

SECTION 6

Habitats Directive Assessment

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 Dingle Functional Area in December 2012. Following a public consultation process and consideration of the subsequent Managers Report, by the members, 'Proposed Amendments' were agreed by the members and put on public display. Those proposed amendments were accompanied by Strategic Environmental Assessment and Habitats Directive Assessment Reports. Following a further public consultation exercise and consideration of the subsequent Managers Report, by the members, the final Dingle Functional Area Local Area Plan 2012-2018 was adopted in June 2012.

It was also agreed by the members to adopt Variation No.7 to the Kerry County Development Plan 2009-2015, so as to incorporate the provisions of the Dingle Functional Area Local Area Plan 2012-2018 and to amend the zoning of lands, at and adjacent to the plan areas settlements to reflect the provisions of the Local Area Plan. The variation amends the existing zoning within those settlements and the contiguous rural areas. In addition the variation gives 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 Report assesses the potential impact of the adopted Dingle Functional Area Local Area Plan 2010-2016 and of the adopted 7th Variation to the Kerry County Development Plan 2009-2015 on Natura 2000 sites.

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

- Draft Dingle Functional Area Local Area Plan (Kerry County Council, Dec 2011).
- Draft Dingle Functional Area Local Area Plan Volume 3 – Habitats Directive Assessment (Kerry County Council, Dec 2011).
- Proposed Material Amendments to the Dingle Functional Area Local Area Plan 2012-2018 (Kerry County Council, April 2012).
- Proposed Variation to the Kerry County Development Plan 2009-2015 – Variation No. 7 (Kerry County Council, June 2012).
- 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 Natura 2000 sites. 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 'Dingle Functional Area Local Area Plan (FALAP) 2012-2018' document in addition to the 'Variation Number 7 to the Kerry County Development Plan 2009-2015' document.

3. Name and Location of Natura 2000 sites

- SAC 000332 - Akeragh, Banna and Barrow
- 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 002263 – Kerry Head Shoal
- SAC 002070 - Tralee Bay & Magharees Peninsula, West to Cloghane
- SAC 002172 Blasket islands
- SAC 002185 - Slieve Mish Mountains
- SAC 002261 – Magheree islands
- SAC 002262 - Valencia Harbour/Portmagee Channel

- SPA 004008 – Blasket islands
- SPA 004011 – Lough Gill
- SPA 004018 - Tralee Bay
- SPA 004079 - Akeragh, Banna and Barrow Harbour
- SPA 004029 - Castlemaine Harbour
- SPA 004125 – Magharee islands
- SPA 004153 - Dingle Peninsula
- SPA 004154 - Iveragh Peninsula

The HDA report prepared at Draft Plan Stage identified the following as the Natura 2000 sites more likely to be affected by way of the plan.

- SAC 000343 - Castlemaine Harbour
- SAC 000375 - Mount Brandon
- SAC 002172 - Blasket Islands

- SPA 004008 - Blasket Islands
- SPA 004029 - Castlemaine Harbour
- SPA 004153 - Dingle Peninsula

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 main surface water features and settlements located within the Plan Area, while **Figure 3.4** show the location of Natura 2000 Sites in the vicinity of the plan area, including ex situ sites. Information, data and up to date maps of Irish Natura 2000 sites, including those referred to above are available from the Maps and Data Section on the NPWS website at www.npws.ie



Figure 3.2: Special Protected Areas including proposed Special Protected Areas



Figure 3.3: Main Surface Water Features and Settlements located within the Plan Area

