

# AA SCREENING REPORT

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FOR  
**VARIATION No. 4**  
TO THE  
**KILDARE COUNTY DEVELOPMENT PLAN 2011-2017**

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

**for: Kildare County Council**

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# Section 1 Introduction

## 1.1 Background

Kildare County Council has prepared Variation No. 4 to the Kildare County Development Plan 2011-2017 under Section 13 of the Planning and Development Act 2000 (as amended).

This is the Appropriate Assessment (AA) Screening Report for the Variation in accordance with the requirements of Article 6(3) of the EU Habitats Directive<sup>1</sup>. This report is divided into the following three sections:

- Section 1 - Introduction
- Section 2 - Stage 1 Screening
- Section 3 - Conclusions

## 1.2 Legislative Context

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. 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 (Directive 2009/147/EC - codified version of Directive 79/409/EEC as amended), 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 Natura 2000 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 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 (as amended) and the Planning and Development Act 2000 (as amended) and the Planning and Development Acts 2000-2015. The European Communities (Birds and

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

Natural Habitats) 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 judgments of the Court of Justice of the European Union (CJEU)<sup>2</sup>.

### 1.3 Stages of Appropriate Assessment

This AA 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

Appropriate Assessment comprises up to four stages:

#### **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.

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

The process which examines alternative ways of achieving the objectives of the project or plan that avoid 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.

In the case of this AA screening exercise, it is found that the Variation only requires Stage 1 AA Screening.

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<sup>2</sup> Notably cases C-418/04 and C-183/05, in respect of failure to transpose elements of the Birds Directive and the Habitats Directive into Irish law.

## Section 2 Stage 1 Screening

### 2.1 Description of the County Development Plan and associated Variation No. 4

The Kildare County Development Plan 2011-2017 sets out an overall strategy for the proper planning and sustainable development of County Kildare over the period 2011–2017 and beyond to the horizon year of 2022.

The Overall Vision of the Plan is: “To build on the strengths of the County by facilitating sustainable development, through the provision of high quality employment opportunities and residential developments supported by quality urban and rural environments with physical and social infrastructure to support communities throughout the County”.

The Variation:

1. Provides clarity in relation to the specific intentions of Kildare County Council in relation to a Distributor Road for Athy; and
2. Ensures consistency with the Athy Town Development Plan 2012-2018 which the Council is also proposing to vary<sup>3</sup>.

### 2.2 European Sites

This section of the screening process describes the European sites within a potential zone of impact of the Plan area to which the Variation relates. A distance of 15 km is currently recommended in the DoE document *Appropriate Assessment of Plans and Projects - Guidance for Planning Authorities*, however, sites beyond this distance are also considered given significant hydrological linkages with the County.

Based on the above approach, an initial total of 19 European sites, comprising 16 SACs, and 3 SPAs require consideration in the AA process. A map indicating the locations of the sites in the County and within the 15km distance from the County is presented as Figure 1.

Table 2.1 below lists the European sites that are within County Kildare.

Table 2.2 below lists the European sites that are within 15km of the county boundary and beyond the 15km distance, given significant hydrological linkages with the County.

Table 2.1 and Table 2.2 also present the qualifying features of each site. cSAC sites are selected for a range of different habitats and species listed on Annex I and Annex II of the Habitats Directive, known as Qualifying Interests (QIs). SPA sites have been selected for the protection of endangered species of wild birds and the features for which SPAs have been selected are referred to as Special Conservation Interests (SCIs). SCIs fall under one of the following headings:

- Listed rare and vulnerable species (as listed on Annex I of EU Birds Directive 2009/147/EC);
- Regularly occurring migratory species, such as ducks, geese, and waders;
- Wetlands, especially those of international importance, which attract large numbers of migratory birds each year.

