



Appropriate Assessment Screening Report
for
Proposed Variation No. 3

of the

Tullamore Town and Environs Development Plan 2010
(as extended)

December 2017

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1. Introduction

1.1 Background

Offaly County Council is preparing a Proposed Variation to the Tullamore Town and Environs Development Plan 2010 (as extended). Proposed Variation No.3 of the Tullamore Town and Environs Development Plan 2010 (as extended) seeks, in accordance with the provisions of the Urban Regeneration and Housing Act 2015 (Vacant Site Levy) to:

- (a) integrate specific objective(s) for the development and renewal of identified areas in need of regeneration or residential development and,
- (b) specify the areas identified in need of regeneration or residential development.

The proposed variation has been prepared in accordance with the provisions of section 13(2) of the Planning and Development Act 2000 (as amended).

1.2 Purpose of this Report

This is the Appropriate Assessment (AA) Screening Report of the proposed variation. The purpose of this report is to evaluate whether or not the proposed variation is likely to significantly affect Natura 2000 sites (*i.e.* Special Areas of Conservation (SAC) and Special Protection Areas (SPA)) within or surrounding Tullamore and its environs and thus require a full Natura Impact Report.

Special Areas of Conservation (SAC) are designated under the EU's Habitats Directive by statutory instrument under the Habitats Regulations 1997 and the Special Protection Areas (SPA) are designated by statutory instrument under the EU's Birds Directive 1979 and so, like SACs, are of international importance.

Under the EU Habitats Directive (92/43/EEC) Competent Authorities are required to undertake Natura Impact Assessment (NIA) of any plan or project not directly connected with or necessary to the management of a Natura 2000 site but likely to have a significant effect thereon, either individually or in combination with other plans or projects.

The main purpose of a Natura Impact Report is to identify the possible effects of implementing a Plan/Project on the conservation objectives and integrity of Natura 2000 sites¹.

¹ Any Natura 2000 sites within the likely zone of impact of the area of the plan or project, generally 15km. However this can vary (Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (NPWS 2009, Revised February 2010).

This assessment therefore examines the implications of proceeding with the proposed variation in view of the conservation objectives and qualifying interests of associated Natura 2000 sites.

1.3 Legislative Background

The Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna – the ‘Habitats Directive’ provides legal protection for habitats and species of European importance. Article 2 of the Habitats Directive requires the maintenance or restoration of habitats and species of interest to the EU in a favourable condition. The Directive was transposed into Irish law by the European Communities (Natural Habitats) Regulations, SI 94/1997.

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for Plans or Projects affecting Natura 2000 sites.

Article 6(3) establishes the requirement for Natura Impact Report:

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

Article 6(4) of the Directive deals with alternative solutions, the test of *“imperative reasons of overriding public interest”* (IROPI) and compensatory measures:

“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted”. In formulating the proposed variation to the Tullamore Town and Environs Development Plan 2010 (as extended), Offaly County Council as Competent Authority must comply with the EU Habitats and Birds Directives and the Planning and Development (Amendment) Act 2010, European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) and the Environment (Miscellaneous Provisions) Act 2011.

2. Explanation and Purpose of proposed variation No. 3

Proposed Variation No. 3 of the Tullamore Town and Environs Development Plan 2010 (as extended) seeks to incorporate provisions of the Urban Regeneration and Housing Act 2015 (URHA) relating specifically to the Vacant Site Levy, Urban Renewal and Regeneration. The aforementioned provisions of URHA 2015 are proposed to be incorporated in to the development plan for the purposes of the future application of the Vacant Site Levy, in two ways:

- 1) By way of new written objectives for the development and renewal of designated residential and regeneration lands
- 2) By specifying the lands/areas which may be subject to the future application of the Vacant Site Levy.

The URHA 2015 signed into law in July 2015 has a specific focus on addressing housing supply related issues across the country. The URHA 2015 aims to incentivize urban regeneration with a view to facilitating increased activity specifically in the housing construction sector. The URHA 2015 introduced the vacant site levy as a site activation measure which is required to be integrated as part of the development planning process, to ensure that vacant or underutilized land in urban areas is brought into beneficial use.

In making provision for the Vacant Site Levy in development plans the URHA 2015 requires Planning Authorities in the first instance to incorporate mandatory objective(s) to support Urban Regeneration and also to indicate areas to which the equitable application of the levy can occur.

