



**WICKLOW COUNTY COUNCIL**  
**PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

**PROPOSED VARIATION 5**  
**TO THE**  
**WICKLOW COUNTY DEVELOPMENT PLAN 2010-2016**

**DUNLAVIN TOWN PLAN**

**APPROPRIATE ASSESSMENT SCREENING**

**PLANNING DEPARTMENT**  
**WICKLOW COUNTY COUNCIL**  
**COUNTY BUILDINGS**  
**WICKLOW**

**APRIL 2014**

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## Section 1 Introduction and Background to Appropriate Assessment

### 1.1 Introduction

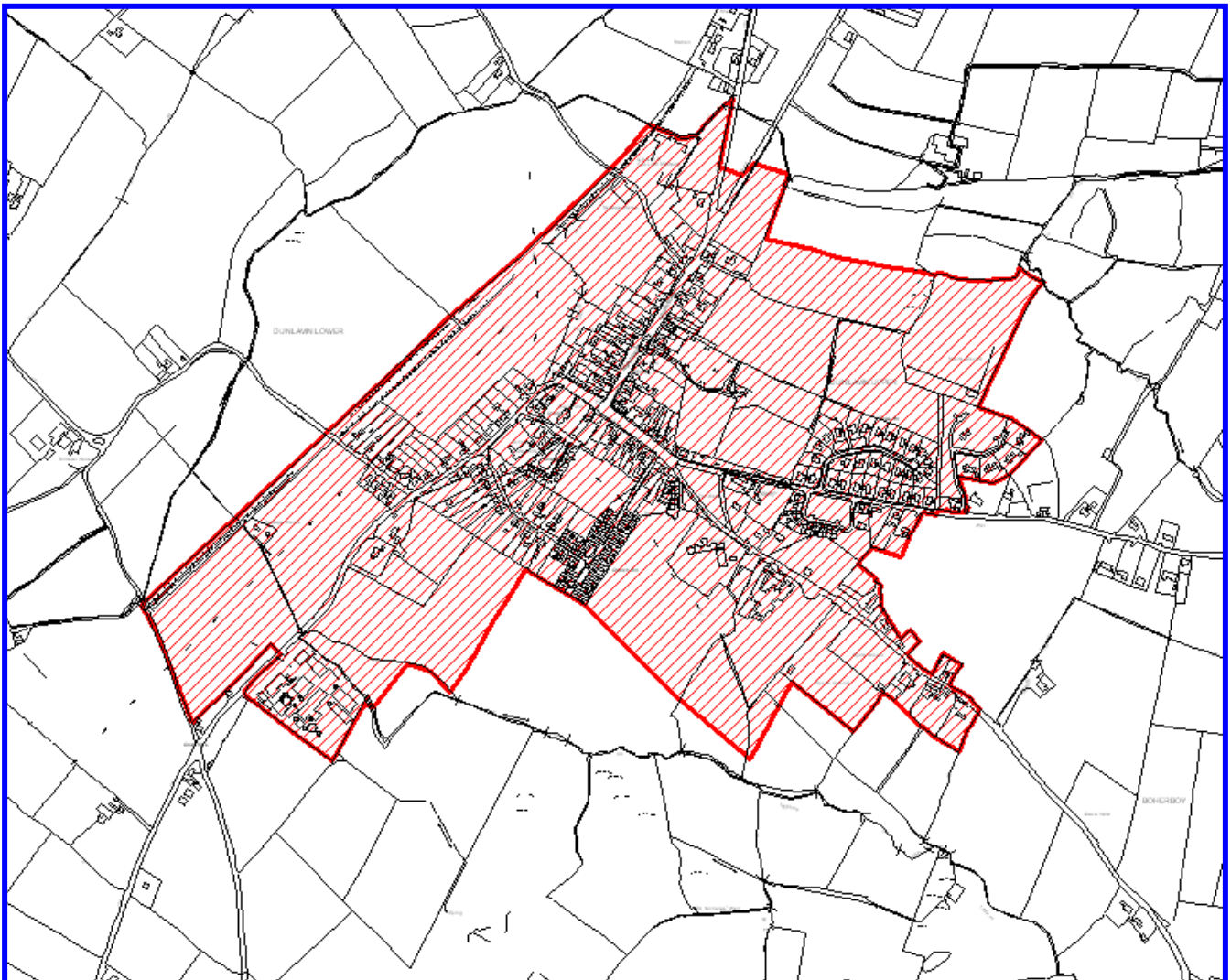
This is the Appropriate Assessment screening report of the (draft) Dunlavin Town Plan (TP) 2014. This report is being carried out in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC). The purpose of this report is to assess the likely effects of the proposed 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'*, (EC 2002), Circular Letters 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'*, (DoEHLG 2009).

### 1.2 The Dunlavin Town Plan

The Dunlavin Town Plan will set out an overall strategy for the proper planning and sustainable development of the area defined in the map below.

**Figure 1.1 - Proposed Dunlavin Town Plan Area**



### 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 EC 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 a 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.

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<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)

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.

### ***The Habitats Directive and the Plan***

This plan has been prepared in accordance with Part II, Section 13 of the Planning & Development Act (as amended). The Town Plan will be adopted as a variation to the County Development Plan. The plan will replace the 2008 Local Area Plan for the town of Dunlavin and shall have effect within the development boundary set out in Figure 1.1 above.

The Planning and Development Acts 2000 (as amended) under Section 10 (2)(c) states that a Development Plan shall include objectives for the “*the conservation and protection of the environment including, in particular, the archaeological and natural heritage and the conservation and protection of European sites and any other sites which may be prescribed for the purposes of this paragraph*”.

The consequences of this piece of legislation ensure that prior to the draft plan stage, a formal systematic evaluation of the likely significant environmental effects of implementing a plan or programme before a decision is made to adopt the plan or programme are carried out. This process is carried out under the SEA Directive (2001/42/EC).

A Strategic Environmental Assessment screening of the Draft Dunlavin Plan has been carried out in accordance with this legislation however in addition to this process and following the EU ruling under case 418/04 EC Commission v Ireland, an appropriate assessment screening of the land use plan must be also carried out.

An Appropriate Assessment is an assessment carried out under Article 6(3) of the Habitats Directive. As discussed above Article 6(3) alongside Article 6(4) sets 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(3) specifically states that:

*“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”.*

This Appropriate Assessment screening exercise evaluates, based on scientific knowledge, the potential impacts of this plan on the conservation objectives of any Natura 2000 site<sup>1</sup>. The impacts assessed include the indirect and cumulative impacts of the plan, considered with any current or proposed activities, developments or policies impacting on the site.

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

This appropriate assessment 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

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<sup>1</sup> Any Natura 2000 sites within the likely zone of impact of the plan or project. Generally 15km but can vary – Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (February 2010).

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 is 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 interpretation, but represents the current situation and understanding, and is regarded as a work in progress.

**Stage 1** 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 affects 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 process "Appropriate Assessment" follows Stage 1 where, following screening of the plan, it has been established the plan is likely to have significant, potentially significant or uncertain effects on any Natura 2000 site. Stage 2 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, the 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      Screening**

Screening determines whether Appropriate Assessment is necessary by examining:

- 1) whether a plan or project can be excluded from Appropriate Assessment requirements because it is directly connected with or necessary to the management of the site and
- 2) the potential effects of the project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

Screening involves the following:

- 1) Description of the plan or project, and local site or plan area characteristics
- 2) Identification of relevant Natura 2000 sites and compilation of their qualifying interests and conservation objectives
- 3) Assessment of likely effects - direct, indirect, or cumulative, undertaken on the basis of available information as a desk study or field survey or primary research as necessary
- 4) Screening statement with conclusions.

### **2.2      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.

The proposed plan is a land use management plan and is not directly connected with or necessary to the nature conservation management of Natura sites, and as such the exemption does not apply.

### **2.3      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*

#### **The Draft Dunlavin TP**

This project / plan (Dunlavin Town Plan) has been prepared in accordance with Part II, Section 13 of the Planning & Development Act 2000 (as amended). The Town Plan (TP) will be adopted as a variation to the County Development Plan and sets out a land-use framework plan for up to a maximum of 8 years for the town including land use zoning, development policies and specific objectives. The plan will make provision for the growth of the town to a population of 2,500 in 2022 from 2011 census population of 793, in accordance with the Wicklow County Development Plan 2010-2016.

A key aim of the TP is to set out the vision and overall strategy for the future development of the settlement and from this vision, all policies and objectives can be developed and implemented with the overall aim of achieving this vision.

A key aim of a Town Plan is to set out the vision and overall strategy for the future development of a settlement and from this vision, all policies and objectives can be developed and implemented with the overall aim of achieving this vision.

**The vision for Dunlavin is:**

- To improve the quality of life for existing residents by identifying deficiencies in services and infrastructure in the town and making provision through zoning and development objectives to address these issues
- To provide a framework for the growth of the town, in order to provide housing for current and future generations, to revitalise the economy of the town and to allow for the development of new social and cultural facilities
- Sustain a revitalised town core with commercial, residential and community developments centred around civic and open spaces
- Promote and foster economic development and linkages to surrounding larger settlements within and outside the County
- Develop the tourism potential of the area as a visitor/tourist destination in itself and in its role as a 'gateway' linking Kildare to the west of the County and the Wicklow Mountains
- Protect the built and natural heritage of the area

This will be achieved by:

- Planning for and encouraging the provision of high quality housing and employment, social and community facilities, and a range of recreational options, in a quality environment
- Facilitating the provision of new and improved infrastructure to meet the demands of the existing population and future residents
- Reinforcing and improving the visual appearance of the central area of the town and encouraging development that will enhance the towns vitality and vibrancy
- Improving linkages between the town core and peripheral housing areas
- Creating functional public spaces linked to new development
- Ensuring the protection and enhancement of natural habitats, cultural heritage, ecological resources and biodiversity.

