

# SCREENING REPORT

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IN SUPPORT OF THE  
**APPROPRIATE ASSESSMENT**

FOR THE

**PROPOSED MATERIAL ALTERATIONS TO THE  
DRAFT LAOIS COUNTY DEVELOPMENT PLAN  
2017 - 2023**

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

**for: Laois County Council**

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# 1 Introduction

## 1.1 Background

CAAS has been appointed by Laois County Council to prepare this Screening Report in support of the Appropriate Assessment (AA) of the Material Alterations to the Draft Laois County Development Plan 2017- 2023 in accordance with the requirements of Article 6(3) of the EU Habitats Directive<sup>1</sup>.

An Appropriate Assessment is a requirement of Article 6 of the Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (hereafter referred to as the "Habitats Directive"). The overall aim of the Habitats Directive is to maintain or restore the "Favourable Conservation Status" of habitats and species of European Community Interest. These habitats and species are listed in the Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds) with Special Areas of Conservation and Special Protection Areas designated to afford protection to the most vulnerable of them. These two designations are collectively known as European Sites.

European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the European Sites at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations (in particular Part XAB of the Planning and Development (Amendment) Act 2010 and the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477) (often referred to as the Habitats Regulations) to ensure the ecological integrity of these sites. Appropriate Assessment (AA) is an assessment of whether a plan or project, alone and in combination with other plans or projects, which is not directly related to the management of a European Site could have significant effects on a European Site in view of the site's conservation objectives.

Similarly, a Strategic Environmental Assessment (SEA) Screening has been undertaken in tandem to assess the impacts of the Material Alterations on a number of environmental considerations including biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, landscape and the interrelationship between these considerations, whenever applicable.

## 1.2 Legislative Context

The Appropriate Assessment process (AA) is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European Site. These sites consist of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and provide for the protection and long-term survival of Europe's most valuable and threatened species and habitats.

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as "The Habitats Directive", provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. In Ireland, these are candidate Special Areas of Conservation (cSACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/ECC), hereafter referred to as European Sites.

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect European Sites. Article 6(3) establishes the requirement for AA:

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<sup>1</sup> Directive 92/43/EEC

*"Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In 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.*

*If, in spite of a negative assessment of the implications for the [Natura 2000] site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

*Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."*

These requirements are implemented in the Republic of Ireland by the European Communities (Birds and Natural Habitats) Regulations 2011. These regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in judgements of the Court of Justice of the European Union (CJEU).

If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project may nevertheless be carried out for "Imperative Reasons Of Overriding Public Interest", including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of European Site is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

Appropriate Assessment should be based on best scientific knowledge and planning authorities should ensure that scientific data (ecological and hydrological expertise) is utilised. This report details a Screening Report to inform the AA process which is finalised by the competent authority.

### **1.3 Guidance**

This Screening Report has been prepared in accordance with the following guidance:

- *Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, 2010.*
- *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, European Commission Environment DG, 2002.*
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC: European Commission, 2000.*

- *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, Office for Official Publications of the European Communities, Luxembourg (EC 2001);*
- *Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission. Office for Official Publications of the European Communities, Luxembourg (EC 2007).*
- *Flora (Protection) Order, 1999 (As amended 2015)*

In addition, a detailed online review of published scientific literature and 'grey' literature was conducted. This included a detailed review of the National Parks and Wildlife Services website including mapping and available reports for relevant sites and in particular sensitive qualifying interests/special conservation interests described and their conservation objectives. The EPA Envision Map-viewer ([www.epa.ie](http://www.epa.ie)) and available reports were also reviewed.

Definitions of conservation status, integrity and significance used in this assessment are defined in accordance with 'Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC' (EC, 2000).

- The conservation status of a natural habitat is defined as the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species;
- The conservation status of a species is defined as the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its population;
- The integrity of a European Site is defined as the coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified;
- Significant effect should be determined in relation to the specific features and environmental conditions of the protected site concerned by the plan or project, taking particular account of the site's conservation objectives.

## **1.4 Approach**

### **1.4.1 Comparisons to Strategic Environmental Assessment (SEA)**

In addition to this AA Screening Report, the Proposed Material Alterations are accompanied by a Strategic Environmental Assessment (SEA) Screening Report on public display.

SEA is a broader assessment procedure than AA. It relates to the full range of environmental sensitivities (biodiversity, flora and fauna, population and human health, soil, water, air and climatic factors, material assets, cultural heritage and landscape) across the entire County – as opposed to European Site designations within areas that cover a relatively small portion of the County. Furthermore, these European Sites are not where most new development within the County will be directed towards – this will be towards the County's already developed settlements and environs. Consequently, the AA Screening exercise is more focused and Appendix I which includes Proposed Material Alterations, only includes those that are relevant to ecological processes.

### **1.4.2 Source-Pathway-Receptor Process**

There are four main stages in the AA process; the requirements for each depending on likely impacts to European Sites (SAC/ SPA).

