

PROPOSED VARIATION NO.1(II) TO THE WICKLOW COUNTY DEVELOPMENT PLAN 2010-2016

DONARD 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 Donard 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 Donard 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 Commission's 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 Donard Settlement Plan

The Donard Settlement Plan sets out an overall strategy for the proper planning and sustainable development of the Donard 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 favourable¹.

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 MN2000², 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)*.

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

¹ Council Directive 92/43/EEC

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

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 Donard Settlement Plan. The closest designated sites are situated within the 15km zone from the settlement and comprise of the Slaney River Valley (cSAC), Wicklow Mountains (cSAC), Holdenstown Bog (cSAC), Wicklow Mountains (SPA) and the Poulaphouca Reservoir (SPA). The relationship between the proposed Town 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 Donard Settlement Plan

The Donard 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 objectives³ that contribute to the conservation of Natura 2000 sites in accordance with the requirements of the Habitats Directive.

The aim of the Donard Settlement Plan is to establish a framework for the planned, co-ordinated and sustainable development of Donard, 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 Donard is to grow to a maximum population of 400 people by 2022 and a maximum population of 300 people by 2016. The development boundary of the Donard Settlement Plan is based on the settlement boundary as defined by the CDP, and has been extended at two locations.

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

All objectives within the Donard Town Strategy are informed by the following Settlement Plan Vision and Strategy:

Settlement Vision:

"In 2022 Donard 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 town population and the population of it's hinterland. 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".

Overall Plan 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:

- DON1** Facilitate the population growth of the settlement up to a maximum of 300 people by 2016 and 400 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 300 / 125 residential units (which ever is reached first) by 2016 and 400 people / 185 residential units (which ever is reached first) by 2022. The Council will control the development of residential units in accordance with this growth target and occupancy objectives as set out in the settlement strategy.
- DON2** Increase the quality and range of employment opportunities by facilitating development that involves local investment in a variety of forms, including 'people' and 'product' intensive industries. The Council will facilitate 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 visitors. The Council will facilitate the development of a limited amount of scale lower order 'product' intensive industries that involve the use of a local rural resource.
- DON3** Provide for an expansion in the variety of retail facilities so that the town includes a range of retail outlets that provide for the day-to-day needs of the local population and the needs of tourists.
- DON4** Facilitate the development of a range of high quality community and recreational facilities that meet the needs of the local population
- DON5** Support recreation and heritage related tourist developments of an appropriate scale and design that would promote the natural and historic assets of the town such as its proximity to Lugnaquilla Mountain, the Wicklow Mountains National Park, archaeological sites and those sites associated with the 1798 rebellion. Initiatives centred on the development of outdoor recreational activities such as horse riding, walking and climbing will be encouraged.
- DON6** Preserve and improve public and private open space and recreational facilities
- DON7** Protect and enhance the character, setting and environmental quality of heritage, including natural, architectural and archaeological heritage.

- DON8** Encourage the redevelopment and regeneration of vacant, underutilised and derelict sites.
- DON9** Promote the development of a safe and accessible pedestrian and traffic routes. New developments located on roads currently inadequately served by infrastructure (including footpaths, water services, public lighting etc) will be required to provide such infrastructure prior to the occupation of that development.
- DON10** Provide for a reliable and effective water, drainage, energy, waste management and communications infrastructure to service the existing and future development needs of the settlement, in an environmentally friendly manner, and to allow for the improvement of public services and public utility installations.
- DON11** Ensure that the density, design, scale and use of developments shall reflect the scale and context of the area.
- DON12** Protect the amenity of existing residential properties.
- DON13** 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 comprises previously developed and/or under-utilised lands/sites.
 - (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.

2.2.2 Other Instruments

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

- Wicklow County Development Plan 2010-2016
- 'South 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 Donard Settlement Plan. There are five designated sites within 15km of the plan boundary, including Slaney River Valley (cSAC), Wicklow Mountains (cSAC), Holdenstown Bog (cSAC), Wicklow Mountains (SPA) and the Poulaphouca Reservoir (SPA)

Table 1

'Natura 2000' sites located within 15km of the Donard Settlement Plan Area	
Name	Site Code
Slaney River Valley (cSAC	00781
Wicklow Mountains (cSAC),	002122
Holdenstown Bog (cSAC)	001757
Wicklow Mountains (SPA)	004040
Poulaphouca Reservoir (SPA)	004063

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

Slaney River Valley cSAC (Site Code 00781)

