

**PROPOSED VARIATION NO 2(i) TO THE WICKLOW COUNTY DEVELOPMENT PLAN  
2010-2016**

**KILMACANOGUE SETTLEMENT PLAN**

**APPROPRIATE ASSESSMENT (AA) SCREENING**

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

**1.1 Introduction**

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

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

**1.2 The Kilmacanogue Settlement Plan**

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

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

**1.3 Legislative Context:**

*The EU Habitats Directive*

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

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

The conservation status of a habitat is defined in Article 1 of the Directive as the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions, as well as the long-term survival of its typical species. The conservation status of a natural habitat will be taken as favorable 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.
- C) Article 6(3) and (4) set out a series of procedural and substantive safeguards governing plans and projects likely to have a significant effect on a Natura 2000 site.

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

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

This appropriate assessment screening report has been prepared in accordance with the European Commission Environment DG document *Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, referred to as the "EC Article 6 Guidance Document (EC2000)". The guidance within this document provides a non-mandatory methodology for carrying out assessments required under Article 6(3) and 6(4) of the Habitats Directive, and are viewed as an interpretation of the EU Commission's document "*Managing Natura 2000 sites*" (2002).

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

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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)

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

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

1. Management of the site - *Involves determining whether or not the project or plan is directly connected with or necessary to the management of the site*
2. Description of the project or plan - *Describing the project or plan and the description and characterisation of other projects or plans that in combination have the potential for having significant effects on the Natura 2000 site*
3. Characteristics of the Site - *Identifying the potential effects on the Natura 2000 site(s)*
4. Assessment of Significance - *Assessing the significance of any effects on the Natura 2000 site(s).*

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

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

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

## **Section 2 Screening**

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

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

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

There are no designated Natura 2000 sites located within or immediately adjacent to the boundaries of the proposed Kilmacanogue Settlement Plan. The closest designated sites are situated within the 15km zone from the settlement and comprise of the Glen of the Downs (cSAC), Ballyman Glen (cSAC), Bray Head (cSAC), Knocksink Wood (cSAC), Carriggower Bog (cSAC), Murrough Wetlands (cSAC), Wicklow Mountains (cSAC), The Murrough (SPA) and Wicklow Mountains (SPA). The relationship between the proposed Settlement Plan and these Natura 2000 sites is shown on the map appended to this document.

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

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

*Describing the project or plan and the description and characterisation of other projects or plans that in combination have the potential for having significant effects on the Natura 2000 sites.*

#### **2.2.1 The Kilmacanogue Settlement Plan**

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

The aim of the Kilmacanogue Settlement Plan is to establish a framework for the planned, co-ordinated and sustainable development of Kilmacanogue, and to enhance and facilitate the balancing of economic, social and environmental infrastructure in order to maintain and develop a high quality of life without compromising the protection of the environment and the needs of future generations. The plan will provide for the growth of the settlement in accordance with the growth targets as included in the Settlement Hierarchy of the CDP. The targets in the Settlement Hierarchy indicate that the population of Kilmacanogue can grow to a maximum population of 1,100 people by 2022 and a maximum population of 1,000 people by 2016. The development boundary of the Kilmacanogue Settlement Plan is based on the settlement boundary as defined by the CDP, and has been extended at one location.

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

The following Settlement Plan Vision and Strategy informs all objectives within the Kilmacanogue Town Strategy:

**Settlement Vision:**

“For the town of Kilmacanogue to be a cohesive community of people enjoying distinct but interrelated town and rural environments; where natural surroundings are protected and enhanced; where opportunities abound to live and work in the town; allowing people to enjoy the benefits of rural living and at the same time consolidate rural development needs and support the maintenance of essential social and community infrastructure within the town”.

**Overall Plan Strategy:**

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

*It is an objective of the Council to*

- KM 1 Facilitate the population growth of the settlement up to a maximum of 1,000 people by 2016 and 1,100 people by 2022. No permission shall be granted that would increase the population of the settlement (i.e. the area within the plan boundary) above 1,000 people or 390 residential units (which ever is reached first) by 2016 and 1,100 people or 478 residential units (which ever is reached first) by 2022. The Council will control the development of residential units in accordance with this growth target and occupancy objectives as set out in the settlement strategy.
- KM 2 Provide for an expansion in the variety of retail facilities so that the town includes a range of retail outlets that provide for the day to day needs of the local population and the needs of tourists.
- KM 3 Facilitate the development of a range of high quality community and recreational facilities that meet the needs of the local population.
- KM 4 Preserve and improve public and private open space, and recreation facilities including walking routes linking the town of Kilmacanogue to the summit of the Great Sugar Loaf and reinforcing the role of the town as a service base for recreational users
- KM 5 Protect and enhance the character, setting and environmental quality of heritage, including natural, architectural and archaeological heritage.
- KM 6 Promote the development of a safe and accessible pedestrian and traffic routes.
- KM 7 Provide for a reliable and effective water, drainage, energy, waste management and communications infrastructure to service the existing and future development needs of the settlement, in an environmentally friendly manner, and to allow for the improvement of public services and public utility installations.
- KM 8 Ensure that the density, design, scales and use of developments shall reflect the scale and context of the area.
- KM 9 Protect the amenity of existing residential properties.

