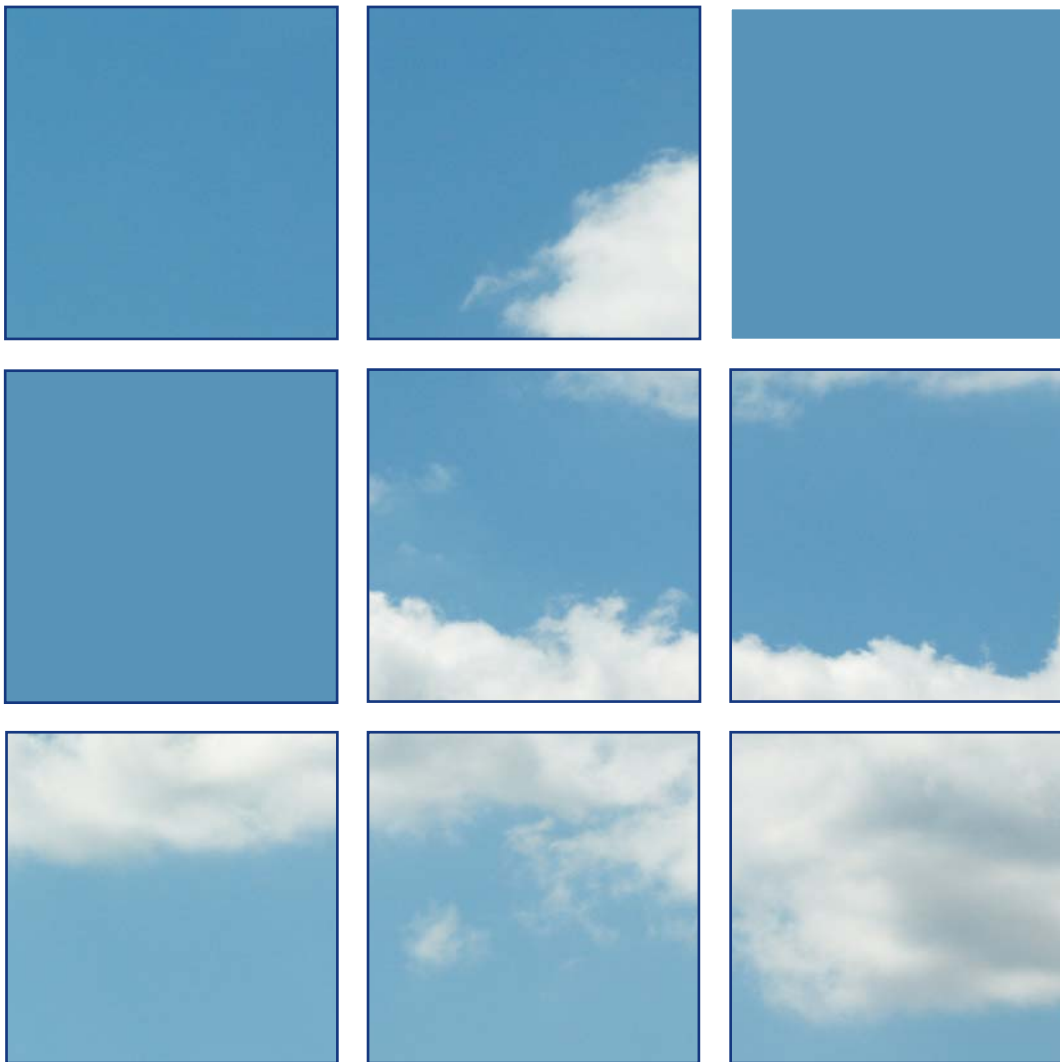




Draft Fingal Development Plan 2011 – 2017



Habitats Directive Assessment

April 2010

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1 INTRODUCTION

1.1 BACKGROUND AND LEGISLATIVE CONTEXT

Fingal County Council is currently preparing a Draft Fingal Development Plan (DP) 2011 – 2017 to replace the existing Fingal Development Plan, which expires in 2011. The Plan is being prepared under the provisions of the Planning and Development Acts 2000-2006 to develop and improve in a sustainable manner the environmental, social, economic and cultural assets of the County.

