

AA CONCLUSION STATEMENT

IN SUPPORT OF THE
APPROPRIATE ASSESSMENT
OF THE
LAOIS COUNTY DEVELOPMENT PLAN 2017-2023

**IN ACCORDANCE WITH THE REQUIREMENTS OF
ARTICLE 6(3) OF THE EU HABITATS DIRECTIVE**

for: Laois County Council

Áras an Chontae
Portlaoise
County Laois



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Section 1 Introduction and Background

1.1 Introduction

This is the Appropriate Assessment (AA) Conclusion Statement for the Laois County Development Plan 2017-2023.

The obligation to undertake AA derives from Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 and the Planning and Development Act 2000, as amended. AA is a focused and detailed impact assessment of the implications of a strategic action (such as a plan or programme) or project, alone and in combination with other strategic actions and projects, on the integrity of any European Site in view of its conservation objectives.

This AA Conclusion Statement should be read in conjunction with the following documents which accompany the Statement:

- Strategic Environmental Report;
- Strategic Flood Risk Assessment; and
- The Laois County Development Plan 2017-2023 (Adopted);
- Natura Impact Report (NIR), including Appendix I 'Summary details of European sites considered during the Appropriate Assessment'.

1.2 Legislative Requirements in relation to AA

In carrying out the AA for the Laois CDP, the Part XAB of the Planning and Development Act 2000, as amended, requires, inter alia, that the Council take into account the matters arrayed in the first column on Table 1.1 below. The second column identifies how these issues have been addressed.

Table 1-1 Matters taken into account by the AA

Matter specified by the Regulations	How addressed by AA
(a) the NIR	A NIR accompanies this AA Conclusion Statement and the Strategy
(b) any other plans or projects that may, in combination with the plan or project under consideration, adversely affect the integrity of a European Site (see Section 2)	Throughout the NIR, particularly Section 2.5 of the NIR, as well as Section 7.3 of the SEA Environmental Report
(c) any supplemental information furnished in relation to any such report or statement	This AA Conclusion Statement supplements the NIR which is also accompanied by an Appendix (NIR Appendix I) which provides additional detail on European Sites
(d) if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Report	The Natura Impact Report has taken into account submissions received during the Plan/AA preparation process – see Section 2 of this Statement
(e) any information or advice obtained by the public authority	
(f) if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project	
(g) any other relevant information	

In addition to the above, the regulations require that the Council makes available for inspection a determination regarding the outcome of the assessment with respect to effects on the integrity of European Sites (such a determination is provided at Section 4 of this document).

1.3 AA Conclusion Statement

The Department of Arts, Heritage and the Gaeltacht's Non-Statutory AA guidance states that (Section 4.14) it *"is recommended that planning authorities include a clear and discrete AA Conclusion Statement as a distinct section in the written statement of the plan separate to the SEA statement."*

This guidance recommends that the following issues are addressed by the AA:

- Summary of how the findings of the AA were factored into the plan
- Reasons for choosing the plan as adopted, in the light of other reasonable alternatives considered as part of the AA process;
- A declaration that the plan as adopted will not have an adverse effect on the integrity of European Sites; and
- The Natura Impact Report.

As recommended, this AA Conclusion Statement addresses the above issues.

Section 2 How the findings of the AA were factored into the Plan

Various environmental sensitivities and issues have been communicated to the Council through the SEA and the AA. By integrating all related recommendations into the Plan, the Council have ensured that both the beneficial environmental effects of implementing the Plan have been and will be maximised and that potential adverse effects have been and will be avoided, reduced or offset.

Integration of AA considerations into the Plan was achieved through the:

1. Consultations

As environmental authorities identified under the Planning and Development (SEA) Regulations, as amended, the following authorities were sent Strategic Environmental Assessment (SEA) scoping notices indicating that submissions or observations in relation to the scope and level of detail of the information to be included in the environmental report could be made to the Council various submissions were received from the environmental authorities, including the Department of Arts, Heritage and the Gaeltacht (DAHG) have been taken on board.

