

APPROPRIATE ASSESSMENT CONCLUSION STATEMENT

FOR THE BIRR LOCAL AREA PLAN 2023-2029

for: Offaly County Council

Áras an Chontae
Charleville Road
Tullamore
County Offaly



by: CAAS Ltd.

1st Floor
24-26 Ormond Quay Upper
Dublin 7



JUNE 2023

Table of Contents

Section 1	Introduction and Background	1
1.1	Introduction.....	1
1.2	Legislative Requirements in relation to AA	1
1.3	AA Conclusion Statement	1
Section 2	How the findings of the AA were factored into the Plan	3
Section 3	Consideration of Alternatives	7
3.1	Limitations in Available Alternatives	7
3.2	Tier 1: Alternatives Already Considered	7
3.3	Tier 2: Alternatives for Serviced/Serviceable Land and Infrastructure Assessment	8
3.4	Tier 3: Alternatives for Transport.....	8
3.5	Tier 4: Alternatives for Wetland	9
Section 4	AA Determination	10

List of Tables

Table 1.1	Matters taken into account by the AA.....	1
Table 2.1	Mitigation relating to AA.....	3

Section 1 Introduction and Background

1.1 Introduction

This is the Appropriate Assessment (AA) Conclusion Statement for the Birr Local Area Plan. The obligation to undertake AA derives from Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC as transposed into Irish legislation by, inter alia, the Planning and Development Act 2000, as amended. AA is a focused and detailed impact assessment of the implications of a strategic action (such as a plan or programme) or project, alone and in combination with other strategic actions and projects, on the integrity of any European Site in view of its conservation objectives. This AA Conclusion Statement should be read in conjunction with the Plan and associated documents including the AA Natura Impact Report (NIR).

1.2 Legislative Requirements in relation to AA

In carrying out the AA for the Plan, Planning and Development Act 2000, as amended, requires, inter alia, that the Council considers the matters arrayed in the first column on Table 1.1 below. The second column identifies how these issues have been addressed.

Table 1.1 Matters taken into account by the AA

Matter specified by the Regulations	How addressed by AA
(a) the Natura Impact Report	An AA NIR accompanies this AA Conclusion Statement and the Plan.
(b) any supplemental information furnished in relation to any such report	This AA Conclusion Statement accompanies the NIR that provides additional detail on European Sites.
(c) if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Report	
(d) any information or advice obtained by the public authority	Submissions made during the Plan preparation/AA process that were relevant to the AA resulted in updates being made to the AA NIR.
(e) if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project	Proposed Material Alterations were screened for the need to undertake Stage 2 AA (Stage 2 AA was not required for the Alterations).
(f) any other relevant information	

In addition to the above, the Regulations require that the Council makes available for inspection a determination regarding the outcome of the assessment with respect to whether or not the Plan would adversely affect the integrity of a European site (a copy of this determination is provided at Section 4).

1.3 AA Conclusion Statement

Non-Statutory AA guidance (Department of Environment, Heritage and Local Government, 2009) states that (Section 4.14) it *"is recommended that planning authorities include a clear and discrete AA Conclusion Statement as a distinct section in the written statement of the plan separate to the SEA statement."* This guidance recommends that the following issues are addressed by the AA Conclusion Statement:

- Summary of how the findings of the AA were factored into the Plan (see Section 2);
- Reasons for choosing the Plan as adopted, in the light of other reasonable alternatives considered as part of the AA process (see Section 3);
- A declaration that the Plan as adopted will not have an adverse effect on the integrity of European Sites (provided at Section 4); and
- The NIR (the AA NIR is accompanied by this AA Conclusion Statement and has informed the AA Determination – see Section 4).

Furthermore, as stated in the Draft "Development Plans Guidelines for Planning Authorities" (Department of Housing, Local Government and Heritage, 2021):

"...There is a similar requirement to publish a determination relating to the AA that may have been undertaken. Under Article 6.3 of the Habitats Directive the determination (often termed an 'AA Conclusion Statement') must state as to whether or not the Draft Plan would adversely affect the integrity of a European site. However as stated in Section 3.5, this determination must have been made prior to the adoption of the Draft Plan."

This AA Conclusion Statement addresses the above issues, including the signed AA Determination included at Section 4.

Section 2 How the findings of the AA were factored into the Plan

The SEA and AA team worked with the Plan-preparation team at the Council in order to integrate requirements for environmental protection and management into the Plan.

The Plan was prepared in an iterative manner whereby the Plan and AA documents have informed subsequent versions of the other. The findings of the AA were integrated into the Plan through mitigation measures. These mitigation measures ensure that the Plan will not affect the integrity of the European Sites, alone or in combination with other plans or projects.¹ The mitigation measures most relevant to the protection of European sites are identified in Table 2.1 below.

Furthermore, the detailed Plan preparation process undertaken by the Planning Department for the higher-level County Development Plan, combined with specialist input from the SEA and AA processes, facilitated zoning that avoids inappropriate development being permitted in areas of high ecological sensitivity.