3. Methodology

3.1 Introduction

This Appropriate Assessment Screening Report has been prepared taking cognisance of the following guidelines:

- Department of the Environment Heritage and Local Government (DoEHLG) Appropriate Assessment Guidance for Planning Authorities (December 2009) as amended in February 2010;
- European Commission, Assessment of plans and projects affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (Luxembourg, 2001);
- European Communities Managing NATURA 2000 sites. The provisions of Article 6, of the 'Habitats' Directive 92 / 43 / CEE (2000).

3.2 Appropriate Assessment Screening Methodology

The Appropriate Assessment process follows four stages as outlined below:

Stage 1 – Screening of the proposed variation

The Screening Process will identify the likely impacts upon the Natura 2000 sites of the proposed variation, either alone or in combination with other Plans and Projects and considers whether these impacts are likely to be significant.

Ultimately, this process determines whether or not a Natura Impact Report is required *i.e.* whether the proposed variation is likely to negatively affect the conservation objectives and qualifying interests of Natura 2000 sites. This will be done by examining the proposed variation and determining if there are any potential impacts on the conservation objectives of the Natura 2000 sites.

This Screening Assessment will:

- Determine whether the proposed variation is directly connected with or necessary to the management of the site;
- Describe the proposed variation and other plans and projects that, 'in combination' have the potential to have significant effects on a European site;
- Identify the potential effects on the European site and;
- Assess the significance of any effects on the European site.

Stage 2 – Appropriate Assessment – Natura Impact Report

The Natura Impact Report (if required) would determine the potential impacts of the proposed variation on the conservation objectives of the Natura 2000 sites (including Natura 2000 sites within a 15km radius of the Tullamore Town and Environs Plan's boundary and where necessary, mitigation or avoidance measures to preclude negative effects are recommended. The impacts assessed include the indirect and cumulative impacts of approving the proposed variation, considered with any current or proposed activities, developments or policies impacting on the site(s). The potential impacts of policies and objectives outside the Natura 2000 sites but that potentially may impact upon them (known as 'ex situ' impacts) must also be included in the assessment.

Stage 3 – Assessment of Alternative Solutions

Stage 3 involves the examination of alternative ways of achieving the proposed variation that avoids adverse impacts on the integrity of the Natura 2000 site(s).

Stage 4 – Assessment of Compensatory Measures

Stage 4 is an assessment of compensatory measures, where, in the light of an assessment of imperative reasons of overriding public interest, it is deemed that the proposed variation should proceed.

Stage 1 and 2 above relate to Article 6(3) of the Habitats Directive and Stages 3 and 4 relate to Article 6(4).

3.3 Cumulative Effects

A Strategic Environmental Assessment (SEA) and a Natura Impact Report (in accordance with the Habitats Directive) were completed during the drafting of the Tullamore Town and Environs Development Plan 2010 (as extended) which examined the cumulative impacts of the plan's policies and objectives on the environment, including Natura 2000 sites. Mitigation measures were proposed and incorporated into the 2010 Plan (as extended) to ensure that no negative impacts would arise from its implementation.

The Tullamore Town and Environs Development Plan 2010 (as extended) (as informed by the National Spatial Strategy 2002-2020, and the Midland Regional Planning Guidelines (MRPGs) 2010-2022), sets the landuse and development framework within which the proposed variation is being prepared.

The proposed variation gives effect to the provisions of the URHA 2015 providing for the implementation of the vacant site levy. The application of the levy is intended to bring underutilised and vacant sites and buildings in urban areas into beneficial use for the supply of housing where there is a determined need.

The proposed variation is seeking in the first instance to integrate specific objectives for the efficient and sustainable use of urban lands and to bring them forward for residential development. Secondly the proposed variation is seeking to identify specific areas where the application of site activation measures such as the Vacant Site Levy may apply.

The additional text proposed supports and supplements existing policies and objectives in the Tullamore Town and Environs Development Plan 2010 (as extended) that also call for the efficient and sustainable use of urban lands. No changes are proposed to landuse zoning objectives.

The proposed variation will not be in conflict with the policies or objectives of the development plan and particularly those seeking to protect, preserve and conserve environmentally sensitive areas such as the NATURA 2000 sites. The proposed would not have an influence or impact with regard to the location, nature and scale of future development on Natura 2000 sites.