The Plan area encompasses c. 123ha and 793 people live in the area (sourced from the existing plan boundary, Census 2011 and Geodirectory). The overall size of the plan in the context of the county of Wicklow is considered to be moderate, with the town being designated as a Level 6 'Rural Town' in the County settlement hierarchy. The Dunlavin TP will make provision for an increase in town population in accordance with the population projections set out in the County settlement hierarchy of the Wicklow County Development Plan 2010-2016, which has set population growth target of 2,500 in 2022.

The draft plan will designate lands for new residential and employment development, community use, amenity and open space.

Overall, the proposed draft plan designates:

- c. 30.5ha as existing residential development
- c. 31.65ha for new residential development
- c. 4.7ha for new low density residential development
- c. 3.25ha as existing employment use
- c. 9.4ha for new employment development
- c. 5ha for open space
- c. 10.7ha Active Open Space
- c. 7.2ha for town centre / neighbourhood centre uses
- c. 12.2ha for community and educational use



The plan also includes a number of objectives for specific works / projects and public infrastructure including the provision of new roads, footpath and cycleways throughout the settlement.

### **Features of the plan that could impact upon Natura 2000 sites**

The key aspects of the plan that could give rise to direct/indirect impacts upon Natura 2000 sites will principally be:

- i. Direct human disturbance / pressure in the form of land take (though the designation / zoning of land for development or the provision of infrastructure), land drainage, trampling and disturbance by people themselves;
- ii. Indirect human disturbance / pressure, for example, in the form of water quality deterioration resulting from a run off of pollutants during construction phases or cultural enrichment from agriculture.

It is essential that the zonings and infrastructural objectives of the plan and the developments that might arise on foot thereof take account of these direct and indirect impacts and ensure adequate buffering and other mitigation measures are put in place.

Objectives of the plan that will contribute towards the protection of Natura 2000 sites in accordance with the requirements of the Habitats Directive have been included by the plan makers and as a result of the SEA screening process.

### **Other Instruments**

Numerous other higher-level measures further mitigate potential impacts of the Plan. These measures include EU Directives, national legislation and various guidelines. Principal among these are the following:

*The Habitats Directive* (HD): The European Council Directive on the Conservation of natural habitats and of wild fauna and flora (92/43/EEC) (Habitats Directive)

*The Water Framework Directive* (WFD): The Water Framework Directive 2000/60/EC

*The National Biodiversity Plan* (NBP): UN Convention on Biological Diversity 1992 – National Biodiversity Plan 2010- 2016 is as a result of this.

*The Wildlife Act* (WA): Wildlife Act 1976 and Wildlife (Amendment) Act 2000 (Wildlife Act)

*The Birds Directive* (BD): The 1979 European Council Directive on the Conservation of Wild Birds (79/409/EEC) (Birds Directive)

*The Ramsar Convention* (R): Convention on Wetlands of International Importance (Ramsar)

*The Bathing Water Directive* (BW): Bathing Water Directive (76/160/EEC)

*The Urban Waste Water Treatment Directive* (WW): (91/271/EEC) (amended by Directive 98/15/EEC)

## Section 3 Natura 2000 Sites

### 3.1 Natura sites located within 15km of the Plan area

This section of the screening process describes the Natura 2000 sites within a 15km radius of the plan area. A 15km buffer zone was chosen as a suitable measure to ensure that all potentially affected Natura 2000 sites are included in the screening process (Map 2).

Table 1 (cSACs) and Table 2 (SPAs) list the Natura 2000 sites that are within a 15km range of the plan area. The Qualifying Features for each SAC site and the Features of Interest and Special Conservation Interests of the SPAs have been obtained through a review of the documentation available on each site from the National Parks and Wildlife Service (NPWS) website [www.npws.ie](http://www.npws.ie). Each qualifying feature also has a standard EU code and these are presented in brackets.

### 3.2 Priority Species and Habitats

A number of species and habitats are given 'Priority' status in the Habitats Directive by the EU because they are considered to be particularly vulnerable and are mainly, or exclusively, found within the European Union.

There are no 'Priority Species' known from Ireland.

Priority Habitats are present in Ireland and a number of them are present in County Wicklow's cSACs. These are prefixed with an asterisk in Table 3.1 (e.g. \* Active raised bogs [7110]). The importance of Priority habitats is emphasised at several places in the Directive (Articles 4 and 5 and Annex III), not only in terms of the selection of sites, but also in the measures required for site protection (Article 6) and surveillance (Article 11).

**Table 3.1 Special Areas of Conservation (SACs) within 15km of the Plan boundary**

Site Code	Site Name	Qualifying Features	
		Annex I Habitat (* Indicates priority habitat)	Annex II Species
002122	Wicklow Mountains	<ul style="list-style-type: none"><li>• Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea [3130]</li><li>• Natural dystrophic lakes and ponds [3160]</li><li>• Northern Atlantic wet heaths with Erica tetralix [4010]</li><li>• European dry heaths [4030]</li><li>• Alpine and Boreal heaths [4060]</li><li>• Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* [6230]</li><li>• Blanket bog (*active only) [7130]</li><li>• Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</li><li>• Calcareous rocky slopes with chasmophytic vegetation [8210]</li><li>• Siliceous rocky slopes with chasmophytic vegetation [8220]</li><li>• Old sessile oak woods with Ilex and Blechnum in British Isles [91A0]</li></ul>	Otter (Lutra lutra) [1355]

000781	Slaney River Valley	<ul style="list-style-type: none"> <li>• Alluvial Wet Woodlands</li> <li>• Floating River Vegetation</li> <li>• Estuaries</li> <li>• Tidal Mudflats</li> <li>• Old Oak Woodlands</li> </ul>	Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Twaite Shad, Atlantic Salmon and Otter.
002162	River Barrow and Nore	<ul style="list-style-type: none"> <li>• Alluvial wet woodlands</li> <li>• Petrifying springs</li> <li>• Old oak woodlands</li> <li>• Floating river vegetation</li> <li>• Estuary</li> <li>• Tidal mudflats</li> <li>• <i>Salicornia</i> mudflats</li> <li>• Atlantic salt meadows</li> <li>• Mediterranean salt meadows</li> <li>• Dry heath and eutrophic tall herbs</li> </ul>	Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> and the Killarney Fern

**Table 3.2 Special Protection Areas (SPAs) within 15km of the Plan boundary**

Site Code	Site Name	Special Conservation Interests & Features of Interest
004063	Poulaphouca Reservoir	<ul style="list-style-type: none"> <li>• Greylag Goose (<i>Anser anser</i>) [A043]</li> <li>• Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</li> </ul>
004040	Wicklow Mountains National Park	<ul style="list-style-type: none"> <li>• Merlin (<i>Falco columbarius</i>) [A098]</li> <li>• Peregrine (<i>Falco peregrinus</i>) [A103]</li> </ul>