Table 2.1 Mitigation relating to AA²

Draft Local Area Plan measures, including	Existing Offaly County Development Plan 2021-2027 measures, including
<p>Strategic Aim 5: Biodiversity and Green Infrastructure Protect and enhance Birr Town and Crinkill village’s natural assets of clean water, biodiversity, landscape, green infrastructure, natural heritage and agricultural land, while maintaining ecosystem services and improving resilience to climate change.</p> <p>BGIP01 Protect, conserve and enhance Birr’s biodiversity and natural heritage that includes wildlife (flora and fauna), habitats and landscapes of importance to wildlife, especially along the Camcor and Little Brosna Rivers and the Birr Castle Demesne, which in-turn can contribute to climate action.</p> <p>BGIP02 Prohibit any development that would be harmful to or that would result in a significant deterioration of habitats and/or disturbance of protected species within Birr and to support/co-operate with statutory authorities and others in support of measures taken to manage proposed or designated sites in order to achieve their conservation objectives.</p> <p>BGIP03 Support the role that biodiversity and green infrastructure plays in the Plan Area in relation to ecosystem services along with climate change mitigation and adaptation.</p> <p>BGIP04 Promote the protection and preservation of existing hedgerows and to encourage planting of native hedgerow and tree species.</p> <p>BGIP06 Support the following restoration and conservation works to protect and enhance water quality of the Camcor River and the Little Brosna River and the biodiversity value of riverbanks during the Plan Period;</p> <ul style="list-style-type: none"> • Planting of trees and riparian plants; • Riparian management work; • Techniques to manage rainwater or soiled water ingress to rivers; • River restoration works; • Fish passage – e.g. modification of weirs; • Invasive species control; • Silt trapping; • Nature-based Sustainable Urban Drainage Systems (SuDS) – e.g. natural flood retention measures (NFRM), bio-swales, raingardens, water butts; • Pond creation and biodiversity habitats; • Constructed wetlands; • Wild flower meadows; and • Rare species conservation initiatives. 	<p>Various Designated and Non-Designated Sites Policies and Objectives (BLP-01 to 07 and BLO-02 to 06) It is Council policy to protect, conserve, and seek to enhance the county’s biodiversity and ecological connectivity.</p> <p>It is Council policy to conserve and protect habitats and species listed in the Annexes of the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), the Wildlife Acts 1976 (as amended) and the Flora Protection Orders.</p> <p>It is Council policy to support and co-operate with statutory authorities and others in support of measures taken to manage proposed or designated sites in order to achieve their conservation objectives.</p> <p>It is Council policy to protect and maintain the conservation value of all existing and future Natural Heritage Areas, proposed Natural Heritage Areas, Nature Reserves, Ramsar Sites, Wildfowl Sanctuaries and Biogenetic Reserves in the county.</p> <p>It is Council policy to ensure that development does not have a significant adverse impact, incapable of satisfactory avoidance or mitigation, on plant, animal or bird species protected by law.</p> <p>It is Council policy to consult with the National Parks and Wildlife Service, and take account of any licensing requirements, when undertaking, approving or authorising development which is likely to affect plant, animal or bird species protected by law.</p> <p>It is Council policy to support the implementation of the National Biodiversity Action Plan 2017-2021 and the Offaly Heritage Plan Key Actions 2017-2021 and future editions in partnership with relevant stakeholders subject to available resources.</p> <p>It is Council policy to work with all state agencies to promote the development of all aspects of park management in the Slieve Bloom Mountains.</p> <p>It is an objective of the Council that no plans, programmes or projects giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects).</p> <p>It is an objective of the Council that all projects and plans arising from this Plan will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive. A plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and subsequent Appropriate Assessment where necessary, that:</p> <ol style="list-style-type: none"> 1. The plan or project will not give rise to significant adverse direct, indirect or secondary effects on the integrity of any European site (either individually or in combination with other plans or projects); or 2. The plan or project will have significant adverse effects on the integrity of any European site (that does not host a priority natural habitat type/and or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000; or 3. The plan or project will have a significant adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be

¹ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: (a) no alternative solution available, (b) imperative reasons of overriding public interest for the plan to proceed; and (c) adequate compensatory measures in place.

² Note that non-material changes to individual Plan provisions referenced in this report may be updated during the finalisation of the Plan, including numbering, formatting and graphic design.

