

Leixlip Local Area Plan 2017-2023
Appropriate Assessment Concluding Statement
&
Section 177(V) Determination



Planning Department
Kildare County Council
December 2017

1.0 Introduction

1.1 Plan Background

The Leixlip Local Area Plan, through a series of Objectives and Policies, sets out the vision and direction for the future development of Leixlip up to 2023. The Core Strategy of the Kildare County Development Plan 2017-2023 projects the growth of Leixlip's population to approx. 19,794 persons by 2023. In 2016, the population of Leixlip ED was 15,576 people. The Leixlip Local Area Plan 2017-2023 sets out policies and objectives in this regard to achieve the proper planning and sustainable development of the area.

1.2 Need for Appropriate Assessment

Proposed land use plans must undergo a formal "test" or "screening" to ascertain whether they are likely to result in any significant adverse effects on specific sites designated for their nature conservation importance. These sites are those designated under the European Commission's Natura 2000 network of sites (hereafter "European sites"¹). These sites are designated on the basis of the presence of certain habitats and species that are deemed to be of international importance. The Irish Government and local planning authorities have a legal obligation to protect these sites.

The EC Habitats and Birds Directives are the framework for the designation of these sites. The EC Habitats Directive requires the "screening" of plans and projects under Article 6(3). If the screening process results in a judgement that likely significant effects may occur or cannot be ruled out, then a more detailed 'appropriate assessment' (AA) is required.

In accordance with the Department of Environment, Heritage and Local Government publication '*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (December 2009)*', a clear and discrete Appropriate Assessment (AA) Conclusion Statement as a distinct section in the written statement of the Plan separate to the SEA statement is to be prepared by the Planning Authority.

2.0 Summary of how the findings of the AA were factored into the Plan

Appropriate Assessment (AA) has been fully integrated with the various stages of the Local Area Plan process in order to ensure that the ecological implications of the Plan do not impact upon any areas designated as European Sites.

Screening

The planning Authority carried out a screening exercise of policies and objectives throughout the Plan process. The screening stage of the Leixlip Local Area Plan 2017-2023 identified one SAC within 15km of the proposed LAP's zone of influence, with 5 SACs and 3 SPAs located more than 15km away and being scoped out entirely as a result of analysis against impact categories identified. These

¹ Natura 2000 sites are defined under the Habitats Directive (Article 3) as a European ecological network of special areas of conservation composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II. The aim of the network is to aid the long-term survival of Europe's most valuable and threatened species and habitats. In Ireland these sites are designed as *European sites* - defined under the Planning Acts and/or Birds and Habitats Regulations as (a) a candidate site of Community importance, (b) a site of Community importance, (c) a candidate special area of conservation, (d) a special area of conservation, (e) a candidate special protection area, or (f) a special protection area. They are commonly referred to in Ireland as candidate Special Areas of Conservation (cSACs) and Special Protection Areas (SPAs).

European sites were regarded to not have any source-pathway-receptor relationships with the plan area and therefore any likelihood of significant impacts either in isolation or combination with elements of the LAP or other plans and projects, could be ruled out.

The Rye Water Valley/ Carton SAC (Site Code: 001398) was the only European site, located within the plan area and 15km of the LAP boundary, with the potential to be adversely affected by the implementation of the proposed Leixlip LAP 2017-2023.

Threats and pressures to the integrity of the European sites and hence the sensitivities of the Qualifying Interests (QI) and Special Conservation Interests (SCI) of the European sites within the zone of influence of the LAP were identified. Following on from this, these threats and pressures were grouped into impact types. Impact types were determined by the nature of activities (relevant to the LAP) which could potentially result in such impacts occurring, e.g. agricultural and rural activities may lead to overgrazing.

At the AA Screening stage, it was determined that it was not possible to exclude the possibility of adverse impacts on the Rye Water Valley/ Carton SAC. The main potential impact types predicted were:

- 1. Hydrological/hydrogeological linkages to European sites and potential for impacts arising to and from surface and ground water quality.** The Rye Water Valley/Carton SAC is designated for the freshwater habitat "*Petrifying springs with tuffa formation (Cratoneurion)*", as well as two mollusc species. This habitat type is dependent on having an available supply of freshwater of a specific chemical composition. Therefore, any activities that could directly or indirectly affect water quality or supply, such as developments located adjacent to or within the SAC boundary, could potentially affect this European site.
- 2. Direct habitat loss or loss of ecological networks supporting European sites.** For example, roads and other new development occurring on undeveloped lands within or in close proximity to the European site etc.
- 3. Direct or indirect disturbance to European site habitats and/or species.** Even though most sites were not directly within European sites they could affect it via indirect disturbance, e.g. river walkways, noise disturbance due to construction.
- 4. Direct or indirect threats to European sites by invasive species.** Many freshwater and terrestrial European sites are vulnerable to the adverse effects of invasive species introductions.