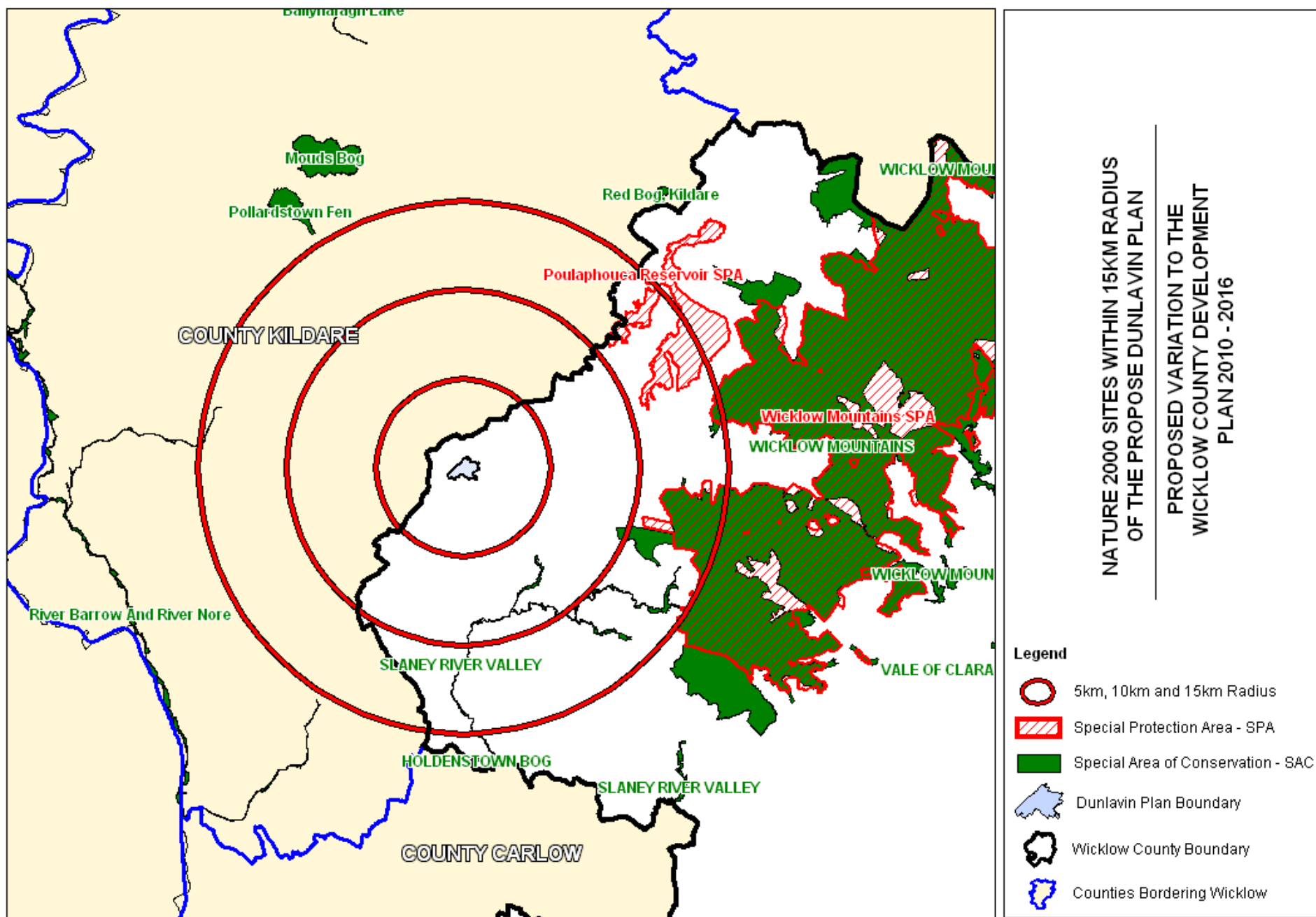


Figure 3.1

Natura 2000 sites within a 15 km radius of the draft Dunlavin Town Plan 2014

### 3.3 Natura 2000 Site Descriptions (Extracts from NPWS Site Synopses)

#### 3.3.1 Wicklow Mountains cSAC

##### Wicklow Mountains SAC (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 Objective: 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:

- [1355] *Lutra lutra*
- [3130] Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*
- [3160] Natural dystrophic lakes and ponds
- [4010] Northern Atlantic wet heaths with *Erica tetralix*
- [4030] European dry heaths
- [4060] Alpine and Boreal heaths
- [6230]\* Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)
- [7130] Blanket bogs (\* if active only)
- [8110] Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*)
- [8210] Calcareous rocky slopes with chasmophytic vegetation
- [8220] Siliceous rocky slopes with chasmophytic vegetation
- [91A0] Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

*Citation: NPWS (2011) Conservation objectives for Wicklow Mountains SAC [002122]. Generic Version 3.0. Department of Arts, Heritage & the Gaeltacht.*

#### 3.3.2 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, Bundlody, 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:** Refer to Appendix 3 – Slaney River Valley Conservation Objectives

#### 3.3.3 River Barrow and River Nore cSAC (Site Code 002162):

The River Greese is a tributary of the River Barrow, rising near Dunlavin in Co. Wicklow and flowing south-westwards to join the River Barrow approximately 6.0km north of Carlow Town. The River Barrow and River Nore cSAC consists of the freshwater stretches of the Barrow/Nore River catchments as far upstream as the Slieve Bloom Mountains and it also includes the tidal elements and estuary as far downstream as Creadun Head

in Waterford. The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford. The site is a candidate SAC selected for alluvial wet woodlands and petrifying springs, priority habitats on Annex I of the E.U. Habitats Directive. The site is also selected as a candidate SAC for old oak woodlands, floating river vegetation, estuary, tidal mudflats, Salicornia mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs, all habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive – Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, *Vertigo moulinsiana* and the plant Killarney Fern. Overall, the site is of considerable conservation significance for the occurrence of good examples of habitats and of populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively. Furthermore it is of high conservation value for the populations of bird species that use it. The occurrence of several Red Data Book plant species including three rare plants in the salt meadows and the population of the hard water form of the Pearl Mussel which is limited to a 10 km stretch of the Nore, add further interest to this site.

***Conservation Objectives:*** Refer to Appendix 3 – River Barrow and River Nore cSAC

### **3.3.4 Poulaphuca Reservoir SPA (Site Code 004063):**

Poulaphuca 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 km<sup>2</sup> 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.

Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

- *Anser anser* [wintering]
- *Larus fuscus* [wintering]

*Citation: NPWS (2011) Conservation objectives for Poulaphuca Reservoir SPA [004063]. Generic Version 4.0. Department of Arts, Heritage & the Gaeltacht.*

**3.3.5 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 or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

- *Falco columbarius* [breeding ]
- *Falco peregrinus* [breeding ]

*Citation: NPWS (2011) Conservation objectives for Wicklow Mountains SPA [004040]. Generic Version 4.0. Department of Arts, Heritage & the Gaeltacht.*

### 3.4 Conservation objectives

The Habitats Directive aims, *inter alia*, to maintain or restore the favourable conservation status of habitats and species which have been identified as the qualifying features of sites designated as Special Areas of Conservation (SACs) and the Special Conservation Interests of Special Protection Areas (SPAs). These two designations are collectively known as the Natura 2000 network.

A Natura 2000 site's Conservation Objectives are defined by NPWS and are "*intended to ensure that the relevant Annex 1 habitats and Annex II species present on a site are maintained in a favourable condition*" (Guidelines produced by the DEHLG on Appropriate Assessment 2009).

The DOEHLG Guidelines state that "*The conservation objectives derive from the qualifying interests, the Natura 2000 standard data form, and the management plan for the site, with summary information contained in the site synopsis*".

No 'conservation management plans' or 'conservation statements' have been prepared for Natura sites under evaluation in this document. A Management Plan is available for the Wicklow Mountains National Park which encompasses the Wicklow Mountains SAC and SPA and provides a source of information on management issues and threats.

The process is underway by NPWS for setting detailed site-specific conservation objectives for habitats and species. The site specific conservation objective for the Wicklow Mountains SAC is "*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*" while a link to the NPWS website for the site specific conservation objectives for the Slaney River Valley SAC and River Barrow and Nore are set out in Appendix 3 of this document. The Poulaphuca Reservoir does not have detailed site specific conservation objectives for species to date.

The site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that site.

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- 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, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved 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, and
- 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 probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

The NPWS has identified the following as the Conservation Objective for the SACs in Wicklow: *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 Table 1)

For all the SPAs in Wicklow the NPWS has identified the following as the Conservation Objective: *To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA* (See Table 2)

The qualifying features and special conservation interests of the Natura sites are listed in Tables 1 and 2. Further descriptive detail of site characteristics, quality and importance, and vulnerability of these features, are available on the Natura 2000 standard data forms for each site on [www.npws.ie](http://www.npws.ie). These have been collated and are included in the individual site descriptions in Appendix 1.

## **Section 4      Assessment of Impacts**

### **4.1      Introduction**

Assessment is the process of evaluating the importance or significance of project/plan impacts (whether adverse or beneficial). This is essentially a judgment, built up from the collation of available information and the use of objective criteria and standards.

### **4.2      Assessment of likely impacts on Natura 2000 sites**

This assessment will examine and evaluate the significance on impact, if any, of the Dunlavin TP on each of the Natura 2000 sites located within 15km of the Plan area. Table 3 provides details of each Natura site's conservation objectives and its management issues and threats. These are largely derived from available data in the form of site synopsis and/or conservation management plans. Additional threats have been identified, based on documented threats to Habitats Directive Annex 1 habitats and Annex II species in Ireland as set out in *"The Status of EU Protected Habitats and Species in Ireland". NPWS 2008*. Not all of these threats will apply to all SACs in which these species and habitats are present; however gathering this information on the perceived threats to the qualifying features of the sites is an important prerequisite for assessing what are the 'likely significant effects' on the sites resulting from the Plan.

The possible impacts that might arise from the Plan have been examined in the context of a number of factors that could potentially affect the integrity of the Natura 2000 sites. These factors are as follows; Reduction in Habitat area; Disturbance to Key Species; Habitat of Species Fragmentation; Reduction in Species Density; changes in Key Indicators of Conservation Value (Water Quality etc). The assessment of significance is based on Direct<sup>1</sup>, Indirect<sup>2</sup> and Cumulative<sup>3</sup> Impact assessment criteria.

#### **Other plans / programmes/ projects considered in the assessment of impacts:**

- Wicklow County Development Plan 2010-2016;
- Greater Dublin Area Regional Planning Guidelines 2010-2016;
- National Spatial Strategy 2002-2020;
- Wicklow Mountains Management Plan;
- Eastern RBD Management Plan;
- County Wicklow Water Services Investment Programme;
- Local Authority Discharges;
- Ongoing extractive operations in the area;
- Flood Risk Assessment of the draft TP

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<sup>1</sup> Direct Impacts of the plan on the designated site are those impacts which arise directly from the objectives of the plan i.e. land take, excavation works etc.

<sup>2</sup> Indirect Impacts of the plan on the designated site relate to those impacts of the plan which have a knock on effect on the designated site i.e. the provision of a new water supply scheme serving the plan area may not be located within a designated site however the abstraction of such water may indirectly impact on the habitat itself.

<sup>3</sup> Cumulative = Individual affects from disparate projects may add up or interact to cause additional effects not apparent when looking at the individual effect at one time or in isolation.



