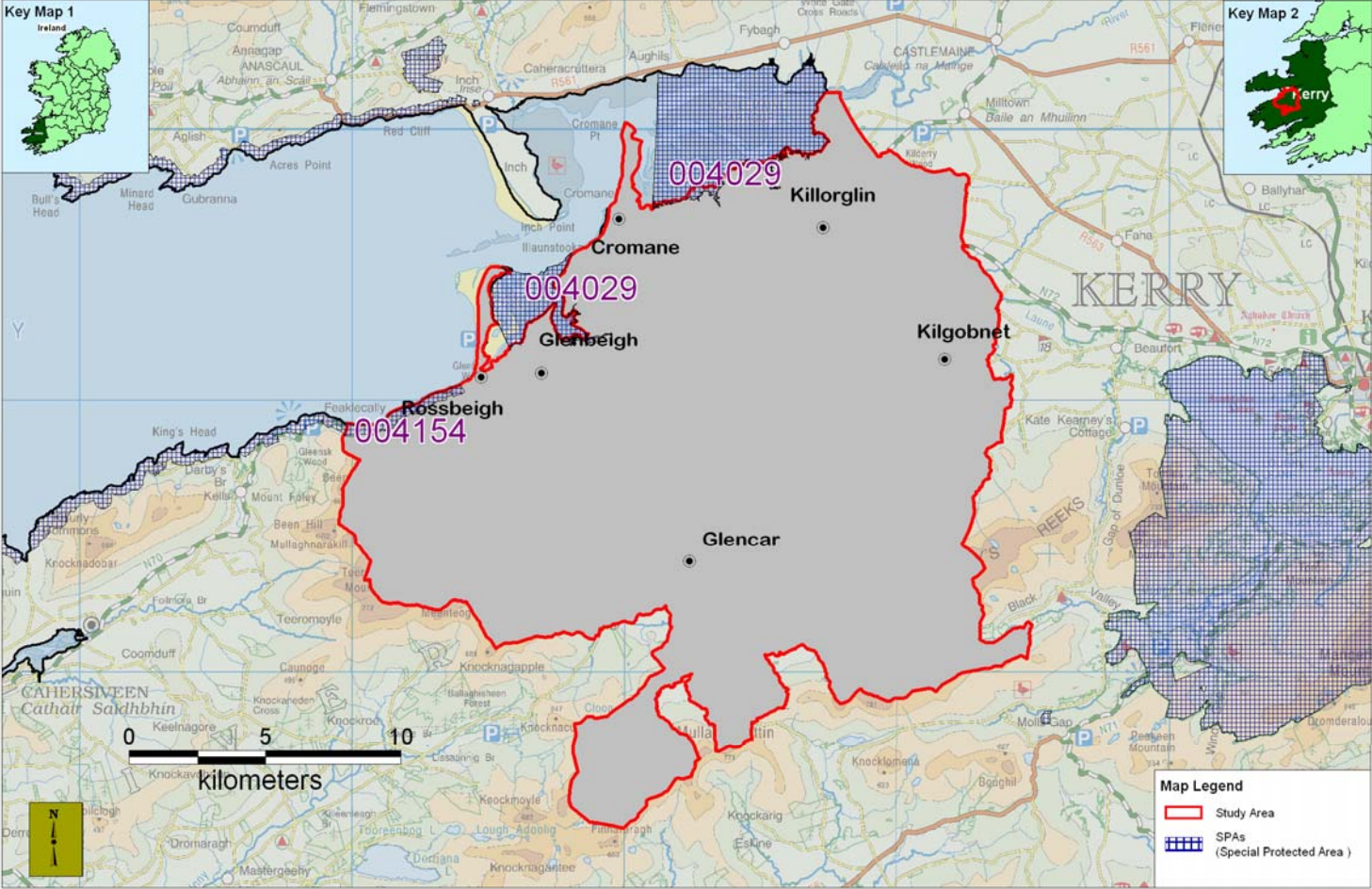