It is not envisaged that the proposed variation will contribute to significant adverse effects on the environment. Therefore it is not anticipated to result in cumulative effects in combination with other plans and programmes. It is possible that some positive effects as a consequence of the variation will result in positive cumulative effects on the environment particularly in light of the achievement of existing objectives of the Tullamore Town and Environs Development Plan 2010 (as extended). Once the environmental protection measures within the Tullamore Town and Environs Development Plan 2010 (as extended) are followed, adhered to and implemented, it is predicted that the proposed variation will not compromise the quality of the receiving environment.

4. Appropriate Assessment Screening

4.1 Introduction

The Appropriate Assessment Screening process will determine whether the proposed variation is likely to have a significant effect on the conservation objectives and the integrity of Natura 2000 sites within the Tullamore and Environs Plan boundary and also within 15km of the Plan boundary. This buffer zone was chosen as a precautionary measure to ensure that all affected Natura 2000 sites are included in this Screening Process.

The Screening Process will identify the likely impacts of the actions/objectives of the proposed variation either alone or in combination with other plans and projects and will consider whether these impacts are likely to be significant.

Ultimately, this process determines whether or not a Natura Impact Report is required *i.e.* whether the proposed variation is likely to negatively affect the conservation objectives and qualifying interest of Natura 2000 sites.

4.2 Management of the Site

For a plan to be 'directly connected with or necessary to the management of the site', the 'management' component must refer to management measures that are for conservation purposes, and the 'directly' element refers to measures that are solely conceived for the conservation management of a site.

Proposed Variation No. 3 of the Tullamore Town and Environs Development Plan 2010 (as extended) seeks to incorporate provisions of the Urban Regeneration and Housing Act 2015 (URHA) relating specifically to the Vacant Site Levy, Urban Renewal and Regeneration. The implementation of the Vacant Site Levy is set within the context of sustainable urban development and a shared public interest in the most efficient use of land especially in urban areas. It is considered that having and employing appropriate enabling tools and mechanisms will facilitate local authorities in achieving compact settlements and would reduce unnecessary urban sprawl in line with the principles of proper planning and sustainable urban development.

However, although not directly connected to the management of any Natura 2000 sites, the proposed variation if adopted becomes part of the Development Plan. The Tullamore Town and Environs Development Plan 2010 (as extended) contains policies and objectives in Chapter 13 which will directly or indirectly protect, conserve and manage areas of natural heritage, including Natura 2000 sites.

4.3 Natura 2000 Sites in and within 15 km of the Plan Area

The European Communities (Habitats) Directive 1992, established a network of sites throughout Europe, which are of international importance. It is comprised of Special Protection Areas (SPA) and Special Areas of Conservation (SAC) which together are known as Natura 2000 sites. Special Protection Areas aim to protect birds and this designation originates from the Birds Directive 1979.

There is one SAC within the Plan boundary *i.e.* Charleville Wood SAC, and there are no SPA's.

Following guidance from the Department of the Environment, Heritage and Local Government (*Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities*), all Natura 2000 sites within both the Plan area and also an area extending 15 km around it have been considered (see **Figure 1**). This buffer zone was chosen as a precautionary measure to ensure that all potentially affected Natura 2000 sites are included in this Screening Process.

Charleville Wood is located southwest of Tullamore Town and within the Plan boundary. The Grand Canal PNHA traverses Tullamore Town from west to east.

Other Natura 2000 sites within 15 km of the Town boundary are: Clara Bog SAC (north west of the town), Clonaslee Esker and Derry Bog SAC (south west of the town), Lough Ennell SAC (north east of the town), Spilt Hills and Long Hill Esker SAC (north of the town), Raheenmore Bog SAC (north east of the town) and Slieve Bloom Mountains SAC and SPA (south of the town) (see **Figure 1**).

Table 1 details the qualifying interests for each of the SAC's and SPA's within 15 km of the Town.

Table 1: Natura 2000 Sites (SPA and SAC's) within the Development Plan Area and within 15km of the Plan Area

Designation	Site Name & Code	Qualifying Interests
Natura 2000 Sites within Plan Boundary		
Special Area of Conservation	Charleville Wood SAC (Site Code: 000571)	<ul style="list-style-type: none"> • <i>Vertigo moulinsiana</i> • Old sessile oak woods with Ilex and Blechnum in British Isles
Designation within 15km of Town Plan Area		
Special Area of Conservation	Clara Bog SAC (Site Code: 000572)	<ul style="list-style-type: none"> • Marsh fritillary (<i>Euphydryas aurinia</i>) • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>) (*important orchid sites) • raised bogs • Degraded raised bogs still capable of natural regeneration • Depressions on peat substrates of the Rhynchosporion • Bog woodland
	Lough Ennell SAC (Site Code: 004160)	<ul style="list-style-type: none"> • Brook lamprey (<i>Lampetra planeri</i>) • Otter (<i>Lutra lutra</i>) • Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. • Alkaline fens
	Slieve Bloom Mountains SAC (Site Code: 000412)	<ul style="list-style-type: none"> • Northern Atlantic wet heaths with <i>Erica tetralix</i> • Blanket bog (*active only) • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)

