

SECTION 5

Habitats Directive Assessment

Finding of No Significant Effects Report

1. Introduction

A Habitats Directive Assessment (HDA) is an evaluation of the potential impacts of a plan or programme on the conservation status of Natura 2000 sites, and the development, where necessary, of mitigation or avoidance measures to preclude negative effects. A finding of no significant effects report is the output document where the project / plan is not considered to be likely to have significant adverse effects on Natura 2000 sites.

A Draft Local Area Plan and accompanying Strategic Environmental and Habitats Directive Assessment Reports were prepared for the Kenmare Functional Area in November 2009. Following a public consultation process and consideration of the subsequent Managers Report, by the members, 'Proposed Amendments' were agreed by the members and put on public display. These proposed amendments were accompanied by Strategic Environmental and Habitats Directive Assessment Reports. Following a further public consultation exercise and consideration of the subsequent Managers Report, by the members, the final Kenmare Functional Area Local Area Plan 2010-2016 was adopted on the 19th April 2010.

It was also agreed by the members to adopt Variation No.2 to the Kerry County Development Plan 2009-2015, so as to incorporate the provisions of the Kenmare Functional Area Local Area Plan 2010-2016 and to amend the zoning of lands, at and adjacent to the following settlements to reflect the provisions of the plan: Kenmare, Kilgarvan, Bonane, Lauragh, Templehoe and Tuosist. This variation amends the existing zoning within these settlements and the contiguous rural areas. In addition the variation gives effect to Objective SS 3-10(a) of the County Development Plan which states that it is an objective of the Council to 'prepare local area plans for each of the functional areas of the County during the lifetime of the plan in accordance with relevant legislation including the Planning and Development (Strategic Environmental Assessment) Regulations 2004'.

This Habitats Directive Screening report assesses the potential impact of the adopted Kenmare Functional Area Local Area Plan 2010-2016 and of the adopted 2nd Variation to the Kerry County Development Plan 2009-2015 variation on Natura 2000 sites.

*NB: This report should be read in conjunction with the following documents:-

- Draft Kenmare Functional Area Local Area Plan (Kerry County Council, November 2009).
- Draft Kenmare Functional Area Local Area Plan Volume 3 – Habitats Directive Assessment (Kerry County Council, November 2009).
- Proposed Amendments to the Kenmare Functional Area Local Area Plan 2010-2016 (Kerry County Council, February 2010).
- Proposed Variation to the Kerry County Development Plan 2009-2015 – Variation No. 2 (Kerry County Council, February 2010).
- Habitat Directive Assessment Screening Report of the Proposed Amendments to the Kenmare Functional Area Draft Local Area Plan 2010-2016 and of the Proposed Variation Number 2 to the Kerry County Development Plan 2009-2015 (February 2010)
- Kerry County Development Plan 2009-2015
- Appropriate Assessment Screening Report for the Kerry County Development Plan 2009-2015

Plans or programmes can only be permitted after having ascertained that there will be no significant adverse effect on the integrity of the sites in question. In a situation where it is not possible to fully demonstrate that adverse effects on the site integrity would occur, options must be explored so that any risk of damaging designated sites is avoided. Components within a plan or programme, such as objectives or proposals, can be adjusted or removed to avoid significant adverse impacts prior to implementation.

The plan or programme may also proceed if sufficient mitigation or compensation measures are in place to ensure the overall integrity of Natura 2000 sites.

2. Name of Project or Plan

For the purposes of this report the 'plan' should be taken to include the 'Kenmare Functional Area Local Area Plan (FALAP) 2010-2016' document in addition to the 'Variation Number 2 to the Kerry County Development Plan 2009-2015' document.