This site comprises the freshwater stretches of the Slaney as far as the Wicklow Mountains; a number of tributaries the larger of which include the Bann, Boro, Glasha, Clody, Derry, Derreen, Douglas and Carrigower Rivers; the estuary at Ferrycarrig and Wexford Harbour. The site flows through the counties of Wicklow, Wexford and Carlow. Towns along the site but not in it are Baltinglass, Hacketstown, Tinahely, Tullow, Bunclody, Camolin, Enniscorthy and Wexford. The river is up to 100 m wide in places and is tidal at the southern end from Edermine Bridge below Enniscorthy. The site supports populations of several species listed on Annex II of the EU Habitats Directive, and habitats listed on Annex I of this directive, as well as important numbers of wintering wildfowl including some species listed on Annex I of the EU Birds Directive. The presence of wet and broad-leaved woodlands increases the overall habitat diversity and the occurrence of a number of Red Data Book plant and animal species adds further importance to the Slaney River site.

Conservation Objectives:

1. To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status: Old sessile oak woods with *Ilex* and *Blechnum* in British Isles; Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae); Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation; Estuaries; Mudflats and sandflats not covered by seawater at low tide.
2. To maintain the Annex II species for which the cSAC has been selected at favourable conservation status: *Alosa fallax*, *Lampetra fluviatilis*, *Lampetra planeri*, *Petromyzon marinus*, *Salmo salar*, *Margaritifera margaritifera*, *Lutra lutra*
3. To maintain the extent, species richness and biodiversity of the entire site
4. To establish effective liaison and co-operation with landowners, legal users and relevant Authorities.

Wicklow Mountains cSAC (Site Code 002122)

The vegetation provides examples of the typical upland habitats with heath, blanket bog and upland grassland covering large, relatively undisturbed areas. In all ten habitats listed on Annex I of the EU Habitats Directive are found within the site. Several rare, protected plant and animal species occur. This site is a complex of upland areas in Counties Wicklow and Dublin, flanked by Blessington Reservoir to the west and Vartry Reservoir in the east, Cruagh Mt. in the north and Lybagh Mt. in the south.

Conservation Objectives:

1. To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status: Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*; Natural dystrophic lakes and ponds; Northern Atlantic wet heaths with *Erica tetralix*; European dry heaths; Alpine and Boreal heaths; Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe); Blanket bog; Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*); Calcareous rocky slopes with chasmophytic vegetation; Siliceous rocky slopes with chasmophytic vegetation; Old sessile oak woods with *Ilex* and *Blechnum* in British Isles.
2. To maintain the Annex II species for which the cSAC has been selected at favourable conservation status: *Lutra lutra*.
3. To maintain the extent, species richness and biodiversity of the entire site.
4. To establish effective liaison and co-operation with landowners, legal users and relevant Authorities.

Holdenstown Bog cSAC (Site Code 001757)

Holdenstown bog is situated about 3 km south-east of Baltinglass, Co. Wicklow. It is a small raised bog surrounded by transition mire, which has developed in a kettle hole. Holdenstown Bog is a candidate SAC selected for transition mire, a habitat listed on Annex I of the E.U. Habitats Directive. Holdenstown Bog is of conservation importance as an intact example of transition mire, a habitat listed on Annex I of the E.U. Habitats Directive, and for a range of plant species typical of incipient raised bog development.

Conservation Objectives:

1. To maintain the Annex I habitat for which the cSAC has been selected at favourable conservation status: Transition mires and quaking bogs.
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
4. Authorities.

Wicklow Mountains SPA (Site Code 004040)

This is an extensive upland site, comprising a substantial part of the Wicklow Mountains. This site is of high ornithological importance as it supports very good examples of upland and woodland bird communities. Several of the species, which occur, are very rare at a national level. Two species, Ring Ouzel and Red Grouse, are Red-listed and their status is of high conservation concern. Also of note is that Merlin and Peregrine are both listed on Annex I of the E.U. Birds Directive.

Main conservation objective: To maintain the special conservation interests for this SPA at favourable conservation status: Merlin, Peregrine.

Poulaphouca Reservoir SPA (Site Code 004063)

Poulaphouca Reservoir SPA, located in the western foothills of the Wicklow Mountains, was created in 1944 by damming of the River Liffey for the purpose of generating electricity from hydropower. The reservoir covers an area of approximately 20 km² and is the largest inland water body in the Mideast and south-east regions. The principal interest of the site is the Greylag Goose population, which is of international importance. A range of other wildfowl species also occurs, including Whooper Swan, a species that is listed on Annex I of the E.U. Birds Directive. The site is also notable as a winter roost for gulls, especially Lesser Black-backed Gull.