### **Stage One: Screening**

The process which identifies the likely impacts upon a European Site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

### **Stage Two: Appropriate Assessment**

The consideration of the impact on the integrity of the European Site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts. If adequate mitigation is proposed to ensure no significant adverse impacts on European Sites, then the process may end at this stage. However, if the likelihood of significant impacts remains, then the process must proceed to Stage 3.

### **Stage Three: Assessment of Alternative Solutions**

The process which examines alternative ways of achieving the objectives of the project or plan that avoids adverse impacts on the integrity of the European Site.

### **Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain**

An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the plan should aim to avoid any impacts on European Sites by identifying possible impacts early in the plan-making process and writing the plan in order to avoid such impacts. Second, mitigation measures should be applied, if necessary, during the AA process to the point where no adverse impacts on the site(s) remain. If the plan is still likely to result in impacts on European Sites, and no further practicable mitigation is possible, then it must be rejected. If no alternative solutions are identified and the plan is required for imperative reasons of overriding public interest (IROPI test) under Article 6(4) of the Habitats Directive, then compensation measures are required for any remaining adverse effect.

#### **1.4.3 Source-Pathway-Receptor Process**

Ecological impact assessment of potential effects on European Sites is conducted following a standard source-pathway-receptor process, where, in order for an effect to be established all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism is sufficient to conclude that a potential effect is not of any relevance or significance.

- Source(s) – e.g. pollutant run-off from proposed works.
- Pathway(s) – e.g. groundwater connecting to nearby qualifying wetland habitats.
- Receptor(s) – qualifying aquatic habitats and species of European Sites.

In the interest of this report, receptors are the ecological features which are known to be utilised by the qualifying interests or special conservation interests of a European Site. A source is any identifiable element of the Proposed Material Alterations provision which is known to have interactions with ecological processes. The pathways are any connections or links between the source and the receptor. This report determines if direct, indirect and cumulative adverse effects (however minor) will arise from the implementation of the Proposed Material Alterations.

#### **1.4.4 Zone of Influence**

Following the source-pathway-receptor process a Zone of Influence (ZOI) will be determined based on the characteristics of the development (detailed in section 3.2) and the foreseen distribution of likely effects through any pathways identified. Once the ZOI is established, all European Sites within it will be assessed with specific reference to the sensitive receptors of each site and pathways for effect that relate to the ecological integrity of the site.

## **1.5 Relationship between the Appropriate Assessment process and the Proposed Material Alterations to the Draft Plan**

Appropriate Assessment (AA) needs to be fully integrated with the various stages of the development plan process in order to ensure that the ecological implications of the plan do not affect any areas designated as European Sites. The AA process has been managed by the Forward Planning team, interaction has occurred from the early stages of writing of the draft plan to impress the importance of protection of European Sites and that the plan should be formulated to avoid adverse impacts on these sites. In addition, the Strategic Environmental Assessment process has been taken into account in the Appropriate Assessment process. The screening of objectives and the assessment of objectives in the context of mitigation measures and potential effects of the designated sites, has been an iterative process throughout each stage of the plan-making process.

## **2 Description of the Material Alterations to the Draft Laois CDP and Receiving Environment**

### **2.1 Description of the Draft Laois County Development Plan**

The purpose of the Draft County Development Plan is to enhance the quality of life for the current and future population of Laois and manage the County in the interests of the common good. This will be achieved by providing for good quality housing, economic opportunities, physical and social infrastructure while protecting our natural and cultural heritage and the environmental quality of Laois. The Draft County Development Plan sets out the strategy and hierarchy for settlement in the County. All the settlements identified are established population centres of various sizes. There are no new settlements designated. Each settlement has been designated with appropriate land use zonings with the exception of the four settlements (Portlaoise, Portarlinton, Mountmellick and Graiguecullen), which will be subject to Local Area Plans (LAPs) to be prepared and adopted after the current County Development Plan process.

#### **2.1.1 Previous Assessments**

A detailed Natura Impact Report in support of the AA of Draft Laois CDP 2017-2023 was compiled along with a detailed Strategic Environmental Assessment and Strategic Flood Risk Assessment. These assessment processes were conducted through an iterative process to ensure their findings were incorporated into the policies and objective of the Draft CDP itself. This process resulted in a robust set of mitigation and monitoring measures to ensure there were no likely significant adverse effects to any European Site arising from the implementation of the CDP.

### **2.2 Proposed Material Alterations to the Draft Laois County Development Plan 2017 – 2023**

The Proposed Material Alterations to the Draft Laois CDP detail changes to the scope of the Plan as well as the Policies and Objectives within. A detailed account of the amendments to the Draft CDP that are relevant to ecological processes can be found in Appendix I. The majority of the Proposed Material Alterations do not contain elements which influence ecological processes. A number of the Proposed Material Alterations provide additional protection and robust objectives or policies in relation to biodiversity.