The Fingal Development Plan 2011 – 2017 will provide a blueprint for the development of Fingal for the period 2011 – 2017. The Development Plan will be underpinned by the principles of sustainable development, climate change adaptation, social inclusion and high quality design. These four strands will permeate the development plan at every level and will be considered when framing each policy.

An important aspect of the development of the draft Fingal Development Plan is how the Plan may impact on European Sites designated for nature conservation i.e. special areas of conservation (SAC) and special protection areas (SPA). The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as “The Habitats Directive”, provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. These are SACs designated under the Habitats Directive and SPAs designated under the Conservation of Wild Birds Directive (79/409/ECC).

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (AA) (also referred to as Habitats directive Assessment):

“Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to an appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

If, in spite of a negative assessment of the implications for the [Natura 2000] 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 a social or economic nature, Member States 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.

Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to 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.

This document forms part of the Appropriate Assessment process for the draft Fingal County Development Plan and in line with recent DEHLG guidance is referred to as a Natura Impact Statement (formerly Habitat Directive Assessment or Appropriate Assessment).

1.2 STAGES OF THE APPROPRIATE ASSESSMENT

This Article 6 Assessment has been prepared in accordance with the European Commission Environment DG document “*Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*”, referred to as the “EC Article 6 Guidance Document”. The guidance within this document provides a non-mandatory methodology for carrying out assessments required under Article 6(3) and (4) of the Habitats Directive, and are viewed as an interpretation of the EU Commission’s document “*Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*”, referred to as “MN2000”.

Appropriate Assessment Guidance for Planning Authorities were published by the Department of the Environment Heritage and Local Government in December 2009 (DoEHGL, 2009) and amended in March 2010 (DEHLG 2009, 2010). Cognisance has been taken of this document in carrying out this assessment.

In complying with the obligations under Article 6(3) and with reference to the EC2000 and MN2000 Guidelines, this AA has been broadly structured as a stage by stage approach as follows:

1) Stage 1 – Screening for Appropriate Assessment

- Description of the plan;
- Identification of relevant Natura 2000 sites potentially affected;
- Identification and description of individual and cumulative impacts likely to result;
- Assessment of the significance of the impacts identified above on site integrity. Exclusion of sites where it can be objectively concluded that there will be no significant effects.

2) Stage 2 –Appropriate Assessment

- Description of the Natura 2000 sites that will be considered further in the AA;
- Description of significant impacts on the conservation feature of these sites likely to occur from the plan;
- Mitigation Measures;
- Conclusions.

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

2 STAGE 1 - SCREENING FOR APPROPRIATE ASSESSMENT

2.1 DESCRIPTION OF THE PLAN

The preparation of development plan policy and objectives affecting a large geographical area such as Fingal presents a significant opportunity to affect the way physical change and development occurs, where it happens and the character of that process. The AA process seeks to ascertain how the policy path chosen may have the potential to impact on the integrity of Natura 2000 sites both within Fingal's administrative area and those within its zone of influence.

The Strategic Objectives outlined in the draft plan reflect that sustainable development; climate change adaptation; social inclusion; and high quality design are fundamental values at the very heart of the plan. An important element of the sustainable development thread in the Fingal Development Plan 2011–2017 is the Appropriate Assessment (AA). Together with the SEA (see separate Environmental Report), these parallel but interlinked processes serve to ensure that the broader environment (and Natura 2000 sites in particular) are taken into account during the development of the draft Plan and before its final adoption.

The plan seeks to consolidate development and protect the identities of the settlements, while strengthening and consolidating green belts. There is a strong onus to protect, maintain and enhance the natural heritage of the County and support sustainable transport. The economic focus is to maximise the strategic location of the County within the Dublin Region on support of the main towns, the airport, and the Metro North Economic Corridor. The manner in which the Development Plan seeks to implement the Objectives, has significant implications for the environment. Experience of planning in Ireland reflects that good sustainable policies can only be achieved when all aspects of the plan support that goal.

