

AA SCREENING REPORT

IN SUPPORT OF THE
APPROPRIATE ASSESSMENT

OF THE
VARIATION No. 2

TO THE
**ATHY TOWN DEVELOPMENT PLAN
2012-2018**

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

for: Kildare County Council

Áras Chill Dara
Devoy Park
Naas
County Kildare



by: EIS

1st Floor
24-26 Ormond Quay Upper
Dublin 7



FEBRUARY 2018

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1 Introduction

1.1 Background

EIS has prepared this Screening Report in support of the Appropriate Assessment (AA) of the Variation to the Athy Town Development Plan 2012-2018 in accordance with the requirements of Article 6(3) of the EU Habitats Directive¹.

AA 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 (Proposed Variation) 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, could have significant effects on a European Site in view of the site's conservation objectives.

A Strategic Environmental Assessment (SEA) Screening has been undertaken to assess whether or not the Variation would be likely to result in significant environmental effects, including those relating to biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, landscape and the interrelationship between these considerations.

1.2 Legislative Context

The AA process provides 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 SACs (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:

"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

¹ Directive 92/43/EEC

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 suite 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.

AA 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 statutory 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 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) 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

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 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 plans 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 effects on European Sites by identifying possible effects early in the plan-making process and writing the plan in order to avoid such effects. Second, mitigation measures should be applied, if necessary, during the AA process to the point where no adverse effects on the site(s) remain. If the plan is still likely to result in effects 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.

1.4.1 Source-Pathway-Receptor Model

Ecological impact assessment of potential effects on European Sites is conducted following a standard source-pathway-receptor model, 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 TDP 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 plan.

1.4.2 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 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.

2 Description and background of the Variation to Athy Town Development Plan 2012-2018

2.1 Existing Athy Town Development Plan

The Athy Town Development Plan 2012-2018 sets out an overall strategy for the proper planning and sustainable development of the town over the period 2012-2018. It is prepared with reference to the Kildare County Development Plan 2011-2017 which sets out strategies, policies and objectives for the development of County Kildare.

The following vision statement is included within the Plan: "To plan for and facilitate appropriate levels of sustainable development in Athy, addressing its weaknesses and building on its strengths based on high quality employment, residential and recreational areas with a balanced range of facilities to meet the needs of those living, working or visiting the town, thereby improving the quality of life for all."

2.1.1 Previous Assessments

A detailed Natura Impact Report in support of the AA of Athy Town Development Plan 2012-2018 (Athy Town Development Plan) 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 objectives of the Athy Town Development Plan 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 Athy Town Development Plan.

2.2 Variation to Athy Town Development Plan 2012-2018

The Variation provides for the following:

1. Change the zoning of 3.4 hectares of land in Woodstock South, Athy from: Zoning Objective R – Retail and Commercial: "To provide for and improve retailing and commercial activities" To: Zoning Objective Q - Enterprise and Employment
2. Make consequential amendments to Maps 3.1 and 16.1A and tables 16.1, 16.2, 16.3 and 16.5 of the Development Plan to reflect the change in zoning.

These zoning objectives are defined in the ATDP as:

R To provide for and improve retailing and commercial activities.

The purpose of this zone is to provide for and improve retail and commercial activities on a site at Woodstock South. The supermarket shall have a net retail area not exceeding 3.000sqm in accordance with the Retail Planning Guidelines. Any additional retail/commercial development on the site shall be considered on its merits and in accordance with the provisions of the Plan.

Q To facilitate opportunities for employment and enterprise uses, manufacturing, research and development, light industry, employment and enterprise related uses within a high-quality campus/park type development.

This Plan seeks to retain and develop the existing manufacturing industries in these areas while, establishing and expanding new categories of business in Athy and support their development. It is intended that these lands will be used for enterprise and employment uses in a high quality, well design environment. Development shall be of a high quality architectural design and landscaping. Along the Canal, new or infill development must have regard to the visual amenity

of the canal and the established uses in the immediate vicinity. Any development on this site shall require a detailed landscaping scheme at application stage

Possible uses for the Enterprise and Employment zone include:

Business, Science and Technology units: High tech, research and development facilities, corporate and industrial offices.

Office Based Industry: Where the activity is concerned primarily with producing an end-product (e.g. software development, research and development) or provides telephone or web based services (e.g. telemarketing). Only office developments to which the public do not normally have access will be permitted within the zone.

Enterprise and Incubator units: Small and mixed sized workspace units suitable for small businesses and start-up companies. Limited light industrial development will be considered in the context of the overall campus type development.