Draft Local Area Plan measures, including	Existing Offaly County Development Plan 2021-2027 measures, including
<p>BGIO01 Further develop an integrated and coherent Green Infrastructure network for the Plan Area by requiring the retention of substantial networks of green space in urban, urban fringe and adjacent countryside areas to serve the needs of communities now and in the future including the need to adapt to and mitigate climate change.</p> <p>BGIO02 Integrate existing green infrastructure as shown in Figure 6.3 and potential GI projects as shown in Figure 6.14 as an essential component of all new developments and to discourage development that would fragment, damage or prejudice the integrity of the green infrastructure network.</p> <p>BGIO03 Promote a network of pedestrian and cycle paths to enhance accessibility to the green infrastructure network, while ensuring that the design and operation of the routes responds to the ecological protection needs of each site.</p> <p>BGIO04 Provide an eco-friendly walkway or nature trail along the Camcor River running from Elmgrove Bridge to Springfield Bridge.</p> <p>BGIO05 In conjunction with the appropriate prescribed bodies, to investigate the feasibility of providing a Wetland Amenity Area at Syngfield and on the Little Brosna Flood Plain taking into account the environmental sensitivities of the site and Inland Fisheries Guidance document, Planning for Watercourses in the Urban Environment.</p> <p>BGIO06 Support the preparation of a Conservation Management Plan for the Syngfield Demesne, Woodlands and the section of the Camcor River that passes the Demesne.</p> <p>BGIO07 Provide attractive and safe routes linking parks, open spaces and other related features such as cultural sites and heritage assets as an integral part of Green Infrastructure provision, where appropriate and feasible, including taking into account the findings of Appropriate Assessment.</p> <p>BGIO08 Protect the Green Belt Public Open Space Areas as shown on Figure 6.14 to preserve the separate identity of Crinkill village.</p> <p>BGIO09 Provide opportunities for Birr residents to engage in food production through allotments, community gardens and the provision of food foraging areas in new parks and Green Infrastructure proposals where appropriate.</p> <p>BGIO10 Support the provision of pocket parks, community gardens and allotments as outlined in Figure 6.8</p> <p>BGIO11 Continue to promote and support re-wilding and pollinator initiatives within the Plan Area in support of the National Pollinator Plan and ensure that the management of the Council's open spaces and parks is pollinator-friendly, provides more opportunities for biodiversity, and is carried out without the use of pesticides where possible.</p> <p>BGIO12 Develop linked corridors of small urban 'Miyawaki' native mini woodlands, a minimum of 100 m² in size, to capture carbon and encourage biodiversity in suitable existing built-up areas, in low grade public open space areas and other areas of zoned lands where deemed suitable and appropriate.</p> <p>BGIO13 Encourage the provision of Biodiversity Zones/Pollination Zones in the locations outlined in Figure 6.14.</p> <p>BGIO14 Further develop and extend the following network of pedestrian route ways in Birr and Crinkill to allow greater linkages between the Green Infrastructure assets in the area in the locations outlined in Figure 6.14.</p> <p>BGIO15 Continue the control programs of invasive species with all relevant stakeholders and landowners to control the key invasive species.</p> <p>EDO-03 Develop an integrated network of greenways, heritage/tourist trails and looped walks where appropriate (including taking into account the findings of Appropriate Assessment) within the town centre and along the Camcor River and Killaun Bog.</p> <p>CAP-06 Maintain existing green infrastructure in Birr and encourage and facilitate, in consultation with relevant stakeholders, the development of</p>	<p>carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.</p> <p>It is an objective of the Council to ensure that the impact of development within or adjacent to national designated sites, Natural Heritage Areas, proposed Natural Heritage Areas, Ramsar Sites and Nature Reserves likely to result in significant adverse effects on the designated site is assessed by requiring the submission of an Ecological Impact Assessment prepared by a suitably qualified professional, which should accompany planning applications.</p> <p>It is an objective of the Council in accordance with Article 4(4) of the Birds Directive and Regulation 27(4) of the European Communities (Birds and Habitats) Regulations 2011-2015 to strive to avoid pollution or deterioration of bird habitats outside Special Protection Areas.</p> <p>It is an objective of the Council to take account of the objective and management practices proposed in any management or related plans for European Sites (SACs and SPAs) in and adjacent to the county published by the Department including the National Raised Bog Special Areas of Conservation (SACs) Management Plan 2017-2022 and any subsequent editions.</p> <p>Various Policies and Objectives relating to Peatlands (BLP-14 to 18 and BLO-10 and 11)</p> <p>It is Council policy to protect the county's designated peatland areas and landscapes, including any historical walkways through bogs and to conserve their ecological, archaeological and cultural heritage and to develop educational heritage.</p> <p>It is Council policy to work with adjacent local authorities and relevant stakeholders in promoting a National Park designation for the peatlands in the midlands and a 'Regional Peatway' connecting natural and cultural attractions.</p> <p>It is Council policy to support the provision of outdoor pursuits, walking and cycling routes through the county's peatlands and network of industrial railways linking the River Shannon Blueway, Royal Canal, Grand Canal and Barrow Blueway across the midlands as outlined in the 'Major Cycling Destination in the Midlands of Ireland – Feasibility Study 2016', which is a priority of the 'Outdoor Recreation Plan State Lands and Waters' (2017).</p> <p>It is Council policy to support the National Parks and Wildlife Service in carrying out an EU LIFE fund supported raised bog restoration project in restoring the following Special Areas of Conservation sites in the county to favourable conservation status:</p> <ul style="list-style-type: none"> • Clara Bog; • Ferbane Bog; • Mongan Bog; • Moyclare Bog; • Raheenmore Bog; and • Sharavogue Bog. <p>It is Council policy to support collaboration between Offaly County Council, Regional Transition Team and relevant stakeholders of a partnership approach to integrated peatland management for a just transition that incorporates the management, rehabilitation and restoration / re-wetting of significant tracts of peatlands in conjunction with appropriate developed after uses.</p> <p>Peatlands</p> <p>It is an objective of the Council to require the preparation and submission of a Hydrological Report/Assessment for significant developments within and in close proximity to protected raised bogs and to take account of same in the assessment of impacts on the integrity of peatland ecosystems.</p> <p>It is an objective of the Council to work with relevant stakeholders on suitable peatland sites in order to demonstrate best practice in sustainable peatland conservation, management and restoration techniques to promote their heritage and educational value subject to ecological impact assessment and appropriate assessment screening.</p> <p>Various Policies and Objectives relating to Waterways, Lakes and Wetlands (BLP-19 to 23 and BLO-12 and 13)</p> <p>It is Council policy to protect the landscape associated with the River Shannon, including the Callows and views of special interest, and also to encourage the development of Shannonbridge, Banagher and Shannon Harbour as focal points. It will also be Council policy to investigate the possibility of providing a Linear Park based on the River Shannon from Banagher to Meelick, which takes account of the sensitive ecological nature of the Callows area.</p> <p>It is Council policy to preserve riparian buffer strips free from development by reserving a minimum of 10 metres either side of all watercourses (measured from top of bank) with the full extent of the protection determined on a case by case basis by the Council, based on site specific characteristics and sensitivities.</p> <p>It is Council policy to promote clear span bridging structures as the preferred option for culverts Any development proposal requiring culverting should also document stream habitat lost and provide compensatory habitat where possible. Realignment of water courses should incorporate stream enhancement measures, as outlined in Office of Public Works Environmental Guidance. The Council will consult with Inland Fisheries Ireland in relation to riparian and instream works as appropriate.</p> <p>It is Council policy to promote the removal of historic culverts and infilling of watercourses.</p> <p>It is Council policy to consider the Waterways Corridor Study 2002 and protect the recreational, educational and amenity potential of navigational and non-navigational waterways within the county, such as the Grand Canal Corridor, towpaths and adjacent wetland landscapes, taking into account more recent heritage and</p>

