

Habitats Directive Article 6

Screening Assessment

Lismore Local Area Plan

2014-2020

February 2014



**Waterford County Council
Comhairle Chontae Port Láirge**

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Appendix 1 Screening Assessment of Draft Local Area Plan Policies and Objectives

1. Introduction to Habitats Directive and Article 6 Assessment

The aim of the European Habitats Directive (Council Directive 92/43/EEC on the conservation of wild habitats and of wild fauna and flora) is to create a network of protected wildlife sites in Europe, maintained at a favourable conservation status¹. Each member state must designate their most important natural areas as Special Areas of Conservation. The Directive specifies the scientific criteria on the basis of which SAC sites must be selected and very strictly curtails the grounds that can be used as justification for damaging a site. The network of sites is referred to as NATURA 2000 and includes SACs (Special Areas of Conservation) for protected habitats and species and SPAs (Special Protection Areas) for protected bird habitats.

The European Habitats Directive (Council of the European Communities 1992) was transposed into Irish legislation by the European Communities (Natural Habitats) Regulations 1997 and amended in 1998, 2005 and 2011. The Birds and Habitats Regulations 2011 addressed transposition issues raised in judgements of the ECJ against Ireland in 2008 and along with provisions of the Planning and Development Act 2000 (as amended) (Part XAB), clarify the obligations of planning authorities under the Birds and Habitats Directives.

Article 6 of the Habitats Directive provides a strict assessment procedure for any plan or project not directly connected with or necessary to the management of a designated European site but which has the potential to have implications for the site in view of the site's conservation objectives. The Local Area Plan for Lismore 2014-2020, therefore, falls under the remit of Article 6.

The Regulations and the Planning and Development Act 2000 (as amended) require planning authorities when considering an application for a development that is likely to have a significant effect on a SAC/SPA, to ensure that an appropriate assessment of the implications of the development for the conservation status of the site is undertaken. Similarly land use plans are required to be subject to an appropriate assessment screening as set out in Section 177 U of the Act. "The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is not required if it can be excluded, on the basis of objective information, that the draft Land use plan or proposed development,

¹ The conservation status of a species can be taken as "favourable" when population dynamics data on the species concerned indicate that it is maintaining itself on a long term basis as a viable component of its natural habitats, the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future and there is and will continue to be a sufficiently large habitat to maintain its populations on a long-term basis. Article 1 (i) of the Habitats Directive 92/43/EEC

The conservation status of a habitat can be taken as "favourable" 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.

individually or in combination with other plans or projects, will have a significant effect on a European site.”

2. Guidance on the implementation of Article 6

The Department of Environment, Heritage and Local Government published *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities in December 2009*. This guidance document establishes the steps and procedures to be followed in undertaking an appropriate assessment of statutory land use plans within the framework of current planning legislation.

Section 4.10 of the Guidance states “It is the competent authority’s responsibility to carry out the appropriate assessment of the plan. The Statement of AA of plans should be based on best available information, objective criteria, best scientific knowledge and expert judgement in relation to its impact on the integrity of a Natura 2000 site with respect to the conservation objectives of the site and to its structure and function. There should be no reasonable scientific doubt as to the absence of effects.”

It is recommended that the Department be consulted by a planning authority at every stage of the plan making process (i.e. at the pre-draft, draft and proposed amendments stages). The Department’s comments should be taken into account by the planning authority before the plan is adopted. In each iteration of the plan, earlier observations from the Department should be carried forward.

Section 4.8 of the guidance states “The key to deciding if an appropriate assessment of a plan would be required is determined by an assessment of whether the plan and its policies and objectives are likely to have a significant effect on a Natura 2000 site. The decision will be influenced by the nature and extent of the development likely to be proposed in the plan, and the plan’s area *in situ*, *ex situ* and in combination relationship to adjoining the Natura 2000 sites and the wider Natura 2000 network.

When screening the plan and its policies and objectives there are two possible outcomes:

- The plan poses no risk of a significant effect and as such requires no further assessment; and
- The plan has potential to have a significant effect (or this is uncertain) and AA of the plan is necessary.

Screening can be used to establish which policies and objectives have potential to have significant effects, and therefore the ones that require further attention at the AA stage.

The European Commission methodological guidance on the provisions of article 6(3) and 6(4) of the Habitats Directive sets out the four stages for the assessment.²

Stage 1. Screening — the process which identifies the likely impacts upon a Natura 2000 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 2. Appropriate assessment — the consideration of the impact on the integrity of the Natura 2000 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. The output of the AA is a Natura Impact Report;

Stage 3. 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 Natura 2000 site;

Stage 4. 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.