Furthermore, submissions from the public and others were made on the Plan and AA Natura Impact Report while these documents were on public display and these resulted in updates being made to the documents. Changes to the provisions of the Plan made on foot of submissions were considered and did not change the conclusions of the AA. No comments relating to the AA were made by the DAHG's submission on the Plan and associated assessments.

2. Consideration of alternatives

Consideration of and integration of environmental considerations into alternatives, including sequencing, and ultimately into the Plan will contribute towards the protection and management of the environment over the lifetime of the Plan (see Section 3 of this Statement).

3. Integration of individual AA-related provisions into the Plan

Various provisions have been integrated into the text of the Plan through the iterative Plan-preparation with SEA and AA processes. These include AA-related measures that are part the Strategic Environmental Report. Objectives and policies within the Laois CDP that will act to protect European Sites include the following:

Environmental Component	Strategic Environmental Objectives	Selected Indicator(s)	Selected Target(s)
Biodiversity, Flora and Fauna	B1: To ensure compliance with the Habitats and Birds Directives with regard to the protection of Natura 2000 Sites and Annexed habitats and species ¹	B1: Conservation status of habitats and species as assessed under Article 17 of the Habitats Directive	B1: Maintenance of favourable conservation status for all habitats and species protected under National and International legislation to be unaffected by implementation of the Plan ²

¹ 'Annexed habitats and species' refer to those listed under Annex I, II & IV of the EU Habitats Directive and Annex I of the EU Birds Directive.

² Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be:

- (a) no alternative solution available;
- (b) imperative reasons of overriding public interest for the plan to proceed; and
- (c) adequate compensatory measures in place.

Environmental Component	Strategic Environmental Objectives	Selected Indicator(s)	Selected Target(s)
	B2: To ensure compliance with Article 10 of the Habitats Directive with regard to the management of features of the landscape which - by virtue of their linear and continuous structure or their function act as stepping stones (designated or not) - are of major importance for wild fauna and flora and essential for the migration, dispersal and genetic exchange of wild species	B2: Percentage loss of functional connectivity without remediation resulting from development provided for by the Plan	B2: No significant ecological networks or parts thereof which provide functional connectivity to be lost without remediation resulting from development provided for by the Plan
	B3: To avoid significant impacts on relevant habitats, species, environmental features or other sustaining resources in designated sites including Wildlife Sites and to ensure compliance with the Wildlife Acts 1976-2010 with regard to the protection of listed species	B3i: Number of significant impacts on relevant habitats, species, environmental features or other sustaining resources in designated sites including Wildlife Sites resulting from development provided for by the Plan B3ii: Number of significant impacts on the protection of listed species	B3i: Avoid significant impacts on relevant habitats, species, environmental features or other sustaining resources in designated sites including Wildlife Sites resulting from development provided for by the Plan B3ii: No significant impacts on the protection of listed species
Soil	S1: To avoid damage to the hydrogeological and ecological function of the soil resource	S1: Soil extent and hydraulic connectivity	S1: To minimise reductions in soil extent and hydraulic connectivity
Water	W1: To maintain and improve, where possible, the quality and status of surface waters	W1: Classification of Overall Status (comprised of ecological and chemical status) under the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (SI No. 272 of 2009)	W1: Not to cause deterioration in the status of any surface water or affect the ability of any surface water to achieve 'good status' ³
	W2: To prevent pollution and contamination of ground water	W2: Groundwater Quality Standards and Threshold Values under Directive 2006/118/EC	W2: Not to affect the ability of groundwaters to comply with Groundwater Quality Standards and Threshold Values under Directive 2006/118/EC
	W3: To comply as appropriate with the provisions of the Planning System and Flood Risk Management: Guidelines for Planning Authorities (DEHLG, 2009)	W3: Number of incompatible developments granted permission on lands which pose - or are likely to pose in the future - a significant flood risk	W3: Minimise developments granted permission on lands which pose - or are likely to pose in the future - a significant flood risk in compliance with <i>The Planning System and Flood Risk Management Guidelines for Planning Authorities</i>

³ Good status as defined by the WFD equates to approximately Q4 in the current national biological classification of rivers as set out by the EPA.

