

Habitats Directive Article 6

Appropriate Assessment Screening

Development Management
Standards

Waterford City & County Council

Proposed Material Alterations to

**Draft Variation No. 1 to Waterford County
Development Plan 2011-2017**

**Draft Variation No. 1 to Waterford City Development
Plan 2013-2019**

**Draft Variation No. 1 to Dungarvan Town
Development Plan 2012-2018**

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Map 1. **SACs and SPAs in County Waterford**

1. Introduction to the 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 birds.

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 and (Part XAB) of the Planning and Development Act 2000 (as amended), set out 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.

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.

2. Guidance on the implementation of Article 6

The European Commission's guidance on the provisions of article 6(3) and 6(4) of the Habitats Directive sets out four stages for Appropriate 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;

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 proposed material alterations to the proposed variation on the Development Management Standards Chapter to the Waterford County Development Plan 2011-2017, Waterford City Development Plan 2013-2019 and the Dungarvan Town Development Plan 2012-2018.

This stage examines the likely effects of the proposed material alterations on Natura 2000 sites in Waterford and within a 15km radius of the county and considers whether it can be objectively concluded that these sites will not be significantly impacted. This assessment comprises four steps:-

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

The Development Management Standards contained in the three respective plans apply uniform standards for new and existing developments across the three planning authorities. At present there exists separate development plans for Waterford City, Waterford County and Dungarvan. The Planning Authority proposes three separate Variations to the Waterford City Development Plan 2013-2019, Waterford County Development Plan 2011-2017 and the Dungarvan Town Development Plan 2012-2018 in order to merge and update the Development Management Standards applied to development proposals across the City and County. This will ensure that new development proposals are assessed in a consistent manner and reflect up to date requirements and standards for development proposals. The proposed variation is not directly connected to the management of any Natura 2000 sites.

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 Development Management Standards contained in the three respective plans apply uniform standards for new and existing developments across the three planning authorities. At present there exists separate development plans for Waterford City, Waterford County and Dungarvan. The Planning Authority proposes three separate Variations to the Waterford City Development Plan 2013-2019, Waterford County Development Plan 2011-2017 and the Dungarvan Town Development Plan 2012-2018 in order to merge and update the Development Management Standards applied to development proposals across the City and County. This will ensure that new development proposals are assessed in a consistent manner and reflect up to date requirements and standards for development proposals.

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 county 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 comprises a breakdown of Natura 2000 sites within Waterford. 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

Table 2 details sites outside Waterford but within a 15km buffer zone of the county.

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. The proposed variation and its impact on the N2000 have been screened to ascertain if the variation is likely to have significant effects on any Natura 2000 sites, using the following framework.

- Proposed variation
- N2000 site
- Qualifying interests
- Threats to site integrity
- Potential impacts from proposed variation
- Risk of significant impact (Y/N)
- Potential 'in combination' impacts
- Risk of significant impacts (Y/N)
- Avoidance and (then) mitigation measures
- Action required: objective/action change needed / rewording /

Where no significant effects are found, the proposed variation is accepted and a Finding of no Significant Effects Report is concluded and no further assessment is required.

Where the proposed variation does have a significant effect, then the policy needs to be amended or rejected and a Stage 2 Appropriate Assessment is required.



Table 1: Natura 2000 sites within Waterford

Waterford		Special Areas of Conservation (SACs)	
Site code	Site name	Qualifying interests	Conservation objectives
			Threats to site integrity
0002137	Lower River Suir	Alluvial Wet Woodlands and Yew Wood, Floating River Vegetation, Atlantic Salt Meadows, Old Oak Wood and Eutrophic Tall Herbs Sea Lamprey, Brook Lamprey, River Lamprey, Freshwater Pearl Mussel, Crayfish, Twaité Shad, Atlantic Salmon, Otter	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.
			Obstructions, impassable weirs, gross pollutants, specific pollutants, channel maintenance, man-made barriers to migration, 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, 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