The Draft Development Plan consists of a Written Statement and Maps. The Written Statement is set out as follows:

- Introduction.
- Chapter 1, Strategic Overview, sets the context for the more detailed policies and objectives of the Development Plan, and includes the Strategic Aims and Policies which emerged from the Preliminary Consultation Process, the Core Strategy which demonstrates the compliance of the Plan with the National Spatial Strategy and Regional Planning Guidelines, and the strategic objectives for the principal development areas in the County. This section also includes a significant section on Environmental Overview and on Fulfilling the Requirements of Habitats Directive Assessment.
- Chapter 2 sets out the Council's objectives for the development of Enterprise and Employment and for the economic regeneration of the County.
- Chapter 3, Green Infrastructure, identifies the County's green resources and includes objectives for the networking and enhancement of green resources throughout the County.
- Chapter 4: Physical Infrastructure, contains the Council's objectives in relation to transportation, water services, surface water and flood risk management, energy, Information and Communications Technology (ICT), waste management, and air, light and noise pollution.
- Chapter 5, Natural Heritage, sets out the Council's proposals with regard to biodiversity, geology, landscape and the coast. This section also includes specific objectives addressing the

requirement for AA and also reinforcing the importance of protecting Fingal's Natura 2000 network.

- Chapter 6 contains the Council's objectives for the protection and enhancement of the County's Archaeology and Architectural Heritage.
- Chapter 7, Urban Fingal, sets out provisions in relation to urban design, urban centres, residential development, open space and community infrastructure.
- Chapter 8, Rural Fingal, includes the Council's proposals for rural resources, greenbelts, rural villages, rural clusters, housing in the countryside, and rural enterprise.
- Chapter 9 provides details of the different Land Use Zoning objectives applied to the various areas of the County.
- The Appendices include the Council's Housing Strategy and Retail Strategy, the Record of Protected Structures and Design Guidelines for Industrial Areas and for Rural Housing.

2.2 MAIN AIMS OF THE DEVELOPMENT PLAN

The draft Fingal Development Plan 2011-2017 aims to:

1. Plan for and support the sustainable development of Fingal as an integrated network of vibrant socially and economically successful settlements, strategic green belts and open countryside, supporting and contributing to the economic development of the County and of the Dublin City Region.
2. Provide for the future well being of the residents of the County by:
 - promoting the growth of economic activity and increasing employment opportunities
 - protecting and improving the quality of the built and natural environments
 - ensuring the provision of necessary infrastructure and community facilities.
3. Incorporate sustainable development, climate change adaptation, social inclusion and high quality design as fundamental values underpinning every aspect of the Development Plan.
4. Promote an appropriate balance of development across the County, by developing a hierarchy of high quality, vibrant urban centres and clearly delineated areas of growth.
5. Ensure an adequate supply of zoned lands to meet forecasted and anticipated economic and social needs, while avoiding an over supply which would lead to fragmented development, dissipated infrastructural provision and urban sprawl.
6. Foster the development of socially and economically balanced sustainable communities.

7. Facilitate the achievement of objectives contained in the Fingal Development Board Strategy.
8. Continue to influence regional and national planning and development policies in the interest of the County.
9. Co-operate with the Dublin and Mid-East Regional Authorities, local authorities and other agencies in meeting the needs and development requirements of the County and the Greater Dublin Area in accordance with the National Spatial Strategy and the Regional Planning Guidelines for the Greater Dublin Area.

2.3 STRATEGIC POLICY

The Strategic Policy will deliver on the Main Aims by seeking to:

1. Promote sustainable development by providing for the integration of economic, environmental, social and cultural issues into development plan policies and objectives, utilizing to that end the Strategic Environmental Assessment (SEA) and Habitats Directive Assessment (HDA) processes.
2. Minimise the County's contribution to climate change, and adapt to the effects of climate change, with particular reference to the areas of land use, energy, transport, water resources, flooding, waste management and biodiversity.
3. Contribute to the creation of a more socially inclusive society by providing for appropriate community infrastructure and improving access to information and resources.
4. Add quality to the places where Fingal's people live, work and recreate by integrating high quality design into every aspect of the Plan.
5. Promote and facilitate the long-term consolidation and growth of the county town of Swords in accordance with the Swords Strategic Vision 2035.
6. Consolidate the growth of the major centres of Blanchardstown and Balbriggan largely within their previously identified limits by encouraging infill rather than greenfield development and by intensification at appropriately identified locations.
7. Consolidate the development and protect the unique identities of the settlements of Howth, Sutton, Baldoyle, Portmarnock, Malahide, Donabate, Lusk, Rush and Skerries
8. Develop an enhanced identity and link with Fingal for the broader communities of Santry, Meakstown/Charlestown and Lanesborough and define them beyond a South Fingal Fringe settlement.