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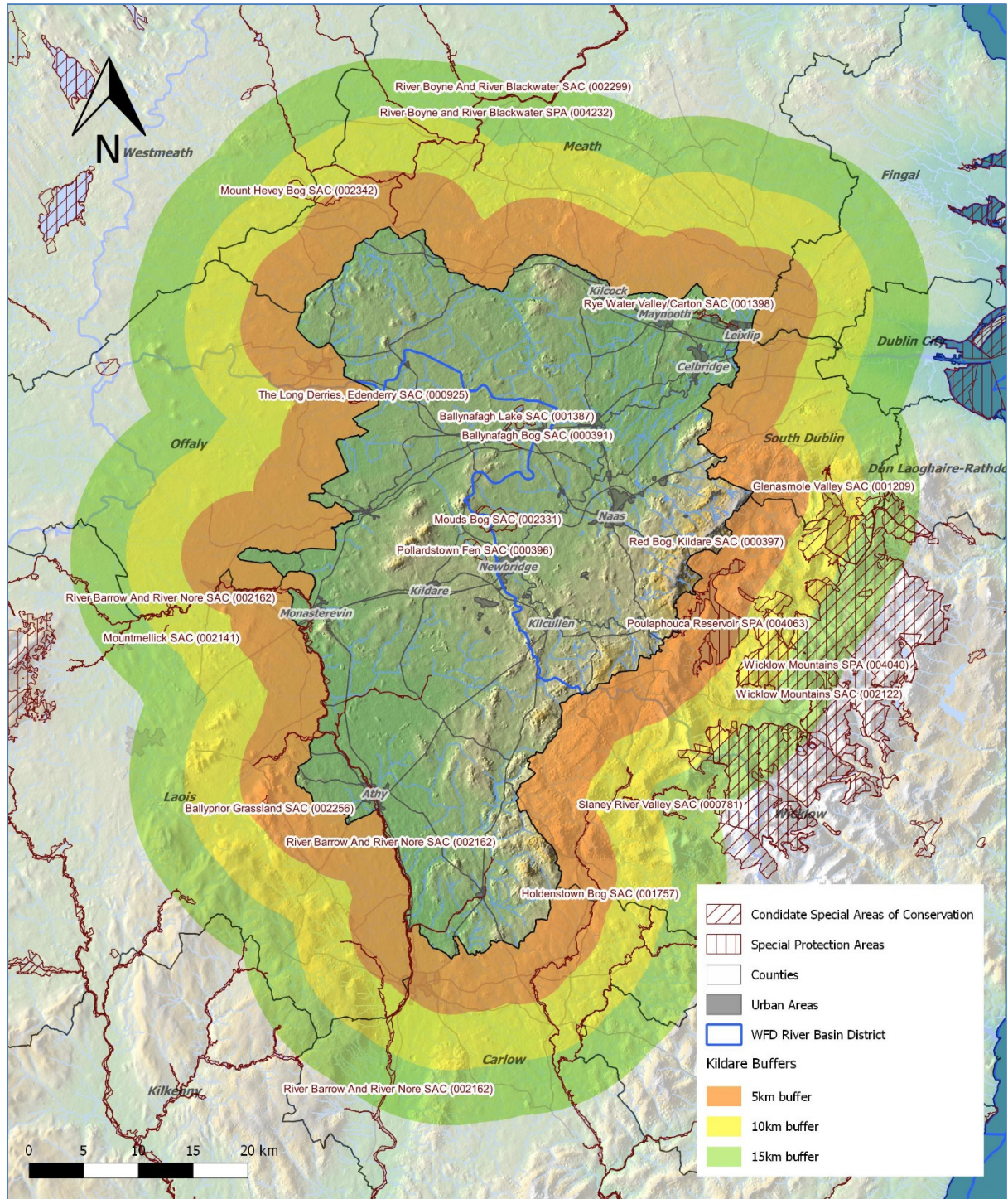
<sup>3</sup> Variation No. 1 to the Athy Town Development Plan 2012-2018 has also been subject to AA Screening and the findings of that screening have informed this AA Screening for Variation No. 4 to the Kildare County Development Plan 2011-2017

In order to determine the potential for impacts from the Variation, information on the qualifying features, known vulnerabilities and threats to site integrity pertaining to the European sites was also reviewed and is presented in Appendix I<sup>4</sup>. The assessment considers the potential implications of the implementing the Variation against the qualifying features of each site.