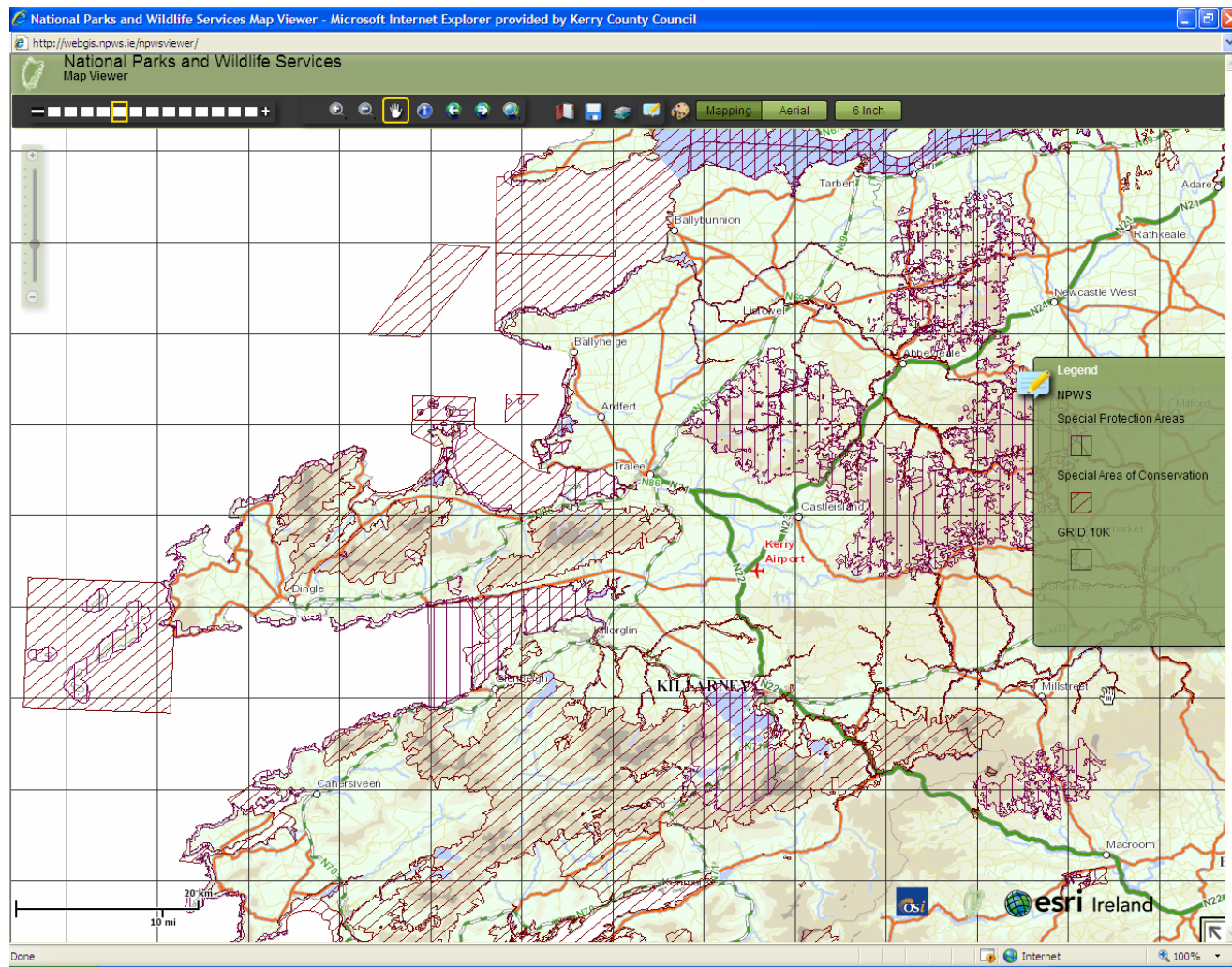


Figure 3.4: Natura 2000 sites in the vicinity of the plan area, including ex situ sites

4. Description of the Project or Plan

The Dingle FALAP consists of strategy, policies, objectives and land use maps for the area within its boundary including the settlements of Daingean Ui Chuis, Annascaul, Baile an Fheirtéaraigh, Baile na nGall, Ceann Trá, Dún Chaoín, Lios Póil and An Mhuiríoch. The plan will last for a period of 6 years from its adoption date in June 2012. The Plan contains development management guidelines to ensure that the agreed aims, strategic objectives and policies are complied with. The Dingle FALAP document also contains policies for rural areas, (including an Blascaod Mór) which due to their specific nature were not included in the County Development Plan.

The strategy for the Plan Area, as outlined in the Dingle FALAP, 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 development strategy also promotes Dingle town as the main focus for development within the Plan area offering the greatest potential for economic, social and cultural development. Within the FALAP, Dingle town is supported by the smaller settlements which provide for the daily needs of their hinterlands. It is seen as important that these settlements continue to maintain their existing population and services and to function as intermediate settlements between the rural dwellers and the larger towns in the area.

The reason for the related variation to the Kerry County Development Plan 2009 – 2015 is to incorporate the provisions of the Functional Area Local Area Plan and to amend the zoning of lands within the plan area, including those at and adjacent to the settlements so as to reflect the provisions of the FALAP.

The related variation seeks to amend existing zonings within these settlements and the contiguous rural areas. In certain instances, the variation also seeks to amend zonings outside of the settlements. For instance in Fionn Trá / Imleach Slat, an opportunity site located near Ceann Trá. In addition the variation would give effect to Objective SS 3-10(a) of the County Development Plan which states:- 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'*.