3. Procedure for stage one screening

This report consists of a screening for Habitats Directive Assessment of the Local Area Plan for Lismore 2014-2020.

This stage examines the likely effects of the Local Area Plan on Natura 2000 sites in Lismore and within a 15km radius of the town and considers whether it can be objectively concluded that these sites will not be significantly impacted by policies, objectives and zonings in the Plan. This assessment comprises four steps:-

Step 1: determining whether the project or plan is directly connected with or necessary to the management of the site: -

The Local Area Plan 2014-2020 is a spatial planning framework for Lismore and is not directly connected to the management of any Natura 2000 sites.

² *Assessment of plans and projects significantly affecting Natura 200 sites- methodological guidance on the provisions of Article 6(3) and 6 (4) of the Habitats Directive 92/43/EEC.*
Managing Natura 2000 sites The provisions of Article 6 of the Habitats Directive 92/43/EEC.
European Commission (2002)

Step 2: describing the project or plan and the description and characterisation of other projects or plans that in combination have the potential for having significant effects on the Natura 2000 site;

The objective of the Plan is to provide a strategic planning framework for the development of Lismore. The Plan is intended to be a framework for local authority development and will address issues such as settlement, transportation, economic development, community facilities, heritage conservation and environmental protection.

The town of Lismore is located adjacent to the River Blackwater. The SAC was designated for the presence of nine species and ten habitats listed in Annex 1 and II of the EU Habitats Directive. The protection of the favourable conservation status of SAC sites is a policy of the Waterford County Development Plan.

Step 3: Identifying the potential effects on the Natura 2000 site;

The DoEHLG Guidance on Appropriate Assessment on Plans and Projects in Ireland (December 2009) states that all N2000 sites within or adjacent the town must be mapped and tabulated, and site integrity and site conditions necessary to support the site integrity must be indicated.

The information presented in Table 1 details the Natura 2000 site within Lismore. Table 2 details sites outside Lismore and within a 15km buffer of the town

The N2000 sites are listed by designation; Special Areas of Conservation / Special Protection Areas. The following information is listed for each N2000 site:

- Site code
- Site name
- Qualifying interests
- Conservation objectives
- Threats to site integrity

Step 4: Assessing the significance of any effects on the Natura 2000 site.

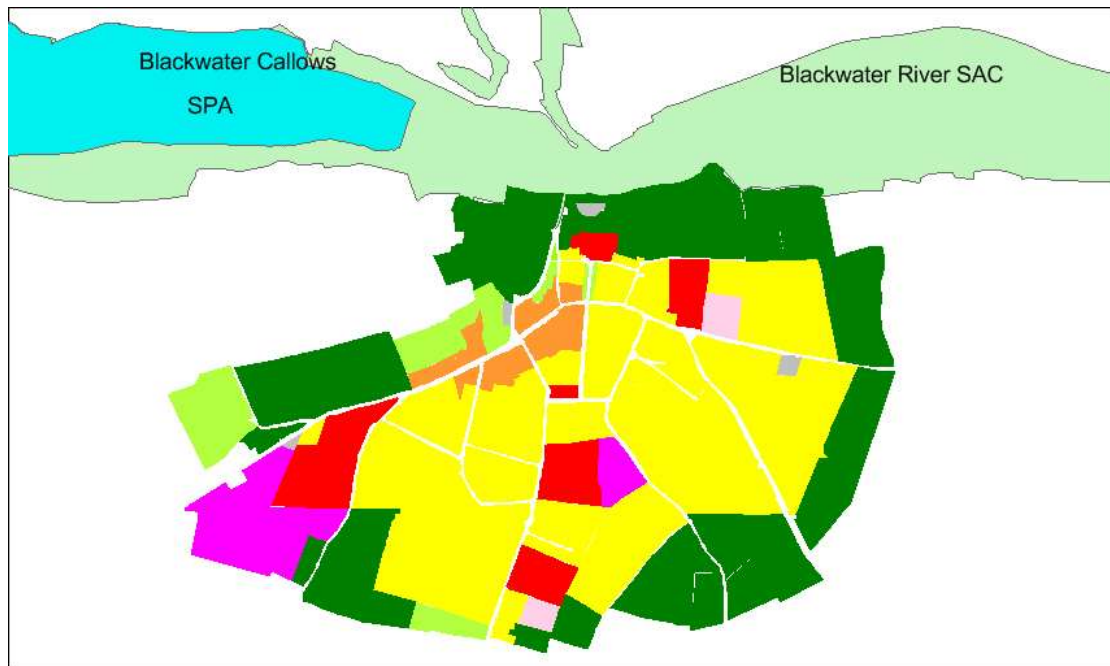
The screening stage involves application of the precautionary principle proportional to the policy/objective and the Natura 2000 site in question. Land use zonings, objectives and policies from the Draft Local Area Plan and their impact on the N2000 have been screened to ascertain if the policies / objectives are likely to have significant effects on any Natura 2000 sites, using the following framework.