Section 3 Consideration of Alternatives with Reference to AA

3.1 Summary Description of Alternatives

As per the requirements of the SEA Directive, the SEA considers reasonable alternatives, which are capable of being implemented for the County Development Plan, taking into account the objectives and policies of all higher-level Plans. These alternatives were assessed through the SEA process with reference to the specific requirements of the EU Habitats Directive and European Sites. An iterative process was undertaken between the SEA, AA and Local Area Plan design/development. As the current Plan is required to be reviewed and replaced by a new Plan under legislation, a 'do-nothing' alternative is not considered, nor is it required to be by the SEA Directive.

Annex I of the SEA Directive specifies that information should be provided in the environmental report on inter alia 'the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme'. Table 3-2 identifies the evolution of each component of the environment in the absence of implementing the Plan.

3.1.1 Scenario 1: Strong Growth, Weak Plans

This Scenario envisages a return to strong economic growth – especially in east Leinster. However, this scenario illustrates the environmental consequences of a weak planning response.

ZONE A Portlaoise Transportation Corridor/ Mountmellick and Portarlinton and River Barrow / Grand Canal Hinterland

Uncoordinated, dispersed housing in the northeast

This growth will see increased demand for cheaper housing within the 40-min commute from the M50 leading to increased housing demand in north east Laois. In this scenario, this strong growth and demand is met by uncoordinated growth new housing development – both in settlements and in rural areas throughout the 8-10km zone on each side of the M7.

Uncoordinated, dispersed commercial, retail and light industrial development in the northeast

The same forces are likely to give rise to Uncoordinated, Dispersed commercial, retail and light industrial development within the outskirts of Portarlinton Portlaoise and possibly Mountmellick, Stradbally and even Abbeyleix. Such developments are even more likely to occur in the environs of major M7 junctions [15 – 17].

ZONES B, D Mountrath/ Nore Transportation Corridor, Borris in Ossary Transportation Corridor and ZONE C Abbeyleix Ballyfin

Uncoordinated and dispersed development along and adjacent to major settlements and transportation corridors.

This scenario will lead to strong pressure adjacent to settlements such as Mountrath, Abbeyleix, and strategic transportation corridors. These zones are also likely to experience competition with expanding dairy and occasional stud farm uses.

ZONES C, E and F Killeslin / Graiguecullen / N80 / Barrow Transportation Corridor, Rathdowney/ Mountmellick/ Barrow Mixed farming Hinterlands

Persistent, but dispersed pressure for development in rural areas This Scenario Competition with expanding/intensifying tillage in this area. There will be persistent, but dispersed pressure for development in rural areas.

ZONES G, H Timahoe / Swan and Slieve Blooms Mixed Farming and Forested Uplands

Low, dispersed pressure for development in rural areas.

This scenario will lead to low levels of change in this zone – apart from increases pressure as an amenity area. Little likelihood of expansion or intensification of agriculture or forestry Potential intensification of energy amenities and tourism projects. There will be low, but dispersed pressure for development in rural areas.

3.1.2 Scenario 2: Uneven Growth, Uneven Plans

This Scenario envisages a return to strong economic demand but with underachievement of growth in both urban and rural potential due to lack of co-ordination. This leads to poorly targeted and excessively dispersed investment that causes congestion and competition that causes early progress to slow and stall.

ZONE A Portlaoise / Portarlington / Mountmellick, Graiguecullen and other larger settlements

Strong Growth in Strong Towns

In this scenario these areas will act as nuclei for strong early growth of both settlement and enterprise due to stability and coordination. The weaker plans will reduce certainty for concentrated investments in infrastructure which will gradually impede progress and reduce the regional competitiveness of enterprises.

ZONE B Vicarstown to Mountrath Transportation Corridor

Uncoordinated, dispersed and faltering development along and adjacent to major settlements and transportation corridors.

While there will be strong pressure adjacent to settlements and Strategic Transportation Corridors – this will fail to achieve its full potential due to excessive competition for funding of sustaining infrastructure. There will be a steady pattern of conflicts between intensification of larger-scale, specialist agriculture and poorly coordinated settlement and enterprise developments at urban/rural fringes.