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<sup>4</sup> derived from a variety of sources, including: Ireland's Article 17 Report to the European Commission "Status of EU Protected Habitats and Species in Ireland" (NPWS, 2013), Site Synopses and NATURA 2000 Standard Data Forms





**Figure 1 European sites within County Kildare and within 15 km of the County Boundary**



**Table 2.1 European Sites in County Kildare and their qualifying features**

(listed according to their NPWS site code, see Figure 1 for corresponding locations)

Site Code	Site Name	Qualifying features (QIs or SCIs)
391	Ballynafagh Bog SAC	<ul style="list-style-type: none"> <li>Active raised bogs</li> <li>Degraded raised bogs still capable of natural regeneration</li> <li>Depressions on peat substrates of the Rhynchosporion</li> </ul>
396	Pollardstown Fen SAC	<ul style="list-style-type: none"> <li>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i></li> <li>Petrifying springs with tufa formation (<i>Cratoneurion</i>)</li> <li>Alkaline fens</li> <li><i>Vertigo geyeri</i></li> <li><i>Vertigo angustior</i></li> <li><i>Vertigo moulinsiana</i></li> </ul>
397	Red Bog, Kildare SAC	<ul style="list-style-type: none"> <li>Transition mires and quaking bogs</li> <li>Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i>-type vegetation</li> <li>Active raised bogs</li> </ul>
1387	Ballynafagh Lake SAC	<ul style="list-style-type: none"> <li>Alkaline fens</li> <li>Transition mires and quaking bogs</li> <li><i>Vertigo moulinsiana</i></li> <li><i>Euphydryas aurinia</i></li> </ul>
1398	Rye Water Valley/Cartron SAC	<ul style="list-style-type: none"> <li>Petrifying springs with tufa formation (<i>Cratoneurion</i>)</li> <li><i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail)</li> <li><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail)</li> </ul>
2162	River Barrow And River Nore SAC	<ul style="list-style-type: none"> <li>Estuaries</li> <li>Mudflats and sandflats not covered by seawater at low tide</li> <li><i>Salicornia</i> and other annuals colonising mud and sand</li> <li>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</li> <li>Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</li> <li>European dry heaths</li> <li>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</li> <li>Petrifying springs with tufa formation (<i>Cratoneurion</i>)</li> <li>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</li> <li>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</li> <li><i>Spartina</i> swards (<i>Spartinion maritima</i>)</li> <li>Allis shad (<i>Alosa alosa</i>)</li> <li>Atlantic salmon (<i>Salmo salar</i>)</li> <li>Brook lamprey (<i>Lampetra planeri</i>)</li> <li>Desmoulin's whorl snail (<i>Vertigo moulinsiana</i>)</li> <li>Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</li> <li>Killarney Fern (<i>Trichomanes speciosum</i>)</li> <li>Freshwater Pearl Mussel (<i>Margaritifera durrovensis</i>)</li> <li>Otter (<i>Lutra lutra</i>)</li> <li>European river lamprey (<i>Lampetra fluviatilis</i>)</li> <li>Twait shad (<i>Alosa fallax</i>)</li> <li>White clawed crayfish (<i>Austropotamobius pallipes</i>)</li> </ul>
2331	Mouds Bog SAC	<ul style="list-style-type: none"> <li>Active raised bogs</li> <li>Degraded raised bogs still capable of natural regeneration</li> <li>Depressions on peat substrates of the Rhynchosporion</li> </ul>
4063	Poulaphouca Reservoir SPA	<ul style="list-style-type: none"> <li>Greylag Goose      <i>Anser anser</i></li> <li>Lesser Black-backed Gull      <i>Larus fuscus</i></li> </ul>