### **2.3 Relationship with other Relevant Plans and Programmes**

#### **2.3.1 The National Spatial Strategy**

The National Spatial Strategy sets out the strategic planning framework for the future development of Ireland. Enhancing the level of critical mass in the Midlands region (Counties Laois, Offaly, Westmeath and Longford), by combining the complementary strengths of Athlone, Mullingar and Tullamore as a gateway at the heart of the region, is essential to boosting the region's overall economic strength. It will also be important to build on the central location of the Midlands and the key towns at the intersection of national road and rail routes, the attractiveness of the village structure in the Midlands and the natural and other resources of more rural areas. The gateway in the region will help to position other areas to benefit from the strength of that gateway, but those other areas will need to put plans in place to ensure that this happens.

#### **2.3.2 Regional Planning Guidelines for the Midland Region 2010-2022**

The RPGs ensure the coordination of national policy at regional level and informing policy formulation at county and local levels. This is achieved through integrating spatial policy, investment decisions, and

environmental priorities at a national level and translating these to the region, taking account of demographic change and economic trends. A strategic focus is maintained that can then be distilled to provide direction at county and local level.

### **2.3.3 Laois County Development Plan 2011-2017**

The Laois County Development Plan (CDP) 2011-2017 sets out the overall strategy for the proper planning and sustainable development of County Laois for the Plan period and beyond. The CDP sets out a strategic spatial framework for the proper planning and sustainable development of County Laois for the period between 2011 and 2017. While the CDP is in place for a six-year period, it is framed having regard to the long-term development objectives of the County beyond 2017. The CDP in the main focuses on 'big picture' planning issues. The Plan is not a 'spending plan', however it sets a framework within which developments could be undertaken, in the event that the public or private sector have the finance to develop.

### **2.3.4 Environmental Protection Objectives**

The Draft Laois CDP 2017-2023 is subject to a number of high level environmental protection policies and objectives with which it must comply and the Proposed Material Alterations will form part of the Plan. Examples of Environmental Protection Objectives include the aims of the EU Habitats Directive which is to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory of Member States and the purpose of the Water Framework Directive which is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which, among other things, prevents deterioration in the status of all water bodies and protects, enhances and restores all waters with the aim of achieving good status.

## 3 Screening for Appropriate Assessment

### 3.1 Introduction to Screening

#### 3.1.1 Background to Screening

This stage of the process identifies any likely significant effects to European Sites from a project or plan, either alone or in combination with other projects or plans. The screening phase was progressed in the following stages. A series of questions are asked during the Screening Stage of the AA process in order to determine:

- Whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of a European Site.
- Whether the project will have a potentially significant effect on a European Site, either alone or in combination with other projects or plans, in view of the site's conservation objectives or if residual uncertainty exists regarding potential impacts.

An important element of the AA process is the identification of the 'conservation objectives', 'Qualifying Interests' and/ or 'Special Conservation Interests' of European Sites requiring assessment. Qualifying Interests (QI's) are the habitat features and species listed in Annex I & II of the EU Habitats Directive (92/43/EEC) for which each European Site has been designated and afforded protection. The 'Special Conservation Interests' (SCI's) are wetland habitats and bird species listed within Annex I & II of the Birds Directive. It is also vital that the threats to the ecological / environmental conditions that are required to support QI's and SCI's are considered as part of the assessment.

Site specific conservation objectives<sup>2</sup> have been designed to define favourable conservation status for a particular habitat or species at that site. According to the European Commission interpretation document 'Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC', paragraph 4.6(3) states:

"The integrity of a site involves its ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the site's conservation objectives."

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing,
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats,
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

The screening stage of the Appropriate Assessment takes account of the elements detailed above with regard to the details and characteristics of the project or plan to determine if potential for effects to the integrity of the European Site are likely. The characteristics of the Material Alterations to the Draft

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<sup>2</sup> NPWS Website containing the Conservation Objectives and Site Synopses for each site; last accessed 31 March 2017 <https://www.npws.ie/protected-sites>

CDP were constructed through an iterative process, as a result the European Sites which are screened below may differ from those of high level plans, due to refinements in the methods/project details available.

### 3.1.2 Desktop Studies

The ecological desktop study was completed by Andrew Torsney (Senior Ecologist; MRes, BSc) for this Appropriate Assessment of the Proposed Material Alterations and comprised the following elements:

- Identification of European Sites within 15km with identification of potential pathway links for specific sites (if relevant) greater than 15km from the Plan area;
- Review of the NPWS site synopsis and conservation objectives for European Sites with identification of potential pathways which connect sources and receptors; and
- A series of ecological desk studies were undertaken in March 2017. This included but is not limited to the collation of information on protected species including Bats, Otters, Bird species (including Annex I species), Annex II habitat types, protected and Red Data Book Flora species, invertebrates and amphibians. The results of these studies are included as part of the Appropriate Assessment where they were deemed relevant to the European Sites and their QI's/SCI's.