Draft Local Area Plan measures, including	Existing Offaly County Development Plan 2021-2027 measures, including
<p>green infrastructure that recognises the synergies that can be achieved with regard to the following:</p> <ul style="list-style-type: none"> • Provision of open space amenities; • Sustainable management of water; • Protection and management of biodiversity; • Protection of cultural heritage; and • Protection of protected landscape sensitivities. <p>CAP-07 Require, where the presence of invasive species is identified at the site of proposed development in Birr, to detail how it is proposed to be managed and controlled.</p> <p>CAO-05 Co-operate with the Office of Public Works (OPW) in the delivery of the Birr Flood Relief Scheme that may be brought forward in the lifetime of this Plan.</p> <p>CAP-08 Incorporate Sustainable Urban Drainage Systems and other nature-based surface water drainage solutions as part of all proposed developments.</p> <p>CIP-07 Maintain and enhance the existing surface water drainage systems in Birr and to protect surface and ground water quality in accordance with the Water Framework Directive.</p> <p>CIP-08 Require that all development proposals demonstrate that appropriate Sustainable Urban Drainage Systems (SuDS) and other nature-based solutions are examined and provided.</p> <p>CIP-09 Manage flood risk in Birr in conjunction with the Office of Public Works and in accordance with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) and circular PL02/2014 (August 2014).</p> <p>CIO-07 To support and work in co-operation with the OPW in the implementation of the Birr Flood Relief Scheme.</p> <p>BGIO05 In conjunction with the appropriate prescribed bodies, to investigate the feasibility of providing a Wetland Amenity Area at Syngefield and on the Little Brosna Flood Plain taking into account the environmental sensitivities of the site and Inland Fisheries Guidance document, Planning for Watercourses in the Urban Environment.</p> <p>BGIO06 Support the preparation of a Conservation Management Plan for the Syngefield Demesne, Woodlands and the section of the Camcor River that passes the Demesne.</p>	<p>environmental legislation (including the SEA Directive) and environmental policy commitments.</p> <p>It is an objective of the Council to maintain a riparian zone for larger and smaller river channels based on the Inland Fisheries Ireland updated guideline document, 'Planning for Watercourses in the Urban Environment, a Guide to the Protection of Watercourses through the use of Buffer Zones, Sustainable Drainage Systems, Instream Rehabilitation, Climate / Flood Risk and Recreational Planning'.</p> <p>It is an objective of the Council to (a) investigate the feasibility of and cooperate with relevant agencies in providing a Linear Park based on the River Shannon from Banagher to Meelick, which takes account of the sensitive ecological nature of the Callows area and (b) to support the development of an overall vision/strategy for the Shannon Callows in co-operation with all stakeholders to ensure that the area is appropriately managed at a landscape scale.</p>
	<p>Various Policies and Objectives relating to Trees, Forestry and Hedgerows (BLP-24 to 26 and BLO-12 to 18)</p> <p>It is Council policy to support the protection and management of existing networks of woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character, and to strengthen local networks.</p> <p>It is Council policy to encourage the planting of native species in all new residential developments (individual and multiple units) and as part of landscaping for commercial and industrial developments.</p> <p>It is Council policy to require, where practical, the management of mature trees, such as tree surgery instead of felling particularly where the trees contribute to amenity.</p> <p>It is an objective of the Council to preserve individual trees and groups of trees that are included in Table 4.13 and 4.14.</p> <p>It is an objective of the Council to consider the making of Tree Preservation Orders to protect trees and woodlands of high value.</p> <p>It is an objective of the Council to encourage the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, not listed in Table 4.13 and 4.14;</p> <p>(a) in particular, on the grounds of Country Houses, Gardens and Demesnes and on approaches to settlements in the county; and</p> <p>(b) as part of the development management process, require the planting of native, deciduous, pollinator friendly trees in all new developments where possible.</p> <p>It is an objective of the Council to encourage pursuant to Article 10 of the Habitats Directive, the management of features of the landscape, such as traditional field boundaries, important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species.</p> <p>It is an objective of the Council 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 (unless otherwise agreed by the Planning Authority).</p>
	<p>BLO-19 (Green Infrastructure Strategy)</p> <p>It is an objective of the Council to require all new developments to identify, protect and enhance ecological features by making provision for local biodiversity (for example, through provision of swift boxes or towers, bat roost sites, green roofs, etc.) and provide ecological links to the wider Green Infrastructure network as an essential part of the design process.</p>
	<p>BLP-32 (All Ireland Pollinator Plan)</p> <p>It is Council policy to support the aims and objectives of the All Ireland Pollinator Plan 2021-2025 and any subsequent editions by delivering appropriate management actions as set out in their guidance documents.</p>
	<p>Various Policies and Objectives relating to Invasive Species (BLP-34 and BLO-20 and 21)</p> <p>It is Council policy to continue to deliver and support measures for the prevention, control and/or eradication of invasive species within the county, and to seek details of how these species will be managed and controlled where their presence is identified.</p> <p>It is an objective of the Council to require, as part of the planning application process, the appropriate eradication/control of invasive species when identified on site or in the vicinity of a site, in accordance with Regulation 49 of the European Communities (Birds and Natural Habitats) Regulations 2011 to 2015.</p> <p>It is an objective of the Council to continue to maintain mapping identifying the location of invasive species in the county in conjunction with the National Biodiversity Data Centre.</p>
	<p>Policy and Objective relating to Light Pollution (ENVP-23 and ENVO-13)</p> <p>It is Council policy to require that the design of lighting schemes minimises the incidence of light pollution into the surrounding environment. New schemes shall ensure that there is no unacceptable adverse impact on residential or visual amenity and biodiversity in the surrounding area.</p> <p>It is an objective of the Council to seek to minimise the harmful effects of light pollution in the future provision of outdoor lighting, including investigating measures to improve the approach to street lighting and ensuring that new developments are lit appropriately and that environmentally sensitive areas are protected.</p>
	<p>Provisions relating to tourism</p> <p>TRP-04 It is Council policy to encourage tourism related developments inside existing settlements where the scale and size of the proposed development is appropriate and in keeping with the character of the settlement.</p> <p>TRP-05 It is Council policy that tourism related developments outside of settlements will be considered where there is proven sustainable need. The need to locate in a particular area must be balanced against the environmental impact of the development and the benefits to the local community and adhere to Section 13.9.8</p>