**Table 4.1 Wicklow Mountains SAC****Natura 2000 Site**

Wicklow Mountains SAC is an extensive upland site comprising much of the Wicklow Mountains and extending into Co. Dublin. The solid geology is mainly Leinster granites, flanked by Ordovician schists, mudstones and volcanics. The area has been glaciated and features fine examples of high corrie lakes, deep valleys and moraines. Most of the site is over 300m, with much ground over 600m and the highest peak of Lugnaquilla at 925m. The site includes the headwaters of several major rivers, including the Liffey, the Dargle and the Slaney. The substrate over much of the site is peat, with poor mineral soil on the slopes and lower ground. Exposed rock and scree is a feature. The dominant habitats on the site are blanket bog, heaths and upland grassland.

Qualifying interests	Management issues and threats	Conservation objectives	Direct Impact(s) of Plan	Indirect Impact(s) of Plan	Cumulative impact(s) of Plan	Relevant avoidance / mitigation objectives	Residual Impacts
<p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoetes-Nanojuncetea [3130]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* [6230]</p> <p>Blanket bog (*active only) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p>	<p>Overgrazing</p> <p>Peat extraction</p> <p>Burning</p> <p>Invasive and alien species</p> <p>Recreational activities</p> <p>Erosion</p> <p>Water quality</p> <p>Afforestation</p> <p>Water pollution</p> <p>Clearance of riparian vegetation</p>	<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>	None	None	None	<p><b>Dunlavin TP</b></p> <p>Intro - TC5, SI1, SI2, BD1, HDA1, FL1</p> <p>Part 2 – H1</p> <hr/> <p><b>Wicklow CDP</b></p> <p>Objectives set out in Appendix 2</p>	None



**Table 4.2 Slaney River Valley****Natura 2000 Site**

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 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.

Qualifying interests	Management issues and threats	Conservation objectives	Direct Impact(s) of Plan	Indirect Impact(s) of Plan	Cumulative impact(s) of Plan	Relevant objectives included in the Plan	Residual Impacts
1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>  1095 Sea Lamprey <i>Petromyzon marinus</i>  1096 Brook Lamprey <i>Lampetra planeri</i>  1099 River Lamprey <i>Lampetra fluviatilis</i>  1103 Twaite Shad <i>Alosa fallax</i>  1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water)  1130 Estuaries  1140 Mudflats and sandflats not covered by seawater at low tide  1355 Otter <i>Lutra lutra</i>  1365 Harbour Seal <i>Phoca vitulina</i>  3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche</i> $\square$ <i>Batrachion</i> vegetation	Water Quality  Agricultural Run-Off  Point Source domestic and industrial pollution  Land Reclamation	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  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.	None	None	None	<b>Dunlavin TP</b>  Intro - TC5, SI1, SI2, BD1, HDA1, FL1  Part 2 – H1  <b>Wicklow CDP</b>  Objectives set out in Appendix 2	None

91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles							
91E0 * Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> )							

### Assessment

Given that the site is situated a considerable distance outside the plan boundary it is not considered that the provisions set out in the Plan will cause any direct impacts on this site in terms of reduction in habitat area, disturbance to key species, habitat or species fragmentation or reduction in species density.

Indirectly, it is not considered that the plan will give rise to any changes in water quality, hydrology or air quality at the site given the distance from the Plan Area, given that waste water generated from the plan area discharges into surface waters in the Greese River which is not a tributary of the Slaney system, combined with the fact that the existing waste water treatment system is to be upgraded in order to meet the projected population. Objective WW2 of the County Development Plan restricts the commencement of development until such time as adequate capacity is available in the wastewater network while objectives set out in Chapters 12 and 13 of the County Development Plan provide adequate mitigation in regard to Air and Water pollution.

The main management issues for the site indicate that commercial/industrial activities, land reclamation and direct pollution to surface waters are the main issues facing the site. The Draft Dunlavin Town Plan sets out a framework for the proper planning and sustainable development of the plan area and does not relate to lands outside the plan boundary. The subject site falls within the jurisdiction of the Wicklow County Development Plan where a number of policies, objectives area set out in order to protect and preserve such sites.

While the plan does have objectives to promote tourism, these are primarily based upon consolidating and improving the existing tourism assets in the plan area, and improving recreational connectivity in the plan area. The plan does not include tourism objectives related to access to or use of the Slaney river system.

The Plan has been prepared in accordance with European, National and Regional legislation which set the framework for the achievement of the optimal balance of social, economic and physical development within the plan area. The effects of other strategies and plans are considered insofar as they inform the plan. Any policies or objectives from other plans that are considered necessary to expand upon or re-state in this plan are set out in Appendix 2.

Subsidiary plans and projects will be subject to separate assessment procedures in accordance with all applicable regulations and directives.

Having regard to the purpose and provisions of the plan it is considered that the plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of this Natura 2000 site.

**Table 4.3 River Barrow and River Nore****Natura 2000 Site**

The River Greese is a tributary of the River Barrow, rising near Dunlavin in Co. Wicklow and flowing south-westwards to join the River Barrow approximately 6.0km north of Carlow Town. The River Barrow and River Nore cSAC consists of the freshwater stretches of the Barrow/Nore River catchments as far upstream as the Slieve Bloom Mountains and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford.

Qualifying interests	Management issues and threats	Conservation objectives	Direct Impact(s) of Plan	Indirect Impact(s) of Plan	Cumulative impact(s) of Plan	Relevant objectives included in the Plan	Residual Impacts
1016 Desmoulin's whorl snail <i>Vertigo moulinsiana</i>  1029 Freshwater pearl mussel <i>Margaritifera margaritifera</i>  1092 White-clawed crayfish <i>Austropotamobius pallipes</i>  1095 Sea lamprey <i>Petromyzon marinus</i>  1096 Brook lamprey <i>Lampetra planeri</i>  1099 River lamprey <i>Lampetra fluviatilis</i>  1103 Twaite shad <i>Alosa fallax</i>  1106 Atlantic salmon ( <i>Salmo salar</i> ) (only in fresh water)  1130 Estuaries  1140 Mudflats and sandflats not covered by seawater at low tide  1310 <i>Salicornia</i> and other annuals colonizing mud and sand  1330 Atlantic salt meadows	Landfill/Reclamation,  Diffuse Pollution from Agri/industrial development,  Groundwater abstraction,  continuous urbanisation,  invasive and non native species,  speleology,  Infrastructural Development	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	None	None	None	<b>Dunlavin TP</b>  Intro - TC5, SI1, SI2, BD1, HDA1, FL1  Part 2 – H1  <b>Wicklow CDP</b>  Objectives set out in Appendix 2	None

<p>(<i>Glaucopuccinellietalia maritima</i>)</p> <p>1355 Otter <i>Lutra lutra</i></p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>1421 Killarney fern <i>Trichomanes speciosum</i></p> <p>1990 Nore freshwater pearl mussel <i>Margaritifera durrovensis</i></p> <p>3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation</p> <p>4030 European dry heaths</p> <p>6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>7220 * Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>91E0 * Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p>							
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## Assessment

Given that the site is situated a considerable distance outside the plan boundary it is not considered that the provisions set out in the Plan will cause any direct impacts on this site in terms of reduction in habitat area, disturbance to key species, habitat or species fragmentation or reduction in species density.

Indirectly, it is not considered that the plan will give rise to any changes in water quality, hydrology or air quality at the site given the distance from the Plan Area combined with the fact that the existing waste water treatment system is to be upgraded in order to meet the projected population. The existing water supply currently sourced from a well in the townland of Boherboy is currently at capacity. In order to facilitate further development within the plan area it is proposed that water will be sourced for the area from Ballymore Eustace as part of the West Wicklow Water Supply Scheme. While this scheme has not to date received funding no new development will be permitted within the plan area until such time as this issue has been addressed. Given this proposed new source of water supply it is not considered that any adverse impact will occur on this site in relation to water abstraction. In addition and while this proposed water supply is to be sourced from Ballymore and the Poulaphuca Reservoir it is not considered that any adverse impacts will occur on this site given the strict regulations regarding water abstraction levels permissible as part of the West Wicklow Water Supply Scheme.

Objective WW2 of the County Development Plan restricts the commencement of development until such time as adequate capacity is available in the water/wastewater network while objectives set out in Chapters 12 and 13 of the County Development Plan provide adequate mitigation in regard to Air and Water pollution.

The main management issues for the site indicate that commercial/industrial activities, land reclamation, ground abstraction, invasive and non native species are the main issues facing the site. It is considered unlikely that the Plan will give rise to any other impacts indirectly on the site, given that it sets out a framework for the proper planning and sustainable development of the plan area and puts in place adequate mitigation measures regarding environmental protection, water and air quality.

The Plan has been prepared in accordance with European, National and Regional legislation which set the framework for the achievement of the optimal balance of social, economic and physical development within the plan area. The effects of other strategies and plans are considered insofar as they inform the plan. Any policies or objectives from other plans that are considered necessary to expand upon or re-state in this plan are set out in Appendix 2.

Subsidiary plans and projects will be subject to separate assessment procedures in accordance with all applicable regulations and directives.

Having regard to the purpose and provisions of the plan it is considered that the plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of this Natura 2000 site.