Designation	Site Name & Code	Qualifying Interests
	Raheenmore Bog SAC (Site Code: 000582)	<ul style="list-style-type: none"> ● Active raised bogs ● Degraded raised bogs still capable of natural regeneration ● Depressions on peat substrates of the Rhynchosporion
	River Barrow and River Nore SAC (Site Code: 002162)	<ul style="list-style-type: none"> ● <i>Vertigo moulinsiana</i> ● Freshwater pearl mussel (<i>Margaritifera margaritifera</i>) ● White-clawed crayfish (<i>Austropotamobius pallipes</i>) ● Sea lamprey (<i>Petromyzon marinus</i>) ● Brook lamprey (<i>Lampetra planeri</i>) ● River lamprey (<i>Lampetra fluviatilis</i>) ● Allis shad (<i>Alosa alosa</i>) ● Twaite shad (<i>Alosa fallax fallax</i>) ● Salmon (<i>Salmo salar</i>) ● Estuaries ● Mudflats and sandflats not covered by seawater at low tide ● Salicornia and other annuals colonizing mud and sand ● Spartina swards (<i>Spartinion maritimae</i>) ● Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) ● Otter (<i>Lutra lutra</i>) ● Mediterranean salt meadows (<i>Juncetalia maritimi</i>) ● Killarney fern (<i>Trichomanes speciosum</i>) ● Pearl mussel (<i>Margaritifera durrovensis</i>) ● Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i>

Designation	Site Name & Code	Qualifying Interests
		vegetation <ul style="list-style-type: none"> • European dry heaths • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels • Petrifying springs with tufa formation (<i>Cratoneurion</i>) • Old sessile oak woods with Ilex and Blechnum in British Isles • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)
	Clonaslee Esker and Derry Bog SAC (Site Code: 000859)	<ul style="list-style-type: none"> • <i>Vertigo geyeri</i> • Alkaline fens
	Split Hills & Long Hill Eskers SAC (Site Code: 001831)	<ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>) (*important orchid sites)
Special Protection Area	Slieve Bloom Mountains SPA (Site Code: 004160)	<ul style="list-style-type: none"> • Hen Harrier (<i>Circus cyaneus</i>)

4.4 Conservation Objectives

Management planning for nature conservation sites has a number of aims. These include:

- To identify and evaluate the features of interest for a site;
- To set clear objectives for the conservation of the features of interest;
- To describe the site and its management;
- To identify issues (both positive and negative) that might influence the site;
- To set out appropriate strategies/management actions to achieve the objectives.

Generic conservation objectives have been compiled for some SACs and SPAs. These are based on the sites' qualifying features. In time, specific conservation objectives will be written for the features of interest within each Designated Site.

The conservation objectives for each Natura 2000 site are outlined in Table 2.

Table 2 Conservation Objectives for each Natura 2000 site

Designation	Site Name & Code	Conservation Objectives
Natura 2000 Sites within Plan Boundary		
Special Area of Conservation	Charleville Wood SAC (Site Code: 000571)	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> • <i>Vertigo moulinsiana</i>; • Old sessile oak woods with Ilex and Blechnum in the British Isles. <p>To maintain the extent, species richness and biodiversity of the entire site.</p> <p>To establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>
Special Area of Conservation	Clara Bog SAC (Site Code: 000572)	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and /or the Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> • <i>Euphydryas (Eurodryas, Hypodryas) aurinia</i>; • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(* important orchid sites); • Active raised bogs; • Degraded raised bogs still capable of natural regeneration; • Depressions on peat substrates of

Designation	Site Name & Code	Conservation Objectives
		<p>the Rhynchosporion;</p> <ul style="list-style-type: none"> ● Bog woodland. <p>To maintain the extent, species richness and biodiversity of the entire site.</p> <p>To establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>
	Lough Ennell SAC (Site Code: 004160)	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and /or the Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> ● Brook lamprey (<i>Lampetra planeri</i>) ● Otter (<i>Lutra lutra</i>) ● Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. ● Alkaline fens <p>To maintain the extent, species richness and biodiversity of the entire site.</p> <p>To establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>
	Slieve Bloom Mountains SAC (Site Code: 000412)	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and /or the Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> ● Northern Atlantic wet heaths with <i>Erica tetralix</i> ● Blanket bogs (* if active only) ● *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)