9. Safeguard the current and future operational, safety, and technical requirements of Dublin Airport and provide for its ongoing development within a sustainable development framework.
10. Promote enterprise and employment throughout the County, including the Metro North Economic Corridor and Blanchardstown, and work with the other Dublin Local Authorities to promote the Dublin City Region as an engine of economic recovery and growth for the region and the country.
11. Protect, maintain and enhance the natural and built heritage of the County.
12. Provide viable options for the retention of the rural community by the promotion of a controlled growth of the rural villages and clusters balanced with careful restriction of residential development in the countryside.
13. Strengthen and consolidate green belts around key settlements.
14. Seek the development of a high quality public transport system throughout and adjoining the County, including the development of Metro North and Metro West, improvements to the railway infrastructure and the facilitation of QBC's, together with enhanced facilities for walking and cycling and a roads infrastructure geared to the needs of the County.
15. Secure the timely provision of the water supply and drainage infrastructure necessary to facilitate the sustainable development of the County.
16. Secure the timely provision of other infrastructure essential to the sustainable development of the County, in particular in the areas of waste disposal, energy supply, renewable energy generation and ICT.
17. Ensure the timely provision of schools, recreational facilities, roads, waste water treatment facilities and emergency services, commensurate with the number of housing units proposed for construction on lands zoned for residential development.
18. Avoid building on areas liable to flooding or which would be liable to exacerbate flooding.
19. Facilitate the sustainable development of a new deep water port in the general vicinity of Bremore, together with associated landside activities within existing urban development areas. Safeguard the natural and archaeological heritage of the Bremore area, through a Local Area Plan which would prioritise transport infrastructure, minimise any negative impact of landside activities on nearby existing urban communities, and maximise the economic benefits to such communities, in the event of a new deep water port being developed in the general vicinity.

2.4 BRIEF DESCRIPTION OF THE NATURA 2000 SITES

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

Table 2.1 (cSACs) and Table 2.2 (SPAs) list the Natura 2000 sites that are within 15km of the plan area and Figure 2.1 shows their locations in relation to the plan area. The qualifying features for each site have been obtained through a review of the site synopses available from the NPWS website. The threats (Table 2.1) and conservation objectives (Table 2.5) have been obtained from NPWS information and from previous HDA which RPS have been engaged in e.g. Eastern River Basin Management Plan HDA (2008).

Table 2.1: cSACs within 15km of the Fingal Development Plan area.

Site Code	Site Name	Qualifying Feature		Threats
		Annex I habitat	Annex II Species	
001957	Boyne Coast and Estuary	Fixed Dunes*, Embryonic dunes, Shifting dunes with <i>Ammophila arenaria</i> , Estuaries, Mudflats and Sandflats, <i>Salicornia</i> and other annuals colonizing mud and sand, Atlantic salt meadows, Mediterranean salt meadows.		Reclamation of land; drainage; dredging; invasion of species; removal of fauna; coastal protection works; walking, horse-riding & non-motorised vehicles; trampling, overuse; paths, tracks & cycling routes; motorised vehicles; golf course, sports pitch; overgrazing; routes/autoroutes; pollution; discontinuous urbanisation; burning; competition.
002299	River Boyne and River Blackwater	Alkaline fens, Alluvial forests*.	<i>Salmo salar</i> (Atlantic salmon), <i>Lampetra fluviatilis</i> (river lamprey), <i>Lutra lutra</i> (otter).	Agriculture & land reclamation; drainage; peat cutting; afforestation; invasive species; fertilisation; overgrazing; pollution; felling of native trees species; planting of non-native conifers.
000204	Lambay Island	Vegetated sea cliffs.	<i>Halichoerus grypus</i> (grey seal).	Wastewater and industrial discharge, un-sewered properties, forestry, physical modifications.
000208	Rogerstown Estuary	Tidal mudflats and sandflats, estuaries, <i>Spartina</i> swards, Atlantic salt meadows, Mediterranean salt meadows, Marram dunes, Fixed dunes and <i>Salicornia</i> mud.		Aquaculture, recreational fishing; housing development; sewage outflow; industrialisation,; autoroutes; port/marina; motorised sports including boating; water pollution; reclamation of land; drainage; dredging; invasion of species; professional fishing; bait digging; removal of fauna; coastal protection works; natural transition of mudflats; natural die-back of species
000205	Malahide Estuary	Tidal mudflats and sandflats, Atlantic salt meadows, <i>Spartina</i> swards, Mediterranean salt		Walking, horse-riding, non-motorised vehicles, erosion, grazing, undergrazing, invasion by a species, trampling, overuse, camping