**Table 4.4 Wicklow Mountains SPA****Natura 2000 Site**

Wicklow Mountains SPA is an extensive upland site, comprising a substantial part of the Wicklow Mountains. The underlying geology of the site is mainly of Leinster granites, flanked by Ordovician schists, mudstones and volcanics. The area was subject to glaciation and features fine examples of glacial lakes, deep valleys and moraines. Most of site is over 300 m, with much ground over 600 m and the highest peak of Lugnaquilla at 925 m. The substrate over much of site is peat, with poor mineral soil occurring on the slopes and lower ground. Exposed rock and scree are features of the site. The dominant habitats present are blanket bog, heaths and upland grassland. Fine examples of native Oak woodlands are found in the Glendalough area. The site, which is within the Wicklow Mountains National Park, is fragmented into about 20 separate parcels of land.

Qualifying interests	Management issues and threats	Conservation objectives	Direct Impact(s) of Plan	Indirect Impact(s) of Plan	Cumulative impact(s) of Plan	Relevant objectives included in the Plan	Residual Impacts
Merlin (Falco columbarius) [A098]  Peregrine (Falco peregrinus) [A103]	Overgrazing	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	None	None	None	<b>Dunlavin TP</b>	None
	Peat extraction					Intro - TC5, SI1, SI2, BD1, HDA1, FL1  Part 2 – H1	
	Burning					<b>Wicklow CDP</b>	
	Recreational activities					Objectives set out in Appendix 2	
	Non Native Species						
	Erosion						
	Water Quality						

**Assessment**

Given the distance between Dunlavin and this site and the physical barriers that exists between the plan area and this site (such as the Poulaphuca Reservoir and the N81) it is not considered that the provisions set out in the Dunlavin Town Plan will cause any direct impacts on this site in terms of reduction in habitat area, disturbance to key species, habitat or species fragmentation, reduction in species density or changes in key conservation values.

The site is in state ownership. The main management issues for the site are identified in the National Park Management Plan and are addressed through that structure. Management of the site is addressed through the regulation of access, grazing, peat extraction, recreation and other uses.

Indirectly, it is not considered that the plan will give rise to any changes in water quality, hydrology or air quality at the site, given the distance between the plan area and the site, combined with the fact that waste water generated from the plan area currently discharges into surface waters in the Greese River which flows west away from the town and the Wicklow Mountains SPA. This plant is to be upgraded by the summer of 2015 in order to accommodate proposed development while adequate mitigation measures are in place regarding air and water pollution as set out in Chapters 12 and 13 of the County Development Plan.

While the plan does have objectives to promote tourism, these are primarily based upon consolidating and improving the existing tourism assets in the plan area, and improving recreational connectivity in the plan area. The Wicklow Mountains National Park Management Plan serves to address any visitor access and recreational issues

The Dunlavin TP sets out a framework for the proper planning and sustainable development of the plan area and does not relate to lands outside the plan boundary. The site in



question falls within the jurisdiction of the Wicklow County Development Plan, which sets out policies and objectives for the protection of Natura 2000 sites. These provisions are set out in Appendix 2.

The Plan has been prepared in accordance with the European, National and Regional legislation which set the framework for the achievement of the optimal balance of social, economic and physical development within the plan area. The effects of other strategies and plans are considered insofar as they inform the plan. Any policies or objectives from other plans that are considered necessary to expand upon or re-state in this plan are set out in Appendix 1.

Subsidiary plans and projects will be subject to separate assessment procedures in accordance with all applicable regulations and directives.

Having regard to the purpose and provisions of the plan it is considered that the plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of this Natura 2000 site.

**Table 3.5 Poulaphuca Reservoir SPA****Natura 2000 Site**

Poulaphuca Reservoir, 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 square kilometres and is the largest inland water body in the mid-east and south-east regions. The reservoir receives water from two main sources, the River Liffey at the northern end, and the Kings River at the southern end. The exit is into the Liffey gorge at the western end. Underlying the reservoir are sands and gravels deposited during the last glaciation. The shores of the lake are mostly sandy. When water levels are low exposed lake muds are colonised by an ephemeral flora of annual plant species.

Qualifying interests	Management issues and threats	Conservation objectives	Direct Impact(s) of Plan	Indirect Impact(s) of Plan	Cumulative impact(s) of Plan	Relevant objectives included in the Plan	Residual Impacts
Greylag Goose (Anser anser) [A043]  Lesser Black-backed Gull (Larus fuscus) [A183]  	Disturbance by human activity such as recreational use	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	None	None	None	<b>Dunlavin TP</b>	None
	Water pollution					Intro - TC5, SI1, SI2, BD1, HDA1, FL1	
	Disturbance of feeding grounds					Part 2 – H1	
	Hunting					<b>Wicklow CDP</b>	
						Objectives set out in Appendix 2	

**Assessment**

No part of the plan area is located within the designated site and it is therefore considered that the provisions set out in the Dunlavin Town Plan will not cause any direct impacts on this site in terms of reduction in habitat area or habitat fragmentation.

Activities arising on foot of this plan will not give rise to direct impact on key conservation values such as water quality or the reduction in feeding sites surrounding the site insofar as they give rise to significant adverse impacts on the protected species.

The quality and quantity of the water in the lake is managed by the ESB. Discharges or abstractions to / from the lake are controlled by licence from the ESB. At present there are existing capacity issues with both waste water disposal and water supply in Dunlavin. A new Wastewater Treatment system is proposed for the plan area and is expected to be commissioned and completed in the summer of 2015. The discharge from this system will not impact on the Poulaphuca Reservoir. Increased water supply is required in order to facilitate the future expansion of Dunlavin and a supply from Ballymore Eustace water treatment plant is under investigation, which abstracts from the Poulaphuca Reservoir. No new development will be permitted within the plan area until such time as this issue has been addressed however given the strict regulations regarding water abstraction levels permissible as part of the West Wicklow Water Supply Scheme it is not considered that any adverse impact will occur to this site.

While the proposed plan will allow an increase in Dunlavin's population and given the distance between the site and the plan area, it is not considered that this growth will result in additional use of the reservoir and its shores to a degree that will result in damage / destruction or other impacts on site integrity, particularly as the site is actively managed and supervised by the ESB.

It is the purpose of this Plan to establish a framework for the planned, co-ordinated and sustainable development of Dunlavin. Lands will be designated within the plan boundary for specific purposes with the objectives and policies of the plan guiding the development of these lands in a sustainable manner. Such a land-use plan has no role or impact on the possible effect of hunting / removal of protected species within or adjacent to the SPA.

The Dunlavin Town Plan sets out a framework for the proper planning and sustainable development of the plan area and does not relate to lands outside the plan boundary. The site in question falls within the jurisdiction of the Wicklow County Development Plan, which sets out policies and objectives for the protection of Natura 2000 sites. These provisions are set out in Appendix 1.

The Plan has been prepared in accordance with the European, National and Regional legislation which set the framework for the achievement of the optimal balance of social, economic and physical development within the plan area. The effects of other strategies and plans are considered insofar as they inform the plan. Any policies or objectives from other plans that are considered necessary to expand upon or re-state in this plan are set out in Appendix 2.

Subsidiary plans and projects will be subject to separate assessment procedures in accordance with all applicable regulations and directives.

Having regard to the purpose and provisions of the plan it is considered that the plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of this Natura 2000 site.

## **4. Summary and conclusions**

### **4.1 Summary of assessment of significance**

Tables 3.1 to 3.5 assess the potential impact of the Dunlavin Town Plan on Natura 2000 sites situated within a 15km radius of the plan boundary. This assessment has taken in direct, indirect and cumulative potential impacts arising from the provisions and objectives of the plan.

The assessment of each of the five Natura 2000 sites indicates that the plan will not cause any significant adverse impacts on any of these sites. None of the designated Natura 2000 sites are located within the plan boundary with the closest designated site being the Slaney River Valley c. 5.6km to the south east of the plan area. This site is important for its estuaries and intertidal sand and mud flats, good examples of floating river vegetation and a number of highly important fish species. The main management issues for the site indicate that commercial/industrial activities, land reclamation and direct pollution to surface waters are the main issues facing the site.

As set out above, the provisions of the Dunlavin Town Plan do not include any lands within the boundary of this designated site. The plan has designated lands for development at appropriate locations where objectives have been included that are aimed at preserving existing natural Biodiversity, Flora and Fauna.

The Plan has been prepared in accordance with the European, National and Regional legislation which set the framework for the achievement of the optimal balance of social, economic and physical development within the plan area. The effects of other plans, programmes and projects are considered insofar as they inform the plan. Subsidiary plans and projects will be subject to separate assessment procedures in accordance with all applicable regulations and directives.

Having regard to the purpose and provisions of the Plan it is considered that the plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of any Natura 2000 sites.

### **4.2 Conclusions and Recommendations**

The likely impacts that will arise from the Dunlavin Town Plan 2014 have been examined in the context of a number of factors that could potentially affect the integrity of Natura 2000 sites and have been presented in Tables 3.1-3.4. It is the conclusion of this screening statement that there will be no significant adverse impacts on the integrity of any Natura 2000 sites located within 15km of the Plan area and that a Stage 2 Appropriate Assessment is not required.