Determination

Based on the information provided above, and by applying the precautionary principle, it was determined that, at this stage, it was not possible to rule out likely significant impacts on the Rye Water Valley/ Carton SAC and therefore the AA process should proceed to Stage 2 Appropriate Assessment in line with the Department of the Environment's guidance. As a result, a Natura Impact Report (NIR) was prepared.

Stage 2 Appropriate Assessment: Natura Impact Report

The AA has been completed prior to any decision to authorise, adopt or proceed with the LAP. Throughout the finalisation of the LAP, the Natura Impact Report (NIR) was revised and up-dated to take on board any new or amended objectives or zonings and represents the final screening and assessment of the adopted Leixlip Local Area Plan 2017- 2023. This approach enables measures necessary to avoid or mitigate impacts on European Sites to be incorporated into the objectives or detail of the Plan together with the necessary land use zonings before finalisation.

Where there were objectives or land use zonings at draft or proposed amendments stage that were predicted to have adverse effects on the integrity of European Site(s), the AA team recommended either their removal or addition of mitigatory wording that would remove the potential for adverse effects on the integrity of European Sites, as deemed applicable.

No zonings or objectives included in the plan that when implemented,(incorporating mitigation measures and in full compliance with the rest of the Plan) would result in adverse effects on integrity of European Sites in terms of their Conservation Objectives.

Material Alterations to the Leixlip LAP 2017-2023

Following the public display period of the Draft LAP and the delivery of the Chief Executive's report on submissions and observations received in respect of the Draft Leixlip LAP, Members of Kildare County Council resolved to alter the Draft Leixlip LAP. These alterations constituted a material alteration to the Draft LAP and were placed on public display.

All material alterations were screened for likely significant effects on European sites. None of the material alterations were deemed to pose any likelihood of significant effects on European sites for the following reasons:

- There were no impact pathways or cause effect linkages arising from the alterations;
- Where wider (not related to European sites) environmental impacts may result during implementation, protective policies in the LAP and in the Kildare CDP will ensure that the environment of Leixlip and its surrounding area is protected (see Appendix A);
- Whilst some changes to zoning were also proposed in the material alterations, these were very minor changes for the most part and were not deemed to have potential for significant adverse impact on the Rye River Valley/ Carton SAC; and;
- Environmental issues were sufficiently addressed through existing protective policies and objectives contained within the existing County Development Plan.

3.0 Reasons for choosing the Plan, as adopted, in light of other reasonable alternatives considered as part of the AA process

The alternatives were considered at an early stage of the process and through an iterative process with the Local Area Plan, SEA and AA teams the most appropriate scenario was selected. The Leixlip Local Area Plan 2017-2023 is framed within a policy context set by a hierarchy of National, Regional and County level strategic plans as well as the Irish and European legislative framework. Therefore, the options for alternatives are limited, and a scenario such as the 'do-nothing' situation has not been included as it is neither reasonable nor realistic.

The alternatives proposed were assessed against their potential to result in adverse impacts on the Rye Water Valley/ Carton SAC.

The consideration of alternative development strategies focused on residential growth in line with the recommendations of the Regional Planning Guidelines and County Development Plan. Five alternative scenarios were considered:

Option 1: Western Expansion and Consolidation of Existing Urban Area

This option focused the growth of Leixlip town on the west side of the town and included the rezoning of lands east of the R449 from 'Major Town Centre' to 'New Residential'; the rezoning of lands to the west of the R449 from 'Major Town Centre' to 'New Residential' or 'Industrial/'

Warehousing' or similar and; the zoning of lands to the east of the R449 and west of Leixlip Gate (outside of the LAP boundary) to 'New Residential'.