Draft Local Area Plan measures, including	Existing Offaly County Development Plan 2021-2027 measures, including
	<p>of Chapter 13 Development Management Standards which address tourism and recreation</p> <p>TRP-08 It is Council policy to protect natural resources on which tourism is based through the enforcement of policies and relevant legislation in relation to protection of resources, architectural conservation areas, peatlands, water quality, species and populations of conservation concern and biodiversity.</p> <p>TRP-09 It is Council policy to seek to manage any increases in visitor numbers in order to avoid significant effects including loss of habitat and disturbance and impacts on existing infrastructure. Visitor / habitat management plans will be required for proposed tourism projects as relevant and appropriate.</p> <p>TRP-18 It is Council policy to support in conjunction with relevant landowners and recreational / tourism agencies, the maintenance of and enhanced access to the countryside, waterways, monuments, historic properties, for recreational and tourism purposes. Access should be planned and managed in a manner that protects environmental sensitivities, ecological corridors and the ability of local infrastructure to support increased tourism. Where significant effects cannot be ruled out to biodiversity, such as those within riparian zones, floodplains and peatlands, the subject development shall be subject to Ecological Impact Assessment.</p> <p>Various Policies and Objectives relating to Water Quality/Status (ENVP-01 to 08, ENVO-01 to 04, CAEP-30 and REDP-05)</p> <p>It is Council policy to ensure that the Water Framework Directive, the River Basin Management Plan and any subsequent Water Management Plans are fully considered throughout the planning process.</p> <p>It is Council policy to manage, protect and enhance surface water and ground water quality to meet the requirements of the Water Framework Directive.</p> <p>It is Council policy to support the implementation of the Water Framework Directive, the River Basin Management Plan and the Local Authority Waters Programme in achieving and maintaining at least good environmental status for all water bodies in the county. Development proposals shall not have an unacceptable impact on the water environment, including surface waters, groundwater quality and quantity, river corridors and associated woodlands.</p> <p>It is Council policy that in assessing applications for developments, that consideration is had to the impact on the quality of surface waters having regard to targets and measures set out in the River Basin Management Plan, and any subsequent local or regional plans.</p> <p>It is Council policy that all proposed development which may have an impact on a high status water quality site will require site specific assessment to determine localised pressures and demonstrate suitable mitigation measures in order to protect these sites.</p> <p>It is Council policy to promote and comply with the environmental standards and objectives established for:</p> <p>(i) Bodies of surface water, by the European Communities (Surface Waters) Regulations 2009, made to give effect to the measures needed to achieve the environmental objectives established for bodies of surface water by the European Water Framework Directive; and</p> <p>(ii) Groundwater, by the European Communities (Groundwater) Regulations 2010, made to give effect to the measures needed to achieve the environmental objectives established for groundwater by the European Water Framework and Groundwater Directives,</p> <p>for which standards and objectives are included in the River Basin Management Plan.</p> <p>It is Council policy to protect groundwater sources through the implementation of the Groundwater Protection Scheme and Source Protection Zones. Development proposals within these zones which have the potential to pose a risk to groundwater will be required to demonstrate that no reasonable alternative site is available and that groundwater quality will be protected to the satisfaction of the Council.</p> <p>It is Council policy to encourage the use of catchment-sensitive farming practices, in order to meet Water Framework Directive targets and comply with the River Basin Management Plan.</p> <p>It is an objective of the Council to ensure, through the implementation of the River Basin Management Plan, and any other associated legislation, the protection and improvement of all drinking water, surface water and ground waters throughout the county.</p> <p>It is an objective of the Council to protect through its regulatory controls and in conjunction with the Local Authority Waters Programme, water bodies with 'high ecological status'; to restore water bodies that have fallen below 'high ecological status'; to maintain water bodies at 'Good Status'; and to mitigate threats to water bodies identified as 'At Risk' i.e. 'Moderate and Poor Status'.</p> <p>It is an objective of the Council to protect both ground and surface water resources; to work with Irish Water to develop and implement Drinking Water Safety Plans to protect sources of public water supply and their contributing catchment; and to work with the National Federation of Group Water Schemes in respect of Source Protection Plans for Group Water Schemes to protect these sources.</p> <p>It is an objective of the Council to comply with the Blue Dot Catchments Programme.</p> <p>It is Council policy to ensure that agricultural developments are designed and constructed in a manner that will ensure that groundwater watercourses and sources of potable water are protected from the threat of pollution in line with Water Quality Regulations and the requirements of the Water Framework Directive.</p> <p>CAEP-67 (Sustainable urban drainage systems and Surface Water)</p> <p>It is Council policy to minimise and limit the extent of hard surfacing and paving and require the use of sustainable urban drainage systems (SuDs) where appropriate, for new developments or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.</p>