			<p>modifying structures of inland water course</p> <p>Overgrazing, infilling and reclamation, inappropriate grazing levels and invasive species, clearance for agriculture or felling for timber, planting of non-native conifers, Increased development</p>
002123 Ardmore Head	Dry coastal heath and vegetated sea cliffs.	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.	Amenity use, residential and other development in adjacent areas, encroachment of scrub
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 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.</p> <p>To restore the favourable conservation condition of the Freshwater Pearl Mussel in the Blackwater River SAC.</p>	<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,</p>

			<p>professional fishing(including lobster pots and fyke nets)hunting, trapping, poisoning, 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>
001952 Comeragh Mountains	Blanket bog, Dry, Wet and Alpine Heath, Rocky Slopes, Oligotrophic Lakes, Floating River Vegetation, Shining Sicklemoss	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.	Agriculture, burning, sand and gravel extraction, urbanisation, industrialisation, acidification, tropospheric ozone and nitrogen enrichment caused by atmospheric deposition

			Abandonment, overgrazing, burning, quarrying, outdoor recreation
002324 Glendine Wood	Semi-natural Woodland with rare assemblages of Ground Flora.	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.	Collection of samples, outdoor sport and leisure, human disturbance in localities used for recreational purposes. Woodland clearance, overgrazing, natural processes such as wind felling of trees. Modifications to the hydrology of a site through afforestation, road development or hydro-electric engineering, water pollution, air pollution, hydrocarbons, global warming, climate change
000665 Helvick Head	Vegetated Sea Cliffs and Dry Heath.	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.	Agriculture, burning, sand and gravel extraction, urbanisation, industrialisation, acidification, tropospheric ozone and nitrogen enrichment caused by atmospheric deposition
000668 Nier Valley Woods	Old Oak Woodlands and Dry Heath	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.	Inappropriate grazing levels and invasive species, clearance for agriculture or felling for timber, planting of non-native conifers Agriculture, burning, sand and gravel extraction, urbanisation, industrialisation, acidification, tropospheric ozone and nitrogen enrichment caused by atmospheric deposition
002162	Estuary, Mudflats, Salt Meadows, Floating	To maintain or restore the favourable conservation condition of the	

River Nore and River Barrow (Waterford Estuary)	River Vegetation, Dry Heath, Marginal River Vegetation, Petrifying Springs, Old Oak Woods, Alluvial Woods, White-clawed Crayfish, Freshwater Pearl Mussel, Whorl snail, Shad, Lampreys, Salmon, Otter, Killarney Fern	Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	See above under County Carlow
00671 Tramore Dunes and Back Strand	Mudflats and sandflats, shingle banks, salt meadows, embryonic, white and fixed dunes.	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.	Erosion, walking, horseriding and non motorised vehicles, trampling, overuse, sea defence or coastal protection works, undergrazing, invasion by a species, camping and caravans, agricultural improvement, stock feeding, overgrazing, paths, tracks, cycle routes, golf courses, restructured agricultural land holding, disposal of household waste, sand and gravel extraction, other pollution or human activities, aquaculture, professional fishing, bait digging, removal of fauna, aggregate extraction, removal of beach material, industrialisation, port/marina, communication networks, water pollution, reclamation of land,
		Special Protection Areas (SPAs)	
Site code Site name	Qualifying interests	Conservation objectives	Threats to site integrity
Tramore Backstrand	Brent Geese, Golden Plover, Grey Plover, Black-tailed Godwit, Bar-tailed Godwit, Lapwing, Dunlin, Sanderling,	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Disturbance, Water Quality, Invasive Species
Dungarvan Bay	Brent Goose, Black-tailed Godwit , Bar-tailed Godwit, of international importance	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Disturbance, Water pollution, climate change, change in species composition,

	Nationally important numbers of Shelduck, Wigeon, Red-breasted Merganser, Grey Plover, Golden Plover, Lapwing, Knot, Sanderling, Dunlin, Redshank and Turnstone		aquaculture, bait digging, aggregate extraction, industrialisation, port/marina, communications networks, water pollution
Blackwater Callows	Whooper swan, Bewick's Swan, Golden Plover, Kingfisher	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Disturbance, change in agricultural practices
Blackwater Estuary	Little Egret, Golden Plover, Bar-tailed Godwit, Sandwich Tern, Roseate Tern, Common Tern	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Disturbance, Water pollution
Helvick Head Coast	Peregrine, Chough Kittiwake and Guillemot	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Development, Change in agricultural practices, agricultural abandonment, encroachment of scrub, loss of close-sward grazing,
Mid-Waterford Coast	Peregrine, Chough	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Development, Change in agricultural practices, agricultural abandonment, encroachment of scrub, loss of close-sward grazing,