3. Name and Location of Natura 2000 sites

- SAC 000090 - Glengarriff Harbour & Woodland (ex situ site)
- SAC 000093 - Caha Mountains
- SAC 000353 - Old Domestic Building, Dromore Wood
- SAC 000364 - Kilgarvan Ice House SAC 000365 - Killarney National Park, Macgillicuddy's Reeks & Caragh River Catchment
- SAC 001043 - Cleanderry Wood (ex situ site)
- SAC 001342 - Cloonee & Inchiquin Loughs, Uragh Wood
- SAC 001371 - Mucksna Wood
- SAC 001873 - Derryclogher (Knockboy) Bog (ex situ site)
- SAC 001879 - Glanmore Bog
- SAC 001881 - Maulagowna Bog
- SAC 001890 - Mullaghanish Bog
- SAC 002041 - Old Domestic Building, Curraglass Wood
- SAC 002098 - Old Domestic Building, Askive Wood (ex situ site)
- SAC 002158 - Kenmare River
- SAC 002173 - Blackwater River (Kerry)
- SAC 002187 - Drongawn Lough (ex situ site)
- SAC 002315 - Glanlough Woods

- SPA 004038 - Killarney National Park
- SPA 004108 - Eirk Bog
- SPA 004155 - Beara Peninsula (ex situ site)

Figure 3.1 shows the SACs / cSACs which are located within the plan area while **Figure 3.2** shows the SPAs / pSPAs located within the plan area. **Figure 3.3** shows the location of Natura 2000 sites which are located in the vicinity of the South West Region. It is important to note that these maps are based on the information available at the time of the preparation of this report and that this information is subject to change. Up to date information, data and maps of Irish Natura 2000 sites, including those identified above are available from the Maps and Data Section on the NPWS website at <http://www.npws.ie/en/MapsData>

Figure 3.1 Special Areas of Conservation / candidate Special Areas of Conservation