Section 3 Consideration of Alternatives

This section summarises the alternatives considered for the Plan during the preparation process. These alternatives have been incorporated into the Plan having regard to both:

1. The environmental effects (including those related to ecology and European sites) which are identified by the SEA (informed by the AA) and are summarised below; and
2. Planning - including social and economic - effects that also were considered by the Council.

3.1 Limitations in Available Alternatives

The Plan is required to be prepared by the existing, already in force, Offaly County Development Plan 2021-2027 and the Planning and Development Act 2000 (as amended), which specifies various types of objectives that must be provided for by the Plan. The alternatives available for the Plan are significantly limited by the provisions of higher-level planning objectives, including those of the National Planning Framework, the Eastern and Midland Regional Spatial and Economic Strategy and the County Plan. These documents set out various requirements for the content of the Plan including on topics such as land use zoning and the sustainable development of settlements.

3.2 Tier 1: Alternatives Already Considered

Significant alternatives in relation to land use zoning have already been considered by the Offaly County Development Plan 2021-2027 preparation process and associated SEA. The Council selected the alternatives for Birr that were least likely to cause adverse environmental impacts and most likely to contribute towards sustainable development and environmental protection and management. **A "More Compact" alternative was selected for new residential zoning (as opposed to a "Less Compact" alternative).**

By not consolidating land use zoning and including unnecessary land use zoning, the "less compact" form of development alternative would fail to maximise benefits from infrastructural investment. By facilitating the unnecessary sprawl of the settlement and failing to consolidate zoning, this alternative would decrease the likelihood of brownfield development and conflict with efforts to improve sustainable mobility (with associated effects on energy, air, noise and human health). Providing for unnecessary zoning would be likely to result in higher levels of sprawl and associated avoidable potential adverse environmental effects. By consolidating land use zoning and reducing unnecessary land use zoning, the "more compact" would provide for a more compact form of development that would help to maximise benefits from infrastructural investment. By consolidating the zoning and helping to avoid unnecessary sprawl of the settlement, this alternative would increase the likelihood of brownfield development and contribute towards efforts to improve sustainable mobility (with associated effects on energy, air, noise and human health). Reducing unnecessary zoning would help to minimise sprawl and would avoid potential adverse environmental effects that would otherwise occur - this would benefit the protection of multiple environmental components.

Furthermore, an alternative providing for a Green belt between Crinkill Village and Birr Town, Alternative A, (as opposed to non-provision of same, Alternative B) was selected. A green belt between Crinkill would facilitate the protection of the character of Crinkill village mature trees (some of which are the subject of Tree Preservation Orders), non-designated biodiversity, an Esker between Crinkill and Birr Town which has been previously identified as an Area of High Amenity and the context of various structures of architectural value. The absence of a greenbelt would facilitate sprawl from the south of Birr town, and associated effects, and impacts upon the aforementioned sensitivities.

The Local Area Plan is consistent with and supports these selected alternatives for Birr.

