

# **PROPOSED VARIATION TO THE WICKLOW COUNTY DEVELOPMENT PLAN 2010-2016**

## **PROPOSED AVOCA SETTLEMENT PLAN**

### **APPROPRIATE ASSESSMENT (AA) SCREENING**

#### **Section 1 Introduction and Background to Appropriate Assessment**

##### **1.1 Introduction**

This is the Appropriate Assessment (AA) screening report of the Proposed Avoca Settlement Plan. This report is being carried out in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC).

The purpose of this report is to assess the likely effects of the proposed Avoca Settlement Plan either alone or in combination with other projects or plans, on any Natura 2000 site and to consider whether these impacts are likely to be significant and thus require an appropriate assessment. The report has taken into consideration the European Commissions publication- *Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Articles 6 (3) and (4) of the Habitats Directive 92/43/EEC*, Circular Letter SEA 1/08 & NPWS 1/08 from the Department of the Environment, Heritage and Local Government and *Appropriate Assessment of Plans and Project in Ireland – Guidance for Planning Authorities* (December 2009) from the Department of the Environment, Heritage and Local Government.

##### **1.2 The Avoca Settlement Plan**

The Avoca Settlement Plan sets out an overall strategy for the proper planning and sustainable development of the Avoca settlement up to 2022, and includes a written statement and a plan indicating development objectives for the settlement.

The plan will form part of the Wicklow County Development Plan 2010-2016 and will be adopted under Section 13 of the Planning and Development Act, as a variation of the Wicklow County Development Plan 2010-2016.

##### **1.3 Legislative Context:**

###### *The EU Habitats Directive*

The assessment of impacts on Designated European Sites i.e. Special Areas of Conservation and Special Protection Areas, finds its origins in the EU Directive on the Conservation of Habitats, Flora and Fauna (92/43/EEC), more commonly known as the "Habitats Directive" which came into force in 1994 and was transposed into Irish law in 1997. The "Habitats Directive" provides legal protection for habitats and species of European importance.

The Habitats Directive was formulated as a direct result of the continuous deterioration of natural habitats and the increasing impacts on wild species arising in the most part as a result of development and agricultural activity. The main aim of the EU Habitats Directive is to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species at a favourable conservation status, introducing robust protection for those habitats and species of European importance.

The conservation status of a habitat is defined in Article 1 of the Directive as the sum of the influences acting on a natural habitat and its typical species that may affect its long-term

natural distribution, structure and functions, as well as the long-term survival of its typical species. The conservation status of a natural habitat will be taken as favourable when:

- ⇒ Its natural range and the areas it covers within that range are stable or increasing,
- ⇒ The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future,
- ⇒ The conservation status of its typical species is favourable<sup>1</sup>.

Articles 3 to 9 provide the legislative means to protect habitats and species of European Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation (SACs), designated under the Habitats Directive, and Special Protection Areas (SPAs), designated under the Conservation of Wild Birds Directive (79/409/ECC).

In its implementation, the Habitats Directive introduces the 'Precautionary Principle' approach towards proposals whereby projects can only be permitted having ascertained that there is not likely to be any significant impact on the conservation status of the designated site.

As set out in MN2000<sup>2</sup>, the conservation of natural habitats and habitats of species forms the most ambitious and far-reaching challenge of the Habitats Directive. This is set out in Article 6 of the Directive, which governs the conservation, and management of Natura 2000 sites. In this context Article 6 is viewed as one of the most important of the 24 articles of the directive being the one which determines the relationship between conservation and land use.

Article 6 of the Directive has three main provisions. This structure provides for a clear distinction between Article 6(1) and (2) which define a general regime, while Article 6(3) and (4) define the procedures to be applied to specific circumstances.

- A) Article 6(1) makes provision for the establishment of the necessary conservation measures, and is focused on positive and proactive interventions. This relates to the development of Conservation Management Plans specifically designed for designated sites.
- B) Article 6(2) makes provision for avoidance of habitat deterioration and significant species disturbance. Its emphasis is therefore preventive.
- C) Article 6(3) and (4) set out a series of procedural and substantive safeguards governing plans and projects likely to have a significant effect on a Natura 2000 site.