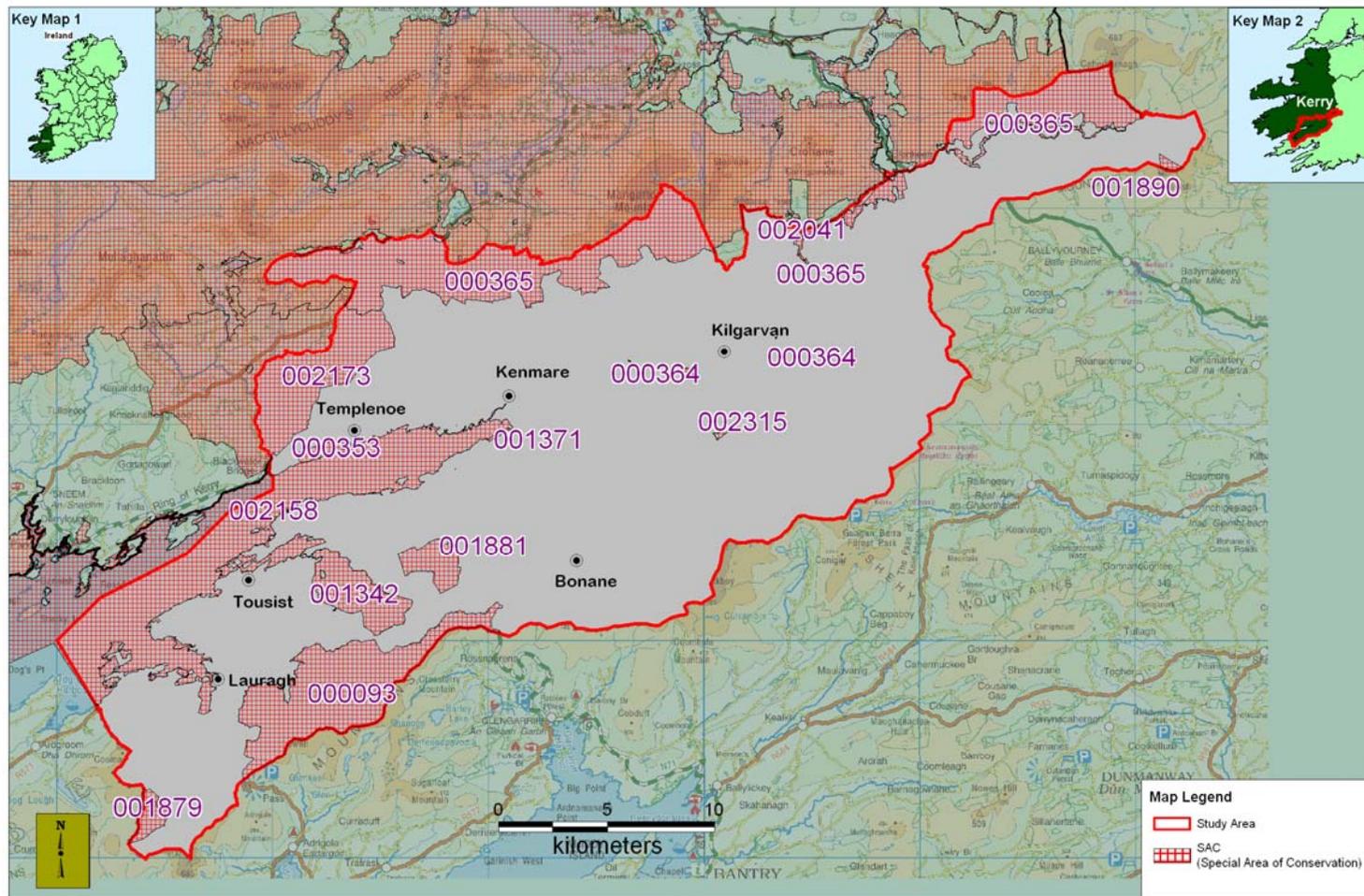


Figure 3.2 Special Protected Areas / proposed Special