Main conservation objective: To maintain the special conservation interests for this SPA at favourable conservation status: Greylag Goose, Lesser Black-backed Gull, Wetland & Waterbirds.

Section 4 Assessment of Likely Impacts on Natura 2000 Sites

A list of the individual objectives of the proposed Donard 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 Donard 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 Donard Settlement Plan.

I = Indirect impacts of the Town Plan on the designated site relate to those impacts of the Town 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

Table 2: Impact on conservation objectives of the Natura 2000 sites

Proposed Donard Settlement Plan Objectives	Slaney River Valley (cSAC)	Wicklow Mountains (cSAC)	Holdenstown Bog (cSAC)	Wicklow Mountains (SPA)	Poulaphouca Reservoir (SPA)
DON 1	x	x	x	x	x
DON 2	x	x	x	x	x
DON 3	x	x	x	x	x
DON 4	x	x	x	x	x
DON 5	x	x	x	x	x
DON 6	x	x	x	x	x
DON 7	x	x	x	x	x
DON 8	x	x	x	x	x
DON 9	x	x	x	x	x
DON 10	x	x	x	x	x
DON 11	x	x	x	x	x
DON 12	x	x	x	x	x
DON 13	x	x	x	x	x
DON 14	x	x	x	x	x
DON 15	x	x	x	x	x
DON 16	x	x	x	x	x
DON 17	x	x	x	x	x
DON 18	x	x	x	x	x
DON 19	x	x	x	x	x
DON 20	x	x	x	x	x
DON 21	x	x	x	x	x
DON 22	x	x	x	x	x
DON 23	x	x	x	x	x
DON 24	x	x	x	x	x
DON 25	x	x	x	x	x
DON 26	x	x	x	x	x
DON 27	x	x	x	x	x
DON 28	x	x	x	x	x
DON 29	x	x	x	x	x
DON 30	x	x	x	x	x
DON 31	x	x	x	x	x
DON 32	x	x	x	x	x
DON 33	x	x	x	x	x
DON 34	x	x	x	x	x
DON 35	x	x	x	x	x
DON 36	x	x	x	x	x
DON 37	x	x	x	x	x
DON 38	x	x	x	x	x
DON 39	x	x	x	x	x

The potential combined effect of the Donard 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 Donard Settlement Plan forms part of the Wicklow CDP 2010-2016. The CDP includes numerous mitigation measures⁴, which contribute to the conservation of Natura 2000 sites in accordance with the requirements of the Habitats Directive.
- ‘South Eastern River Basin District Management Plan 2009-2015–The Donard River (Becks Brook) is part of the catchment of the Slaney River Upper, which in turn flows through the Slaney River cSAC. The water quality has a ‘Good Ecological Status’. It

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

is considered that the 'in-combination' effect of this plan on Natura 2000 sites is positive.

- 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 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.
- 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 regard, the disposal of wastewater and the supply of drinking water associated with the growth of this settlement have been particularly examined:
 - i. The Donard River (Becks Brook) is part of the catchment of the Slaney River Upper, which in turn flows through the Slaney River cSAC. The ecological status of the water is currently classified as 'good'.
 - The Waste Water Treatment Plant has adequate capacity in relation to the current and future development of the plan area. In order to maintain the status of the water quality, mitigation measures are in place through the objectives of the CDP and Town Plan to ensure that this ecological status will be maintained and enhanced where possible.
 - A Flood Risk Assessment has been carried out on the plan area, the areas at risk of flooding are predominately outside the town plan boundary. While flooding has the potential to cause siltation which could have an impact on the water quality, the objectives in the Town Plan (DON 13) and CDP control development in identified flood prone areas allowing only 'appropriate' development, and / or development comprising of previously developed and/or under-utilised lands/sites. It is considered therefore that appropriate safeguards are in place through the development management framework to ensure that water quality would not be impacted upon in any way through any future development on site.
 - ii. The water supply for Donard is via ground water wells, located c. 9km north-east of Donard, which form part of the Hollywood Water Supply Scheme. The abstraction of ground water at this location has no identified impact on the Natura 2000 sites considered in this assessment. Any future demand for water supply will be subject to County Development Plan Objectives WS1 and WS2 and the Town Plan objective DON 10 which will ensure the no adverse impacts arise on Natura 2000 sites as a result.