- Town Plan zoning/policy/objective
- N2000 site
- Qualifying interests
- Threats to site integrity
- Potential impacts from Draft Local Area Plan

- Risk of significant impact (Y/N)
- Potential 'in combination' impacts
- Risk of significant impacts (Y/N)
- Avoidance and (then) mitigation measures
- Action required: Policy change needed / rewording / additional CDP objective

Where no significant effects are found, then policies or objectives are accepted. If all the policies / objectives in the Draft Local Area Plan are found not to have a significant effect on any Natura 2000 site no further HDA assessment is required.

Where a policy / objective as worded does have potential for a significant effect, then the policy /objective needs to be amended or rejected. The local authority understands that if it still wishes to proceed with the policy /objective even though it may have a significant effect, then a Stage 2 extended HDA assessment and preparation of a Natura Impact Report is required.



Map 1. Natura 2000 sites in the catchment of Lismore Local Area Plan

4. Qualifying interests and Conservation Objectives of Natura 2000 sites

Table 1: Natura 2000 sites within Lismore

Lismore		Special Areas of Conservation (SACs)		
Site code	Site name	Qualifying interests (of entire SAC)	Conservation objectives	Threats to site integrity
000072	Blackwater River (Cork/Waterford)	Estuary, Mudflats, Shingle Banks, Salt Meadows, Floating River Vegetation, Old Oak Woods, Alluvial Woodland, Yew Woodland, Freshwater Pearl Mussel, White-clawed Crayfish, Shad, Lampreys, Salmon, Otter, Killarney Fern	<p>To maintain the Annex I habitats and Annex II species for which the cSAC has been selected at favourable conservation status.</p> <p>Relevant to Lismore are</p> <p>Floating River Vegetation, Old Oak Woods, Alluvial Woodland, White-clawed Crayfish, Shad, Lampreys, Salmon, Otter,</p>	Professional fishing, taking of flora, fauna, Water pollution, climate change, change in species composition, aquaculture, bait digging, aggregate extraction, industrialisation, port/marina, communications networks, water pollution, reclamation of land, coastal protection works, invasion by a species, erosion and accretion, overgrazing, infilling and reclamation, inappropriate grazing levels, clearance for agriculture or felling for timber, increased development Obstructions, impassable weirs, channel maintenance, barriers, eutrophication, leisure fishing, drift netting use of pesticides, fertilisation, removal of hedges and copses, removal of scrub, felling of native or mixed woodland, professional fishing(including lobster pots and fyke nets)hunting, trapping, poisoning,

			<p>poaching, sand and gravel extraction, mechanical removal of peat, urbanised areas, human habitation, continuous urbanisation, industrial or commercial areas, discharges, disposal of household waste, industrial waste, inert materials, other discharges, routes, autoroutes, bridge, viaduct, water pollution, other forms of pollution, infilling of ditches, dykes, pods, pools, marshes or pits, drainage, management of aquatic and bank vegetation for drainage purposes, removal of sediments, canalisation or modifying structures of inland water course</p> <p>Collection of samples, outdoor recreation, woodland clearance, overgrazing, hydrocarbons, global warming, climate change, modifications to the hydrology of sites through afforestation, road development or hydro-electric engineering. Air pollution</p>
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Table 2: Natura 2000 sites within 15km of Lismore

County Waterford		Special Areas of Conservation (SACs)	
Site code/name	Qualifying interests	Conservation objectives	Threats to site integrity
Blackwater Callows	Whooper swan, Bewick's Swan,	To maintain the bird species of special conservation interest for	Disturbance, change in agricultural

	Golden Plover, Kingfisher	which this SPA has been listed at favourable conservation status	practices
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Table 3 presents a strategic level assessment of impacts from the Draft Local Area Plan 2014-2020 on Natura 2000 sites. Potential impacts for Annex II species that occur within the Town are also screened. These include Salmon, Otter and Lamprey.