Designation	Site Name & Code	Conservation Objectives
		<p>To maintain the extent, species richness and biodiversity of the entire site.</p> <p>To establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>
	<p>Raheenmore Bog SAC (Site Code: 000582)</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and /or the Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> ● Active raised bogs ● Degraded raised bogs still capable of natural regeneration ● Depressions on peat substrates of the Rhynchosporion <p>To maintain the extent, species richness and biodiversity of the entire site.</p> <p>To establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>
	<p>River Barrow and River Nore SAC (Site Code: 002162)</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and /or the Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> ● <i>Vertigo moulinsiana</i> ● <i>Margaritifera margaritifera</i> ● <i>Austropotamobius pallipes</i> ● <i>Petromyzon marinus</i> ● <i>Lampetra planeri</i> ● <i>Lampetra fluviatilis</i> ● <i>Alosa fallax</i> ● <i>Salmo salar</i> (only in fresh water) ● Estuaries ● Mudflats and sandflats not covered by seawater at low tide ● <i>Salicornia</i> and other annuals

Designation	Site Name & Code	Conservation Objectives
		<p><i>colonizing mud and sand</i></p> <ul style="list-style-type: none"> ● Atlantic salt meadows <i>(Glauco-Puccinellietalia maritimae)</i> ● <i>Lutra lutra</i> ● Mediterranean salt meadows <i>(Juncetalia maritimi)</i> ● <i>Trichomanes speciosum</i> ● <i>Margaritifera durrovensis</i> <i>(Margaritifera margaritifera)</i> <p>To maintain the extent, species richness and biodiversity of the entire site.</p> <p>To establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>
	<p>Clonaslee Esker and Derry Bog SAC (Site Code: 000859)</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and /or the Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> ● <i>Vertigo geyeri</i> ● Alkaline fens <p>To maintain the extent, species richness and biodiversity of the entire site.</p> <p>To establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>
	<p>Split Hills & Long Hill Eskers SAC (Site Code: 001831)</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and /or the Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> ● Semi-natural dry grasslands and scrubland facies on calcareous substrates important orchid sites. <p>To maintain the extent <i>Festuco Brometalia</i>, species richness and biodiversity of the entire site.</p>

Designation	Site Name & Code	Conservation Objectives
		To establish effective liaison and co-operation with landowners, legal users and relevant authorities.
Special Protection Area	Slieve Bloom Mountains SPA (Site Code: 004160)	<p>To maintain the special conservation interest for this SPA at favourable conservation status:</p> <ul style="list-style-type: none"> • Hen Harrier <p>To maintain the extent, species richness and biodiversity of the entire site.</p> <p>To establish effective liaison and co-operation with landowners, legal users and relevant authorities.</p>

4.5 Assessment Criteria

This section assesses the likelihood of potential impacts from the proposed variation on Natura 2000 sites.

In practice and as outlined in the EU 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*”, and the national guidance document “*Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities*”, impacts that could potentially occur through the implementation of the proposed variation, can be categorised under a number of headings:

- Loss/Reduction of habitat area – *e.g.* as a result of new development sites *etc.*;
- Disturbance to key species – *e.g.* as a result of increased public access to protected sites and increased recreational pressure;
- Habitat or species fragmentation – *e.g.* through further urbanisation;
- Reduction in species density – *e.g.* transport infrastructure, land intensification *etc.*;
- Changes in key indicators of conservation value such as decrease in water quality and quantity *e.g.* through inadequate wastewater treatment, runoff of pollutants during construction and operational phases of development.

The proposed variation is not seeking to alter existing policies/objectives of the development plan to which it will form part. The proposed variation seeks to supplement and support existing policies/objectives relating to Renewal and Regeneration specifically in urban areas as well as providing for the activation of the Vacant Site Levy. The application of the Levy is set within the context of sustainable urban development and a shared public interest in the most efficient use of land especially in urban areas. It is considered that having and employing appropriate enabling tools and mechanisms will facilitate local authorities in achieving compact settlements and would reduce unnecessary urban sprawl in line with the principles of proper planning and sustainable urban development.

This Screening Assessment has been completed taking cognisance of the existing Development Plan’s policies, objectives and provisions in the Plan for the protection of the environment and sites protected under European legislation.