Protected Areas

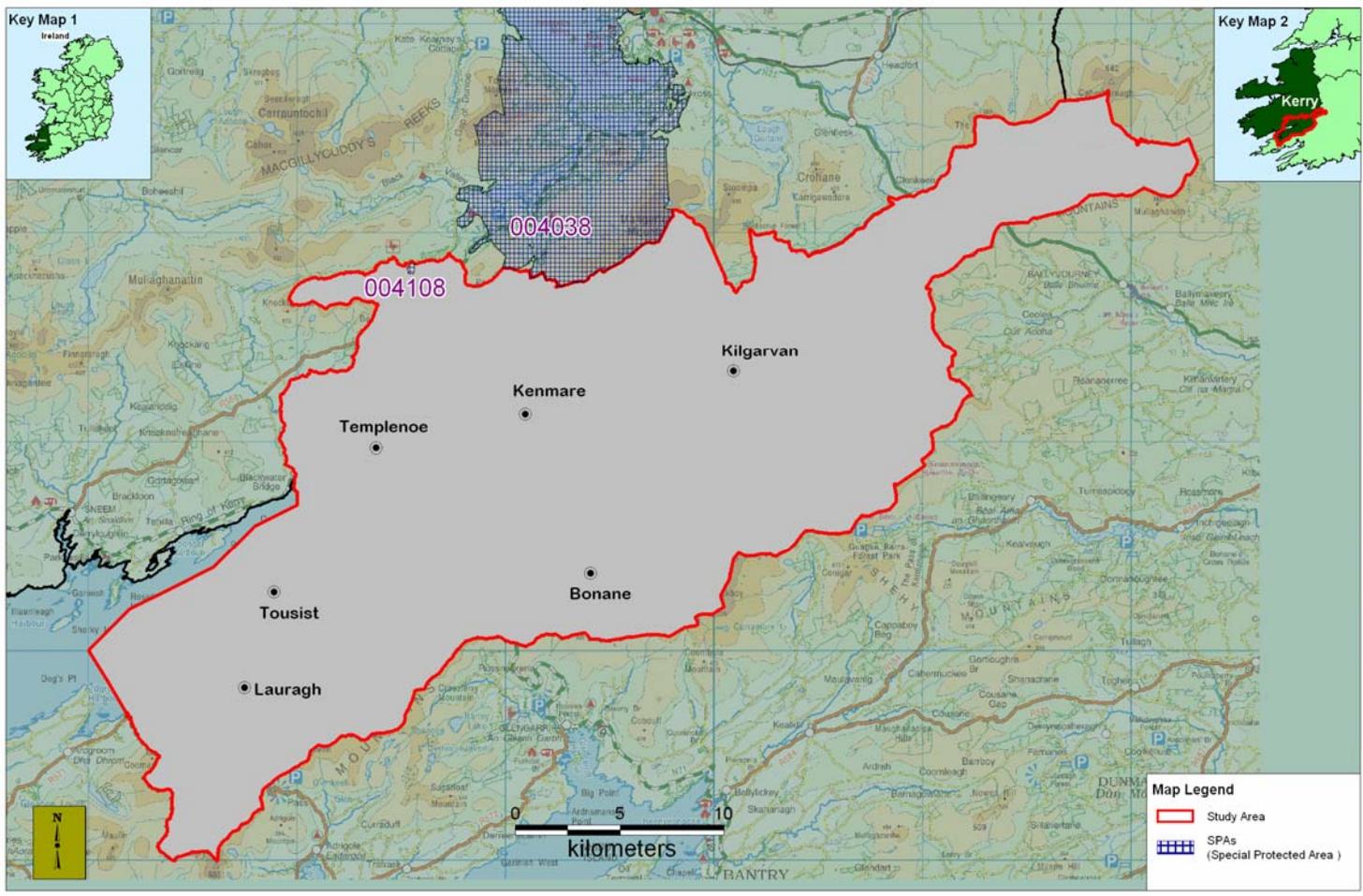
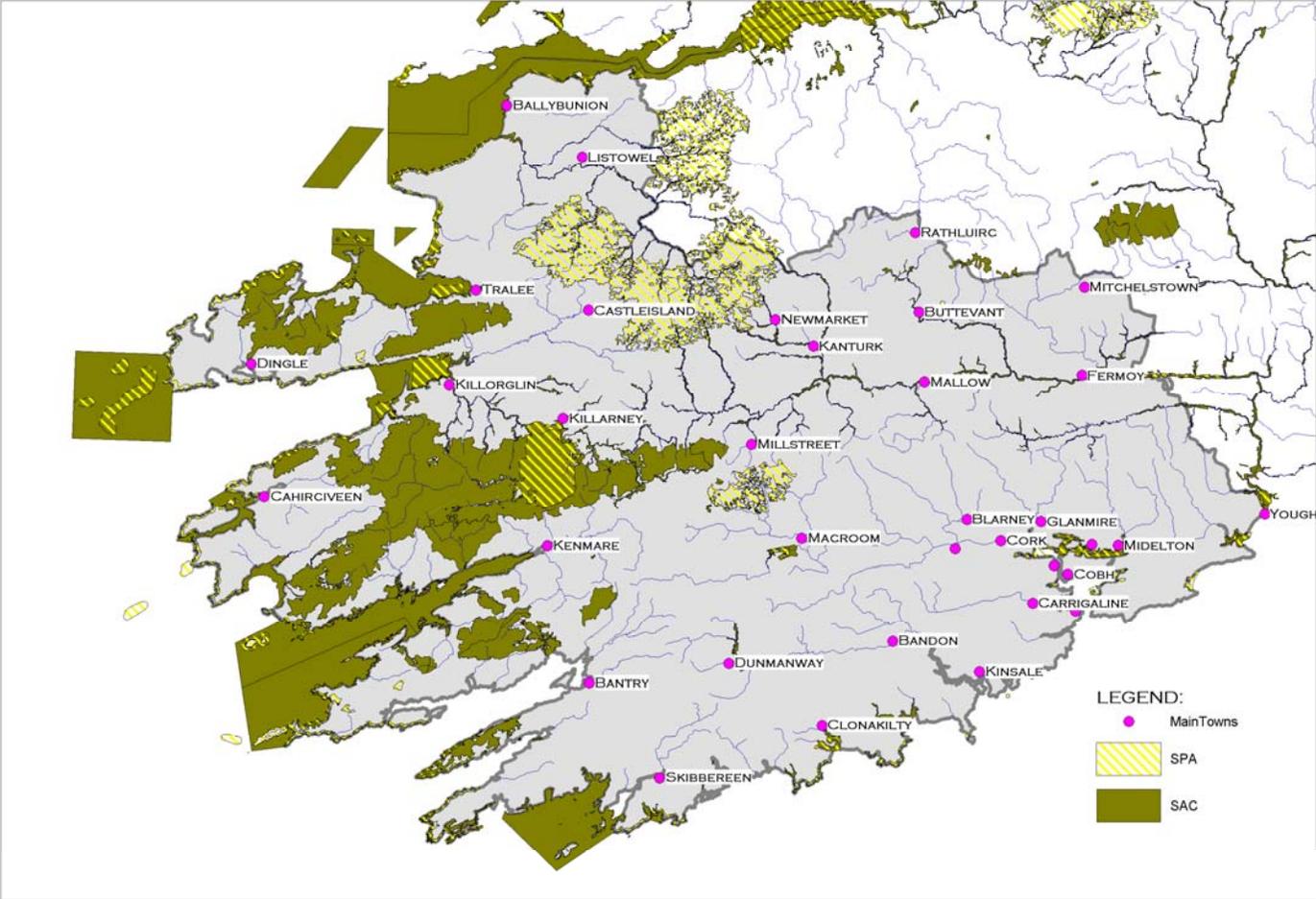