Article 6 is seen to reflect the overall aim of the Habitats Directive "promoting biodiversity by maintaining or restoring certain habitats and species at 'favourable status' within the context of Natura 2000 sites" while taking into account economic, social, cultural and regional requirements as a means to achieving sustainable development.

#### **1.4 Stages of the Appropriate Assessment**

This appropriate assessment screening report has been prepared in accordance with 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*, referred to as the "EC Article 6 Guidance Document (EC2000)". The guidance within this document provides a non-mandatory methodology for carrying out assessments required under Article 6(3) and 6(4) of the Habitats Directive, and are viewed as an interpretation of the EU Commission's document *"Managing Natura 2000 sites" (2002)*.

---

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

<sup>2</sup> MANAGING NATURA 2000 SITES, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (2000)

This assessment has also taken into consideration the Department of the Environment, Heritage and Local Government publication "*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*" (December 2009). This guidance is not a legal interpretation, but represents the current situation and understanding, and is regarded as a work in progress.

Stage one of the Methodological Guidance is the screening process, which examines the likely effects of a project, either alone or in combination with other projects or plans upon a Natura 2000 site and considers whether it can be objectively concluded that these effects will not be significant. This stage of the screening process involves four steps, which fall under the following headings:

1. Management of the site - *Involves determining whether or not the project or plan is directly connected with or necessary to the management of the site*
2. Description of the project or plan - *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*
3. Characteristics of the Site - *Identifying the potential effects on the Natura 2000 site(s)*
4. Assessment of Significance - *Assessing the significance of any effects on the Natura 2000 site(s).*

Stage 2 of the "Appropriate Assessment" process follows Stage 1 where, following an evaluation of the plan, it has been established the plan is likely to have a significant effect on any Natura 2000 site. This stage involves the following:

- ⇒ A description of the Natura 2000 sites that will be considered further in the Appropriate Assessment process;
- ⇒ A description of significant impacts on the conservation feature of these sites likely to occur from the proposed development;
- ⇒ Recommendations.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, a plan should aim to avoid any negative impacts on European sites by identifying possible impacts early in the plan-making, and writing the plan in order to avoid such impacts. Second, mitigation measures should be applied, if necessary, during the Appropriate Assessment process to the point where no adverse impacts on the site(s) remain. If the plan is still likely to result in adverse effects, and no further practicable mitigation is possible, then it is rejected. If no alternative solutions are identified and the plan is required for imperative reasons of overriding public interest (IROPI) under Article 6(4) of the Habitats Directive, then compensation measures are required for any remaining adverse effect.

## **Section 2 Screening**

### **2.1 Management of the Site**

*Determining whether or not the project or plan is directly connected with or necessary to the management of the site.*

Plans or projects that are directly connected with or necessary to the nature conservation and management of a Natura 2000 site are exempt from the need for Stage 2 Appropriate Assessment. For this exemption to apply, management should be interpreted narrowly as nature conservation management in the sense of Article 6(1) of the Habitats Directive, for example the relationship between the proposed plan and the management of the Natura site should be shown to be direct and not a by-product of the plan.

There are no designated Natura 2000 sites located within or immediately adjacent to the boundaries of the proposed Avoca Settlement Plan. The closest designated sites are situated

within the 15km zone from the settlement and comprise Vale of Clara (Rathdrum Wood) cSAC, Deputy's Pass Nature Reserve cSAC, Magherabeg Dunes cSAC and Buckroneys-Brittias Dunes and Fen cSAC. The relationship between the proposed Settlement Plan and these Natura 2000 sites is shown on the map appended to this document.

It is considered that the proposed plan is not directly connected with or necessary to the management of Nature sites.

## **2.2 Description of the Project or Plan**

*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*

### **2.2.1 The Avoca Settlement Plan**

The Avoca Settlement Plan forms part of the Wicklow County Development Plan (CDP) 2010-2016, and as such, the objectives and policies of the CDP apply to the plan area. It should be noted that an Appropriate Assessment Screening Report for the Wicklow County Development Plan 2010-2016 was prepared in September 2010 in accordance with the requirements of Article 6(3) of the EU Habitats Directive. The report concluded that significant impacts on Natura 2000 sites are unlikely and that further AA stages are not required. The CDP contains numerous mitigation objectives<sup>3</sup> that contribute to the conservation of Natura 2000 sites in accordance with the requirements of the Habitats Directive.