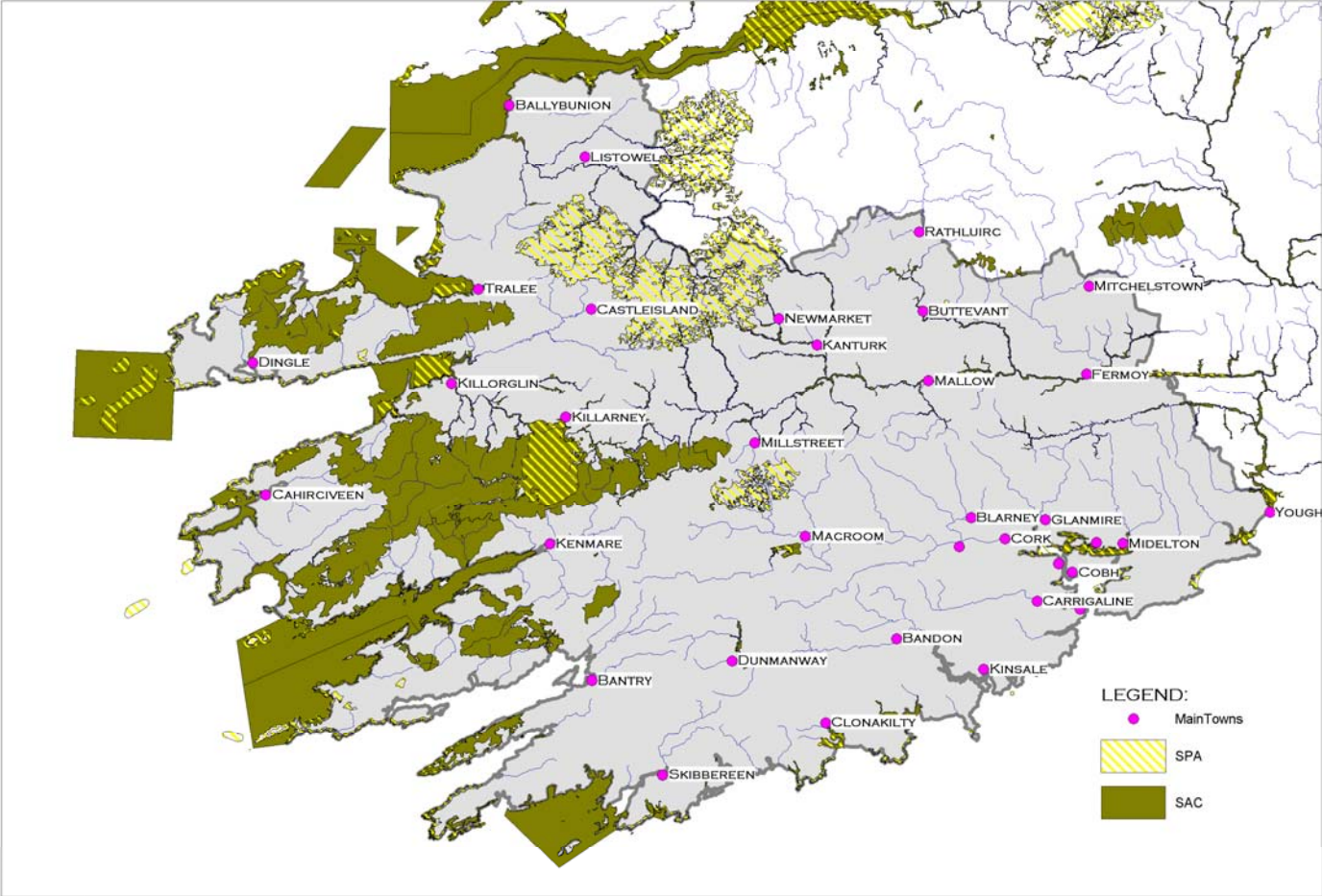