Site Code	Site Name	Qualifying Feature		Threats
		Annex I habitat	Annex II Species	
		meadows, <i>Salicornia</i> and other annuals colonizing mud and sand, Marram dunes, Fixed dunes*.		and caravans, agricultural improvement, stock feeding, overgrazing, motorised vehicles, paths, tracks, cycle routes, golf course, restructuring, sea defence, dispersed habitation, disposal of household waste, sand and gravel extraction, other pollution, sports pitch, urbanisation, burning, routes, autoroutes, fertilisation, pollution, competition
001398	Rye Water Valley/Carton	Petrifying springs with tufa formation*.	<i>Vertigo angustior</i> , <i>Vertigo moulinsiana</i> .	Agriculture & land reclamation; drainage; peat cutting; afforestation; invasive species; fertilisation; overgrazing; pollution
000199	Baldoye Bay	Tidal mudflats and sandflats, Atlantic salt meadows, <i>Spartina</i> swards, Mediterranean salt meadows, <i>Salicornia</i> and other annuals colonizing mud.		Aquaculture, professional fishing, bait digging, removal of fauna, aggregate extraction;(removal of beach material, industrialization, Port/Marina, communications networks, water pollution, reclamation of land, coastal protection works, invasion by a species, erosion & accretion, grazing, over-grazing, infilling, reclamation, horse-riding, amenity use, camping, tracks and electricity poles.
000202	Howth Head	Dry heath, Vegetated sea cliffs.		Fertilisation, grazing, restructuring land holdings, forestry, leisure fishing, hunting, disposal of household waste, nautical sports, water pollution, drainage and Invasive species, peat cutting, burning, afforestation.
002193	Ireland's Eye	Perennial vegetation of stony banks, Vegetated sea cliffs.		Reclamation of land; drainage; dredging; invasion of species; removal of fauna; coastal protection works; walking, horse-riding & non-motorised vehicles; trampling, overuse; paths, tracks & cycling routes; motorised vehicles; factory; sports pitch; overgrazing; routes/autoroutes; pollution; discontinuous urbanisation; burning; competition.
000206	North Dublin Bay	Tidal mudflats and sandflats, Atlantic salt meadows, <i>Spartina</i> swards, Mediterranean salt meadows, <i>Salicornia</i> and other annuals colonizing	<i>Petalophyllum ralfsii</i> (Petalwort)	Walking, horse-riding, non-motorised vehicles, erosion, grazing, undergrazing, invasion by a species, trampling, overuse, camping and caravans, agricultural improvement, stock feeding, overgrazing, motorised vehicles, paths, tracks, cycle

Site Code	Site Name	Qualifying Feature		Threats
		Annex I habitat	Annex II Species	
		mud, Marram dunes, Fixed dunes*, Embryonic dunes, Annual vegetation of drift lines.		routes, golf course, restructuring, sea defence, dispersed habitation, disposal of household waste, sand and gravel extraction, other pollution, sports pitch, urbanisation, burning, routes, autoroutes, fertilisation, pollution, competition.
000210	South Dublin Bay	Tidal mudflats and sandflats.		Aquaculture; professional fishing; bait digging; reclamation of land; coastal protection works; invasion by a species.
002122	Wicklow Mountains	Blanket bog; Species-rich <i>Nardus</i> grassland, Old oak woods, Wet heaths, Dry heaths, Alpine and boreal heaths; Siliceous scree, Siliceous rocky slopes with chasmophytic vegetation; Calcareous rocky slopes with chasmophytic vegetation; Oligotrophic to mesotrophic standing waters, Dystrophic lakes.	<i>Lutra lutra</i> (Otter)	Overgrazing, Quarrying, Outdoor Recreation, windfarm, fire/burning.
001209	Glenasmole Valley	Calcareous fen, Petrifying springs.		Encroachment; undergrazing; cultivation; fertiliser; abandonment of pastoral systems; extraction of sand and gravel; overgrazing; burning; agricultural improvement; removal of scrub.