Table 2: Natura 2000 sites within 15km of Waterford

County Cork		Special Areas of Conservation (SACs)		
Site code	Site name	Qualifying interests	Conservation objectives	Threats to site integrity
	Ballymacoda Bay SPA	Estuaries, salt meadows, mudflats and sandflats	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.	Professional fishing, taking for fauna, taking for flora, water pollution, climate change, change in species composition, Invasive Species, Erosion and accretion, Aquaculture, professional fishing, bait digging, removal of fauna, aggregate extraction;(removal of beach material, industrialization, Port/Marina, communications networks, water pollution,

			reclamation of land, coastal protection works, invasion by a species
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	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.	See County Waterford above

5. Screening Assessment

Table 4 presents issues concerning the conservation status of the larger Natura 2000 sites and species where they occur in Waterford

Table 4. Habitats Directive Assessment Matrix to determine nature of risk of significant effects on SACs and SPAs.

Natura 2000 Site SAC	Pressure Topic	Possible impacts from Proposed Material alterations	Risk of Significant Impact	Mitigation measure
Lower River Suir	Water quality Waste Water Treatment (EPA classify Lower Suir Estuary trophic status as Intermediate, Upper Suir Estuary as Eutrophic) ³	No significant impacts anticipated	No significant impacts anticipated	No significant impacts anticipated

³ Ireland's Environment 2008 (EPA)

Blackwater River	Water Quality and Waste Water Treatment (EPA classify trophic status as eutrophic in both Upper and Lower Blackwater Estuary)	No significant impacts anticipated	No significant impacts anticipated	No significant impacts anticipated
River Nore and River Barrow including Waterford Estuary	Water quality (EPA list trophic status as Intermediate) Waste Water Treatment	No significant impacts anticipated	No significant impacts anticipated	No significant impacts anticipated
Tramore Dunes and Back Strand	Recreational Pressure	No significant impacts anticipated	No significant impacts anticipated	No significant impacts anticipated
Comeragh Mountains	Recreational Pressure	No significant impacts anticipated	No significant impacts anticipated	No significant impacts anticipated
Natura 2000 Site SPA	Pressure Topic	Possible impacts from Proposed Material alterations	Risk of Significant Impact	Mitigation measure
Helvick Head Coast	Disturbance	No significant impacts anticipated	No significant impacts anticipated	No significant impacts anticipated
Mid-Waterford Coast	Disturbance	No significant impacts anticipated	No significant impacts anticipated	No significant impacts anticipated

Dungarvan Bay	Water quality Waste Water Treatment (EPA classify trophic status as Intermediate. SERBDMP state the area requires restoration to reach good status under the WFD by 2015).	No significant impacts anticipated	No significant impacts anticipated	No significant impacts anticipated
Tramore Back Strand	Disturbance	No significant impacts anticipated	No significant impacts anticipated	No significant impacts anticipated
Annex II species	National Conservation Status⁴	Threats to Conservation Status on a national level		Comment/ Mitigation measure
Freshwater Pearl Mussel	Bad	Water quality		No significant impacts anticipated
Killarney Fern	Good	Modifications to the hydrology of Killarney Fern sites through afforestation, road development		No significant impacts anticipated
Salmon	Bad	Water quality		No significant impacts anticipated
Crayfish	Poor	Water quality		No significant impacts anticipated
Twaite Shad	Bad	Water quality		No significant impacts anticipated
Otter	Poor	Water quality Clearance of riparian vegetation		No significant impacts anticipated
River Lamprey	Good	Water quality		No significant impacts anticipated
Sea Lamprey	Poor	Weirs and Channel maintenance		No significant impacts anticipated

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

5.2 Potential Impacts and Mitigation

5.2.1 Proposed Material Alterations

The proposed Material Amendments and the SEA and AA Screening Report were presented to Plenary Council on May 12th 2016 for discussion. The Members of Waterford City & County Council resolved that the Draft Variation be altered as follow;

Alteration 1: To alter Section 10.1 of the draft variation – wording change to text with regard to guidance contained in the Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012) and specifically relating to guidance on transitional zones and lands adjoining national roads within 50kmh speed limits.