Figure 3.2 Special Protected Areas including proposed Special Protected



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 Killorglin Functional Area Local Area Plan consists of strategies, policies, objectives and land use maps for the area within its boundary including the settlements of Killorglin, Glenbeigh, Rossbeigh, Cromane, Kilgobnet and Glencar. The plan will last for a period of 6 years from its adoption which is anticipated will be in 2010. The Plan also contains development management guidelines to ensure that the agreed aims, strategic objectives and policies are complied with from adoption in 2010 until 2016, unless amended. The Killorglin 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.

The variation will involve the inclusion of a map indicating the extent of the Functional Area Local Area Plan and indicating the settlements within this plan area for which policies, objectives and zoning provisions have been included within the Functional Area Local Area Plan.

As part of the variation, maps 12.1(i), 12.1(j), 12.1(m), 12.1(n), and map 12.1(q) of the Kerry County Development Plan 2009-2015 will be amended to reflect the modifications to rural zoning and the urban zoning of the settlements in accordance with the provisions of the Functional Area Local Area Plan, as amended.

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

The FALAP document and the County Development Plan document are land use plans and are 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)**

These projects / plans are outlined in the Habitats Directive Assessment (HDA) document which accompanies the Draft Killorglin Functional Area Local Area Plan (Volume 3). The main plan that together with the Kenmare FALAP document, the proposed amendments and 3<sup>rd</sup> variation to the County Development Plan, which could affect Natura 2000 sites is considered to be the Kerry County Development Plan 2009-2015.

#### **7. Describe how the project or 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 importance in maintaining site integrity:-

Water supply and hydrology issues, water quality issues, air quality issues, disturbance, trampling and erosion associated with recreation and tourism issues, disturbance, habitat loss / fragmentation associated with development issues, coastal squeeze issues, site management issues and invasive species issues. Many of these issues are potentially affected, either directly or indirectly by development.

#### **8. Explain why these Effects are Not Considered Significant.**

Subject to the recommended modifications as outlined in S16 of this report, 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 a detailed screening assessment exercise are contained within Appendix 1 of this document.

#### **9. List of Agencies consulted**

The Draft Functional Area Local Area Plan Document was referred to a wide range of statutory and non statutory consultation bodies. In addition, it should be noted that this report has also been referred to the environmental authorities and other consultation bodies for consideration.

#### **10. Response to Consultation**

The responses received to the Draft Plan consultation process are outlined in the Managers Report on the Submissions / Observations received on the Draft Functional Area Local Area Plan Document.

### **11. Data collected to carry out the Assessment**

- Identification of Natura 2000 sites located within or immediately adjoining the plan area in situ and ex situ
- Mapping of Natura 2000 sites located within the plan area
- Mapping of the main surface water features and of the settlements located within the plan area (refer to volume 3 of the Killorglin Draft FALAP)
- Identification of the reasons for site designation, (refer to volume 3 of the Killorglin Draft FALAP)
- Identification of (draft) conservation objectives (refer to volume 3 of the Killorglin Draft FALAP)
- Identification of the environmental conditions considered necessary to support site integrity (refer to volume 3 of the Killorglin Draft FALAP)
- Summary of key issues identified as being of importance in maintaining site integrity
- Identification of Natura 2000 sites which may be potentially affected by the Plan
- Objectives, policies and strategies contained in the proposed amendments to the Killorglin (draft) Functional Area Local Area Plan and the proposed variation.

### **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. Ground truthing / site inspections was also carried out, as was a review 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 Plan for the South West. The Environmental Report / Natura Impact Statement prepared by Astellas who are the proponents of a wind turbine proposal in Killorglin Town, was also considered.

### **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. However the assessment draws heavily on the findings of, and therefore should be read in conjunction with, Volume 3 of the Killorglin Draft Functional Area Local Area Plan (February 2010). The Appropriate Assessment Screening report prepared for the Kerry County Development Plan contains the results of that assessment.

## 16. Overall Recommendations and Conclusions

This report concludes that provided the following modifications are incorporated into the Killorglin Functional Area Local Area Plan Document that significant effects on Natura 2000 sites, are not likely:-

- The following objective to be incorporated into the plan as an overall objective  
It is an objective of the Council to implement the guidelines relevant to the control of non-native invasive plant species that are contained within the NRA (2008) document ‘Management of Noxious Weeds and Non-Native Invasive Plant Species on National Roads’.

- The following text to be included in the ‘Rural Area – Natural Environment’ section of the plan

The plan area is a stronghold for Irish Natterjack Toad Populations as it contains 4 of Irelands 13 recorded breeding populations. These populations are located in the Glenbeigh, Dooks, Lough Yganavan and Lough Nambrackdarrig areas and the National Parks and Wildlife Service have recently published monitoring results of these populations which include management recommendations for each of the breeding sites (*Bécart E., Aubry A. and Emmerson M. (2007) Monitoring the conservation status of natterjack toad (Bufo calamita) in Ireland, 2004 - 2006. Irish Wildlife Manuals, No. 31. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin, Ireland.*)

Development can directly and indirectly harm toad populations. Direct impacts can result from habitat loss / fragmentation while indirect impacts can result from the lowering of water tables. Maintenance of suitable habitat is considered to be an important factor in safeguarding the viability of toad populations. Dry stone walls / rocky areas / sandy soils are used by toads for hibernation purposes, ponds are used for breeding purposes while rough grasslands are used for foraging purposes. Development proposals which provide for the retention or provision of such habitats are less likely to be harmful to toad populations.