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 Donard 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 Donard 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 sites conservation objectives.

It is considered by the planning authority that Stage 2 Appropriate Assessment is not required for the proposed Donard 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 an 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

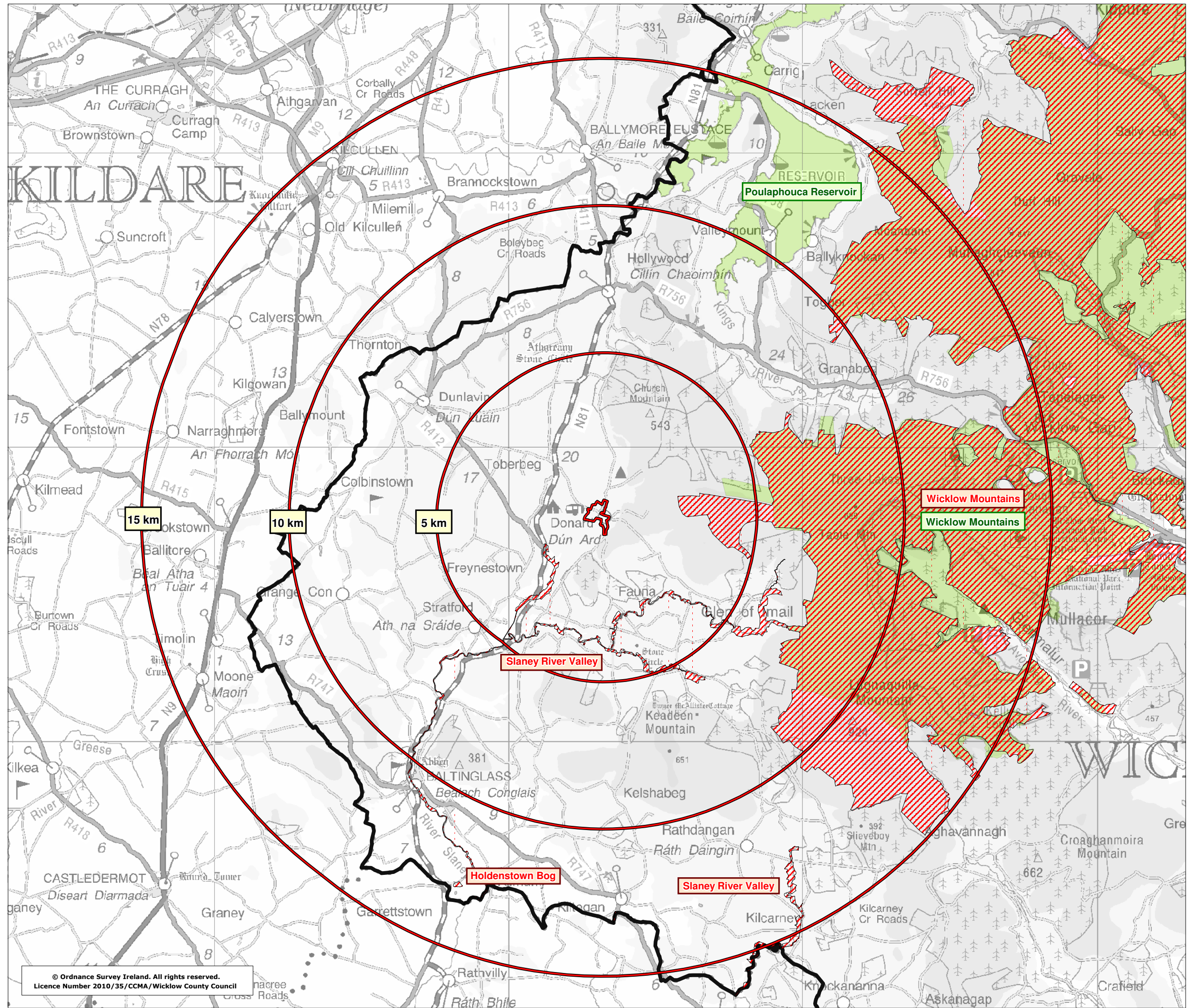
To ensure that no reclamation of estuary land or coastal marshland occurs which would damage coastal habitats.

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







13/04/2011

**NATURA 2000 SITES WITHIN 15KM OF
PROPOSED DONARD SETTLEMENT PLAN**

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

LEGEND

-  Buffer Boundary
-  Special Area of Conservation
-  Special Protection Area
-  Donard Settlement Boundary

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