Table 3. Habitats Directive Assessment Matrix to determine general risk of significant impacts on River Blackwater and species

Natura 2000 Site SAC	Pressure Topic	Possible impacts from Local Area Plan	Risk of Significant Impact	Mitigation measure
River Blackwater	<p>Water quality Waste Water Treatment</p> <p>Reference to the EPA Envision mapping system describes current water quality downstream of Lismore as Q4 (Good Status). WFD Status in the SWRBMP is classified as moderate.</p>	Increase in population in Lismore, increase in development on lands adjacent to SAC	<p>The waste water treatment plant that has been in existence since 1986 is currently at capacity and will require upgrading.</p> <p>Draft plan proposes future zoning of 31.5ha of residential lands over the lifetime of the plan -a reduction from the existing 36.5 ha currently zoned.</p> <p>Retention of green belt provides a buffer between the urban area and the SAC and flood risk area.</p>	<p>The upgrade of the treatment plant will commence by end 2013 and will improve the existing situation by expanding capacity and upgrading the site infrastructure.</p> <p>South-West River Basin District Management Plan Standards and Programme of Measures will guide monitoring and restoration measures.</p>

Annex II species	Conservation Status on a national level³	Pressure Topic	Mitigation measure
Salmon	Bad	Water quality	Programme of Measures under WFD and SW River Basin District Management Plan
Otter	Poor	Water quality Disturbance to river banks	Infrastructure projects will be subject to A.A. at the project level.
River Lamprey	Good	Water quality	Water quality targets set out in the SW River Basin District Management Plans

³ The Status of EU Protected Habitats and Species in Ireland DoEHLG 2008

5. Review of Conservation Status of River Blackwater SAC in Lismore

5.1 .Qualifying Habitats protected in the River Blackwater SAC in Lismore

The Annex II species listed as qualifying interests for the Lower River Blackwater SAC that are present in Lismore include Salmon, Otter and Lamprey.

6. Potential Impacts of the Draft Lismore Local Area Plan 2014-2020

6.1 Strategic Objectives

The Lismore Local Area Plan 2014-2020 aims to support growth in the town in accordance with the County Development Plan Core Strategy. It is an objective of the LAP to ensure that the future expansion of Lismore and a controlled intensification of land uses does not undermine the town's physical or natural environment and is in keeping with the Core Strategy and objectives for the sustainable development of the plan area. A review of zoning in the 2007-2013 plan shows that 36.5 ha were zoned for residential development in that plan which based on the Core Strategy requirements indicates an over-zoning of 31.5ha. In order to address this, the reviewed plan proposed 5 ha of residential zoning for the plan period and the remaining 31.5 ha will be zoned as future phased.

In the context of Habitats Directive Assessment, potential impacts on Natura 2000 sites may arise where increased population growth cannot be served by water and wastewater infrastructure leading to deterioration of water quality standards and pollution which may compromise habitat quality and thereby affect the favourable conservation status of habitats and species. It is recognised that the existing Waste Water Treatment Plant is at capacity and an upgrade is proposed for 2013-2014. The current water quality status of the River Blackwater is classed as Q4 (good). The LAP shall be consistent with policies and objectives in the County Development Plan which advocate ensuring that infrastructure provision keeps pace with development as stated in Policy INF 19 of the County Plan.

“The Council will facilitate where possible the provision and improvement of water supply and wastewater collection/treatment schemes in the County in line with the Settlement Strategies as set out in Chapter 4 County Settlement Strategy”.

Some policies set a framework for future development that may impact on the River Blackwater SAC, e.g. objectives for roads and utilities infrastructure. Table 4 presents assessment of these objectives at the strategic level. The strategic nature of the policy may not contain sufficient detail (location, scale etc) at this level to accurately assess the significance of the impact and thus it is considered that the impacts will be more adequately assessed at project level if and when that project is progressed.

In terms of key framing policy documents relating to the local area plan the SE Regional Waste Management Plan is currently under review which includes an AA screening as part of that process.

6.2 Development Policies and Objectives

Potential impacts on the River Blackwater SAC from all policies and development objectives in the Draft Local Area Plan were screened and assessed. Any policy or objective that sets the framework for future development e.g. infrastructure objectives for roads and waste water treatment will be mitigated by the policy in Chapter 6 (NH2) to ensure any development objectives and policies that could impact on the River Blackwater SAC will be screened for appropriate assessment at the project level and progressed in compliance with Article 6 of the Habitats Directive.