## 3.2 Identification of Relevant European Sites

This section of the screening process describes the European Sites which exist within the Zone of Influence of the Proposed Material Alterations. The DoEHLG (2010) Guidance on Appropriate Assessment recommends a 15km buffer zone be considered around the site, in this case Laois County. It is not foreseen that in the absence of significant hydrological links the characteristics of this plan (detailed above) will impose impacts beyond this Zone of Influence.

Those European Sites that occur within 15km of the Proposed Material Alterations area or that were identified to have hydrological linkages to the Proposed Material Alterations Area are listed in Table 3-1 and illustrated in Figure 1 below.

In order to determine the potential for effects from the implementation of the Proposed Material Alterations, information on the qualifying features, known vulnerabilities and threats to site integrity pertaining to any potentially affected European Sites was reviewed. Background information on threats to individual sites and vulnerability of habitats and species that was used during this assessment included the following:

- *Ireland's Article 17 Report to the European Commission "Status of EU Protected Habitats and Species in Ireland" (NPWS, 2013).*
- *Site Synopses.*
- *NATURA 2000 Standard Data Forms.*

Since the conservation objectives for the European Sites focus on maintaining the favourable conservation condition of the QI's/SCI's of each site, the screening process concentrated on assessing the potential implications of the Proposed Material Alterations to the Draft CDP against the QI's/SCI's of each site. The attributes and targets associated with the conservation objectives for each site were considered in the assessment. In general terms, these related to habitat extent or population trends of designated features and the maintenance or improvement of habitat quality or population trends.