- The text of the plan to be modified as recommended in the following table (Table 1)

**Table 1 – Recommended modifications to objectives**

Objective Number	Objective as contained in the Draft Killorglin FALAP document	Recommendations / New Objectives
TC-1 (Killorglin Town)	Promote the development of the town centre as an attractive location for shopping, business, tourism, residential and community life.	Promote the <b>sustainable</b> development of the town centre as an attractive location for shopping, business, tourism, residential and community life.
TM-3 (Killorglin Town)	Provide/extend footpaths and cycle-ways in new and existing developments (where feasible)	Provide/extend footpaths and cycle-ways in new and existing developments (where feasible)

Objective Number	Objective as contained in the Draft Killorglin FALAP document	Recommendations / New Objectives
	throughout the plan area to provide greater connectivity and mobility.	and sustainable) throughout the plan area to provide greater connectivity and mobility.
UF-1 (Killorglin Town)	Ensure that future development in the town takes place on infill, brownfield and zoned greenfield sites and consolidates the compact urban form of the town making it an attractive and sustainable settlement.	Ensure that future development in the town takes place on infill, brownfield and appropriately zoned greenfield sites and consolidates the compact urban form of the town making it an attractive and sustainable settlement.
Ru-12 (Rural Area)	Encourage the development of walking routes within the plan area and associated car parking facilities at appropriate locations so as to facilitate sustainable outdoor recreational activities in the plan area.	Encourage the sustainable development of walking routes within the plan area and associated car parking facilities at appropriate locations so as to facilitate sustainable outdoor recreational activities in the plan area.

**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:-

- DEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities.
- 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) have 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. Accordingly, if these recommendations are accepted and incorporated into the plan document, it is considered that there is no need to proceed to Stage Two Appropriate Assessment in this instance.

***This report finds that the Proposed Amendments to the Killorglin Functional Area Local Area Plan and the Proposed 3<sup>rd</sup> Variation to the Kerry County Development Plan 2009-2015 would not have significant effects on Natura 2000 Sites, provided that the recommended modifications as set out in this report are incorporated into the Killorglin Functional Area Local Area Plan 2010-2016 document. Therefore it is considered that further appropriate assessment is not required.***

## Appendix 1: Detailed Screening for Potential Effects on Natura 2000 Sites\*

\*This should be read in conjunction with the 'Proposed Amendments to the Killorglin Functional Area Draft Local Area Plan 2010-2016' document and with the 'Proposed Variation Number 3 to the Kerry County Development Plan 2009-2015' document.

Proposed Amendment Number	Risk of Significant 'Effect (including in combination and accumulative effects)	Recommended Modifications / New Objectives / Policies / Supporting Text
<b>Proposed Amendments (General Submissions)</b>		
Amendment No 1	No Significant Effect – This amendment provides for greater protection of Natura 2000 sites.	None required
Amendment No 2	No Significant Effect – This amendment provides for greater protection of Natura 2000 sites.	None required
Amendment No 3	No Significant Effect – This amendment provides for greater protection of Natura 2000 sites.	None required

Proposed Amendment Number	Risk of Significant 'Effect (including in combination and accumulative effects)	Recommended Modifications / New Objectives / Policies / Supporting Text
<b>Proposed Amendments (Killorglin Town Plan)</b>		
Amendment No 4	No Significant Effect	None required
Amendment No 5	No Significant Effect	None required
Amendment No 6	No Significant Effect	None required
Amendment No 7	No Significant Effect	None required
Amendment No 8	No Significant Effect	None required
Amendment No 9	No Significant Effect	None required
Amendment No 10	No Significant Effect	None required
Amendment No 11	No Significant Effect	None required
Amendment No 12	No Significant Effect	None required
Amendment No 13	No Significant Effect	None required
Amendment No 14	No Significant Effect – It is noted that the proposed Town Centre Zoning would be located a minimum of 15m from the cSAC on lands which are not of nature conservation importance. Given the existing conditions on the site and its proximity to the town centre this 15m buffer is considered to be appropriate in this instance. Additional safeguards can be incorporated at project level stage, where necessary.	None required
Amendment No 15	No Significant Effect	None required
Amendment No 16	No Significant Effect	None required
Amendment No 17	No Significant Effect	None required
Amendment No 18	No Significant Effect	None required