\*Indicates priority habitat

**Table 2.2 European Sites within and beyond (given significant hydrological interests) 15 km of the Boundary of County Kildare and their qualifying features**

(listed according to their NPWS site code)

Site Code	Site Name	Location	Qualifying features (QIs or SCIs)
781	Slaney River Valley SAC	1640m from County border	<ul style="list-style-type: none"> <li>• Estuaries;</li> <li>• Floating river vegetation;</li> <li>• Old oak woodlands;</li> <li>• Residual alluvial forests*;</li> <li>• Tidal mudflats;</li> <li>• Atlantic Salmon (<i>Salmo salar</i>);</li> <li>• Brook Lamprey (<i>Lampetra planeri</i>);</li> <li>• Common Seal (<i>Phoca vitulina</i>);</li> <li>• Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>);</li> <li>• Otter (<i>Lutra lutra</i>);</li> <li>• River Lamprey (<i>Lampetra fluviatilis</i>);</li> <li>• Sea Lamprey (<i>Petromyzon marinus</i>);</li> <li>• Twaite Shad (<i>Alosa fallax</i>)</li> </ul>
925	The Long Derries, Edenderry SAC	610m from County border	<ul style="list-style-type: none"> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites)</li> </ul>
1209	Glenasmole Valley SAC	6480m from County border	<ul style="list-style-type: none"> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites)</li> <li>• Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</li> <li>• Petrifying springs with tufa formation (<i>Cratoneurion</i>)</li> </ul>
1757	Holdenstown Bog SAC	3040m from County border	<ul style="list-style-type: none"> <li>• Transition mires and quaking bogs</li> </ul>
2122	Wicklow Mountains SAC	3320m from County border	<ul style="list-style-type: none"> <li>• Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea</li> <li>• Natural dystrophic lakes and ponds</li> <li>• Northern Atlantic wet heaths with <i>Erica tetralix</i></li> <li>• European dry heaths</li> <li>• Alpine and Boreal heaths</li> <li>• Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</li> <li>• Blanket bogs ( * if active bog)</li> <li>• Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsetalia ladani</i>)</li> <li>• Calcareous rocky slopes with chasmophytic vegetation</li> <li>• Siliceous rocky slopes with chasmophytic vegetation</li> <li>• Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</li> <li>• <i>Lutra lutra</i></li> </ul>
2141	Mountmellick SAC	8730m from County border	<ul style="list-style-type: none"> <li>• <i>Vertigo moulinsiana</i></li> </ul>
2256	Ballyprior Grassland SAC	2790m from County border	<ul style="list-style-type: none"> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites)</li> </ul>
2299	River Boyne And River Blackwater SAC	390m from County border	<ul style="list-style-type: none"> <li>• Alkaline fens</li> <li>• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</li> <li>• <i>Lampetra fluviatilis</i></li> <li>• <i>Salmo salar</i></li> <li>• <i>Lutra lutra</i></li> </ul>
2342	Mount Hevey Bog SAC	4130m from County border	<ul style="list-style-type: none"> <li>• Active raised bogs</li> <li>• Degraded raised bogs still capable of natural regeneration</li> <li>• Depressions on peat substrates of the <i>Rhynchosporion</i></li> </ul>
4040	Wicklow Mountains SPA	5720m from County border	<ul style="list-style-type: none"> <li>• Merlin <i>Falco columbarius</i></li> <li>• Peregrine Falco <i>peregrinus</i></li> </ul>
4232	River Boyne and River Blackwater SPA	370m from County border	<ul style="list-style-type: none"> <li>• Kingfisher <i>Alcedo atthis</i></li> </ul>
001957	Boyne Coast and Estuary SAC	>15000m from County border	<ul style="list-style-type: none"> <li>• Estuaries</li> <li>• Mudflats and sandflats not covered by seawater at low tide</li> <li>• <i>Salicornia</i> and other annuals colonising mud and sand</li> <li>• Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</li> <li>• Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>• Embryonic shifting dunes</li> <li>• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</li> <li>• Fixed coastal dunes with herbaceous vegetation (grey dunes)</li> </ul>
004080	Boyne Estuary SPA		<ul style="list-style-type: none"> <li>• Shelduck</li> <li>• Oystercatcher</li> <li>• Golden Plover</li> <li>• Grey Plover</li> <li>• Lapwing</li> </ul>