The aim of the Avoca Settlement Plan is to establish a framework for the planned, co-ordinated and sustainable development of Avoca, and to enhance and facilitate the balancing of economic, social and environmental infrastructure in order to maintain and develop a high quality of life without compromising the protection of the environment and the needs of future generations. The plan will provide for the growth of the settlement in accordance with the growth targets as included in the Settlement Hierarchy of the CDP. The targets in the Settlement Hierarchy indicate that the population of Avoca is to grow to a maximum population of 900 people by 2022 and a maximum population of 800 people by 2016. The development boundary of the Avoca Settlement Plan is based on the settlement boundary as defined by the CDP, and has been extended at three locations.

All objectives within the Avoca Settlement Strategy are informed by the following Settlement Vision and Strategy:

Settlement Vision:

*"In 2022 Avoca shall be a strong, vibrant and attractive rural town, that provides a good range of the essential day to day service and community needs of the local village population and the population of its hinterland, including the areas of Conary and Woodenbridge and their rural hinterlands. The settlement shall have a good range of housing options that provides for both local and urban generated demand, and shall provide employment opportunities for at least twenty-five percent of the local labour force, in a range of employment options, including local services, tourism and small scale industry."*

Settlement Strategy:

The objectives included herein shall apply to all lands that are located within the development boundary, as shown on the map.

*"It is an objective of the Council to:*

---

<sup>3</sup> List of objectives that comprise the mitigation measures are included in Appendix I attached.

- AV1** *Facilitate the population growth of the settlement up to a maximum of 800 people by 2016 and 900 people by 2022. No permission shall be granted that would increase the population of the settlement (i.e. the area within the plan boundary) above 800 people or 329 residential units (which ever is reached first) by 2016, and above 900 people or 391 houses (which ever is reached first) by 2022. The Council will control the development of residential units in accordance with these growth targets and the occupancy objectives as set out in the settlement strategy.*
- AV2** *Increase the quality and range of employment opportunities by facilitating developments that involve local investment in a variety of forms, including 'people' and 'product' intensive industries. The Council will allow for the development of 'people' intensive employment generating developments that provide for the local convenience and social service needs of the area and that provide for the needs of tourists and visitors. The Council will allow for the development of a limited amount of small scale lower order 'product' intensive industries, and will particularly support developments based on the use of a local rural resource.*
- AV3** *Provide for an expansion in the variety of retail facilities so that the village includes a range of retail outlets that provide for the day to day needs of the local population and the needs of tourists.*
- AV4** *Facilitate the development of a range of high quality community and recreational facilities that meet the needs of the local population, and in particular to allow for the development of youth-related developments, including an equipped play space.*
- AV5** *Promote tourist developments at suitable locations, that are of an appropriate scale and design. It is an objective of the Council to particularly promote tourist developments that are associated with the following tourism products or themes: (i) the area's mining heritage, (ii) walking as a recreational activity, (iii) the 'Ballykissangel' tourist draw, (iv) history pertaining to the theme of hand weaving / cloth manufacturing, (iv) Thomas Moore*
- AV6** *Preserve and improve public and private open space and recreation provision.*
- AV7** *Protect and enhance the character, setting and environmental quality of natural, architectural and archaeological heritage, and in particular those features of the natural landscape and built structures that contribute to its special interest.*
- AV8** *Encourage the appropriate redevelopment and regeneration of vacant, underutilised and derelict sites.*
- AV9** *Promote the development of safe and accessible pedestrian and traffic routes.*
- AV10** *Appropriately control development on flood prone areas in accordance with the following:*  
*Where objectives and policies are not covered directly by this plan, the objectives and policies of 'Section 12.6: Flooding' of the Wicklow County Development Plan 2010-2016 apply.*  
*It is the objective of the Council to restrict the types of development permitted in Flood Zone A and Flood Zone B to the uses that are 'appropriate' to each flood zone, as set out in Table 3.2 of the Guidelines for Flood Risk Management (DoEHLG, 2009). Developments that are not an 'appropriate' use for a flood zone area, as set out in Table 3.2 of the Guidelines, will not be permitted, except where a proposal complies with criteria (i) and (ii) below:*
- (i) *The development of lands for the particular use is required to achieve the proper planning and sustainable development of the settlement, and complies with at least one of the following:*
- *The development is located within the 'primary lands' and is essential for the achievement of the 'vision' or for the achievement of a specific objective for these lands.*
  - *The development comprises previously developed and/or under-utilised lands/sites,*
  - *There are no suitable alternative lands for the particular use, in areas at lower risk of flooding.*