- KM 10 To restrict the types of development permitted in Flood Zone A and Flood Zone B to the uses that are 'appropriate' to each flood zone, as set out in Table 3.2 of the Guidelines for Flood Risk Management (DoEHLG, 2009). The planning authority may consider proposals for development that may be vulnerable to flooding, and that would generally be inappropriate as set out in Table 3.2 of the Guidelines, subject to all of the following criteria being satisfied:
- The planning authority is satisfied that all of the criteria set out in the justification test as it applies to development management (Box 5.1 of the Guidelines) are complied with.
  - The development of lands for the particular use is required to achieve the proper planning and sustainable development of the settlement, and complies with at least one of the following:
    - i. The development is located within the 'primary lands' and is essential for the achievement of the 'vision' or for the achievement of a specific objective for these lands.
    - ii. The development comprises previously developed and/or under-utilised lands/sites,
    - iii. There are no suitable alternative lands for the particular use, in areas at lower risk of flooding.

### 2.2.2 Other Instruments

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

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

## Section 3 Natura 2000 Sites

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

There are no designated Natura 2000 sites located within or immediately adjacent to the boundaries of the proposed Kilmacanogue Settlement Plan. There are nine designated sites within 15km of the plan boundary, including the Glen of the Downs (cSAC), Ballyman Glen (cSAC), Bray Head (cSAC), Knocksink Wood (cSAC), Carriggower Bog (cSAC), Murrough Wetlands (cSAC), Wicklow Mountains (cSAC), The Murrough (SPA) and Wicklow Mountains (SPA).

<b>'Natura 2000' sites located within 15km of the Kilmacanogue Settlement Plan Area</b>	
Name	Site Code
Glen of the Downs (cSAC),	000719
Ballyman Glen (cSAC),	000713
Bray Head (cSAC),	000714
Knocksink Wood (cSAC),	000725
Carriggower Bog (cSAC),	000716
Murrough Wetlands (cSAC),	002249
Wicklow Mountains (cSAC),	002122
The Murrough (SPA)	004186
Wicklow Mountains (SPA)	004040

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

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

#### **Glen of the Downs cSAC** Site Code 000719:

This site is a semi-natural Oak wood situated within an impressive glacial overflow channel. It is located on the Dublin-Wexford road about 7 km south of Bray, Co. Wicklow. The site supports Oak woodland of a type that is listed on Annex II of the EU Habitats Directive.

#### **Conservation Objectives:**

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

#### **Ballyman Glen cSAC** Site Code 000713:

Ballyman Glen is situated approximately 3 km north of Enniskerry. It is orientated in an east-west direction with a stream running through the centre. The presence of alkaline fen and of petrifying spring/seepage areas on the site is particularly notable, as these habitats are listed, the latter with priority status, on Annex I of the EU Habitats Directive.

#### **Conservation Objectives:**

1. To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status: Petrifying springs with tufa formation (Cratoneurion); Alkaline fens.
2. To maintain the extent, species richness and biodiversity of the entire site.
3. To establish effective liaison and co-operation with landowners, legal users and relevant Authorities.

**Bray Head cSAC Site Code 000714:**

This coastal site is situated in the north-east of Co. Wicklow between the towns of Bray and Greystones. Bray Head is of high conservation importance as it has good examples of two habitats (sea cliffs and dry heath) listed on Annex I of the EU Habitats Directive. It also supports a number of rare plant species and has ornithological importance.

**Conservation Objectives:**

1. To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status: Vegetated sea cliffs of the Atlantic and Baltic coasts; European dry heaths
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.

**Knocksink Wood cSAC Site Code 000725:**

Knocksink Wood is situated in the valley of the Glencullen River north-west of Enniskerry. The importance of this site lies in the diversity of woodland habitats, which occur. The presence of rare or threatened plants and invertebrates adds to the interest. Much of this site has been designated a Statutory Nature Reserve and there is presently an educational centre within the site.

**Conservation Objectives:**

1. To maintain the Annex I habitats for which the cSAC has been selected at favourable Conservation status: Petrifying springs with tufa formation (*Cratoneurion*); Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*).
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.

**Carriggower Bog cSAC Site Code 000716:**

Carriggower Bog is situated on Calary plateau at the eastern edge of the Wicklow Mountains. The site is an area of wet bog and poor fen, flanked by the Vartry River on the south-western side. This site is a candidate SAC selected for transition mire, a habitat listed on Annex I of the EU Habitats Directive.