			<ul style="list-style-type: none"> <li>• Knot</li> <li>• Sanderling</li> <li>• Black-tailed Godwit</li> <li>• Redshank</li> <li>• Turnstone</li> <li>• Little Tern</li> </ul>
002137	Lower River Suir SAC		<ul style="list-style-type: none"> <li>• Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</li> <li>• Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>• Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</li> <li>• Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</li> <li>• Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</li> <li>• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</li> <li>• <i>Taxus baccata</i> woods of the British Isles</li> <li>• <i>Margaritifera margaritifera</i></li> <li>• <i>Austropotamobius pallipes</i></li> <li>• <i>Petromyzon marinus</i></li> <li>• <i>Lampetra planeri</i></li> <li>• <i>Lampetra fluviatilis</i></li> <li>• <i>Alosa fallax</i></li> <li>• <i>Salmo salar</i></li> <li>• <i>Lutra lutra</i></li> </ul>
000206	North Dublin Bay SAC		<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide</li> <li>• Annual vegetation of drift lines</li> <li>• <i>Salicornia</i> and other annuals colonising mud and sand</li> <li>• Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</li> <li>• Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>• Embryonic shifting dunes</li> <li>• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</li> <li>• Fixed coastal dunes with herbaceous vegetation (grey dunes)</li> <li>• Humid dune slacks</li> <li>• <i>Petalophyllum ralfsii</i></li> </ul>
000210	South Dublin Bay SAC		<ul style="list-style-type: none"> <li>• Habitats listed on Annex I: Mudflats and sandflats not covered by sea water at low tide.</li> </ul>
004006	North Bull Island SPA		<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose</li> <li>• Shelduck</li> <li>• Teal</li> <li>• Pintail</li> <li>• Shoveler</li> <li>• Oystercatcher</li> <li>• Golden Plover</li> <li>• Grey Plover</li> <li>• Knot</li> <li>• Sanderling</li> <li>• Dunlin</li> <li>• Black-tailed Godwit</li> <li>• Bar-tailed Godwit</li> <li>• Curlew</li> <li>• Redshank</li> <li>• Turnstone</li> <li>• Black-headed Gull</li> </ul>
004024	South Dublin Bay And River Tolka Estuary SPA		<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose</li> <li>• Oystercatcher</li> <li>• Ringed Plover</li> <li>• Grey Plover</li> <li>• Knot</li> <li>• Sanderling</li> <li>• Dunlin</li> <li>• Bar-tailed Godwit</li> <li>• Redshank</li> <li>• Black-headed Gull</li> <li>• Roseate Tern</li> <li>• Common Tern</li> <li>• Common Tern</li> <li>• Arctic Tern</li> </ul>

## **2.3 Assessment Criteria**

### **2.3.1 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 Variation is not the nature conservation management of European sites. Therefore, the Variation is not considered by the Habitats Directive to be directly connected with or necessary to the management of European designated sites.

### **2.3.2 Elements of the Variation with Potential to Give Rise to Significant Effects**

The Variation has been assessed in relation to its potential to result in effects on European Sites within and beyond the Plan area taking into account the baseline, the content of the Variation and other plans and programmes.

As outlined in the European Commission Environment DG document "*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*", impacts that require consideration can be categorised under a number of headings:

- Loss / reduction of habitat area (e.g. due to the development of new projects);
- Disturbance to Key Species (e.g. increased public access to protected sites, or during the construction phase of infrastructure projects);
- Habitat or species fragmentation;
- Reduction in species density; and
- Changes in key indicators of conservation value such as decrease in water quality / quantity (e.g. through inadequate wastewater treatment, run-off of pollutants during construction and operation of developments, agricultural runoff).