(ii) *The planning authority is satisfied that all of the criteria set out in the justification test as it applies to development management (Box 5.1 of the Guidelines) are complied with.*

**AV11** *Ensure that a reliable and effective sewerage, water, drainage, energy, waste management and communications infrastructure is put in place to service the existing and future development needs of the settlement, in a manner that protects the quality of the environment, and to allow for the improvement of public services and public utility installations. It is a particular objective of the planning authority to ensure that the Waste Water Treatment Plant is upgraded to meet the requirements of the future population.*

**AV12** *Appropriately control advertising and signage in the interests of protecting the visual amenity of the area and ensuring the safety of the public.*

**AV13** *Ensure that the density, design, scale and use of developments shall reflect the scale and context of the area.*

**AV14** *Protect the amenity of existing residential properties.”*

## 2.2.2 Other Instruments

The principle plans/projects that may, in combination with the Avoca Settlement Plan, have a potential significant environmental effect on a Natura 2000 site include the following:

- Wicklow County Development Plan 2010-2016
- 'Eastern River Basin District Management Plan 2009-2015'
- Wicklow Water Services Investment Programme 2010-2012
- Any major developments

## Section 3 Natura 2000 Sites

### 3.1 Natura 2000 sites located within 15km of the plan area

There are no designated Natura 2000 sites located within or immediately adjacent to the boundaries of the proposed Avoca Settlement Plan. Similarly, there are no designated Natural 2000 sites located within 5km of the plan boundary. There are four designated sites within 15km of the plan boundary, including Vale of Clara (Rathdrum Wood) cSAC, Deputy's Pass Nature Reserve cSAC, Magherabeg Dunes cSAC and Buckrone-y-Brittias Dunes and Fen cSAC.

<b>'Natura 2000' sites located within 15km of the Avoca Settlement Plan Area</b>	
Name	Site Code
Vale of Clara (Rathdrum Wood) cSAC	000733
Deputy's Pass Nature Reserve cSAC	000717
Magherabeg Dunes cSAC	001766
Buckrone-y-Brittias Dunes and Fen cSAC	000729

The characteristics of these sites are summarised below along with a list of their associated conservation objectives.

### 3.2 SACs within 15km of the Plan Boundary

#### **Vale of Clara (Rathdrum Wood) cSAC (Site Code 000733)**

The Vale of Clara woodland, situated mostly on the east side of the Avonmore River, immediately north of Rathdrum, between 107m and 244 m above sea level, forms an integral part of one of the most scenic valleys in Wicklow. The Oak woods are good examples of the species-poor Blechno-Quercetum vegetation community, a habitat listed on Annex I of the EU Habitats Directive and are best developed in the Cronybyrne area.

*Conservation Objectives:*

1. To maintain the Annex I habitat for which the cSAC has been selected at favourable conservation status: Old sessile oak woods with Ilex and Blechnum in British Isles
2. To maintain the extent, species richness and biodiversity of the entire site
3. To establish effective liaison and co-operation with landowners, legal users and relevant authorities.

**Deputy's Pass Nature Reserve cSAC (Site Code 000717)**

Deputy's Pass woodland is located on the northern spur of the Deputy's Pass near Glenealy, Co. Wicklow. Deputy's Pass is managed as a Nature Reserve and is part of an internationally important series of Oak woods in County Wicklow (Glendalough, Clara Vale, Ballinacor, amongst others), which are almost certainly natural in origin and which retain much of their original character and species composition.

*Conservation Objectives:*

1. To maintain the Annex I habitat for which the cSAC has been selected at favourable conservation status: Old sessile oak woods with Ilex and Blechnum in British Isles
2. To maintain the extent, species richness and biodiversity of the entire site
3. To establish effective liaison and co-operation with landowners, legal users and relevant authorities.