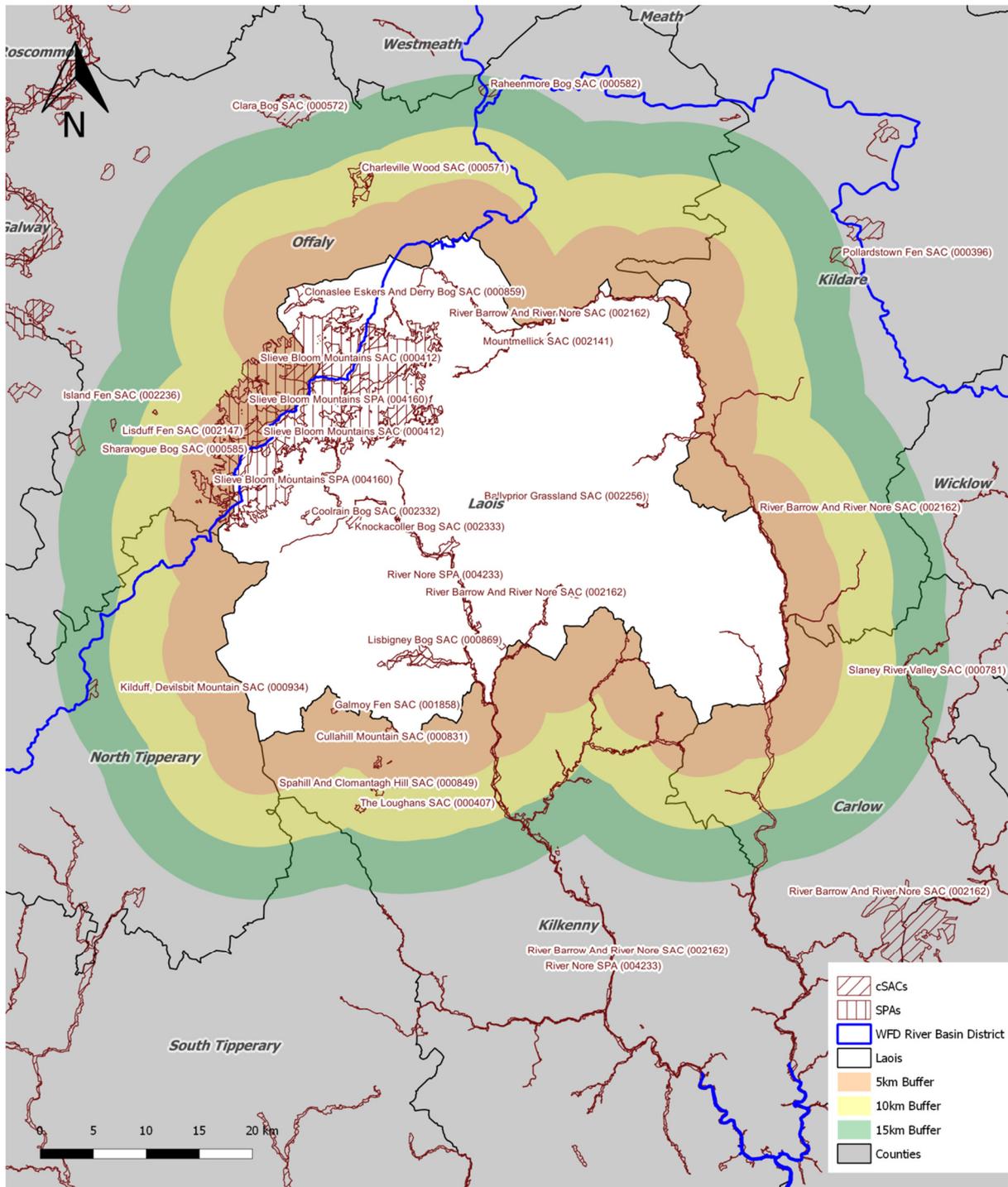


Figure 1 European sites within Co. Laois and within 15 km of the County Boundary

Table 3-1 European Sites (including Qualifying Features) within 15 km (and beyond this distance where relevant) of the Boundary of County Laois (Listed according to distance)

Site Code	Site Name	Distance (km)	Qualifying features (Qualifying Interests or Special Conservation Interests) <sup>3</sup>
000412	Slieve Bloom Mountains SAC	Within Laois County	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] Blanket bogs (* if active bog) [7130] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]
000859	Clonaslee Eskers And Derry Bog SAC	Within Laois County	Alkaline fens [7230] <i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013]
000869	Lisbigney Bog SAC	Within Laois County	Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210] <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]
002141	Mountmellick SAC	Within Laois County	<i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]
002162	River Barrow And River Nore SAC	Within Laois County	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] <i>Salicornia</i> and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0] <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Austroptamobius pallipes</i> (White-clawed Crayfish) [1092] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Alosa fallax fallax</i> (Twaite Shad) [1103] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355] <i>Trichomanes speciosum</i> (Killarney Fern) [1421] <i>Margaritifera durrovensis</i> (Nore Pearl Mussel) [1990]
002256	Ballyprior Grassland SAC	Within Laois County	Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (* important orchid sites) [6210]
002332	Coolrain Bog SAC	Within Laois County	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]
002333	Knockacoller Bog SAC	Within Laois County	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]
004160	Slieve Bloom Mountains SPA	Within Laois County	Hen Harrier ( <i>Circus cyaneus</i> ) [A082]
004233	River Nore SPA	Within Laois County	Kingfisher ( <i>Alcedo atthis</i> ) [A229]
000831	Cullahill Mountain SAC	0 (directly adjacent)	Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (* important orchid sites) [6210]
001858	Galmoy Fen SAC	0.28	Alkaline fens [7230]

<sup>3</sup> NPWS Website containing the Conservation Objectives and Site Synopses for each site; last accessed 31 March 2017 <https://www.npws.ie/protected-sites>

Site Code	Site Name	Distance (km)	Qualifying features (Qualifying Interests or Special Conservation Interests) <sup>3</sup>
000849	Spahill And Clomantagh Hill SAC	2.54	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]
000571	Charleville Wood SAC	5.58	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
000407	The Loughans SAC	7.53	Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
002236	Island Fen SAC	8.84	Juniperus communis formations on heaths or calcareous grasslands [5130] Alkaline fens [7230]
000781	Slaney River Valley SAC	10.72	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Phoca vitulina (Common Seal) [1365]
000934	Kilduff, Devilsbit Mountain SAC	11.52	European dry heaths [4030] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]
002147	Lisduff Fen SAC	12.05	Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230] Vertigo geyeri (Geyer's Whorl Snail) [1013]
000582	Raheenmore Bog SAC	13.07	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]
000396	Pollardstown Fen SAC	13.45	Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230] Vertigo geyeri (Geyer's Whorl Snail) [1013] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
000585	Sharavogue Bog SAC	14.15	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]
000572	Clara Bog SAC	14.78	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] Bog woodland [91D0] Euphydryas aurinia (Marsh Fritillary) [1065]

\*Indicates priority habitat

## **3.3 Assessment Criteria**

### **3.3.1 Is the Plan Necessary to the Management of European Sites?**

Under the Habitats Directive, Plans that are directly connected with or necessary to the management of a European Site do not require AA. For this exception to apply, management is required to be interpreted narrowly as nature conservation management in the sense of Article 6(1) of the Habitats Directive. This refers to specific measures to address the ecological requirements of annexed habitats and species (and their habitats) present on a site(s). The relationship should be shown to be direct and not a by-product of the plan, even if this might result in positive or beneficial effects for a site(s).

The primary purpose of the Proposed Material Alterations to the CDP is not the nature conservation management of the sites, but to provide a framework for sustainable Development within Laois County. Therefore, the Proposed Material Alterations are not considered by the Habitats Directive to be directly connected with or necessary to the management of European designated sites.

### **3.3.2 Elements of the Material Alterations with Potential to Give Rise to Effects**

The Proposed Material Alterations represent changes to the Draft CDP. The Draft CDP has already been subject to a full NIR to assess the policies and objectives within. This assessment focuses on the text changes to ensure none of the Proposed Material Alterations will affect the ecological integrity of any European Site that were not considered by the existing NIR.