Institutional Use: Includes medical facilities and educational and knowledge based research facilities.

Support facilities: Without compromising the policy of resisting inappropriately located retail and leisure development, provision is made for small scale, "walk to" facilities (i.e. restaurant, sandwich shop and specialist services such as crèches), which are integrated with employment units and are of a nature and scale to serve the needs of employees within this employment area.

These lands are substantially developed. However, proposals for further development of these lands shall be the subject of a Site-Specific Flood Risk Assessment appropriate to the type and scale of the development being proposed. It is recommended that further development of these lands be required to incorporate mitigation measures that:

- (i) Indicate and quantify loss of floodplain storage arising from the development proposal;
- (ii) Provide compensatory storage located within or adjacent to the proposed development;
- (iii) Indicate measures to ensure that water-vulnerable elements of the Development would not be flooded during the 1000-year flood;
- (iv) Ensure that existing flow paths for flood waters will not be compromised.

3 Screening for Appropriate Assessment

3.1 Introduction to Screening

3.1.1 Background to Screening

This stage of the AA process identifies any likely significant affects to European Sites from a project or plan, either alone or in combination with other projects or plans. A series of questions are asked during this Screening Stage 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.
- Submissions were made during the public consultation process by the EPA, these comments were factored into the screening assessment Process.

3.1.2 Desktop Studies

This screening assessment has been largely desktop and has incorporated the following:

- Identification of European Sites within 15km of the TDP area and the identification of potential pathways links for specific sites greater than 15km, only where relevant;
- Review of the NPWS site synopsis and conservation objectives for European Sites with identification of potential pathways from the TDP area; and
- A series of ecological desk studies were undertaken in November 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 this screening 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 site. The DoEHLG (2009) Guidance on Appropriate Assessment recommends a 15km buffer zone be considered around the site. It is foreseen that in the absence of significant hydrological links the characteristics of the Variation No. 2 (detailed in Section 2) will not have effects beyond this Zone of Influence.

European Sites that occur within 15km of the Plan Area are listed in Table 3.1 and illustrated in Figure 3.1 below. Details on the site characteristics and existing threats/vulnerabilities of each European Site are also identified in Table 3.1.

In order to determine the potential for effects from the adoption of Variation No. 2 of the Athy Town Development Plan, 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 effects of the adoption of Variation No. 2 against the QI's/SCI's of each site.

Table 3.1 European Sites which occur within 15 km of Athy Town

Site Code	Site Name	Distance (km)	Qualifying Features (Qualifying Interests or Special Conservation Interests)
002162	River Barrow and River Nore SAC	Within	<p>Estuaries</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>European dry heaths</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p> <p>Spartina swards (<i>Spartinion maritima</i>)</p> <p>Allis shad (<i>Alosa alosa</i>)</p> <p>Atlantic salmon (<i>Salmo salar</i>)</p> <p>Brook lamprey (<i>Lampetra planeri</i>)</p> <p>Desmoulin's whorl snail (<i>Vertigo moulinsiana</i>)</p> <p>Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p> <p>Killarney Fern (<i>Trichomanes speciosum</i>)</p> <p>Freshwater Pearl Mussel (<i>Margaritifera durrovensis</i>)</p> <p>Otter (<i>Lutra lutra</i>)</p> <p>European river lamprey (<i>Lampetra fluviatilis</i>)</p> <p>Twait shad (<i>Alosa fallax</i>)</p> <p>White clawed crayfish (<i>Austropotamobius pallipes</i>)</p>
002256	Ballyprior Grassland SAC	9.8	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites)