In summary, it is determined that the Variation will not result in any effects on European Sites.

**Table 2.3 AA Screening of Variation No. 4**

Amendment Number	Chapter of Plan	Section of Plan	Existing Plan Content	Amendment	AA Screening Determination	AA Screening Determination Explanation
1	Chapter 6 Movement and Transport	6.5.3 Roads Programme	<b>Text</b> - Objective RP 9: To build the Athy Southern Distributor Road. This road will be linked to the M9 link road.	Objective RP 9: To build the Athy Distributor Road. This road will be linked to the M9 link road.	Stage 2 AA is not required.	This amendment changes a title from 'Southern Distributor Road' to 'Athy Distributor Road'. This amendment will not result in any effects on European Sites. Refer also the AA Screening Determination Explanation provided at Amendment No. 2.
2	Chapter 6 Movement and Transport	6.5.3 Roads Programme	<b>Text</b> - Objective RP 10: To identify a route for the Athy Northern Distributor Road and preserve the route free from development.	Delete Objective	Stage 2 AA is not required.	<p>Following a feasibility study and public consultation a preferred route option for the Athy Distributor Road has emerged. The New Town Centre Street and Northern Distributor Road are being removed from the Plan to provide clarity in relation to the specific intentions of Kildare County Council in relation to a Distributor Road for Athy. Some proposed town centre streets will be retained where deemed appropriate to open up backland areas in the southern town centre area for future development. No canal or river crossings are proposed. The selected route option was identified through the constraints and route selection studies as having a higher preference in terms of environment, economy and safety.</p> <p>The deletion of this objective relates to the removal of a provision that could, if unmitigated, result in adverse effects on the integrity of European Sites. The AA screening process undertaken alongside the preparation of current Plan has ensured that such effects would be mitigated by various provisions that have been integrated into the Plan, allowing for that process to conclude that the Plan has been formulated to ensure that uses, developments and effects arising from permissions based upon the Plan (either individually or in combination with other plans or projects) shall not give rise to significant effects on the integrity of any Natura 2000 sites<sup>5</sup>.</p> <p>The removal of potential adverse effects, if unmitigated, that have already been mitigated by provisions integrated into the Plan would not result in any effects on European Sites.</p>

<sup>5</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.

AA Screening Report for Variation No. 4 to the Kildare County Development Plan 2011-2017

Amendment Number	Chapter of Plan	Section of Plan	Existing Plan Content	Amendment	AA Screening Determination	AA Screening Determination Explanation
3	Chapter 18 Environs Plan	18.7 Athy Environs	<b>Text</b> - No development shall be permitted within this zoning in advance of the necessary physical infrastructure, including the provision of a section of the Southern Distributor Road (Map 18.8).	No development shall be permitted within this zoning in advance of the necessary physical infrastructure, including the provision of a section of the Athy Distributor Road (Map 18.8).	Stage 2 AA is not required.	This amendment changes a title from 'Southern Distributor Road' to 'Athy Distributor Road'. This amendment will not result in any effects on European Sites. Refer also the AA Screening Determination Explanation provided at Amendment No. 2.
4	Chapter 18 Environs Plan	Map 18.8 Athy Environs	<b>Map</b> - Map 18.8 Athy Environs	The map should be adjusted.  1. The line has to move to make space to accommodate the roundabout without impacting on the adjacent property.  2. Change Legend to read "Indicative New Roads Objective.	Stage 2 AA is not required.	The line on the map being referred to is an indicative line. The adjustment of this line would not have environmental consequences. The insertion of the word "indicative" ahead of this legend entry clarifies the status of the Plan objective and any applications for development arising, which, as is the case with applications for development arising from all Plan objectives, would need to be further defined and detailed at project level, informed by a variety of planning and environmental requirements.

## 2.4 Other Plans and Programmes

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 impact upon European sites.