3.3 Tier 2: Alternatives for Serviced/Serviceable Land and Infrastructure Assessment

Alternative A: A Plan prepared using a Serviced/Serviceable Land and Infrastructure Assessment approach

The serviced/serviceable land and infrastructure assessment approach under this alternative would allow for water supply, waste water, compact growth, public transport and co-ordinated development considerations to be integrated into the Plan to the highest degree. This approach would benefit the protection of various environmental components. Although potentially adverse effects associated with land use development would exist, they would be mitigated to a significant degree.

Alternative B: A Plan prepared not using a Serviced/Serviceable Land and Infrastructure Assessment approach

By not following a serviced/serviceable land and infrastructure assessment approach, this alternative would not allow for water supply, waste water, compact growth, public transport and co-ordinated development considerations to be integrated into the Plan to the highest degree. An opportunity to mitigate potentially adverse effects arising from land use development to a significant degree would have been missed.

Selected Alternative: Alternative A

3.4 Tier 3: Alternatives for Transport

Tier 3 (i) How to provide cycling and walking capacity in Birr

The provision of new additional cycling and walking capacity exclusively along existing roads infrastructure (Alternative A) would be likely to reduce potential for meeting important objectives relating to emissions/energy objectives. Using exclusively existing infrastructure would reduce related environmental conflicts (e.g. with respect to water quality, biodiversity) as well as operational conflicts (e.g. with respect to ecological connectivity).

The provision of new additional cycling and walking capacity exclusively along new walking and cycling routes (Alternative B) would be likely to reduce potential for meeting important objectives relating to emissions/energy objectives. Using exclusively new infrastructure would increase potential construction related environmental conflicts (e.g. with respect to water quality, biodiversity) as well as operational conflicts (e.g. with respect to ecological connectivity).

The provision of new additional cycling and walking capacity across a mixture of along existing roads infrastructure and on new walking and cycling routes (Alternative C) would be likely to provide the greatest potential for meeting important objectives relating to emissions/energy objectives. Using a mixture of new and existing infrastructure would provide a moderate level of potential construction related environmental conflicts (e.g. with respect to water quality, biodiversity) as well as operational conflicts (e.g. with respect to ecological connectivity). Where conflicts arising from the development of new infrastructure would be greatest, existing infrastructure could be examined to see if it could be upgraded to provide additional capacity.

Selected Alternative: Alternative C

Tier 3 (ii) How to provide cycling and walking capacity along river

The provision of new cycling and walking infrastructure along the river, with all additional environmental mitigation left to be defined until project level (Alternative A) would offer the least certainty for environmental protection and management and would be more likely to result in important individual projects (relating to sustainable mobility and emissions objectives) not getting permission.

Specifying environmental constraints (including those related to habitats and potential impacts such as disturbance from lighting – e.g. minimising river crossings, avoiding sensitive habitats, not increasing

barriers to flood waters and sustainable design and construction techniques) at Plan level (Alternative B) would offer the most certainty for environmental protection and management and would be more likely to result in important individual projects (relating to sustainable mobility and emissions/energy objectives) receiving permission.

Selected Alternative: Alternative B

Tier 3 (ii) Where to provide cycling hubs/parks

The provision of new cycling hubs/parks at optimum locations as identified by the Local Transport Plan, with all additional environmental mitigation left to be defined until project level (Alternative A) would offer the least certainty for environmental protection and management and would be more likely to result in important individual projects (relating to sustainable mobility and emissions/energy objectives) not getting permission.

Specifying environmental constraints (including those related to habitats and potential impacts such as disturbance from lighting – e.g. minimising river crossings, avoiding sensitive habitats, not increasing barriers to flood waters and sustainable design and construction techniques) at Plan level (Alternative B) would offer the most certainty for environmental protection and management and would be more likely to result in important individual projects (relating to sustainable mobility and emissions objectives) receiving permission.

Selected Alternative: Alternative B

3.5 Tier 4: Alternatives for Wetland

Tier 4 considers facilitating the potential development of a Wetland to the West of the Town. Alternative A would extend the Plan boundary contained in the County Development Plan and zone for the development of the wetland while Alternative B would not extend the Plan boundary contained in the County Development Plan and zone for the development of the wetland.

There is considerable potential to develop wetlands near the rivers that flow through the Plan Area to provide extra water storage in the countryside, habitat for wildlife and help reduce flood risk. Wetlands have been shown to be effective at removing pollutants from water and can double up as nature reserves as they attract a range of wildlife species. In addition, constructed wetlands can be used in the treatment of polluted water which otherwise may contaminate a local watercourse. They can be used where water treatment has not been fully effective, for a variety of reasons, (e.g., where tertiary treatment is not available) and can 'polish' the water by removing contaminants. Small ponds can also be crucial habitats for a range of wildlife from dragonflies and water hens to frogs and newts. These in turn, support other species of wildlife such as grey heron, otters and bats. The construction of a wetland would present potential environmental conflicts during construction that would not otherwise exist. These conflicts could be mitigated by normal planning processes.