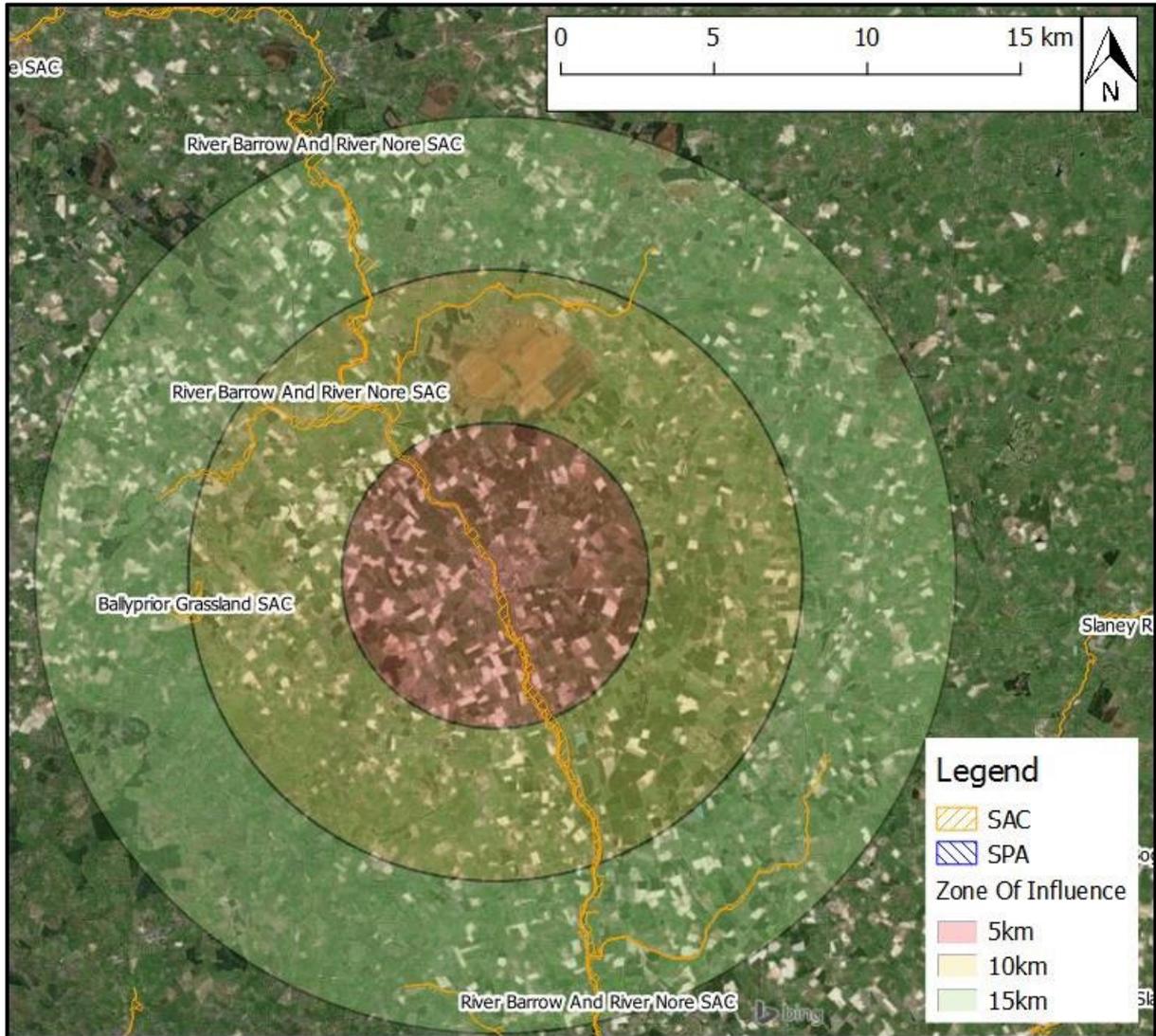


Figure 3.1 Location of European Sites within 15km of Athy Town Development Plan Area

3.3 Assessment Criteria

3.3.1 Is the Plan with its Variation 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 Variation No. 2 to the Athy Town Development Plan is not the nature conservation management of the sites, but to change zoning objectives if lands at Woodstock South in the plan area. Therefore, the Variation is 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 Variation with Potential to Give Rise to Effects

The Variation changes the zoning of 3.4 hectares of land in Woodstock South, Athy from 'Retail and Commercial' to 'Enterprise and Employment'. The existing NIS considers the effects that might arise from Enterprise and Employment based developments directly adjacent to the River Barrow and River Nore SAC. The NIS contains robust measure which were deemed sufficient to account for these effects and protect the ecological integrity of the European sites. The variation to the zoning objective show that the Woodstock South lands are removed from the SAC boundary; there are no additional sources for effects identified that were not considered by the existing NIS. The existing Athy Town Development Plan 2012-2018 incorporates policies and objectives to protect European Sites. The Variation does comply with the mitigation measured detailed in the original NIS for the Athy Town Development Plan 2012-2018.

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 adoption of Variation No. 2. 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 Variation No. 2 and the potential effect they may cause to the site were considered.

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

- where it can be shown that there are no significant pathways for effects such as hydrological links between activities recommended in Variation No. 2 to the Athy Town Development Plan, and European Sites to be screened;
- where the site is located at such a distance from the TDP area that effects are not foreseen;
- where known threats or vulnerabilities in the TDP area cannot be linked to potential impacts that may arise from the Variation No. 2 to the Athy Town Development Plan.