The Material Alterations detail links to Fáilte Ireland's 'Ireland's Ancient East' initiative which aims to increase tourist numbers to the area. These Plans could facilitate increased amenity usage within European Sites. The Proposed Alterations which relate to infrastructure or development in relation to Tourism and other novel concepts that are not contained within the Draft CDP are similar in nature to other development Policies and Objectives. The existing Mitigation measures in the Draft CDP are seen to be robust and provide adequate protection for European Sites in relation to construction works. Objectives which provide for future works on peatland sites have potential to effect European Sites. These objectives detail coordination with the NPWS which should limit the effects to biodiversity however further detail will be required when fine scale project specific information is available.

Elements of the Proposed Material Alterations are ecologically robust and provide positive effects to ecological processes such as discouraging new forestry developments except in the case of broadleaf forests in sensitive landscapes. Provisions to maintain woodland shape complexity provides a forward-thinking approach to planning that links directly with ecological theory.

### **3.3.3 Identification of Potential Likely Significant Effects**

This section documents the final stage of the screening process. It has used the information collected on the sensitivity of each European Site and describes any likely significant effects resulting from the Proposed Material Alterations. This assumes the absence of any controls, conditions, or mitigation measures. In determining the potential for significant effects, a number of factors have been taken into account. Firstly, the sensitivity and reported threats to the European Site. Secondly, the individual elements of the CDP and the potential effect they may cause to the site were considered. The elements of the Material Alterations with potential to cause effect to European Sites are presented in Table 3-2 below.

Sites are screened out based on one or a combination of the following criteria:

- where it can be shown that there are no hydrological links between activities arising from the Proposed Material Alterations to the CDP, and the site to be screened;
- where the site is located at such a distance from the Plan area that effects are not foreseen;
- where it is that known threats or vulnerabilities at a site cannot be linked to potential impacts that may arise from the Material Alterations to the CDP.

The following parameters are described when characterising impacts (following CIEEM (2016), EPA (2002) and NRA (2009)):

**Direct and Indirect Impacts** - An impact can be caused either as a direct or as an indirect consequence of the implementation of the Proposed Material Alterations.

**Magnitude** - Magnitude measures the size of an impact, which is described as high, medium, low, very low or negligible.

**Extent** - The area over which the impact occurs – this should be predicted in a quantified manner.

**Duration** - The time for which the effect is expected to last prior to recovery or replacement of the resource or feature.

- Temporary: Up to 1 Year;
- Short Term: The effects would take 1-7 years to be mitigated;
- Medium Term: The effects would take 7-15 years to be mitigated;
- Long Term: The effects would take 15-60 years to be mitigated;
- Permanent: The effects would take 60+ years to be mitigated.

**Likelihood** – The probability of the effect occurring taking into account all available information.

- Certain/Near Certain: >95% chance of occurring as predicted;
- Probable: 50-95% chance as occurring as predicted;
- Unlikely: 5-50% chance as occurring as predicted;
- Extremely Unlikely: <5% chance as occurring as predicted.

The Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines for ecological impact assessment (CIEEM 2016) define an ecologically significant impact as an impact (negative or positive) on the integrity of a defined site or ecosystem and/or the conservation status of habitats or species within a given geographic area. The integrity of a site is the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified (CIEEM, 2016).

The Habitats Directive requires the focus of the assessment at this stage to be on the integrity of the site as indicated by its Conservation Objectives. It is an aim of NPWS to draw up conservation management plans for all areas designated for nature conservation. These plans will, among other things, set clear objectives for the conservation of the features of interest within a site.

Site-specific conservation objectives (SSCOs) have been prepared for a number of European Sites. These detailed SSCO aim to define favourable conservation condition for the qualifying habitats and species at that site by setting targets for appropriate attributes which define the character habitat. The maintenance of the favourable condition for these habitats and species at the site level will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

***Favourable conservation status of a species*** can be described as being achieved when: *'population data on the species concerned indicate that it is maintaining itself, and the natural range of the species is neither being reduced or likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.'*

***Favourable conservation status of a habitat*** can be described as being achieved when: *'its natural range, and area it covers within that range, is stable or increasing, and the ecological factors that are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and the conservation status of its typical species is favourable.'*

Generic Conservation Objectives for cSACs have been provided as follows:

- *To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.*

One generic Conservation Objective has been provided for SPAs as follows:

- *To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.*

Table 3-2 Screening of European Sites within 15 km or with significant hydrological links to Laois County Border