The existing County Development Plan 2011-2017 to which the Variation relates was subject to its own Appropriate Assessment Screening process that determined that the Plan has been formulated to ensure that uses, developments and effects arising from permissions based upon the Plan (either individually or in combination with other plans or projects) shall not give rise to significant effects on the integrity of any Natura 2000 sites<sup>6</sup>.

It has been determined that the individual parts of the Variation will not result in any effects on European Sites.

Taking into account all of the above it is determined that there are no 'in-combination' effects arising from the Variation.

Table 2.4 lists the plans or programmes that relate to the County Development Plan to which Variation No. 4 relates.

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<sup>6</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.



**Table 2.4 Other Plans and Programmes**

<b>Directive</b>	<b>Purpose</b>
<b>International</b>	
EU Water Framework Directive (2000/60/EC)	Objectives seek to maintain and enhance the quality of all surface waters in the EU.
EU Freshwater Fish Directive (78/659/EEC)	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.
EU Groundwater Directive (2006/118/EC)	This directive establishes a regime, which sets underground water quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater.
EU Floods Directive (2007/60/EC)	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.
Nitrates Directive (91/676/EEC)	This Directive has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and preventing further pollution.
The Urban Wastewater Treatment Directive (91/271/EEC)	The primary objective is to protect the environment from the adverse effects of discharges of urban 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.
Sewage Sludge Directive (86/278/EEC)	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.
The Integrated Pollution Prevention Control Directive (96/61/EC)	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.
<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.
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.
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
Irish Water's Water Services Strategic Plan 2015 and associated Proposed Capital Investment Plan 2014-2016	This Water Services Strategic Plan sets out strategic objectives for the 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.
<b>Regional</b>	
Regional Planning Guidelines For The Greater Dublin Area 2010 - 2022.	Policy document which aims to direct the future growth of the Greater Dublin Region over the medium to long term and works to implement the strategic planning framework set out in the National Spatial Strategy (NSS)
Transport Strategy for the Greater Dublin Area 2016-2035	The Strategy outlines transport development objectives for the Greater Dublin Area over a twenty year period.
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>
Greater Dublin Area Cycle Network Plan	<ul style="list-style-type: none"> <li>• Sets out a ten year cycling strategy for Counties Dublin, Kildare, Meath and Wicklow</li> <li>• Plan to increase regions cycle network dramatically</li> </ul>

Directive	Purpose
<b>Local</b>	
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 2011-2017 Carlow County Development Plan 2015-2021; Wicklow County Development Plan 2010-2016 (draft 2016-2022)	Overall strategies for the proper planning and sustainable development of the administrative area of the relevant Local Authorities.
Athy Town Development Plan 2012; Naas Town Development Plan 2011; Local land use plans including Draft Sallins Local Area Plan 2016; Draft Monasterevin Local Area Plan 2015; Kilcock Local Area Plan 2015; Kilcullen LAP 2014; Kildare LAP 2012; Newbridge LAP 2013; Maynooth LAP 2013; Collinstown LAP; Kilcock LAP 2009; Clane Local Area Plan 2009; Celbridge LAP 2010; Leixlip LAP 2010; Monasterevin LAP 2009, Sallins LAP 2009; Naas Northwest Quadrant Masterplan 2007 and Edenderry LAP 2011	Strategies for development in towns and villages.

## **Section 3 Conclusion**

The requirement for a Stage 2 AA would arise if Variation No. 4 to the Kildare County Development Plan 2011-2017 were likely to have significant effects on the integrity of the network of designated ecological sites known as Natura 2000. This screening report evaluates the Variation in order to determine if it needs to be the subject of a Stage 2 AA.

The AA Screening finds that the Variation shall not give rise to any effect on the integrity of any Natura 2000 sites. Therefore, in accordance with the methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/3/EEC, it is concluded that the Variation does not require any further assessment to demonstrate compliance with the Directive.

A one-page AA determination accompanies this AA Screening Report.