ZONES C, D Lowland Mixed farmland, Killeshin / Graiguecullen / N80 / Barrow Transportation Corridor

Strong growth in specialist agriculture.

These stronger rural areas will prosper with intensifications in areas of specialist tillage – especially near major settlements and transportation corridors.

ZONES E, F Timahoe/ Swan and Slieve Blooms Mixed Farming and Forested Uplands

Low pressure for dispersed development in rural areas

This scenario will lead to low levels of change in this zone – apart from increases pressure as an amenity area. Little likelihood of expansion or intensification of agriculture or forestry Potential intensification of energy amenities and tourism projects. There will be low, but dispersed pressure for development in rural areas.

3.1.3 Scenario 3: Balanced Growth, Strong Plans

This Scenario envisages a county experiencing strong and resilient growth of different but complementary character in different areas.

A cluster of larger settlements centred on Portlaoise in the northeast that will capitalise on a regionally signification confluence of major transportation, energy and water service supplies. There will also be a smaller one centred on Graiguecullen in the south east. Rural areas will see the emergence, expansion and

consolidation of as a series of strong sectors of specialisations in tillage and dairying. The rivers and uplands will offer opportunities for extensification into a mixed economy based on dispersed rural settlement as well as lower intensity agriculture, forestry as well as recreation and some tourism.

ZONE A Portlaoise/Portarlington/ Mountmellick, Graiguecullen Urban environs

Strong Growth in Strong Towns

In this scenario these areas will act as nuclei for strong and sustained growth of both settlement and enterprise due to stability and coordination. The strong plans will increase certainty and will attract cost-effective regional investment in an infrastructure-rich node. This will create a 'virtuous cycle' of further increasing enterprise providing employment for a growing population.

ZONE B M7 and M9 Strategic Transportation Corridor Environs and key development areas

Orderly Transitions

These areas will provide orderly transitions between areas of intensifying urban and areas of specialist agriculture.

ZONE C Lowland Mixed farmland and settlements with links to Strategic Transportation Corridors and key development areas.

Strong growth in specialist agriculture.

These stronger rural areas will prosper with intensifications in areas of specialist tillage – especially near major settlements and transportation corridors.

ZONES D, E Timahoe / Swan and Slieve Blooms Mixed Farming and Forested Uplands

Low pressure for dispersed development in rural areas.

This scenario will lead to low levels of change in this zone – apart from increases pressure as an amenity area. Little likelihood of expansion or intensification of agriculture or forestry Potential intensification of energy amenities and tourism projects. There will be low, but dispersed pressure for development in rural areas.

3.1.4 Summary Evaluation of Alternatives

A number of potentially significant adverse environmental effects that are common to all alternatives and are described on the Table below taken from the SEA.

Table 3-1 Potentially Significant Adverse Environmental Effects common to all alternatives

Environmental Component	Potential Effect
Biodiversity and Flora and Fauna	<ul style="list-style-type: none"> o Loss of biodiversity with regard to Natura 2000 Sites and Annexed habitats and species o Loss of biodiversity with regard to ecological connectivity and stepping stones o Loss of biodiversity with regard to designated sites including Wildlife Sites and listed species
Population and Human Health	<ul style="list-style-type: none"> o Spatially concentrated deterioration in human health
Soil	<ul style="list-style-type: none"> o Damage to the hydrogeological and ecological function of the soil resource
Water	<ul style="list-style-type: none"> o Adverse impacts upon the status and quality of water bodies o Increase in the risk of flooding
Material Assets	<ul style="list-style-type: none"> o Failure to provide adequate and appropriate waste water treatment o Failure to comply with drinking water regulations and serve new development with adequate drinking water that is both wholesome and clean Increases in waste levels
Air and Climatic Factors	<ul style="list-style-type: none"> o Failure to contribute towards sustainable transport and associated impacts
Cultural Heritage	<ul style="list-style-type: none"> o Effects on entries to the Record of Monuments and Places and other archaeological heritage o Effects on entries to the Records of Protected Structures and other architectural heritage
Landscape	<ul style="list-style-type: none"> o Occurrence of adverse visual impacts