Natural Heritage policies in Chapter 6 (Section 8.1) including the objective to encourage the retention and creation of sites of local biodiversity value, ecological corridors and networks that connect areas of high conservation value will serve to integrate nature conservation considerations into future land use and development proposals.

A review of the SAC boundary in relation to existing land use zonings shows there is no encroachment on the SAC boundary from development zoning in the Local Area Plan. An agricultural greenbelt provides a 200m buffer between the River Blackwater and the Town boundary.

6.3 Impacts on Natura sites within 15km of Lismore Town

There is one Natura 2000 site located within 15km of Lismore- the Blackwater Callows SPA. This site shares a physical hydrological link with Lismore through the river Blackwater but it is not envisaged the SPA consisting of callow lands in the Blackwater Floodplain will be directly affected by policies in the Draft Local Area Plan.

6.4 Consultation

The Draft Lismore Local Area Plan, SEA Screening Report and AA Screening Report were put on public display from June 10th 2013 until July 22nd 2013. A total of 8 submissions were received in relation to the plan. The DoECLG recommended enlargement of maps in the AA report.

The Draft Local Area Plan and proposed material amendments and AA Screening Report were made available for public consultation from November 4th until December 2nd 2013. No submissions were received on the AA Screening Report.

6.5 Impacts from Proposed Material Amendments to Plan

All material amendments proposed to the Draft Lismore LAP were screened for their impacts on the River Blackwater SAC. All policy amendments proposed to the plan were appraised as being neutral in their impact on the Natura 2000 network. The proposed additions of Policy NH1 and Objective INF5 were considered positive.

6.6 Conclusion

A Habitats Directive Screening Assessment was carried out on the Draft Local Area Plan for Lismore 2014-2020. A review of conservation objectives and threats to site integrity for the River Blackwater SAC was undertaken to identify sites that may be impacted by policies/objectives in the Draft Local Area Plan. Pressure topics such as water quality and land use zonings were assessed for their impacts on the SAC. Screening for impacts on Annex II species occurring within the Plan area was also carried out. All these species are water dependant species and thus, protecting the habitat in which they occur will by association enable improvement/protection of their conservation status. Conservation status for River Lamprey is considered good.⁴ Species such as Salmon and Otter are considered to hold bad and poor conservation status on a national level reflecting the need to address water pollution and management of riparian zones. The Lismore Local Area Plan recognises the need to upgrade waste water treatment in the town and this will commence by end 2013 and be completed by mid 2014. The Plan promotes policies and objectives for the improvement of water quality in the town area.

No land use zonings were found to conflict with the SAC boundary.

It is considered that the Local Area Plan will not have any adverse effects on the integrity of Natura 2000 sites in or within a 15km catchment of Lismore. Any future plans or projects arising from the Plan and that may impact on the River Blackwater SAC will be subject to an appropriate assessment in compliance with Article 6 of the Habitats Directive, Section 177(v) of the Planning and Development Act 2000 as amended and as per policy under NH 2, Chapter 6 in the Local Area Plan.

This assessment should be read in conjunction with the Lismore Local Area Plan 2014-2020 and the SEA Screening Report prepared in fulfilment of the SEA Regulations..