Proposed Amendment Number	Risk of Significant 'Effect (including in combination and accumulative effects)	Recommended Modifications / New Objectives / Policies / Supporting Text
<b>Proposed Amendments (Killorglin Town Plan)</b>		
Amendment No 19	No Significant Effect	None required
Amendment No 20	No Significant Effect	None required
Amendment No 21	No Significant Effect	None required
Amendment No 22	No Significant Effect	None required
Amendment No 23	No Significant Effect – It is noted that the proposed zoning would be located in close proximity to a Natura 2000 site. However, having regard to the existing conditions on the site, to the proposed buffer zone, to the extent of the proposed zoning and to the safeguards contained in the accompanying text, the proposed zoning is considered to be acceptable. Additional safeguards can be incorporated at project level stage, where necessary.	None required
Amendment No 24	No Significant Effect	None required
Amendment No 25	No Significant Effect	None required
Amendment No 26	No Significant Effect	None required
Amendment No 27	No Significant Effect	None required
Amendment No 28	No Significant Effect – It is noted that the proposed zoning would be located in close proximity to a Natura 2000 site. However, having regard to the existing conditions on the site, to the proposed buffer zone, to the extent of the proposed zoning it is considered to be acceptable in this instance. Consideration was also given to the findings contained in the Environmental Report / Natura Impact Statement recently prepared in support of a development proposal for these lands. Additional safeguards can be incorporated at project level stage, where necessary.	None required
Amendment No 29	No Significant Effect	None required
Amendment No 30	No Significant Effect	None required
Amendment No 31	No Significant Effect	None required
Amendment No 32	No Significant Effect	None required
Amendment No 33	No Significant Effect	None required
Amendment No 34	No Significant Effect	None required

Proposed Amendment Number	Risk of Significant 'Effect (including in combination and accumulative effects)	Recommended Modifications / New Objectives / Policies / Supporting Text
<b>Proposed Amendments (Glenbeigh Plan)</b>		
Amendment No 35	No Significant Effect – This amendment provides for greater protection of Natura 2000 sites.	None required
Amendment No 36	No Significant Effect	None required

Proposed Amendment Number	Risk of Significant 'Effect (including in combination and accumulative effects)	Recommended Modifications / New Objectives / Policies / Supporting Text
<b>Proposed Amendments (Glencar Plan)</b>		
Amendment No 37	No Significant Effect – This amendment provides for greater protection of Natura 2000 sites.	None required

Proposed Amendment Number	Risk of Significant 'Effect (including in combination and accumulative effects)	Recommended Modifications / New Objectives / Policies / Supporting Text
<b>Proposed Amendments (Kilgobnet Plan)</b>		
Amendment No 38	No Significant Effect – This amendment provides for greater protection of Natura 2000 sites.	None required

Proposed Amendment Number	Risk of Significant 'Effect (including in combination and accumulative effects)	Recommended Modifications / New Objectives / Policies / Supporting Text
<b>Proposed Amendments (Rossbeigh Plan)</b>		
Amendment No 39	No Significant Effect – This amendment provides for greater protection of Natura 2000 sites.	None required

Proposed Amendment Number	Risk of Significant 'Effect (including in combination and accumulative effects)	Recommended Modifications / New Objectives / Policies / Supporting Text
<b>Proposed Amendments (Rural Area plan)</b>		
Amendment No 40	No Significant Effect – This amendment provides for greater protection of Natura 2000 sites.	None required
Amendment No 41	No Significant Effect	None required

Proposed Variation Number 3 to the Kerry County Development Plan 2009-2015	Risk of Significant 'Effect (including in combination and accumulative effects)	Recommended Modifications / New Objectives / Policies / Supporting Text
Modification of maps 12.1(i), 12.1(j), 12.1(m), 12.1(n), and map 12.1(q) of the Kerry County Development Plan 2009-2015 will be amended to reflect the modifications to rural zoning and the urban zoning of the settlements in accordance with the provisions of the Functional Area Local Area Plan,	No Significant Effect	None required