Table 3-2 Comparative Evaluation of Alternative Development Strategies

	Likely to Improve status of SEOs to a greater degree	Likely to Improve status of SEOs to an intermediate degree	Likely to Improve status of SEOs to a lesser degree	Least Potential Conflict with status of SEOs - likely to be mitigated to greater degree, significant adverse effects less likely	More Potential Conflict with status of SEOs - likely to be mitigated to an intermediate degree, significant adverse effects more likely	Most Potential Conflict with status of SEOs - likely to be mitigated to lesser degree, significant adverse effects more likely
Scenario 1 Strong Growth, Weak Plans			B1 B2 B3 PHH1 S1 W1 W2 W3 M1 M2 M3 C1 CH1 CH2 L1			B1 B2 B3 PHH1 S1 W1 W2 W3 M1 M2 M3 C1 CH1 CH2 L1
Scenario 2 Uneven Growth, Uneven Plans		B1 B2 B3 PHH1 S1 W1 W2 W3 M1 M2 M3 C1 CH1 CH2 L1			B1 B2 B3 PHH1 S1 W1 W2 W3 M1 M2 M3 C1 CH1 CH2 L1	
Scenario 3 Balanced Growth, Strong Plans	B1 B2 B3 PHH1 S1 W1 W2 W3 M1 M2 M3 C1 CH1 CH2 L1			B1 B2 B3 PHH1 S1 W1 W2 W3 M1 M2 M3 C1 CH1 CH2 L1		

3.2 Considerations of Cumulative Impacts/In-Combination Effects

Both the SEA and NIR account for potential interactions with other Plans and Projects. These include interactions resulting from the Plan and Projects such as:

- Other land use Plans.
- Water services, transport and energy infrastructure plans (e.g. Irish Water's Water Services Strategic Plan and associated Capital Investment Plan, Grid25 and associated Implementation Programme) and the County Carlow 2021 Local Economic & Community Plan 2016-2021; and
- Environmental protection and management plans (e.g. South-East River Basin Management Plans and flood risk management plans).

Such potential effects include the following (note that mitigation measure and provisions to account for these effects have been integrated into the Plan):

- Contributions towards reductions in travel related greenhouse gas and other emissions to air (in combination with plans and programmes from all sectors, including transport and land use planning) as a result of facilitating sustainable mobility/a shift from motorised transport modes to more sustainable and non-motorised transport modes.
- Contributions towards travel related greenhouse gas and other emissions to air (in combination with plans and programmes from all sectors, including transport and land use planning) as a result of facilitating development which must be accompanied by road capacity.
- Facilitation of new development which is accompanied by appropriate levels of water services thereby contributing towards environmental protection.
- Need for and use of water and wastewater treatment capacity arising from new developments and associated potential adverse effects.
- Potential cumulative effects upon surface and ground water status as a result of housing, employment, agricultural and forestry – loadings and abstractions;
- Potential cumulative effects (habitat damage, enhancing ecological connectivity, contributing towards sustainable mobility) arising from linear developments, such as those relating to Green Infrastructure, including beyond the County border;
- Potential cumulative effects on flood risk by, for example, development of greenfield lands or obstruction of flood paths adjacent to the County Laois border;
- In combination with plans and programmes from all sectors potential adverse effects on all environmental components arising from all development in greenfield and brownfield areas (e.g. infrastructural, residential, economic, agricultural etc.). These plans and programmes from other sectors undergo SEA and comply with environmental legislation while projects are subject to EIA and AA, as relevant.

3.3 Emerging Preferred Option

Alternative Scenario 3 contributes the greatest extent towards sustainable development and environmental protection and management is the preferred and selected alternative scenario which has been developed for the strategy for the Plan which focuses on building strong urban centres while protecting the rural hinterlands. The focus which is provided for by the various provisions evaluated in Section 8 of the SEA Environmental Report.

Table 3.3 details the overall findings of the assessment with respect to this preferred and selected alternative scenario.