## **Appendix 1 Provisions of the Draft Ashford Town Plan (Introductory document and Town Plan Document)**

### **A) Introductory Document**

- TC5** *To protect features that contribute to the town centres' overall appearance and heritage value and to ensure that new developments contribute positively any designated Architectural Conservation Area.*
- SI 1** *To implement the objectives and development standards of Chapters 11, 12, 13 and 14 of the County Development Plan as applicable to each town.*
- SI 2** *To improve and expand water supply and wastewater treatment facilities sufficiently to ensure that no barriers exist to each town fulfilling its role as set out in the Wicklow 'Core Strategy' and Regional Planning Guidelines for the GDA.*
- BD1** *To protect the natural, architectural and archaeological heritage of the town, in accordance with the objectives and development standards set out in Chapters 16 and 17 of the County Development Plan as are applicable to each town.*
- HDA1** *No development will be permitted that adversely affects the integrity of a Natura 2000 site. All development proposals shall comply with the following objectives:*
- On lands designated a 'Natura 2000 Site' it is an objective of the Council to preserve and improve the integrity of the Natura 2000 site and to prohibit development that adversely affects the integrity of the Natura 2000 site, in light of the site's conservation objectives.*
  - Any proposed development with potential to impact upon a Natura 2000 site shall be subject to an Appropriate Assessment in accordance with Article 6(3) of the EU Habitats Directive 1992 and 'Appropriate Assessment of plans and projects in Ireland-Guidance for Planning Authorities' (DoEHLG, 2009).*
  - Where the planning authority has determined that an Appropriate Assessment is required in respect of a proposed development, it may require the submission of a Natura Impact Statement (NIS) for proposed developments. The NIS shall assess, on the basis of best scientific knowledge, the effect of a proposed development, on its own, or in combination with other plans or projects, on a Natura 2000 site, in view of the conservation objectives of the site. A NIS shall include all information as prescribed by any relevant legislation, and/or any information that the planning authority considers necessary in order to enable it to assess the effect of a proposed development on the integrity of a site.*
  - Avoid encroachment on a Natura 2000 site and implement an appropriate buffer zone on adjacent sites, as required, where feasible or as determined following consultation with NPWS or other relevant body.*

*In order to ensure the protection of the integrity of Natura 2000 sites, the planning authority is not limited to the implementation of the above objectives, and shall implement all other relevant objectives of the CDP as it sees fit.*

- FL 1** *To have regard to the provisions of the 'The Planning System and Flood Risk Management' Guidelines (DoEHLG 2009) and the Flood Risk Assessment carried out as part of this plan*

### **B) Dunlavin Plan Document**

#### **7.2 Heritage Objectives**

- H1** *In the interests of the protection and enhancement of biodiversity in Dunlavin, it is an objective of this plan to:*
- *Protect trees, hedgerows and wooded areas (particularly those containing indigenous species), watercourses and other features of the natural landscape - development that requires the felling of mature trees of conservation and/or amenity value, even though they may not be listed in the Development Plan, will be discouraged;*
  - *Require the planting of indigenous plant and tree species in new developments and along new vehicular and pedestrian routes.*

## Appendix 2 Provisions of Wicklow County Development Plan 2010-2016

### Biodiversity Objectives (Chapter 17)

- 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 status 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) of the EU Habitats Directive 1992 and "*Appropriate Assessment of plans and projects in Ireland-Guidance for Planning Authorities*" (DoEHLG 2009).
- BD5** To maintain the conservation value of all proposed and future Natural Heritage Areas (NHAs) in Wicklow.
- BD6** The Council recognises the natural heritage and amenity value of the Wicklow Mountains National Park and shall consult at all times with National Park management regarding any developments likely to impact upon the conservation value of the park, or on issues regarding visitor areas.
- 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. This will facilitate the development of site specific Conservation Objectives in the context of the proper planning and sustainable development of the County.

### Woodlands Objectives (Chapter 17)

- WH1** To promote the protection of trees, in particular native species, and those associated with demesne planting, which are of conservation and/or amenity value, as set out in Schedules 17.5 & 17.6 and Maps 17.05 & 17.06 (Volume 2) of this plan.
- WH2** To consider the making of Tree Preservation Orders (TPOs) to protect trees of high value, where it appears that they are in danger of being felled.
- WH3** Development that requires the felling of mature trees of conservation and/or amenity value, even though they may not be listed in the Development Plan, will be discouraged.
- WH4** To discourage the felling of mature trees to facilitate development and encourage tree surgery rather than felling where possible
- 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.

### **Water System Objectives (Chapter 17)**

- 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.
- WT3** To prevent development that would pollute water bodies and in particular, to regulate the installation of effluent disposal systems in the vicinity of water bodies that provide drinking water or development that would exacerbate existing underlying water contamination
- WT4** To minimise alterations or interference with river / stream beds, banks and channels, except for reasons of overriding public health and safety (e.g. to reduce risk of flooding); a buffer of 10m along watercourses should be provided free of built development, with riparian vegetation generality being retained in as natural a state as possible. In all cases where works are being carried out, to have regard to Regional Fisheries Board *"Requirements for the protection of fisheries habitat during the construction and development works at river sites"*
- 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.
- WT6** To ensure that any development or activity with the potential to impact on ground water has regard to the GSI Groundwater Protection Scheme (as shown on Map 17.12, Volume 2)

### **Soils and Geology Objectives (Chapter 17)**

- SG1** Geological and soil mapping where available shall be utilised to inform planning decisions relating to settlement, excavation, flooding, food production value and carbon sequestration, to identify prime agricultural lands (for food production), degraded/contaminated lands (which may have implications for water quality, health, fauna), lands with unstable soils / geology or at risk of landslides, and those which are essential for habitat protection, or have geological significance.
- SG2** 'Sites of Geological Importance' will be protected from inappropriate development at or in the vicinity of the site, such that would adversely affect their existence, or interpretation
- SG3** The Council will consult with the Geological Survey of Ireland as it deems necessary, when dealing with any proposals for major developments, which will entail 'significant' ground excavation, such as quarrying, road cuttings, tunnels, major drainage works, and foundations for industrial or large buildings and complexes.
- SG4** To facilitate public access to 'Sites of Geological Importance', on the principle of "agreed access" subject to appropriate measures being put in place to ensure public health and safety
- SG5** The Council will support efforts by the Geological Survey of Ireland, and other interested bodies regarding promotion of the interpretation of geological heritage in Wicklow, and will encourage the development of a "Wicklow Rock Trail", Geopark or other similar geo-tourism initiatives.
- SG6** To facilitate the exploitation of mineral resources, in an environmentally sensitive manner, in accordance with the policies and control measures set out in Chapter 8.

### **Green Infrastructure Objectives (Chapter 17)**

- GI1** To recognise the importance and contribution of green infrastructure throughout the region for the maintenance of biodiversity and ensuring that the region will be able to, or be ecologically robust enough to, adapt and respond to climate change issues.
- GI2** To apply the principles of green infrastructure to inform the land use planning and development management process in terms of the location, design and layout of new development areas.

#### **Recreational use of natural resources objectives (Chapter 17)**

- AW1** To facilitate the use of natural areas for active outdoor pursuits, subject to the highest standards of habitat protection and management and all other normal planning controls
- AW2** The Council shall seek to promote access to amenity areas in the County for the benefit of all, on the basis of cooperation with landowners, recreational users and other relevant stakeholder groups to promote "agreed access" on public and privately owned land in the County on the basis of sustainability, consultation and consensus
- AW3** To protect and promote The Wicklow Way and St. Kevin's Way as permissive waymarked routes in the County. The Council shall work in partnership with relevant stakeholders in relation to management of these routes, and will protect them from inappropriate development, which would negatively infringe upon their use.
- AW4** The Council will preserve the open character of commons land and similar hill land and secure access over paths and tracks through consensus with local landowners, particularly in mountain areas.
- AW5** To facilitate the development of a coastal walking and cycling route between Greystones and Wicklow Town
- AW6** To implement the measures set out in the Bray Head SAAO (Special Amenity Area Order) and investigate the possibility of the designation of further SAAOs in the County (as shown on Map 17.08 (Volume 2) of this plan)
- AW7** To protect the quality of bathing waters and to endeavour to ensure that bathing waters achieve "*sufficient or better status by 2015*" and increase the number of bathing waters classified as "*good*" or "*excellent*"; in accordance with the Bathing Water Directive (Directive 2006/7/EC)

#### **Water Objectives (Chapter 12)**

- WS1** To facilitate the Wicklow County Council ***Water Services Investment Programme***, to provide sufficient storage, supply and pressure of potable water to serve all lands zoned for development and in particular, to endeavour to secure the delivery of the following regional and strategic water supply schemes:
  - Wicklow and environs Regional Water Supply Scheme;
  - Arklow Water Supply Scheme;
  - West Wicklow (Stage 2) Water Supply Scheme;
  - Bray and environs Water Supply Scheme;
  - Rathdrum Regional Water Supply Scheme;
 and any other smaller, localised water improvement schemes required during the lifetime of the plan.
- WS2** To protect existing and potential water resources of the County, in accordance with the EU Water Framework Directive, the River Basin Management Plans, the Groundwater Protection Scheme and source protection plans for public water supplies.
- WS3** To require new developments to connect to public water supplies where services are adequate or where they will be provided in the near future.
- WS4** Where connection to an existing public water supply is not possible, or the existing supply system does not have sufficient capacity, the provision of a private water supply will be permitted where it can be demonstrated that the proposed water supply meets the standards set out in EU and national legislation and guidance, would not be prejudicial to public health or would not impact on the source or yield of an existing supply, particularly a public supply.
- WS5** To seek to minimise wastage and demand for water, through



- ongoing monitoring and improvement of the Local Authority controlled water supply system;
- requiring new developments to integrate water efficiency measures (as set out in Section 12.7 of this chapter).