Current Plan Natural Heritage Policies	
TTEP 13-01	It is the Councils’ policy to have regard to the views and guidance of the National Parks and Wildlife Service of the DoEHLG in respect of proposed development where there is a possibility that such development may have an impact on sites with proposed and/or nature conservation designations
TTEP 13-02	It is the Councils’ policy to 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 Tullamore and to support/co-operate with statutory authorities and others in support of measures taken to manage proposed or designated

Current Plan Natural Heritage Policies
sites in order to achieve their conservation objectives.
TTEP 13-03 It is the Councils' policy to protect the integrity of Charleville Wood (proposed Natural Heritage Area (pNHA) and cSAC) and to cooperate with relevant government bodies and the landowner in the management of Charleville Wood and Estate
TTEP 13-04 It is the Councils' policy to protect and enhance the built and natural heritage and the recreational potential of the Grand Canal Corridor and to encourage and promote access to and understanding of the Grand Canal.
TTEP 13-05 It is the Councils' policy to protect, conserve and enhance Tullamore's biodiversity and natural heritage including wildlife (flora and fauna), habitats, landscapes and/or landscape features of importance to wildlife, especially along the Railway line, the Grand Canal and the Tullamore, Silver and Clodiagh Rivers.
TTEP 13-06 It is the Councils' policy to continue to promote education, knowledge and pride in the natural heritage of Tullamore.
TTEP 13-07 It is the Councils' policy to conserve, protect and enhance where possible wildlife habitats such as rivers (including riparian buffer zones/wildlife corridors), streams, wetlands, trees, woodlands and scrub, hedgerows and other boundary types such as stone walls and ditches providing a network of habitats and corridors essential for wildlife to flourish.
TTEP 13-08 It is the Councils' policy to protect riparian corridors by reserving land along their banks for ecological corridors and maintain them free from inappropriate development, where appropriate, and discourage culverting or realignment.
TTEP 13-09 It is the Councils' policy to promote the protection and preservation of existing hedgerows and to encourage planting of native hedgerow species.
TTEP 13-11 It is the Councils' policy to promote the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees.
TTEP 13-13 It is the Councils' policy that developments, which require vehicular access from public roads that were formerly towpaths or from existing towpaths along the Grand Canal, are very strictly controlled. This is in addition to restrictions relevant to the Canal's designation as a Natural Heritage Area and consequently as an Area of Special Control (also refer to Offaly County Development Plan 2009-2015 – Chapter 14; Built Heritage). Within areas zoned as white lands in the Tullamore town and environs area, it is policy to consider housing applications for established families, only along roads that were formerly towpaths along the Grand Canal and that such developments will be strictly controlled.

The policies, objectives and general provisions of the Tullamore Town and Environs Development Plan 2010 (as extended) have been devised and informed by the NIR to anticipate and avoid the need for development that would be likely to significantly and adversely affect the integrity and conservation objectives of any Natura 2000 sites. The provisions of Proposed Variation No. 3, have been devised to anticipate and avoid the need for

development that would be likely to significantly and adversely affect the integrity and conservation objectives of any Natura 2000 site especially Charleville Wood SAC.

4.5.1 Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 sites.

The principal changes proposed in the variation by way of written objectives and the specification of areas, provides for the incentivised development of vacant sites in urban areas for housing and regeneration purposes. This is intended to bring underutilised and vacant sites and buildings in urban areas into beneficial use. No changes are proposed to any land use zoning objectives in the Tullamore Town and Environs Development Plan 2010 (as extended).

The proposed variation when adopted will become part of the Tullamore Town and Environs Development Plan 2010 (as extended) which provides for the protection of the environment and of designated sites within the Tullamore and Environs area. The policies and objectives of the Tullamore Town and Environs Development Plan 2010 (as extended) have been devised to anticipate and avoid the need for development that would be likely to significantly and adversely affect the integrity of any Natura 2000 sites.

It is important to note that any proposed development on lands in the Town and Environs area will be required to adhere to **Policy TTEP 13-03** and **TTEO 13-01, TTEO 13-02** and **TTEO 13-04** of the current 2010 Development Plan and would be subject to an appropriate project level environmental assessment and Habitats Directive assessment, where deemed necessary. This will ensure that any development relating to this Proposed Variation will not significantly impact on the integrity and conservation objectives of Natura 2000 sites or sites of high ecological value (*e.g.* Grand Canal, Esker Riada).