Site Code	European Site	Distance (km)	Potential effects	Pathway for Significant Effects	Potential for In-Combination Effects	
000412	Slieve Bloom Mountains SAC	Within Laois County	The effects from the Material Alterations must be considered along with the mitigation measures, policies and objectives of the existing Draft Laois CDP with which the Proposed Material Alteration must comply (detailed in Section 2.	No	Yes	
000859	Clonaslee Eskers And Derry Bog SAC	Within Laois County		No	Yes	
000869	Lisbigney Bog SAC	Within Laois County		No	Yes	
002141	Mountmellick SAC	Within Laois County		No	Yes	
002162	River Barrow And River Nore SAC	Within Laois County		No	Yes	
002256	Ballyprior Grassland SAC	Within Laois County		No	Yes	
002332	Coolrain Bog SAC	Within Laois County		No	Yes	
002333	Knockacoller Bog SAC	Within Laois County		No	Yes	
004160	Slieve Bloom Mountains SPA	Within Laois County		No	Yes	
004233	River Nore SPA	Within Laois County		No	Yes	
000831	Cullahill Mountain SAC	0 (directly adjacent)	The Proposed Material Alteration which relate to provisions for additional development are similar in nature to those within the Draft CDP. The mitigation measures within the existing Draft CDP will ensure that there is no habitat loss from any European Sites. Project level AAs are required when fine scale development information is available. The objectives and policies within the Draft Laois CDP account for development within Laois, providing a framework to ensure there will be no effects to the integrity of the European Sites.	No	Yes	
001858	Galmoy Fen SAC	0.28		No	Yes	
000849	Spahill And Clomantagh Hill SAC	2.54		No	Yes	
000571	Charleville Wood SAC	5.58		No	No	
000407	The Loughans SAC	7.53		No	No	
002236	Island Fen SAC	8.84		No	No	
000781	Slaney River Valley SAC	10.72		No	No	
000934	Kilduff, Devilsbit Mountain SAC	11.52		No	No	
002147	Lisduff Fen SAC	12.05		No	No	
000582	Raheenmore Bog SAC	13.07		No	No	
000396	Pollardstown Fen SAC	13.45		No	No	
000585	Sharavogue Bog SAC	14.15		No	No	
000572	Clara Bog SAC	14.78		No	No	
				The Material Alterations contains objectives and policies with are beneficial to the ecological integrity of the receiving environment.		

### 3.4 Other Plans and Programs

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combination with the plan or project, have the potential to adversely impact upon European Sites. Table 3-3 outlines plans or projects that may interact with the Proposed Material Alterations to cause in-combination effects to European Sites. The plans or projects are listed according to a spatial hierarchy of National, Regional/Local Projects and Plans.

Given the uncertainties that exist with regard to the scale and location of developments facilitated by the Proposed Material Alterations, it is recognised that the identification of in-combination effects is limited and that the assessment of in-combination effects will need to be undertaken in a more comprehensive manner at the project-level.

Table 3-3 Plans & Projects Likely to Cause In-Combination Effects

Directive	Purpose	Interactions resulting in combination effects
<b>National</b>		
National Spatial Strategy 2002-2020	Objectives of the NSS are to achieve a better balance of social, economic and physical development across Ireland, supported by more effective planning. Objectives in relation to the Draft CDP are discussed above.	Potential in-combination effect may arise where there is a requirement to provide for new infrastructure or where new development occurs. Provision of infrastructure/development may result in: <ul style="list-style-type: none"> <li>• Habitat loss</li> <li>• Alteration of hydrology</li> <li>• Deterioration in water quality</li> <li>• Disturbance during construction / operation.</li> </ul>
Grid 25	Grid25 is a high-level strategy outlining how EirGrid intends to undertake the development of the electricity transmission grid in the short, medium and longer terms, to support a long-term sustainable and reliable electricity supply. The Grid25 strategy thereby seeks to implement the provisions of the 2007 Government White Paper on Energy - "Delivering a Sustainable Energy Future for Ireland" in terms of development of electricity transmission infrastructure. The Grid25 Implementation Programme (IP) is a practical strategic overview of how the early stages of Grid25 are intended to be implemented.	Potential in-combination effects may arise where there is a requirement to provide for new electrical infrastructure or where associated development occurs. Provision of infrastructure/development may result in: <ul style="list-style-type: none"> <li>• Habitat loss</li> <li>• Alteration of hydrology</li> <li>• Deterioration in water quality</li> <li>• Disturbance during construction / operation.</li> </ul>
Energy Policy framework 2007-2020, Governments White Paper	This policy states that the Government is committed to delivering a significant growth in renewable energy as a contribution to fuel diversity in power generation with a 2020 target of 33% electricity consumption	Potential in-combination effects may arise where there is a requirement to provide for new wind energy infrastructure or where new associated development occurs. Provision of infrastructure/development may result in: <ul style="list-style-type: none"> <li>• Habitat loss</li> <li>• Alteration of hydrology</li> <li>• Deterioration in water quality</li> <li>• Disturbance during construction / operation</li> </ul>
Irish Water's Water Services Strategic Plan 2015 and	This Water Services Strategic Plan sets out strategic objectives for the	Potential in-combination effects may arise where there is a requirement to