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 a development.

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 assessment of European Sites within 15km to the TDP boundary related to Variation No. 2

Site Code	Site Name	Distance (km)	Qualifying Interests & Special Conservation Interests (Sensitive Receptors)	Potential effects (Sources of effects with regard to the qualifying interests, special conservation interests and/or conservation objectives of the European Site)	Pathway for Significant Effects	Potential for In-Combination Effects
002162	River Barrow and River Nore SAC	Within	<p>Estuaries</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>European dry heaths</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p> <p>Spartina swards (<i>Spartinion maritimae</i>)</p> <p>Allis shad (<i>Alosa alosa</i>)</p> <p>Atlantic salmon (<i>Salmo salar</i>)</p> <p>Brook lamprey (<i>Lampetra planeri</i>)</p> <p>Desmoulin's whorl snail (<i>Vertigo moulinsiana</i>)</p> <p>Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p> <p>Killarney Fern (<i>Trichomanes speciosum</i>)</p> <p>Freshwater Pearl Mussel (<i>Margaritifera durrovensis</i>)</p> <p>Otter (<i>Lutra lutra</i>)</p> <p>European river lamprey (<i>Lampetra fluviatilis</i>)</p>	The variation to zoning objectives have not been identified to introduce any additional sources for potential effects that were not considered as part of the existing Plan and associated NIS. As there are no additional sources for effects, the variation will not affect the ecological integrity of the European Site.	No	No

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			Twait shad (<i>Alosa fallax</i>) White clawed crayfish (<i>Austropotamobius pallipes</i>)			
002256	Ballyprior Grassland SAC	9.8	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites)	The variation to zoning objectives have not been identified to introduce any additional sources for potential effects that were not considered as part of the existing Plan and associated NIS. As there are no additional sources for effects, the variation will not affect the ecological integrity of the European Site.	No	No

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 combinations with the plan or project, have the potential to adversely affect European Sites.

As the Variation has to comply with the policies and objectives of Athy Town Development Plan as well as higher-level plans (detailed above) the potential for effects to European Sites are thought to be very low. Therefore, in-combination effects to the integrity of European Sites are not seen to be likely.

Given the uncertainties that exist with regard to the scale and location of developments facilitated by the Variation, 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.

In combination effects were considered in relation to the projects and plans listed in Table 3.3.

Table 3.3 Plans & Projects Likely to Cause In-Combination Effects

Directive	Status	Overview	Possible significant effects from plan or project	Possible significant in-combination effects	Is there a risk of significant in-combination effects from the adoption of Variation No. 2?
International					
EU Water Framework Directive (2000/60/EC)	Published	Objectives seek to maintain and enhance the quality of all surface waters in the EU.	No	No	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
EU Freshwater Fish Directive (78/659/EEC)	Published	Objectives seek to protect those fresh water bodies identified by Member States as waters suitable for sustaining fish populations. For those waters it sets physical and chemical water quality objectives for salmonid waters and cyprinid waters.	No	No	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
EU Groundwater Directive (2006/118/EC)	Published	This directive establishes a regime, which sets underground water quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater.	No	No	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
EU Floods Directive (2007/60/EC)	Published	The Floods Directive applies to river basins and coastal areas at risk of flooding. With trends such as climate change and increased domestic and economic development in flood risk zones, this poses a threat of flooding in coastal and river basin areas.	No	No	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to alleviate or avoid potential flood risks.
Nitrates Directive (91/676/EEC)	Published	This Directive has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and preventing further pollution.	No	No	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
The Urban Wastewater Treatment Directive (91/271/EEC)	Published	The primary objective is to protect the environment from the adverse effects of discharges of urban	No	No	No risk of likely significant in-combination effects will result as the primary purpose of the