By complying with appropriate mitigation measures - including those which have been integrated into the Plan – potentially significant adverse environmental effects which could arise as a result of implementing the Plan would be likely to be avoided, reduced or offset.

Table 3.3 Overall Findings – Effects arising from the Preferred Alternative Scenario for the Plan that have potential ecological interactions

Environmental Component	Significant Positive Effect, likely to occur	Potential Effect, if unmitigated	Residual Adverse Effects
Biodiversity and Flora and Fauna	<ul style="list-style-type: none"> Facilitates lower overall effects on ecology (including designated sites, ecological connectivity, habitats) – due to increased utilisation of lands within existing development boundaries and use of existing utilities and brownfield sites. Facilitates protection of ecology with respect to the provision of water services. <p>Facilitates contribution towards the protection of ecology as a result of contributing towards the protection of environmental vectors, including air and water.</p>	<ul style="list-style-type: none"> Arising from both construction and operation of development and associated infrastructure: loss of/damage to biodiversity in designated sites (including Natura 2000 Sites and Wildlife Sites) and Annexed habitats and species, listed species, ecological connectivity and non-designated habitats; and disturbance to biodiversity and flora and fauna Habitat loss, fragmentation and deterioration, including patch size and edge effects. <p>Disturbance (e.g. due to noise and lighting along transport corridors) and displacement of protected species.</p>	<ul style="list-style-type: none"> Loss of an extent of non-protected habitats and species arising from the replacement of semi-natural land covers with artificial surfaces. <p>Losses or damage to ecology (these would be in compliance with relevant legislation).</p>
Soil	<ul style="list-style-type: none"> Facilitates lower overall effects on soil – due to increased utilisation of lands within existing development boundaries and use of existing utilities and brownfield sites. <p>Facilitates protection of soil with respect to the provision of water services.</p>	Damage to the hydrogeological and ecological function of the soil resource.	Loss of an extent of soil function arising from the replacement of semi-natural land covers with artificial surfaces.
Water	Facilitates lower effects on ground and surface waters due to higher levels of development within established and serviced settlement centres that have installed/upgraded water services capable of delivering Water Framework Directive targets.	<ul style="list-style-type: none"> Adverse impacts upon the status of water bodies arising from changes in quality, flow and/or morphology. <p>Increase in the risk of flooding.</p>	<ul style="list-style-type: none"> Increased loadings as a result of development to be in compliance with River Basin Management Plans. <p>Flood related risks remain due to uncertainty with regard to extreme weather events.</p>

Section 4 Determination

**Appropriate Assessment Determination under:
the Planning and Development Act 2000 (as amended)**

for the:

Laois County Development Plan 2017-2023

An Appropriate Assessment (AA) determination has been made by Laois County Council regarding Laois County Development Plan 2017-2023.

Section 13 of the Planning and Development Act 2000 (as amended), requires, inter alia, a determination to be made as to whether County Development Plan warrant the undertaking of AA. An Appropriate Assessment determination [pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would adversely affect the integrity of a European site and the Planning and Development Act 2000 (as amended)] is being made by Laois County Council.

In carrying out this Appropriate Assessment, the Council is taking into account the relevant matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including:

- Laois County Development Plan 2017-2023;
- The Strategic Environmental Report; and
- The Natura Impact Report.

It is determined that the risks to the safeguarding and integrity of the qualifying interests, special conservation interests and conservation objectives of all European Sites have been addressed by the inclusion of achievable mitigation measures within the Laois County Development Plan 2017-2023. These prioritise the avoidance of effects in the first place and will reliably mitigate these effects where these cannot be avoided. In addition, any lower level plans and projects arising through the implementation of the Plan will themselves be subject to relevant stages of Appropriate Assessment when further details of design and location are known.

Having incorporated these mitigation commitments; it is considered that the Laois County Development Plan 2017-2023 is not foreseen to have any likely significant effects on the ecological integrity of any European Site⁴.

⁴ Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be:

- a) no alternative solution available,
- b) imperative reasons of overriding public interest for the plan to proceed; and
- c) Adequate compensatory measures in place.