Figure 3.3 Location of Natura 2000 sites in the vicinity of the South West Region



4. Description of the Project or Plan

The Kenmare Functional Area Local Area Plan consists of strategies, policies, objectives and land use maps for the area within its boundary including the settlements of Kenmare, Kilgarvan, Lauragh, Bonane, Templenoe, and Tuosist. The plan will last for a period of 6 years from its adoption. The Plan also contains development management guidelines to ensure that the agreed aims, strategic objectives and policies are complied with. The Kenmare FALAP document also contains policies for rural areas which due to their specific nature were not included in the County Development Plan.

The strategy for the Plan Area, as outlined in the plan, is stated to be dependent on the growth of the settlements, to be achieved through creating employment and attracting people to live in the settlements, thereby strengthening their urban structure and creating a demand to support local services. The provision of attractive settlements is considered to be critical to attracting inward migration to the area.

The variation will involve the inclusion of a map indicating the extent of the Functional Area Local Area Plan and indicating the settlements within this plan area for which policies, objectives and zoning provisions have been included within the Functional Area Local Area Plan.

As part of the variation, maps 12.1(n), 12.1(f), 12.1(o), 12.1(r), 12.1(s) and map 12.1(u) of the Kerry County Development Plan 2009-2015 have been amended to reflect the modifications to rural zoning and the urban zoning of the settlements in accordance with the provisions of the adopted Functional Area Local Area Plan.

5. Is this project or plan directly connected with or necessary to the management of the sites? (provide details)

The FALAP document and the County Development Plan document are land use plans and are therefore not directly connected with or necessary to the management of Natura 2000 sites.

6. Are there other projects or plans that together with the project or plan being assessed could affect the sites? (provide details)

These projects / plans are outlined in the Habitats Directive Assessment (HDA) document which accompanies the Draft Kenmare Functional Area Local Area Plan (Volume 3). The main plan, together with the Kenmare FALAP document, the proposed amendments and variation to the County Development Plan, which could affect Natura 2000 sites is considered to be the Kerry County Development Plan 2009-2015.

7. Describe how the project or plan (alone or in combination) is likely to affect Natura 2000 sites.

A significant proportion of the plan area is contained within or is located in the vicinity of Natura 2000 sites. The following are the key issues which were identified as being of importance in maintaining site integrity:-

Water supply and hydrology issues, water quality issues, air quality issues, disturbance, trampling and erosion associated with recreation and tourism issues, disturbance, habitat loss / fragmentation associated with development issues, coastal squeeze issues, site management issues and invasive species issues. Many of these issues are potentially affected, either directly or indirectly by development.

8. Explain why these Effects are Not Considered Significant.

The effects of the plan are not considered to be significant as they either:-

- Will not lead to development,
- Are intended to protect the natural environment, including biodiversity (see Article 10 of Directive),
- Are intended to conserve or enhance the natural, built or historic environment and are unlikely to have an effect on a Natura 2000 site,
- Positively steer development away from Natura 2000 sites and associated sensitive areas,
- Positively make provision to ensure that the policy / objective implementation will not have a significant effect or adverse affect on the integrity of a Natura 2000 site, or
- Policies and objectives that can be dealt with by using a caveat or conditional approach requiring, where necessary, a case by case HDA.

9. List of Agencies consulted

A wide range of statutory and non statutory consultation bodies, including the environmental authorities were consulted in relation to the preparation of the Kenmare Functional Area Local Area Plan and accompanying Strategic Environmental and Habitats Directive Assessment documents.

10. Response to Consultation

The responses received to the consultation processes are outlined in the Managers Reports on the submissions / observations received on the Draft Kenmare Functional Area Local Area Plan Document and in the Managers Report on the submissions / observations to the proposed amendments.