Directive	Status	Overview	Possible significant effects from plan or project	Possible significant in-combination effects	Is there a risk of significant in-combination effects from the adoption of Variation No. 2?
		wastewater, by the provision of urban wastewater collecting systems (sewerage) and treatment plants for urban centres. The Directive also provides general rules for the sustainable disposal of sludge arising from wastewater treatment.			Directive is to improve environmental quality.
Sewage Sludge Directive (86/278/EEC)	Published	Objective is to encourage the appropriate use of sewage sludge in agriculture and to regulate its use in such a way as to prevent harmful effects on soil, vegetation, animals and man. To this end, it prohibits the use of untreated sludge on agricultural land unless it is injected or incorporated into the soil.	No	No	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
The Integrated Pollution Prevention Control Directive (96/61/EC)	Published	Objective is to achieve a high level of protection of the environment through measures to prevent or, where that is not practicable, to reduce emissions to air, water and land from industrial sources.	No	No	No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.
National					
National Development Plan 2007 - 2013	Published	Objectives of the NDP are to promote more balanced spatial and economic development	No SEA and AA were completed	No Potential effects are to be avoided through avoidance policies in the Plan.	Policies and Objectives contained within both the Plan and Variation No. 2 are robust. Development proposals which arise as a result of the Development Plan are subject to Appropriate Assessment. This will provide specific project level detail to ensure no adverse significant effects to European Sites.

Directive	Status	Overview	Possible significant effects from plan or project	Possible significant in-combination effects	Is there a risk of significant in-combination effects from the adoption of Variation No. 2?
National Spatial Strategy 2002-2020	Published	Objectives of the NSS are to achieve a better balance of social, economic and physical development across Ireland, supported by more effective planning.	No SEA and AA were completed	No Potential effects are to be avoided through avoidance policies in the Plan.	Policies and Objectives contained within both the Plan and Variation No. 2 are robust. Development proposals which arise as a result of the Development Plan are subject to Appropriate Assessment. This will provide specific project level detail to ensure no adverse significant effects to European Sites.
Regional					
Regional Planning Guidelines For The Western Region 2010 – 2022.	Published	Policy document which aims to direct the future growth of the Western Area over the medium to long term and works to implement the strategic planning framework set out in the National Spatial Strategy (NSS)	No SEA and AA were completed	No Potential effects are to be avoided through avoidance policies in the Plan.	Policies and Objectives contained within both the Plan and Variation No. 2 are robust. Development proposals which arise as a result of the Development Plan are subject to Appropriate Assessment. This will provide specific project level detail to ensure no adverse significant effects to European Sites.
Local					
Kildare CDP 2017-2023 (Draft) South County Dublin Development Plan 2016 – 2022; Fingal County Development Plan 2017-2023; Dublin City Development Plan 2016 – 2022; Meath County Development Plan 2013-2019; Offaly County Development Plan 2015-2021 Laois County Development Plan 2018-2023	Published	Overall strategies for the proper planning and sustainable development of the administrative area of the relevant Local Authorities.	No Appropriate Assessment carried out	No Potential effects are to be avoided through avoidance policies in the Plan.	Policies and Objectives contained within both the Plan and Variation No. 2 are robust. Development proposals which arise as a result of the Development Plan are subject to Appropriate Assessment. This will provide specific project level detail to ensure no adverse significant effects to European Sites.

Directive	Status	Overview	Possible significant effects from plan or project	Possible significant in-combination effects	Is there a risk of significant in-combination effects from the adoption of Variation No. 2?
Carlow County Development Plan 2015-2021; Wicklow County Development Plan 2016-2022 Naas Town Development Plan 2018-2024; Local land use plans including Draft Sallins Local Area Plan 2016; Draft Monasterevin Local Area Plan 2015; Kilcock Local Area Plan 2016-2022; Kilcullen LAP 2014-2020; Newbridge LAP 2013-2019; Maynooth LAP 2013-2019; Collinstown LAP; Clane Local Area Plan 2017-2023; Celbridge LAP 2017-2023; Leixlip LAP 2017-2023; and Edenderry LAP 2017-2023(draft)					

4 Conclusions

Stage 1 Screening for AA of Variation No. 2 of the Athy Town Development Plan (TDP) 2012-2018 has been carried out. It has been demonstrated that implementation of the Variation is not foreseen to have any likely significant effects on any European Site.

The Variation must and does comply with the policies, objectives and mitigation measures contained with this existing Athy TDP 2012-2018. The TDP was subject to its own AA and SEA processes which determined there are no likely significant effects to the integrity of any European Site foreseen as a result of the implementation of the Plan.

The Appropriate Assessment screening process considered potential effects which may arise during implementation of the Variation. Through an assessment of the sources for effects and an evaluation of the Variation it was determined that the existing TDP accounts for development within Athy town. The existing mitigations within this Plan are seen to be robust, thus there are no additional sources for effects arising from the Variation. It has been evaluated that the Variation has 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 Variation No. 2 to the Athy TDP 2012-2018 is not foreseen to give rise to any significant adverse effects on designated European sites², 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. Stage 2 AA is not required for Variation No. 2 as there are no effects identified.

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.