Selected Alternative: Alternative A

Section 4 AA Determination



Comhairle Chontae Uíbh Fhailí
Offaly County Council

Áras an Chontae, Bóthar Charleville,
An Tulach Mhór, Contae Uíbh Fhailí, R35 F893

Áras an Chontae, Charleville Road,
Tullamore, Co. Offaly, R35 F893

T. 057 934 6800 | F. 057 934 6868
E. customerservices@offalycoco.ie

offaly.ie

Appropriate Assessment Determination

under
Section 177V of the Planning and Development Act 2000, as amended,
for the

Birr Local Area Plan 2023-2029

In order to comply with the requirements of Section 177V of the Planning and Development Act 2000, as amended, and pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would affect the integrity of any European site(s), this Appropriate Assessment determination is being made by Offaly County Council relating to the potential for the Birr Local Area Plan 2023-2029 that is being adopted¹ to have effects on the integrity of European sites.

In carrying out this Appropriate Assessment (AA), the Council is taking into account the matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including the following²:

- The Natura Impact Report prepared for the Draft Plan;
- AA Screening of Proposed Material Alterations;
- Written submissions made during the Plan preparation process; and
- Ongoing advice on AA from the Council's agents, including on further modifications.

In making the determination that Appropriate Assessment (AA) is required, information on the potential for significant effects on European Sites to arise from the emerging Draft Plan has been taken into account (this information will be placed on public display in the Natura Impact Report alongside the Draft Plan).

As part of the AA, it was identified that the Plan may, if unmitigated, have significant effects on 7 (no.) European sites. Factors that could potentially affect the integrity of European sites include:

- Provisions for sectors such as residential, commercial, retail, town centre, open space, tourism and recreation, agriculture, social and public, enterprise and employment that introduce sources for effects through construction phase hydrological interactions; and
- Loading pressures from the operational phase of developments – these sources could result in disturbance effects and interactions with water quality.

The undersigned, having carefully considered the information referred to above agrees with and adopts the reasoning and conclusions presented and determines that:

- Implementation of the Plan would have had the potential to result in effects to the integrity of European sites, if unmitigated.
- The risks to the safeguarding and integrity of the qualifying interests, special conservation interests and conservation objectives of the European sites have been addressed by the inclusion of mitigation measures into the Plan that will, in addition to the measures already in force through the Offaly County Development Plan 2021-2027, prioritise the avoidance of effects in the first place and reliably mitigate effects where these cannot be avoided. In addition, any lower-level plans and projects arising through the implementation of the Plan will themselves be subject to AA when further details of design and location are known.
- In-combination effects from interactions with other plans and projects have been considered in this assessment and the mitigation measures have been incorporated into the Plan – these measures are robust and will ensure there will be no effects on the integrity of European sites as a result of the implementation of the Plan either alone or in-combination with other plans/projects.



¹ Incorporating: the Draft Plan; all and any alterations; and all and any further modifications considered by the AA process.


² A consolidated Natura Impact Report has also been made available, integrating relevant elements of these matters into one document.

Ceantar Bardasach Thulach Mhór
Municipal District of Tullamore
T. 057 935 2470

Ceantar Bardasach Bhiorra
Municipal District of Birr
T. 057 912 4900

Ceantar Bardasach Éadan Doire
Municipal District of Edenderry
T. 046 973 1256

- Having incorporated mitigation measures³ and taking into account the measures already in force through the Offaly County Development Plan 2021-2027⁴, the Plan is not foreseen to give rise to any effect on the integrity of any European site, alone or in combination with other plans or projects⁵. This evaluation is made in view of the conservation objectives of the habitats or species, for which these sites have been designated.

Signed: 
Name: ANNA MARIE DELANEY
Date: 15th May, 2023

Signatory:

Date:

³ As detailed under the following reference numbers in the consolidated Natura Impact Report: Strategic Aim 5 Biodiversity and Green Infrastructure; BGIP01; BGIP02; BGIP03; BGIP04; BGIP06; BGIO01; BGIO02; BGIO03; BGIO04; BGIO05; BGIO06; BGIO07; BGIO08; BGIO09; BGIO10; BGIO11; BGIO12; BGIO13; BGIO14; BGIO15; EDO-03; CAP-06; CAP-07; CAO-05; CAP-08; CIP-07; CIP-08; CIP-09; CIO-07; BGIO05; and BGIO06. Note that non-material changes to individual Plan provisions referenced in this report may be updated during the finalisation of the Plan, including numbering, formatting and graphic design.

⁴ As detailed under the following reference numbers in the consolidated Natura Impact Report: Various Designated and Non-Designated Sites Policies and Objectives (BLP-01 to 07 and BLO-02 to 06); Various Policies and Objectives relating to Peatlands (BLP-14 to 18 and BLO-10 and 11); Various Policies and Objectives relating to Waterways, Lakes and Wetlands (BLP-19 to 23 and BLO-12 and 13); Various Policies and Objectives relating to Trees, Forestry and Hedgerows (BLP-24 to 26 and BLO-12 to 18); BLO-19 (Green Infrastructure Strategy); BLP-32 (All Ireland Pollinator Plan); Various Policies and Objectives relating to Invasive Species (BLP-34 and BLO-20 and 21); Policy and Objective relating to Light Pollution (ENVP-23 and ENVO-13); Provisions relating to tourism TRP-04, TRP-05, TRP-08, TRP-09 and TRP-18; Various Policies and Objectives relating to Water Quality/Status (ENVP-01 to 08, ENVO-01 to 04, CAEP-30 and REDP-05); and CAEP-67 (Sustainable urban drainage systems and Surface Water).

⁵ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.