Taking into account the nature of the content of the proposed variation and it's integration as part of the Tullamore Town and Environs Development Plan 2010 (as extended) when adopted (which provides for the protection of the environment and of designated sites within the Town and its Environs), it is considered unlikely that the proposed variation will not have significant adverse impacts on any Natura 2000 sites.

4.5.2 Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 sites by virtue of:

The proposed variation augments existing policies and objectives of the Tullamore Town and Environs Development Plan 2010 (as extended) relating specifically to urban renewal and regeneration in urban areas. No additional land will be zoned for development and will not therefore encroach further upon Natura 2000 sites.

Therefore no projects, which would give rise to significant adverse direct, indirect or secondary impacts on the integrity of the Natura 2000 sites, arising from the proposed variation is anticipated.

Size and scale

No negative impacts are predicted from the implementation of this proposed variation due to the nature of the proposed amendments

Land take

Proposed variation No. 3 does not provide for changes to landuse zonings or encroachment onto areas of European sites.

Distance from the Natura 2000 site or key feature of the site

The proposed variation seeks to incentivise the development of vacant sites in urban areas for housing and regeneration purposes. This is intended to bring underutilised and vacant sites and buildings in urban areas into beneficial use. No negative impacts are predicted from the implementation of this proposed variation due to the nature of the proposed amendments.

In summary, no projects which would give rise to significant adverse direct, indirect or secondary impacts on the integrity of the Natura 2000 sites, arising from their proximity to the sites, shall be permitted on the basis of this Proposed Variation (either individually or in combination with other plans or projects)².

Resource requirements

No negative impacts are predicted from the implementation of this proposed variation due to the nature of the proposed amendments

Emissions and waste (disposal to land, water or air)

No negative impacts are predicted from the implementation of this proposed variation due to the nature of the proposed amendments

Transportation requirements

No negative impacts are predicted from the implementation of this proposed variation due to the nature of the proposed amendments. The Tullamore Town and Environs Development Plan 2010 (as extended) to which the proposed variation will form part, sets out a clear spatial framework for development locations and landuses (with the appropriate consideration and respect given to environmental sensitive sites and locations). Where it is considered that potential developments arising (directly or indirectly) from the proposed variation (consistent with the development plan objectives) (either individually or in combination with other plans or projects)², may

² Except as provided for in Article 6(4) of the Habitats Directive, viz. there must be:
(a) No alternative solution available;

impact upon sensitive or designated sites, because of their proximity or scale, will be subject project level AA in keeping with the requirements of Articles 6(3) and 6(4) of the Habitats Directive and Section 177(v) of the Planning and Development Act 2000 (as amended).

4.5.3 Describe any likely changes to the site arising as a result of:

Reduction in Habitat area, Disturbance to key species & habitat or species fragmentation, Reduction in species density, Changes in key indicators of conservation value (water quality etc), Climate change.

The proposed variation does not relate does not provide or include the zoning of any additional land for development and therefore does not involve any additional land take within Natura 2000 sites. Any projects relating to renewal or regeneration in urban areas shall be required to be consistent with the Development Plan objectives and shall be subject to a Habitats Directive Assessment, in accordance with the requirements of Article 6(3) of the EU Habitats Directive (DIR 92/43/EEC), where required.

The proposed variation will not give rise to a reduction in Habitat area, disturbance to key species & habitat or species fragmentation, reduction in species density, changes in key indicators of conservation value (water quality etc. or climate change.

Offaly County Council continue to take appropriate steps to avoid reduction in species density within designated sites and areas of high ecological value in accordance with the policies and objectives set out in **Chapter 13** of the Tullamore Town and Environs Development Plan 2010 (as extended).

4.5.4 Describe any likely impacts on the Natura 2000 site as a whole in terms of:

Interference with the key relationship that define the structure of the site

The provisions proposed in the variation will not impact on the relationships that define the structure of Natura 2000 sites.

(b) Imperative reasons for overriding public interest, including those of a social and economic nature; and,
(c) Adequate compensatory measures to ensure that the overall coherence of Natura 2000 is protected.

Interference with key relationships that define the function of the site

The provisions proposed in the variation will not impact on the relationships that define the function of Natura 2000 sites.

4.5.5 Provide Indicators of significance as a result of the identification of effects set out above in terms of;

Offaly County Council is taking appropriate steps to avoid deterioration of designated sites (through habitat/species loss, fragmentation, disturbance etc.) in accordance with the policies and objectives set out in **Chapter 13** of the Tullamore Town and Environs Development Plan 2010 (as extended) which provide for the protection of the environment and of the designated sites within the Town and Environs area. The proposed variation will become part of the Tullamore Town and Environs Development Plan 2010 (as extended).