**Conservation Objectives:**

1. To maintain the Annex I habitat for which the cSAC has been selected at favourable conservation status: Transition mires and quaking bogs.
2. To maintain the extent, species richness and biodiversity of the entire site
3. To establish effective liaison and co-operation with landowners, legal users and relevant Authorities.

**The Murrough Wetlands cSAC Site Code 002249:** See also of The Murrough SPA (Site Code:004186):

The Murrough is a coastal wetland complex, which stretches for 15 km from Ballygannon to north of Wicklow town, and in parts, extends inland for up to 1 km. A shingle ridge stretches the length of the site and carries the mainline Dublin-Wexford railway. The site supports a number of habitats listed on Annex I of the EU Habitats Directive and a number of bird species listed on Annex I of the EU Birds Directive, as well as a wide range of important migratory birds. There are also many rare plants in the site. This site is of importance as it is the largest coastal wetland complex on the east coast of Ireland. Although much affected by drainage, it still contains a wide range of coastal and freshwater habitats including five listed on Annex I of the EU Habitats Directive, some of which contain threatened plants. Areas on the site contain a rich invertebrate fauna, including several rarities. It is an important site for



both wintering and breeding birds and supports a wide variety of species listed on Annex I of the EU Birds Directive.

**Conservation Objectives:**

1. To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status: Annual vegetation of drift lines; Perennial vegetation of stony banks; Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*); Mediterranean salt meadows (*Juncetalia maritimi*); Calcareous fens with *Cladium mariscus* and species of the Caricion *davallianae*; Alkaline fens.
2. To maintain the extent, species richness and biodiversity of the entire site
3. To establish effective liaison and co-operation with landowners, legal users and relevant authorities.

**Wicklow Mountains cSAC, Site Code 002122**

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

**Conservation Objectives:**

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

**The Murrough (SPA) Site Code 004186:**

The Murrough SPA comprises a coastal wetland complex that stretches for 13km from Kilcoole Station, east of Kilcoole village in the north to Wicklow Town in the south, and extends inland for up to 1 km in places. The regular occurrence of Red-throated Diver, Little Egret, Whooper Swan, Greenland White-fronted Goose, Golden Plover, Little Tern, Sandwich Tern, Shorteared Owl and Kingfisher is of note as these species are listed on Annex I of the E.U. Birds Directive. The site also supports a typical diversity of birds associated with reed swamp, including Reed Warbler, a very localised species in Ireland. The site is also of considerable importance for the wide range of coastal and freshwater habitats that it supports, including several that are listed on Annex I of the E.U. Habitats Directive.

**Main conservation objective:**

To maintain the special conservation interests for this SPA at favourable conservation status: Light-bellied Brent Goose, Little Tern, Red-throated Diver, Greylag Goose, Wigeon, Teal, Black-headed Gull, Herring Gull.

**Wicklow Mountains (SPA) Site Code 004040**

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

**Main conservation objective:**

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

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

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

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

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

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

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

**X** = No impact

\* Conservation objectives as set out in Section 3.2

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

Proposed Kilmacanogue Settlement Plan Objectives	Glen of the Downs (SAC)	Ballyman Glen (SAC),	Bray Head (SAC)	Knocksink Wood (SAC),	Carriggower Bog (SAC)	Murrough Wetlands (SAC)	Wicklow Mountains (SAC)	The Murrough (SPA)	Wicklow Mountains (SPA)
KM1	x	x	x	x	x	x	x	x	x
KM2	x	x	x	x	x	x	x	x	x
KM3	x	x	x	x	x	x	x	x	x
KM4	x	x	x	x	x	x	x	x	x
KM5	x	x	x	x	x	x	x	x	x
KM6	x	x	x	x	x	x	x	x	x
KM7	x	x	x	x	x	x	x	x	x
KM8	x	x	x	x	x	x	x	x	x
KM9	x	x	x	x	x	x	x	x	x
KM10	x	x	x	x	x	x	x	x	x
KM11	x	x	x	x	x	x	x	x	x
KM12	x	x	x	x	x	x	x	x	x
KM13	x	x	x	x	x	x	x	x	x
KM14	x	x	x	x	x	x	x	x	x
KM15	x	x	x	x	x	x	x	x	x
KM16	x	x	x	x	x	x	x	x	x
KM17	x	x	x	x	x	x	x	x	x
KM18	x	x	x	x	x	x	x	x	x
KM19	x	x	x	x	x	x	x	x	x
KM20	x	x	x	x	x	x	x	x	x
KM21	x	x	x	x	x	x	x	x	x
KM22	x	x	x	x	x	x	x	x	x
KM23	x	x	x	x	x	x	x	x	x
KM24	x	x	x	x	x	x	x	x	x
KM25	x	x	x	x	x	x	x	x	x
KM26	x	x	x	x	x	x	x	x	x
KM27	x	x	x	x	x	x	x	x	x
KM28	x	x	x	x	x	x	x	x	x
KM29	x	x	x	x	x	x	x	x	x
KM30	x	x	x	x	x	x	x	x	x
KM31	x	x	x	x	x	x	x	x	x
KM32	x	x	x	x	x	x	x	x	x
KM33	x	x	x	x	x	x	x	x	x