Option 2: Northern Expansion and Consolidation of Existing Urban Area

This option focused on extending the growth of the town to the north of the Royal Canal. It included the rezoning of lands to the north of the Royal Canal from 'Agriculture' and 'Open Space' to 'New residential; the zoning of agricultural land to the north of the R149 outside of existing LAP boundary to 'New Residential' and; the provision of infrastructural links back to the town centre.

Option 3: Southern Expansion and Consolidation of Existing Urban Area

This option involved focusing the growth and development of the town on the south. This option included maintaining the zoning around the Wonderful Barn; the rezoning of greenfield lands (zoned 'Agricultural') at Celbridge Road (east) to the south of Leixlip Park and Wogan's Field; consolidation of the existing town centre by encouraging the development of vacant and under-utilised sites in the town and; the provision of infrastructural links back to the town centre.

Option 4: Eastern Expansion and consolidation of Existing Urban Area

With this option, the growth and development of the town would be focused on the east of the town. This included the rezoning of general development lands to the east at Leixlip Manor; consolidation of the existing urban area by encouraging the development of vacant and under-utilised sites in the town and; the provision of infrastructural links back to the town centre.

Option 5: Combination of Options 1-3: Growth and development of the town focused on the north, south and west

This option comprised of a combination of options 1-3, as outlined above, which would focus the growth and development of town to the north, south and west. This included the rezoning of lands east of the R449 from 'Major Town Centre' to 'New Residential'; the rezoning of lands to the west of the R449 from 'Major Town Centre' to 'Business & Technology'; maintaining the 'New Residential' and 'Open Space & Amenity' zoning around the Wonderful Barn; the inclusion of a masterplan objective for lands at Confey north of the Royal Canal/railway line for a new residential community; consolidation of the existing town centre by encouraging the development of vacant and under-utilised sites in the town and; the provision of infrastructural links back to the town centre.

Preferred Option

The assessment of the five proposed options during the preparation of the Draft Plan concluded that Option 5, which provides for a combination of options 1, 2 and 3 (the western, northern and southern expansion and consolidation of the existing urban area) was the most appropriate and environmentally protective option for the future growth and development of Leixlip town.

Option 5 identified residential key development areas (KDAs) and two masterplan areas (an objective for a residential masterplan at Confey and an objective for an enterprise and employment campus at Collinstown) to support the projected population growth in combination with the provision of infrastructure in accordance with the Core Strategy of the County Development Plan. This approach would meet many of the Draft LAP's policies and objectives as it supports the consolidation of the town centre by zoning lands in proximity to the town centre, including infrastructural improvements and encourages the development of vacant and underutilised sites. The exclusion of Option 4 allows for the protection of St. Catherine's Park and Leixlip Manor which is both an essential amenity for the town and supports its biodiversity and natural heritage.

4.0 AA Declaration

The Natura Impact Report recorded the decisions that were taken during the preparation of the Leixlip Local Area Plan 2017-2023. It was determined that, assuming the successful implementation of the objectives in the written statement and compliance with prescribed land use zonings, there will be no adverse effects on the integrity of European Sites in isolation or in combination with other Plans and projects acting in the same area.

Attached:

Copy of Section 177(V) Determination, dated 6th April 2017



Leixlip Local Area Plan 2017-2023

Determination under Section 177V of the Planning and Development Act 2000 (as amended)

I refer to the Draft Leixlip Local Area Plan 2017-2023 published for the purposes of public consultation by Kildare County Council on 10th April 2017. This determination is a record of the planning authorities' decision.

The preparation of the Draft Leixlip Local Area Plan has regard to 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). This is transposed in Ireland by the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477) (hereafter referred to as the Habitats Regulations) and Part XAB of the Planning and Development (Amendment) Act 2010. Articles 6(3) and 6(4) of the Habitats Directive set out the requirement for an assessment of proposed plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement to screen all plans and projects and to carry out a further assessment if required (Appropriate Assessment (AA)).

Having regard to the content of the Draft Leixlip Local Area Plan 2017-2023 and consideration of the potential for significant impacts arising from its implementation which may have the potential to adversely affect any Natura 2000 site; with regard to their Qualifying Interests and Conservation Objectives, it was determined that in the absence of appropriate mitigation measures the Draft Plan had the potential to impact on the Rye Water Valley/ Carton SAC (Site Code: 001398). This decision has been informed by information and analysis prepared by Scott Cawley Ltd. Ecological Consultants on behalf of the Council, published in the form of a Natura Impact Report.