Alteration 2: To amend Section 8.1.2 Traffic & Transport Assessments by the inclusion of additional text – wording change relating to the requirements for Traffic and Transport Assessments as per the NRA/TII Traffic & Transport Guidelines (2014).

Alteration 3: To amend Section 11.7 Advertising with additional text under bullet point 7 to reflect policy on Signage in the ‘Spatial Planning & National Road Guidelines (2012)’.

Alteration 4: Amendments to Section 4 Residential Development Design Standards involving minimum separation distances between gables of non-adjoining dwellings of 4m in the Waterford County Development Plan 2011-2017 and Dungarvan Town Development Plan 2012-2018 and 2.4m in Waterford City Development Plan.

Alteration 5: Amendments to Minimum Private Open Space Requirements for Dwelling Units involving separate standards for houses in Waterford City from Waterford County and Dungarvan Town.

The proposed new Development Management Chapter has had regard to national guidelines and policy documents that have been published since the respective Development Plans in the City and County have been prepared. This includes *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities* (2015), Step by Step guidance document on the preparation of Workplace Travel Plans, and A Guide for Implementers (National Transport Authority), *Retail Design Manual – A Companion Document to the Retail Planning Guidelines for Planning Authorities* (2012), Traffic and Transport Assessment Guidelines (NRA 2014), Design Manual for Urban Roads & Streets) Dept. Of Transport, Tourism & Sport and Department of Environment, Community & Local Government (2013).

Potential impacts on the Natura 2000 network from the proposed material alterations were assessed and found not to pose significant effects on Natura 2000 sites.

6. Impacts on Natura sites within 15km of County Waterford

There is 1 Natura 2000 site located within 15km of County Waterford- Ballymacoda Bay in Co. Cork and it will not be directly affected by the proposed material alterations.

All the River SACs within Waterford (Blackwater, Lower River Suir, Barrow and Nore,) traverse the county boundary with Counties Cork, South Tipperary and Kilkenny. No significant impacts arising from the proposed material alterations are anticipated upstream in these river corridors.

7. Conclusion

A Habitats Directive Screening Assessment was carried out on the proposed material alterations to the variation on Development Management Standards Chapter to the Waterford County Development Plan 2011-2017, Waterford City Development Plan 2013-2019 and the Dungarvan Town Development Plan 2012-2018.

A review of conservation objectives and threats to site integrity for the range of Natura 2000 sites in Waterford was undertaken to identify sites that may be impacted by the proposed material alterations.

As the proposed material alterations to the Development Management Standards to be applied across Waterford City and County include;

- Application of Development Management Standards for Residential & General Development across the city and county.
- wording change to text with regard to guidance contained in the Spatial Planning and National Roads Guidelines for Planning Authorities

and no changes are proposed to any land use zoning objectives in the Waterford City Development Plan, Waterford County Development Plan or Dungarvan Town Development Plan there are no significant impacts anticipated arising from the proposed material alterations.

Any proposed development that may impact on Natura 2000 sites will be subject project level AA in keeping with the requirements of Articles 6(3) and 6(4) of the Habitats Directive and Section 177(v) of the Planning and Development Act 2000 as amended.

It is not considered the proposed material alterations to the variation on Development Management Standards Chapter to the Waterford County Development Plan 2011-2017, Waterford City Development Plan 2013-2019 and the Dungarvan Town Development Plan 2012-2018 will give rise to significant effects on Natura 2000 sites in Waterford City and County. This assessment should be read in conjunction with the proposed material alterations to the variation and the accompanying SEA Screening Statement prepared in fulfilment of the SEA process.