Therefore it is considered unlikely that the proposed variation will have significant adverse impacts on any Natura 2000 sites within the Plan or outside of the town and environs boundary.

4.5.6 Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.

Not applicable.

4.6 Finding of No Significant Effects Report

On account of the nature of the proposed amendments, the distance from Natura 2000 sites and indirect links to Natura 2000 sites, it is not envisaged that there will be significant adverse effects on the integrity of NATURA 2000 sites. This assessment should be read in conjunction with the proposed variation and the accompanying SEA Screening Statement prepared to fulfil provisions of the SEA Directive.

Name of project or plan:

Proposed Variation No. 3 of the Tullamore Town and Environs Development Plan 2010 (as extended).

Name and location of Natura 2000 sites:

See **Section 4** for Natura 2000 sites within the Plan boundary and those within 15km of Plan boundary.

Description of the project or plan:

See **Section 2** for the explanation and purpose of the proposed variation.

Is the Plan necessary to the management of Natura 2000 Sites?

The proposed variation (and provisions therein) is not directly connected with or necessary to the management of the Natura 2000 sites in the County.

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

It is not envisaged that any other plan or project will result in negative cumulative or in-combination effects on any of the Natura 2000 sites within 15 km of the proposed variation on account of the nature of the amendments proposed.

The assessment of significance of effects

Describe how the plan (alone or in combination) is likely to affect the Natura 2000 site:

It is considered that the proposed variation (alone or in combination) will not affect any Natura 2000 site(s) in a negative way, by virtue of nature of the proposed amendments.

Explain why these effects are not considered significant:

The Proposed Variation, by virtue of the amendments proposed are not considered to impact on the Natura 2000 network as no land-take, loss, fragmentation, reduction in species density or habitat reduction or fragmentation is predicted as a consequence of the proposed variation, alone or in combination with other plans and projects. Further, the natural heritage policies contained within Chapter 13 of the Tullamore Town and Environs Development Plan 2010 (as extended) will ensure that no development objective will be created that will significantly adversely impact on Natura 2000 sites. The proposed variation will when adopted form part of the Tullamore Town and Environs Development Plan 2010 (as extended).

List of agencies to be consulted:

As part of the SEA Screening, the following statutory bodies will be consulted.

- Environmental Protection Agency (EPA)
- Department of Housing, Planning, Community and Local Government (DHPCLG)
- Copy also sent to Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (DAHRRGA)
- Department of Communications, Climate Change and Environment (DCCE)
- Department of Agriculture, Food and the Marine (DAFM)

Data collection to carry out the assessment

Who carried out this assessment?

Offaly County Council Planning Section.

Sources of data

Existing records and information published by the NPWS and EPA.

Level of assessment completed

A desktop study was completed utilising existing information from the relevant state authorities.

Where the full results of the assessment can be accessed and viewed?

Please see public notice announcing the publication of the proposed variation.

5. Conclusion

This Appropriate Assessment Screening Report of the proposed variation, has been carried out in accordance with the Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC as published by the European Commission.

The principle trigger for a Natura Impact Report would be if the proposed variation was likely to have significant effects on a NATURA 2000 site. The proposed variation seeks to incentivise the development of vacant sites in urban areas for housing and regeneration purposes. This is intended to bring underutilised and vacant sites and buildings in urban areas into beneficial use. No negative impacts are predicted from the implementation of this proposed variation due to the nature of the proposed amendments. The policies and provisions of the Tullamore Town and Environs Development Plan 2010 (as extended) to which the proposed variation will form part have been devised to anticipate and avoid the need for development that would be likely to significantly and adversely affect the integrity of any Natura 2000 sites or areas of high ecological value/interest.

A Strategic Environmental Assessment (SEA) and a Natura Impact Report (in accordance with the Habitats Directive) were completed during the drafting of the Tullamore Town and Environs Development Plan 2010 (as extended) which examined the cumulative impacts of the plan's policies and objectives on the environment, including Natura 2000 sites. Mitigation measures were proposed and incorporated into the 2010 Plan to ensure that no negative impacts would arise from its implementation.

Therefore, in accordance with the Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, it is concluded that the proposed variation, does not require any further assessment (stage 2) to demonstrate compliance with the Directive.