**Magherabeg Dunes cSAC (Site Code 001766)**

This sand dune system is situated at Ardmore Point, about 5 km south of Wicklow Head. The site is of importance in that it is a fine example of a dune system which is fairly intact and which has a well-developed flora. The lack of easy public access to this site as undoubtedly been responsible in preventing damage and erosion from amenity activities. The presence of wetland vegetation on the site is of additional interest.

Conservation Objectives:

- 1: To maintain and, where possible, enhance the ecological value of the priority habitats fixed coastal dunes and Atlantic decalcified dune heath.
- 2: To maintain and, where possible enhance the ecological value of the priority habitat petrifying springs with tufa formations.
- 3: To maintain and, where possible, enhance the ecological value of other habitats within the site.
- 4: To maintain and, where possible, increase populations of noteworthy species of plants.
- 5: To maintain effective liaison between NPW, relevant authorities and interested parties regarding the management of the site.

**Buckroneys-Brittias Dunes and Fen (Site Code 000729)**

This site is a complex of coastal habitats located about 10 km south of Wicklow Town. It comprises two main sand dune systems, Brittias Bay and Buckroneys Dunes, connected on the coast by the rocky headland of Mizen Head. Several coastal habitats listed on the EU Habitats Directive, including two priority habitats - fixed dune and decalcified dune heath - are present. Little Tern, a species listed on Annex I of the EU Birds Directive, has bred or attempted to breed at Buckroneys strand in recent years.

Conservation Objectives:

1. To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status: Annual vegetation of drift lines; Perennial vegetation of stony banks; Mediterranean salt meadows (*Juncetalia maritimi*); Embryonic shifting dunes; Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes); Fixed coastal dunes with herbaceous vegetation (grey dunes); Atlantic decalcified fixed dunes (*Calluno-Ulicetea*); Dunes with *Salix repens* ssp. *argentea* (*Salix arenariae*); Humid dune slacks; Alkaline fens
2. To maintain the extent, species richness and biodiversity of the entire site.
3. To establish effective liaison and co-operation with landowners, legal users and relevant authorities.

## Section 4 Assessment of Likely Impacts on Natura 2000 Sites

A list of the individual objectives of the proposed Avoca Settlement Plan with potential to give rise to impacts on the Natura 2000 sites (either alone or in combination with other plans or projects) is included in Table 2 below. Impacts are identified as direct, indirect or cumulative when assessed against the identified conservation objectives of each of the relevant designated sites.

### 4.1 Summary of Impacts of the Avoca Settlement Plan on the Conservation objectives of the Natura 2000 sites

**D**= Direct Impacts of the plan on the designated site are those impacts which arise directly from the objectives of the Avoca Settlement Plan.

**I** = Indirect impacts of the Settlement Plan on the designated site relate to those impacts of the Settlement Plan which have a knock on effect on the designated site

**C**= Cumulative effects relates to individual effects from disparate projects that may add up or interact to cause additional effects not apparent when looking at the individual effect at one time or in isolation,

**X** = No impact

\* Conservation objectives as set out in 3.2

#### Impact on conservation objectives of the Natura 2000 sites

Proposed Avoca Settlement Plan Objectives	Vale of Clara (Rathdrum Wood) cSAC*	Deputy's Pass Nature Reserve cSAC*	Magherabeg Dunes cSAC*	Buckronev-Brittas Dunes and Fen cSAC*
AV1	x	x	x	x
AV2	x	x	x	x
AV3	x	x	x	x
AV4	x	x	x	x
AV5	x	x	x	x
AV6	x	x	x	x
AV7	x	x	x	x
AV8	x	x	x	x
AV9	x	x	x	x
AV10	x	x	x	x
AV11	x	x	x	x
AV12	x	x	x	x
AV13	x	x	x	x
AV14	x	x	x	x
AV15	x	x	x	x
AV16	x	x	x	x
AV17	x	x	x	x
AV18	x	x	x	x
AV19	x	x	x	x
AV20	x	x	x	x
AV21	x	x	x	x
AV22	x	x	x	x
AV23	x	x	x	x
AV24	x	x	x	x
AV25	x	x	x	x
AV26	x	x	x	x
AV27	x	x	x	x
AV28	x	x	x	x
AV29	x	x	x	x
AV30	x	x	x	x
AV31	x	x	x	x
AV32	x	x	x	x
AV33	x	x	x	x
AV34	x	x	x	x