## **Wastewater objectives (Chapter 12)**

**WW1** To facilitate the *Wicklow County Council Water Services Investment Programme* to ensure that all lands zoned for development are serviced by an adequate wastewater collection and treatment system and in particular, to endeavour to secure the delivery of the following regional and strategic wastewater schemes:

- Arklow wastewater collection network and treatment scheme, including the provision of a new WWTP at Seabank;
- Newtownmountkennedy regional collection network and treatment scheme, including the provision of a new WWTP at Leamore, Newcastle;
- Extension of Greystones WWTP;

and any other smaller, localised wastewater improvement schemes required during the lifetime of the plan.

**WW2** To ensure that all foul water generated is collected and discharged after treatment in a safe and sustainable manner, having regard to the standards and requirements set out in EU and national legislation and guidance documents. The Planning Authority will continue to monitor the cumulative effect of grants of planning permission on available waste water treatment capacity under the terms of the relevant Waste Water Discharge Licence. Where there is inadequate capacity within a Waste Water Treatment Plant to accommodate new development or where the Waste Water Treatment Plant does not meet the terms of the relevant Waste Water Discharge License to the Planning Authority will:

- (a) Refuse planning permission for the development, or
- (b) Consider granting permission with conditions limiting the commencement of development until facilities are suitably upgraded, so long as this is planned to occur within a reasonable timeframe (not more than 3 years) in accordance with the Local Authority's Water Services Investment Programme.

**WW3** Permission will be considered for private wastewater treatment plants for single rural houses where:

- The specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;
- The system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003);
- The proposed method of treatment and disposal complies with the Environmental Protection Agency "Waste Water Treatment Manuals";
- An annually renewed maintenance contract for the system is contracted with a reputable company / person, details of which shall be provided to the Local Authority;
- In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

**WW4** Private wastewater treatment plants for multi-house developments will not be permitted.

**WW5** Private wastewater treatment plants for commercial / employment generating development will only be considered where

- The site is due to be connected to a future public system in the area<sup>1</sup>;
- There are no plans for a public system in the area and it can clearly demonstrated that the proposed system can meet all EPA / Local Authority environmental criteria;
- An annually renewed contract for the management and maintenance of the system is contracted with a reputable company / person, details of which shall be provided to the Local Authority.

**WW6** Where any application for a private treatment plant would require a discharge licence under the Water Pollution Acts, a simultaneous application for same shall be required to be made when submitting the planning application.

**WW7** To require new developments to integrate water efficiency measures, (as set out in Section 12.7 of this chapter).

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<sup>1</sup> The developers of the private temporary treatment plants will be required to submit details of how the proposed development will be decommissioned where a connection to the future public sewer is possible and the subject lands returned to their previous state

**WW8** To examine the feasibility of connecting of unsewered areas, including individual properties / premises serviced by septic tanks, to existing and planned sewer networks.

### **Storm & Surface Water Objectives (Chapter 12)**

**SW1** Ensure the separation of foul and surface water discharges in new developments through the provision of separate networks.

**SW2** Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) and in particular, to ensure that all surface water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved surface water system.

### **Flood Management Objectives (Chapter 12)**

**FL1** To prepare flood zone maps for all zoned lands within the County as part of future Local Area Plans.

**FL2** Land will not be zoned for development in an area identified as being at high or moderate flood risk (as set out in the Guidelines<sup>1</sup>), unless where it is fully justified (through the Justification Test set out in the Guidelines) that there are wider sustainability grounds for appropriate development and unless the flood risk can be managed to an acceptable level without increasing flood risk elsewhere and where possible, reducing flood risk overall.

**FL3** Applications for significant new developments or developments in high or moderate flood risk areas shall follow the sequential approach as set out above.

**FL4** To prohibit development in river flood plains or other areas known to provide natural attenuation for floodwaters except where the development can clearly be justified with the guidelines 'Justification Test'.

**FL5** To limit or break up large areas of hard surfacing in new developments and to require all surface car parks to integrate permeability measures such as permeable paving.

**FL6** Excessive hard surfacing shall not be permitted for new, or extensions to, residential or commercial developments and all applications will be required to show that sustainable drainage techniques have been employed in the design of the development.

**FL7** To require all new developments to include proposals to deal with rain and surface water collected on site and where deemed necessary, to integrate attenuation and SUDS measures.

**FL8** Flood assessments will be required with all planning applications proposed in flood risk areas to ensure that the development itself is not at risk of flooding and the development does not increase the flood risk in the relevant catchment (both up and down stream of the application site). Generally a Flood Impact Assessment will be required with all significant developments and a certificate (from a competent person stating that the development will not contribute to flooding within the relevant catchment) will be required with all small developments of areas of 1 hectare or less.

**FL9** For developments adjacent to all watercourses of a significant conveyance capacity or where it is necessary to maintain the ecological or environmental quality of the watercourse, any structures (including hard landscaping) must be set back from the edge of the watercourse to allow access for channel clearing/ maintenance/ vegetation. A minimum setback of up to 10-15m will be required either side depending on the width of the watercourse.

### **Solid waste management objectives (Chapter 13)**

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<sup>1</sup> DEHLG Consultation Draft Guidelines for planning authorities entitled 'The Planning System and Flood Risk Management'

- WM1** To require all developments likely to give rise to significant quantities of waste, either by virtue of the scale of the development or the nature of the development (e.g. one that involves demolition) to submit a construction management plan, which will outline, amongst other things, the plan for the safe and efficient disposal of waste from the site.
- WM2** To require all new developments, whether residential, community, agricultural or commercial to make provision for storage and recycling facilities (in accordance with the standards set out in Section 13.8 of this chapter).
- WM3** To facilitate the development of existing and new waste recovery facilities and in particular, to facilitate the development of 'green waste' recovery sites.
- WM4** To facilitate the development of waste-to-energy facilities, particularly the use of landfill gas and biological waste.
- WM5** To have regard to the Council's duty under Section 38 (1) of the 1996 Waste Management Act, to provide and operate, or arrange for the provision and operation of, such facilities as may be necessary for the recovery and disposal of household waste arising within its functional area.
- WM6** To facilitate the development of sites, services and facilities necessary to achieve implementation of the objectives of the Wicklow Waste Management Plan.

#### **Hazardous waste & emissions objectives (Chapter 13)**

- HW1** To facilitate the development of sites, services and facilities for the disposal of hazardous household wastes in accordance with the objectives of the Wicklow Waste Management Plan.
- HW2** To have regard to the "Major Accidents Directive" (European Council Directive 96/82/EC). This Directive relates to the control of major accidents involving dangerous substances with an objective to prevent major accidents and limit the consequences of such accidents. This policy will be implemented through Development Control, through specific control on the siting of new establishments and whether such a siting is likely to increase the risk or consequence of a major accident.

#### **Litter & illegal dumping objectives (Chapter 13)**

- LT1** To facilitate the implementation of the County Litter Management Plan.
- LT2** To proactively pursue enforcement and legal action against perpetrators of illegal dumping and 'fly tipping'.
- LT3** To require all new potentially litter generating developments (such as shops, takeaways, pubs etc) to provide litter / cigarette bins on or directly adjoining the premises and to provide for the cleaning of the adjoining streetscape in accordance with the provisions of Part II Section 6 of the Litter Pollutions Act 1997 and 2003.

#### **Air emissions objectives (Chapter 13)**

- AE1** To regulate and control activities likely to give rise to emissions to air (other than those activities which are regulated by the EPA).
- AE2** To require proposals for new developments with the potential for the accidental release of chemicals or dust generation, to submit and have approved by the Local Authority construction and/or operation management plans to control such emissions.
- AE3** To require activities likely to give rise to air emissions to implement measures to control such emissions, to install air quality monitors and to provide an annual air quality audit.

#### **Noise pollution objectives (Chapter 13)**

- NP1** To enforce, where applicable, the provisions of the Environmental Protection Agency (EPA) Acts 1992 and 2003, and EPA Noise Regulations 1994.
- NP2** To regulate and control activities likely to give rise to excessive noise (other than those activities which are regulation by the EPA).
- NP3** To require proposals for new developments with the potential to create excessive noise to prepare a construction and/or operation management plans to control such emissions.
- NP4** To require activities likely to give rise to excessive noise to install noise mitigation measures and monitors. The provision of a noise audit may also be required as appropriate.

### **Light pollution objectives (Chapter 13)**

- LP1** To require proposals for new developments with the potential to create light pollution or light impacts on adjacent residence to mitigate impacts (in accordance with the standards set out in Section 13.8 below).