Directive	Purpose	Interactions resulting in combination effects
associated Proposed Capital Investment Plan 2014-2016	delivery of water services over the next 25 years up to 2040. It details current and future challenges which affect the provision of water services and identifies the priorities to be tackled in the short and medium term.	<p>provide for new water and waste water infrastructure and capacity.</p> <p>Meeting additional potable water demands and waste water treatment demands arising from the proposed increase in population has the potential to adversely affect, in the case of abstractions from and effluent discharges to surface waters, the ecological status of surface waters and, in the case of groundwater abstractions, the quantitative status of groundwater. Such demands would occur in-combination with those in adjoining counties. Adverse effects on the ecological status of surface waters and on the quantitative status of groundwater would have the potential to impact upon protected species and habitats.</p> <p>Provision of infrastructure and increases in capacity may result in:</p> <ul style="list-style-type: none"> <li>• Habitat loss</li> <li>• Alteration of hydrology</li> <li>• Deterioration in water quality</li> <li>• Disturbance during construction / operation</li> </ul>
<b>Regional</b>		
Regional Planning Guidelines for the Midland Region 2010 - 2022	Policy document which aims to direct the future growth of the Midlands Region over the medium to long term and works to implement the strategic planning framework set out in the National Spatial Strategy (NSS)	<p>Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs.</p> <p>Provision of infrastructure/development may result in:</p> <ul style="list-style-type: none"> <li>• Habitat loss</li> <li>• Alteration of hydrology</li> <li>• Deterioration in water quality</li> <li>• Disturbance during construction / operation</li> </ul>
Ireland's First National Cycle Policy Framework (2009)	<ul style="list-style-type: none"> <li>• Outlines objectives and actions aimed at developing a strong cycle network in Ireland</li> <li>• Sets out 19 specific objectives, and details the 109 actions, aimed at ensuring that a cycling culture is developed</li> </ul>	<p>Potential for in-combination effects may arise where there is a requirement to provide for new transport infrastructure, or increase capacity of existing infrastructure/services. Provisions for the development of transport infrastructure/associated development may potentially result in:</p> <ul style="list-style-type: none"> <li>• Habitat loss</li> <li>• Alteration of hydrology</li> <li>• Deterioration in water quality</li> </ul> <p>Disturbance during construction / operation</p>
<b>County</b>		
Offaly County Development Plan 2015-2021 Carlow County Development Plan 2015-2021	Overall strategies for the proper planning and sustainable development of the administrative area of the relevant Local Authorities.	Laois shares its boundary with a number of counties. Furthermore, a number of European sites are located in more than one county. Similar development plans are in existence throughout the region, accordingly

Directive	Purpose	Interactions resulting in combination effects
Kilkenny County Development Plan 2014-2020 South Tipperary County Development Plan 2017-2023 North Tipperary County Development Plan 2017-2023 Kildare County Development Plan 2017 – 2023		these plans acting alone or in combination can have a cumulative impact on European sites located within County Laois. Provision of infrastructure or where new development occurs may result in: <ul style="list-style-type: none"> <li>• Habitat loss</li> <li>• Alteration of hydrology</li> <li>• Deterioration in water quality</li> <li>• Disturbance during construction / operation</li> </ul>
<b>Local</b>		
Portarlinton Joint Local Area Plan 2012-2018, Portlaoise Local Area Plan 2012-2018, Mountmellick Local Area Plan 2012-2018. Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018	Strategies for development in towns and villages.	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs. Provision of infrastructure/development may result in: <ul style="list-style-type: none"> <li>• Habitat loss</li> <li>• Alteration of hydrology</li> <li>• Deterioration in water quality</li> <li>• Disturbance during construction / operation</li> </ul>

## 4 Conclusions

Stage 1 Screening for AA of the Proposed Material Alterations to the Draft Laois County Development Plan 2017 – 2023 has been carried out. It has been demonstrated that implementation of the Proposed Material Alterations is not foreseen to have any likely significant effects on any European Site.

The Proposed Material Alterations represent changes to the Draft CDP. The Draft CDP has already been subject to a full NIR to assess the policies and objectives within. This assessment focuses on the text changes to ensure none of the Proposed Material Alterations will affect the ecological integrity of any European Site that were not considered by the existing NIR.

The Appropriate Assessment screening process considered potential effects which may arise during implementation of the Proposed Material Alterations. Through an assessment of the sources for effects and an evaluation of the Material Alterations it was determined that the existing Draft CDP accounts for development within Laois County. Policies and Objectives within the Material Alterations have been identified to have benefits to ecological processes. It has been evaluated that the Material Alterations have no likely significant adverse effects on the qualifying interests, special conservation interests or the conservation objectives of any designated European Site.

It is concluded that the Material Alterations to the Draft Laois CDP 2017-2023 are not foreseen to give rise to any significant adverse effects on designated European sites<sup>4</sup>, alone or in combination with other plans or projects. This evaluation is made in view of the conservation objectives of the habitats or species for which these sites have been designated. Consequently, a Stage 2 – NIR is not required for the Material Alterations.

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<sup>4</sup> 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.