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

- Wicklow County Development Plan 2010-2016 – It is considered that the ‘in-combination’ effect of this plan on Natura 2000 sites is positive. The Kilmacanogue Settlement Plan forms part of the Wicklow CDP 2010-2016’. The CDP includes numerous mitigation measures<sup>4</sup>, which contribute to the conservation of Natura 2000 sites in accordance with the requirements of the Habitats Directive.
- ‘Eastern River Basin District Management Plan 2009-2015’ – This plan indicates that Kilmacanogue is part of the ‘Dargle Lower’ water body and that the water quality has a ‘Moderate’ Ecological Status. It is considered that the ‘in-combination’ effect of this plan on water bodies in the catchment area is positive. It is not considered likely that there will be any adverse impacts on Natura 2000 sites.
- Any major developments – The Habitats Directive requires that appropriate assessment is required for all projects, or developments that have potential for significant effects on a Natura 2000 site. This will ensure that the ‘in-combination’ effect of the plan with other projects is positive.

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

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

- The plan does not impact on any Annex1 habitat.
- The plan does not cause a reduction in the area of any Natura 2000 site.
- The plan does not cause serious or ongoing disturbance to species or habitats for which any of the Natura 2000 sites are selected (e.g. increased noise, illumination and human activity).
- The plan does not cause direct or indirect damage to the size, characteristics or reproductive ability of populations on any of the Natura 2000 sites.
- The plan does not interfere with mitigation measures put in place in other plans or projects
- The plan does not cause direct or indirect damage to the physical quality of the environment (including water quality and supply and soil compaction) in any Natura 2000 site. In this regard, the disposal of wastewater, the supply of drinking water and flood risk associated with the growth of this settlement have been particularly examined:
  - (i) Wastewater generated in Kilmacanogue is either discharged to the sea (via Bray) or to the ground via on site private effluent disposal systems. Given the very modest growth target set out in this plan and the forthcoming connection of the mains system to the new Shanganagh WWTP, which will provide significantly enhanced wastewater treatment vis-a-vis the current situation, no adverse impacts on Natura 2000 sites are predicted. Where new on-site effluent disposal systems are permitted in the plan area, the implementation of objectives of the Wicklow County Development Plan (namely Objectives WW3, WW4, WW5, WW6, WW7 and WW8) and the objectives of this Settlement Plan (namely Objective KM7) will mitigate against any new impacts on Natura 2000 sites;
  - (ii) The water supply for Kilmacanogue is via the public mains. The source of this water is from the Vartry Reservoir, which is a surface water lake. The water in Kilmacanogue is fed directly from the trunk mains, which run between Roundwood and Stillorgan. There is no pumping anywhere in the system, the water flows by gravity. Any future demand for water supply will be subject to County Development Plan Objectives WS1 and WS2 and the Settlement Plan objective KM 7 which will ensure that no adverse impacts arise on Natura 2000 sites as a result.

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

- (iii) As the Natura 2000 sites occur upstream of Kilmacanogue the risk of any flooding and the associated risk on the water quality from run off and/ or siltation is not considered significant. As part of the plan preparation process, a flood risk assessment has been carried out. It is considered that, subject to compliance with the mitigation objectives of the Plan and those of the CDP appropriate safeguards are in place to ensure that adverse effects on the Natura 2000 sites from flooding will be avoided.

## **5.0 Conclusion**

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

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

It is considered by the Planning Authority that Stage 2 Appropriate Assessment is not required for the proposed Kilmacanogue Settlement Plan.

### **Disclaimer**

The Strategic Environmental Assessment Screening Report and the Appropriate Assessment Screening Report were issued to the Environmental Authorities on the 13<sup>th</sup> May 2011 for comment. Since the publication of these documents, minor amendments have been made to the Settlement Plan. It is considered that these are minor amendments and not fundamental to the overall plan.

As such, the determination of the planning authority, as set out in the SEA Screening Determination and AA Screening Determination are still applicable.

## Appendix I

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

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

#### Policy

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

Chapter 17 *Natural Environment* contains the following provisions:

#### Strategies

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

#### Biodiversity Objectives

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

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

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

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

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

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

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

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

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

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

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

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

Other relevant measures include the following:

**General Coastal Zone Objective GCZ2**

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

**Pertinent Policies**

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

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

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