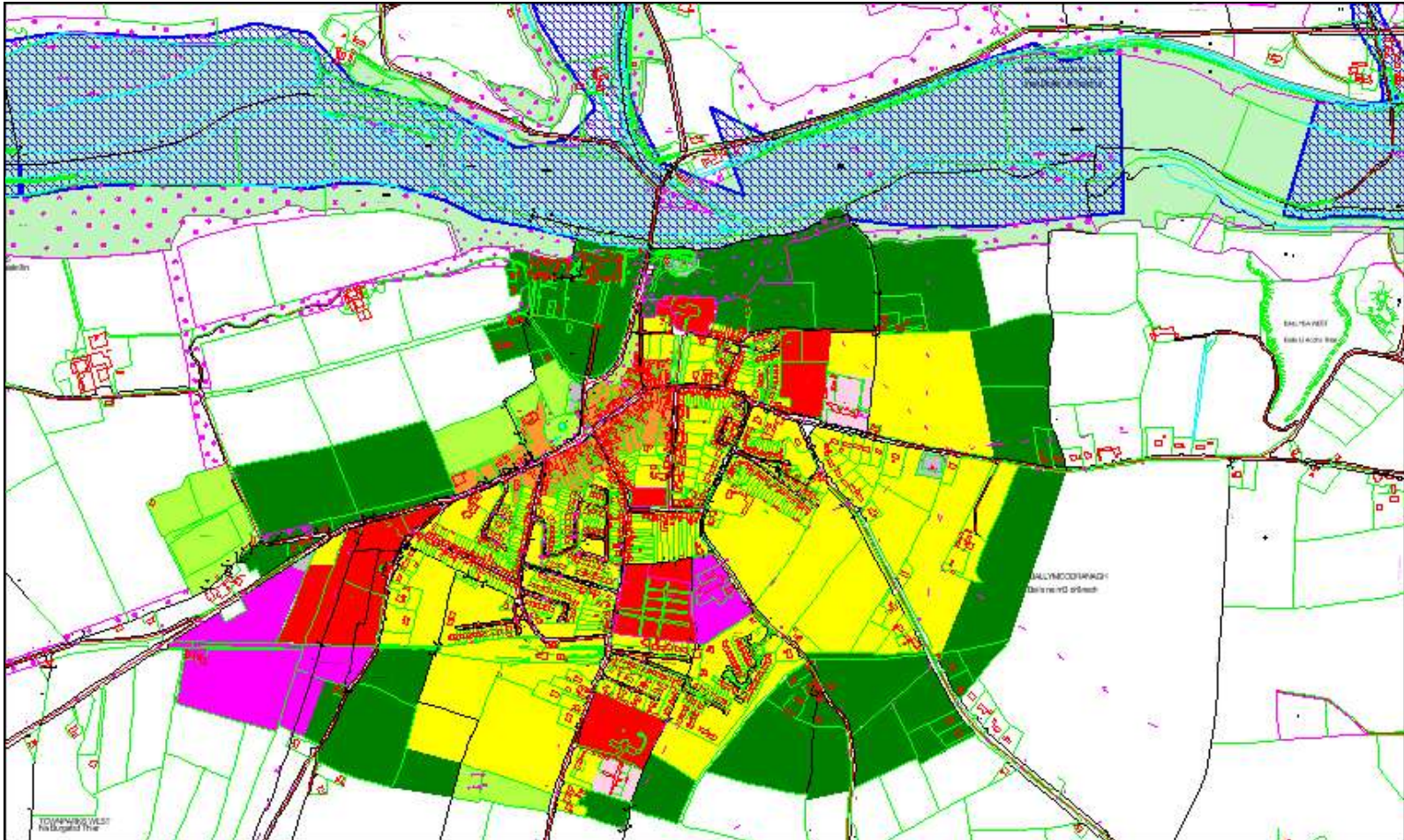
⁴ The Status of EU Protected Habitats and Species in Ireland (DoEHLG 2008)

Table 4. AA Screening Assessment of Draft Development Plan policies and objectives

Reference No.	Draft Local Area Plan Policy 2014-2020	Comment/Proposed Amended Policy following screening of Draft Plan	Amended policy following public consultation and review of submissions
Policies			
Obj INF2	To provide for an East/West Connector Road to the South of the Town as indicated on the appended mapping	Mitigated by policy NH2 Chapter 6	
Obj INF3	To provide for the proposed Cappoquin/Lismore bypass to the south of the Town and to preserve the lands in the vicinity of the indicated route of the bypass	Mitigated by policy NH2 Chapter 6	
Policy INF10	To ensure adequate waste water treatment facilities in Lismore to cater for the needs of current and future residents	Mitigated by policy NH2 Chapter 6	
Obj INF9	To upgrade the existing waste water treatment capacity to approximately 3,000 p.e	Mitigated by policy NH2 Chapter 6	
Obj INF15	It is the objective of the Council to facilitate developers and utility providers in meeting the requirements for utility services such as telecommunications, gas and electricity	Mitigated by policy NH2 Chapter 6	

AA and Flood Risk

A Strategic Flood Risk Assessment was prepared as part of the Plan Review Process and recommendations integrated into policies of the Draft Plan. Overlay of the flood risk zones on the River Blackwater SAC demonstrate overlap of Flood Risk Zones with the SAC. An agricultural green belt buffers the town of Lismore from the Floodplain of the River Blackwater.



Map 4. Lismore Local Area Plan extent with SAC (in green) and Flood Risk Zoning (blue hatched)

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