The process of assessing the LAP was an iterative and step-wise approach. The overall purpose of the process was to ensure that the Draft LAP, when implemented, does not result in adverse effects on the "integrity" of the European sites within the Natura 2000 network. The Natura Impact Report (NIR) described the nature of the Plan, the European sites within its zone of influence and the relationship between the two such that any impact pathways were identified. It also identified any potential for direct, indirect or cumulative impacts of the Plan on all relevant European sites.

To make the assessment process efficient and manageable without losing quality of analysis, the Conservation Objectives were distilled to three common themes that could then be used as assessment criteria as to assess each Objective, Policy, Action and Key Development Area. The common themes which became the three assessment criteria for the analysis of the LAP were:

1. Hydrological/hydrogeological linkages to European sites and potential for impacts arising to and from surface and ground water quality and changes in the underlying hydrological regime.

The Rye Water Valley/Carton SAC is designated for the freshwater habitat "*Petrifying springs with tufa formation (Cratoneurion)*", as well as two protected mollusc species. This habitat type is dependent on having an available supply of freshwater. Therefore, any activities that could directly or indirectly affect water quality or supply, such as developments located adjacent to or within the SAC boundary, could potentially affect this European site. Activities that undermine this water supply could potentially have indirect adverse effects on European sites through habitat fragmentation, changes in species composition and habitat alterations.

2. Direct habitat loss or loss of ecological networks supporting European sites.

For example, roads and other new development occurring on undeveloped lands within or in close proximity to European sites.

3. Direct or indirect disturbance to European site habitats and/or species.

Even though most zoned lands are not directly within European sites they could affect it via indirect disturbance, e.g. river walkways, noise disturbance due to construction.

To aid the assessment of potential effects on the Petrifying Springs (a Qualifying Interest of the Rye Water Valley/ Carton SAC), background information regarding the hydrogeology of the wider Leixlip area was also used in the AA process. The NIR states:

“An Environmental Impact Statement (EIS) for a development at the Intel site at Collinstown held recent information relating to the hydrogeology of the area (AWN Consulting, 2014). According to this report the groundwater at the Intel site appears to flow in a north/north-easterly direction towards the River Rye which forms a discharge boundary to the north of the site. The deeper aquifers may be controlled by discharge to the River Liffey and the coast at Dublin Bay. An unusual feature of the groundwater regime in the wider environment is the formation of warm springs that occur in a syncline in the Lucan-Celbridge area, including the Leixlip Spa area at Louisa Bridge. A complex groundwater system is present here comprising of:

- 1. A deeper, older, warmer groundwater system which discharges to the Leixlip Spa well at Louisa Bridge. The groundwater is highly mineralized and iron rich. This system is thought to be the main source of groundwater at the well;*
- 2. A more recent, shallow groundwater system that flows through conduits in the karstified limestone bedrock and discharges near the filtering pond at the Spa well. Groundwater from the shallow system discharges near rock faces and there is understood to be lateral flow towards the River Rye;*
- 3. Deeper older groundwater that flows through a younger groundwater system and mixes with it.*

Furthermore, karstic caves are known from along the Rye River in the townland of Blakestown to the northwest and karst has also been recorded by GSI in the townland of St. Catherine’s to the southeast (AWN Consulting, 2014). (Information taken from page 15 of the NIR).

Following the analysis of the Draft Plan as part of the preparation of the NIR, measures for impact reduction were incorporated through the formulation and revision of the Plan’s Objectives and Policies. These mitigation measures aimed to avoid or reduce the impacts on the Qualifying Interests and Conservation Objectives of the designated Natura 2000 sites.

An assessment of all Objectives, Policies, Actions and the Key Development Areas contained within the Plan was undertaken and ‘protective’ Policies were identified which would mitigate for any potential impacts identified by other ‘development driven’ Policies.

In conclusion, in accordance with Section 177V of the Planning and Development Act 2000 (as amended), taking into account all matters relevant and subject to the full and proper implementation of the mitigation measures outlined in the NIR (including protective Policies identified within the Plan itself) it has been determined that the proposed Plan is not likely to have any adverse effects on the integrity of any European site within, or adjacent to the Plan area.

Signed

Date

Signatory (Approved Officer):



6th April 2017

A/Director of Services, Planning Department