### **Rural Economic Development Objectives (Chapter 8)**

- RUR1** No commercial / industrial development will be permitted in an Area of Outstanding Natural Beauty, except in the case of extractive industries, where it complies with the requirements of Section 8.4 of this plan.
- RUR2** No commercial/ industrial development will be permitted to locate on a national route except where appropriately located on suitably zoned lands within a growth centre.
- RUR3** To permit the development of commercial / industrial developments in rural areas, where it is proven that the proposed development requires to be located in the rural area and will have a positive impact on the location.
- RUR4** It is the objective of the Council to permit the development of small-scale commercial/ industrial developments in rural areas that are not dependent on an existing local resource, subject to compliance with all of the following criteria:
- The proposed development shall be a small-scale industrial / commercial scheme or service and the number employed shall be appropriate in scale to the location and its characteristics, including proximity to the workforce and customers;
  - The proposed development shall be located on the site of a redundant farm building / yard or similar agricultural brownfield site;
  - The nature and scale of the proposed development and the proposed process or activity to be carried out, shall be appropriate to and compatible with, the character of the rural environment of the site at which the development is proposed, and shall not be detrimental to the rural amenity of the surrounding area. In the assessment of planning applications, cognisance shall be taken of the location site vis-à-vis the proximity of the site to the national and regional road network.
- RUR5** To require any proposed commercial / industrial developments in a rural area to comply with the following criteria (in addition to any other relevant objectives of the plan being complied with):
- It shall be of a scale in terms of the number of employees, site area and building size, which is suitable for the location and which is visually sympathetic to the rural surroundings;
  - It shall not give rise to any significant adverse environmental impact, in terms of impact on the scenic value, heritage value and/ or environmental/ ecological/ conservation quality of the area. It shall not have a negative impact on the surrounding area in terms of nuisance, noise, odours or other pollutants;
  - The development shall not result in the creation of a significant traffic hazard and the road network shall be suitable and shall have the capacity for anticipated traffic levels;
  - The development shall not be detrimental to the amenity of nearby properties, and in particular, to the amenity of nearby residential properties;
  - There shall be acceptable proposals for the safe storage and disposal of waste, in a manner that is visually and environmentally acceptable;
  - The site shall be suitable in size such that any housing and commercial activity can be separated, serviced and landscaped accordingly.

Notwithstanding any other objectives set out in this section of the plan, the Planning Authority will refuse permission for any form of development that fails to comply with the above criteria.

All planning applications should include details of the nature and scale of the proposed operation, and include opening hours and anticipated traffic levels. A business plan should also be submitted, where appropriate.

**RUR6** To encourage, where appropriate, home-based economic activity<sup>1</sup> in rural areas including the provision of small-scale individual enterprises. Proposals which involve the change of use and/or new development for purposes of home-based employment will generally be considered favourably where it can be demonstrated that the proposal complies with the following:

- Requirements set out in RUR5;
- The nature and scale of the proposed development and the proposed process or activity to be carried out, shall be appropriate to and compatible with the character of the rural environment.

**RUR7** The Council will promote improved broadband in rural areas to help the rural economy.

### **Agriculture development objectives (Chapter 8)**

**AGR1** To facilitate the development of environmentally sustainable agricultural activities, whereby watercourses, wildlife habitats, areas of ecological importance and other environmental assets are protected from the threat of pollution, and where development does not impinge on the visual amenity of the countryside. Developments shall not be detrimental to archaeological and heritage features of importance.

**AGR2** To encourage and facilitate agricultural diversification into suitable agri-businesses. Subject to all other objectives being complied with, the Council will support the alternative use of agricultural land for the following alternative farm enterprises:

- Specialist farming practices, e.g. organic farming, horticulture, specialised animal breeding, deer and goat farming, poultry, flower growing, forestry, equine facilities, allotments, bio-energy production of crops and forestry, organic and speciality foods;
- Suitable rural enterprises.

**AGR3** To protect agricultural or agri-business uses from incompatible uses, which are more suited to being located within an urban settlement.

**AGR4** To ensure that agricultural developments do not cause increased pollution to watercourses. Developments will be required to adhere to the Nitrates Directive (91/676/EC), and the EC (Good Agricultural Practice for Protection of Waters) Regulations 2009, with regard to storage facilities, concerning the protection of waters against pollution caused or induced by nitrates from agricultural sources. Developments will be required to comply with relevant measures, which operate to protect water quality from pollution by agricultural sources. The disposal and storage of agricultural waste shall comply with the standards required by Council.

**AGR5** To permit the development of new, appropriately located and designed agricultural buildings, which are necessary for the efficient and environmentally sound use of the agricultural practice. New buildings will only be permitted in cases where there are no suitable redundant buildings on the farm holding which would accommodate the development and where the Council is satisfied that the proposal is necessary for the efficient operation of the farm. Developments shall be compatible with the protection of rural amenities, and should not create a visual intrusion in the landscape or be the cause of an environmental nuisance.

**AGR6** To encourage proposals for farm shops<sup>2</sup> where it can be clearly demonstrated that:

- The products to be sold are primarily produce grown on the farm holding;
- The scale and scope of the retailing proposed will not harm the viability or retail facilities in any nearby town or village;

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<sup>1</sup> Home based economic activity is defined as small scale commercial/industrial activity carried out by the residents of a house which is subordinate or ancillary to the use of the dwelling as a place of residence.

<sup>2</sup> Farm shops refer to premises primarily for the sale of produce originating from the farm holding or the local area.

- The proposed shop is operated by the owner of the farm and is ancillary to the main use of the property for agricultural activities.

## **Forestry Objectives (Chapter 8)**

- FTY1** To facilitate afforestation in appropriate locations, in accordance with the 'Wicklow Indicative Forestry Strategy' (Wicklow County Council, 2002), and in co-operation with forestry operators and the Forest Service.  
The Wicklow Indicative Forestry Strategy was produced by the Council in 2002, in consultation with the Forest Service. The strategy is intended to be a tool of assistance to planners in dealing with proposals for forestry applications. The strategy includes a list of areas that are preferred for afforestation and a list of areas where afforestation would be inappropriate by virtue of landscape, soil type, settlement or environmental grounds. The strategy also includes a series of objectives which are intended to guide planning decisions. The Council will have particular regard to developments that are located in the areas included in 'Table 3: Areas Sensitive to Afforestation', and as per the Strategy, should be consulted on all forestry grant applications in these areas.
- FTY2** To promote afforestation in co-operation with relevant agencies, including the Forest Service (Department of Agriculture, Fisheries and Food) and forestry operators and to ensure that afforestation is undertaken in a manner that is consistent with the principle of 'sustainable forest management'. The Council will only permit development that complies with the following:
- The development is compatible with the protection of the environment, and does not cause pollution or degradation of wildlife habitats, natural waters or areas of ecological importance;
  - The development does not have a negative visual impact on the scenic quality of the countryside, and is of an appropriate nature and scale to the surrounding area;
  - The development is not detrimental to archaeological or other historic/heritage features;
  - The Council will permit forestry development where it is considered that the roads infrastructure (in terms of design, width, surfacing etc.), which is to serve the development, can accommodate the proposed development. No development will be permitted that will result in damage to roads infrastructure or undue nuisance to other road users. The Council may apply a special financial levy to certain developments for works that are required to be undertaken to the road network.
- FTY3** To promote the use of forests for appropriate recreation purposes and to facilitate the development of appropriate recreation facilities at suitable locations. The recreational use of forests will only be permitted where it can be demonstrated that the recreational use is compatible with the other forest objectives, functions and values of the forest, such as timber production, sensitive habitats and important archaeology. Developments will only be permitted that are acceptable in terms of other planning considerations, including the provision of acceptable infrastructure such as roads, carparking, water and sewerage infrastructure.
- FTY4** To promote County Wicklow as a 'centre of excellence' in the forestry research and management field. The Council will facilitate the development of forestry research/ interpretative centres, at appropriate locations.
- FTY5** To promote the use of native hardwood species using seed of native provenance where possible in afforestation schemes. The use of native species or a broadleaf / conifer mixture and age class diversity can enhance the visual impact and biodiversity of forests.
- FTY6** To encourage the development of farm forestry as a means of promoting rural diversity and strengthening the rural economy.
- FTY7** To encourage the development of forestry for timber biomass which can be used as a renewable energy source.

## **Extractive Industry Objectives (Chapter 8)**

- EX1** To facilitate and encourage the exploration and exploitation of minerals in the County in a manner, which is consistent with the principle of sustainability and protection of residential, environmental and tourism amenities.
- EX2** To encourage the use, development and diversification of the County's indigenous natural rock industry, particularly where it can be shown to benefit processing, craft or other related industries.

**EX3** To support and facilitate the development of related and spin-off industries of the extractive industry such as craft and monumental stone industries and the development of the mining and industrial tourism heritage. Consideration will be given to the development of such related industries within or in association with existing operations of worked out mines or quarries where this does not conflict with other objectives and objectives of the plan.

**EX4** To have regard to the following guidance documents (as may be amended, replaced or supplemented) in the assessment of planning applications for quarries and ancillary facilities:

- *'Quarries and Ancillary Activities: Guidelines for Planning Authorities' (2004, DoEHLG);*
- *'Environmental Management Guidelines – Environmental Management in the Extractive Industry (Non Scheduled Minerals)'; EPA 2006;*
- *'Archaeological Code of Practice between the DoEHLG and the Irish Concrete Federation' 2009;*
- *'Geological Heritage Guidelines for the Extractive Industry', 2008;*
- *'Wildlife, Habitats and the Extractive Industry – Guidelines for the protection of biodiversity within the extractive industry', NPWS 2009.*

### **Appendix 3      NPWS Conservation Objectives Link**

Search by site code, by County or Features of Interest

<http://npws.ie/protectedsites/>

***Enter Site Code as below for detailed Conservation Objectives***

Slaney River Valley cSAC (Site Code 00781)

River Barrow and River Nore cSAC (Site Code 002162)