AV35	x	x	x	x
AV36	x	x	x	x
AV37	x	x	x	x
AV38	x	x	x	x
AV39	x	x	x	x
AV40	x	x	x	x
AV41	x	x	x	x

The potential combined effect of the Avoca Settlement Plan with other plans and projects on the Natura 2000 sites has also been considered as follows:

- Wicklow County Development Plan 2010-2016 – It is considered that the 'in-combination' effect of this plan on Natura 2000 sites is positive. The Avoca Settlement Plan forms part of the Wicklow CDP 2010-2016'. The CDP includes numerous mitigation measures<sup>4</sup> which contribute to the conservation of Natura 2000 sites in accordance with the requirements of the Habitats Directive.
- 'Eastern River Basin District Management Plan 2009-2015' – This plan indicates that Avoca is part of the 'Avoca2 Upper' water body of the Avoca River catchment and that the water quality has a 'Bad' ecological status. The plan includes a programme of measures with an aim to achieve a 'Good' ecological status by 2027. It is considered that the 'in-combination' effect of this plan on Natura 2000 sites is positive.
- Wicklow Water Services Investment Programme 2010-2012 – It is considered that the 'in-combination' effect of this on Natura 2000 sites is positive by reason of the fact that infrastructure is upgraded to provide for the future growth of the area.
- Any major developments – The Habitats Directive requires that appropriate assessment is required for all projects, or developments that have potential for significant effects on a Natura 2000 site. This will ensure that the 'in-combination' effect of the plan with other projects is positive.

#### **4.2 Assessment of the Impacts of the Plan on Natura 2000 sites**

An examination has been undertaken of the likely effect of the plan on the conservation objectives of the Natura 2000 sites within 15km of the plan boundary. This examination has considered all likely sources of effects arising from the plan in combination with other sources of effects likely to arise from other plans or projects. The following includes a summary of the conclusions of this examination:

- The plan does not impact on any Annex1 habitat
- The plan does not cause a reduction in the area of any Natura 2000 site.
- The plan does not cause direct or indirect damage to the physical quality of the environment (including water quality and supply and soil compaction) in any Natura 2000 site. In this respect, it should be noted the only river/stream dependent habitat that is required to be maintained/enhanced under the conservation objectives for the Natura 2000 sites includes the Three Mile Water River within Magherabeg Dunes cSAC. The Avoca River flows through the settlement of Avoca, however this river does not form part of the source of the water supply for the Three Mile Water River.
- The plan does not cause serious or ongoing disturbance to species or habitats for which any of the Natura 2000 sites are selected (e.g. increased noise, illumination and human activity).
- The plan does not cause direct or indirect damage to the size, characteristics or reproductive ability of populations on any of the Natura 2000 sites.
- The plan does not interfere with mitigation measures put in place in other plans or projects.

<sup>4</sup> List of objectives that comprise the mitigation measures are included in Appendix I attached.

## **5.0 Conclusion**

To ensure that appropriate consideration has been given to the protection of Natura 2000 sites, and in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) appropriate assessment screening has been carried out.

The likely impacts that will arise from the objectives of the proposed Avoca Settlement Plan have been examined in the context of a number of factors that could potentially affect the integrity of the Natura 2000 network. As a result of this assessment, it is considered that the proposed Avoca Settlement Plan, in combination with other plans or projects, will not have a significant effect on a Natura 2000 site within 15km of the plan area, in view of the site's conservation objectives.

It is considered by the planning authority that Stage 2 Appropriate Assessment is not required for the proposed Avoca Settlement Plan.

## Appendix I

### Wicklow County Development Plan 2010-2016 AA Mitigation Measures

The CDP contains numerous measure which will contribute to the conservation of Natura 2000 sites in accordance with the requirements of the Habitats Directive. Chapter 3 Vision and Strategic Goals contains the following overriding policy under Goal 9 – To protect and enhance the diversity of the county's natural and built heritage:

#### Policy

To ensure the conservation, wise management of areas of natural heritage value, and of features of natural interest and value such as woodlands, wetlands, watercourses and areas of unspoilt uplands. To protect plant animal species and habitats which have been identified in the Habitats Directive, Birds Directive, Wildlife Act (1976) and the Flora Protection Order 1999 and in particular, to ensure that any programme, plan or project carried out on foot of this development plan, including a variation thereof, with the potential to impact upon a Natura 2000 site(s) shall be subject to an Appropriate Assessment in accordance with Articles 6(3) and 6(4) of the EU Habitats Directive 1992 and "Appropriate Assessment of plans and projects in Ireland – Guidance for Planning Authorities" (DoEHLG 2009).