The variation provides for the inclusion of a map indicating the extent of the Functional Area Local Area Plan and indicating the settlements within this plan. The map included as part of the variation / the County Development Plan indicates the area of the Functional Area Local Area Plan and also the settlements contained within it for which policies, objectives and zoning provisions have been included within the Functional Area Local Area Plan.

As part of the variation, maps 12.1d, 12.1e, 12.1h, 12.1i of the Kerry County Development Plan 2009-2015 are amended to reflect the amendments to rural zoning and the urban zoning of the settlements in accordance with the provisions of the Dingle Functional Area Local Area Plan.

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 accompanied the Draft Dingle Functional Area Local Area Plan (Volume 3). The main plans that together with the Dingle FALAP document which could affect Natura 2000 sites are considered to be the Kerry County Development Plan 2009-2015 and the Kerry Heritage and Biodiversity Plan 2008-2012.

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.

Habitats Directive Assessments were previously prepared in respect of the Draft Dingle Functional Area Local Area Plan, the proposed material alterations to the Draft Dingle FALAP and to the related 7th variation to the Kerry County Development Plan 2009-2015. It was concluded that these were not likely to have significant effects on Natura 2000 sites. Accordingly this current assessment largely relates to the adopted amendments to the Draft Plan (having regard to potential cumulative and in combination effects). As part of this each individual modification to the proposed amendment / material alterations have been screened / assessed for potential impacts on Natura 2000 sites (refer to Appendix 1 of this report).

The effects of the proposed amendments / material alterations, as modified, on Natura 2000 sites 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 on exercise are contained within Appendix 1 of this document.

9. List of Agencies consulted

A wide range of statutory and non statutory consultation bodies, including the environmental authorities were consulted with in relation to the preparation of the Dingle Functional Area Local Area Plan and accompanying Strategic Environmental and Habitats Directive Assessment documents.

10. Response to Consultation

The responses received to the consultation processes are outlined in the Managers Reports on the submissions / observations received on the Draft Dingle Functional Area Local Area Plan Document and in the Managers Report on the submissions / observations to the proposed amendments.

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 Dingle Draft FALAP)
- Identification of the reasons for site designation, (refer to volume 3 of the Dingle Draft FALAP)
- Identification of (draft) conservation objectives (refer to volume 3 of the Dingle Draft FALAP)
- Identification of the environmental conditions considered necessary to support site integrity (refer to volume 3 of the Dingle 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 Dingle Functional Area Local Area Plan and in the related / complimentary 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 were 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 and Shannon areas. A number of EIS documents prepared for development proposals in the plan area were also taken into consideration.

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 Dingle Draft Functional Area Local Area Plan (December 2011) and the Habitat Directive Assessment Screening Report of the Proposed Amendments to the Dingle Functional Area Draft Local Area Plan 2012-2018 (April 2012) and of the Proposed Variation Number 7 to the Kerry County Development Plan 2009-2015 (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 the Dingle Functional Area Local Area Plan 2012 -2018 together with the 7th Variation to the Kerry County Development Plan 2009-2015 is not likely to have significant effects on Natura 2000 sites.

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.

It is considered that the objectives, policies and supporting text of the adopted plan and of the related / complimentary variation support only sustainable development at appropriate locations and have ensured that the nature conservation interests of Natura 2000 sites in the vicinity have been safeguarded.

This report finds that the adopted Dingle Functional Area Local Area Plan 2012-2018 and the Proposed 7th Variation to the Kerry County Development Plan 2009-2015 will not have significant effects on Natura 2000 Sites.

Therefore it is considered that a Stage II Appropriate Assessment is not required in this instance.

Appendix 1: Detailed Screening for Adopted Modifications to Proposed Material Alterations to the Dingle Functional Area Draft Local Area Plan 2012-2018 *

*This should be read in conjunction with the ‘Proposed Amendments to the Dingle Functional Area Draft Local Area Plan 2012-2018’ document, the ‘Proposed Variation Number 7 to the Kerry County Development Plan 2009-2015’ document and the Habitats Directive Assessment Report prepared at Draft Plan Stage.

Proposed Modification Number	Risk of Significant ‘Effect (including in combination and accumulative effects)	Recommended Modifications / New Objectives / Policies / Supporting Text
Proposed Amendments (General)		
Modification No 1	No Significant Effect	None required
Amendment No 2	No Significant Effect	None required
Amendment No 3	No Significant Effect	None required