11. Data collected to carry out the Assessment

- Identification of Natura 2000 sites located within or immediately adjoining the plan area in situ and ex situ
- Mapping of Natura 2000 sites located within the plan area
- Mapping of the main surface water features and of the settlements located within the plan area (refer to volume 3 of the Kenmare Draft FALAP)
- Identification of the reasons for site designation, (refer to volume 3 of the Kenmare Draft FALAP)
- Identification of (draft) conservation objectives (refer to volume 3 of the Kenmare Draft FALAP)
- Identification of the environmental conditions considered necessary to support site integrity (refer to volume 3 of the Kenmare Draft FALAP)
- Summary of key issues identified as being of importance in maintaining site integrity
- Identification of Natura 2000 sites which may be potentially affected by the Plan
- Objectives, policies and strategies contained in the Kenmare Functional Area Local Area Plan and in the related / complimentary variation

12. Who carried out this Assessment?

This assessment was carried out by the Planning Policy Unit of Kerry County Council.

13. Sources of Data

This Habitats Directive Assessment of potential impacts on the integrity of Natura 2000 sites was based on consultation, a desktop review of literature, existing and relevant NPWS Natura 2000 Site Synopses Data, Qualifying Interests, Conservation Management Plans and the (draft) Conservation Objectives. A review was also carried out of Habitats Directive Assessments recently carried out in relation to plans /projects in the area – namely those of the Kerry County Development Plans 2009-2015 and of the Draft River Basin Management Plan for the South West.

14. Level of Assessment completed

Stage One Screening and Stage Two Appropriate Assessment in relation to the Draft Plan.

15. Where the full results of the Assessment can be accessed and viewed?

The full results of the assessment are contained within this document. However the assessment draws heavily on the findings of, and therefore should be read in conjunction with, Volume 3 of the Kenmare Draft Functional Area Local Area Plan (November 2009) and the Habitat Directive Assessment Screening Report of the Proposed Amendments to the Kenmare Functional Area Draft Local Area Plan 2010-2016 and of the Proposed Variation Number 2 to the Kerry County Development Plan 2009-2015 (February 2010). The Appropriate Assessment Screening report prepared for the Kerry County Development Plan contains the results of that assessment.

16. Overall Recommendations and Conclusions

It is noted that the adopted Kenmare FALAP document did not modify the Kenmare Land Use Zoning Maps (2a and 2b) so as to make it clear that the proposed walkways referred to in Amendment No 31 are indicative proposed walkways or are existing walkways as was recommended in the HDA document which accompanied the proposed amendments document. It is noted that the portion of this walkway which adjoins the cSAC forms part of an existing coastal walkway which has a high public usage. It is considered that this amendment (No 31), as adopted, would not be likely to have significant effects on Natura 2000 sites. All of the remaining recommendations contained in the HDA report which accompanied the proposed amendment document were adopted by the members and have been incorporated in to the final Kenmare Functional Area Local Area Plan 2010-2016 document.

This report concludes that the Kenmare Functional Area Local Area Plan 2010 -2016 together with the 2nd Variation to the Kerry County Development Plan 2009-2015 are not likely to have significant effects on Natura 2000 sites.

17. Explain how the overall conclusion that there are no significant effects on the Natura 2000 site was arrived at?

The overall conclusion that no significant effects on Natura 2000 are likely was determined following a methodological assessment carried out having regard to the following guidance documents:-

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009).
- European Commissions: *Managing Natura 2000 Sites. The provisions of Article 6, of the 'Habitats' Directive 92/43/EEC*
- European Commission: *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*
- Guidance document on Article 6(4) of 'Habitats Directive' 92/43/EEC

- Department of the Environment Heritage and Local Government (DEHLG) Circular letter SEA 1/08 & NPWS 1/08 dated 15 February, 2008.
- Department of the Environment (1994). *Planning and Policy Guidance: Nature Conservation (PPG9)* (HMSO).

In identifying the potential issues which could affect the integrity of these sites a range of factors were taken into account, including the possibility of effects manifesting themselves in the short, medium and long-term, in combination effects and the potential impacts of climate change. In addition the precautionary principle was adhered to in the carrying out of this assessment.

Where it was considered that certain policies and objectives contained in the plan document (including in combination and accumulative effects) have the potential to effect Natura 2000 sites, mitigation measures have been identified, so as to ensure that significant effects on Natura 2000 sites are avoided.

This report finds that the Kenmare Functional Area Local Area Plan 2010-2016 and the 2nd Variation to the Kerry County Development Plan 2009-2015 would not have significant effects on Natura 2000 Sites.