Chapter 17 *Natural Environment* contains the following provisions:

#### Strategies

- To avoid negative impacts upon the natural environment;
- To promote appropriate enhancement of the natural environment as an integral part of any development;
- To mitigate the effects of harm where it cannot be avoided;
- To promote a reasonable balance between conservation measures and development needs in the interests of promoting the orderly and sustainable development of Wicklow.

#### Biodiversity Objectives

**BD1** To produce a Local Biodiversity Action Plan (in accordance with the objectives of National Biodiversity Plan 2002), identifying species and habitats of importance at a County level, and identifying and promoting appropriate action for the conservation and management of these.

**BD2** To ensure that the impact of new developments on bio-diversity is minimised and require measures for the protection and enhancement of bio-diversity in all proposals for large developments

**BD3** To maintain the favourable conservation value of existing and future Natura 2000 sites (SACs and SPA's) and Annex I - Habitats and Annex II – Animal and Plant species in the County

**BD4** Any programme, plan or project carried out on foot of this development plan, including any variation thereof, with the potential to impact upon a Natura 2000 site(s) shall be subject to an Appropriate Assessment in accordance with Article 6(3) and 6(4) of the EU Habitats Directive 1992 and "Appropriate Assessment of plans and projects in Ireland – Guidance for Planning Authorities" (DoEHLG 2009).

**BD7** To protect non-designated sites from inappropriate development, where it is considered that such development would unduly impact on locally important natural habitats or wildlife corridors.

**BD8** To facilitate, in co-operation with the relevant statutory authorities and other groups, the identification of valuable or vulnerable habitats of local or regional importance, not otherwise protected by legislation

**BD9** The National Parks and Wildlife Service will be invited to prioritise the preparation of Management Plans for Natura 2000 Sites which are located within the County. This will facilitate the development of site specific Conservation Objectives in the context of the proper planning and sustainable development of the County.

**WH5** To encourage the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, as part of the development control process, and require the planting of native, and appropriate local characteristic species, in all new developments

**WH6** To encourage the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the County. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site.

**WT1** To implement the EU Water Framework Directive and associated River Basin and Sub-Basin Management Plans and the EU Groundwater Directive to ensure the protection, improvement and sustainable use of all waters in the County, including rivers, lakes, ground water, coastal and estuarine waters, and to restrict development likely to lead to a deterioration in water quality.

**WT2** To resist development that would interfere with the natural water cycle to a degree that would interfere with the survival and stability of natural habitats.

**WT5** To promote the development of riverine walks and parks, subject to the sensitivity and / or designation of the riverside habitat particularly within 10m of the watercourse.

Other relevant measures include the following:

**General Coastal Zone Objective GCZ2**

To ensure that no reclamation of estuary land or coastal marshland occurs which would damage coastal habitats.

**Pertinent Policies**

**CZ5 2** To control and limit residential development to that shown to be strictly necessary (in accordance with the County settlement and rural development strategies) and to require the highest standards of siting and design for any new dwellings and regard to environmental designations.

**CZ5 3** To prohibit the development of new dwellings within 100m of the shoreline.

**CZ5 6** To facilitate the development of a coastal walk (having due regard to environmental designations and compliance with the EU Habitats Directive) and to restrict development that interferes with the achievement of this objective.




WICKLOW COUNTY COUNCIL




11/04/2011

**NATURA 2000 SITES WITHIN 15KM OF  
PROPOSED AVOCA SETTLEMENT PLAN  
PROPOSED VARIATION TO WICKLOW  
COUNTY DEVELOPMENT PLAN 2010 - 2016**

LEGEND

 Buffer Boundary

 Special Protection Area

 Special Area of Conservation

 Avoca Town Boundary