Table 2.2: SPAs within 15km of the Fingal Development Plan area.

Site Code	Site Name	Annex I bird species and other bird species mentioned in the Site Synopsis
004080	Boyne Estuary	Golden Plover, Bar-tailed Godwit.
004158	River Nanny Estuary and Shore	Oystercatcher, Ringed Plover, Golden Plover, Knot, Sanderling, Black-headed Gull, Herring Gull.
004122	Skerries Islands	Golden Plover, Short -eared Owl.
004014	Rockabill	Roseate Tern, Common Tern, Arctic Tern.
004069	Lambay Island	Peregrine.
004015	Rogerstown	Golden Plover, Ruff.
004016	Baldoyle Bay	Golden Plover, Bar-tailed Godwit.
004025	Broadmeadow / Swords Estuary	Golden Plover, Bar-tailed Godwit, Ruff.
004113	Howth Head Coast	Peregrine, Kittiwake.
004117	Ireland's Eye	Peregrine.
004006	North Bull Island	Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Ringed Plover, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone and Black-headed Gull.
004024	South Dublin Bay And River Tolka Estuary	Light-bellied Brent Goose, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern.
004040	Wicklow Mountains	Merlin, Peregrine.

2.4.1 Conservation Objectives

In consultation relating to the Water Framework Directive draft River Basin Management Plans, NPWS have described the generic Conservation Objectives for Natura 2000 Sites where no Management Plan is yet available.

Generic Conservation Objectives for SPAs are as follows: “To maintain the bird species of special conservation interest for which the SPA has listed, at favourable conservation status.”

For cSACs, generic Conservation Objectives for cSACs are as follows: To maintain Annex I habitats and Annex II species for which the cSAC has been selected at favourable conservation status. To maintain the extent species richness and biodiversity of the entire site. To establish effective liaison and co-operation with landowners, legal users and relevant authorities.

The favourable conservation status of a species can be described as being achieved when: “population data on the species concerned indicate that it is maintaining itself, and the natural range of the species is neither being reduced or likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.”

Favourable conservation status of a habitat can be described as being achieved when: its natural range, and area it covers within that range, is stable or increasing, and the ecological factors that are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and the conservation status of its typical species is favourable as defined below.

2.5 ASSESSMENT CRITERIA

2.5.1 Elements of the Plan Likely to Give Rise to Impacts on the Natura 2000 Site

Table 2.1 and 2.2 list the Natura 2000 sites within and in proximity to the Plan area. There are 27 sites in all, 14 SACs and 13 SPAs. A number of the Natura 2000 sites lie within the boundaries of the draft Fingal Development Plan, therefore there is potential for direct impacts particularly as a result of disturbance to habitats and species from development and activities occurring through the implementation of the Plan's objectives and policies.

Consideration has been given to potential direct, indirect and secondary effects including but not limited to the following:

- Run off of pollutants during construction and operational phase of development;
- Loss of habitats as a result of development such as marinas, ports and jetties,
- Loss and disturbance to habitats due to land reclamation;
- Disturbance to habitats and species as a result of increased public access to protected sites, and increased recreational pressure e.g. development of footpaths and cycleways particularly along the coast etc;

- Inadequate wastewater treatment resulting in pollution of watercourses;
- Intensification and urbanization leading to habitat fragmentation.

2.5.2 Likely Changes to the Sites

The possible impacts that might arise from the draft plan have been examined in the context of a number of factors that could potentially affect the integrity of the Natura 2000 sites. Tables 2.3 and 2.4 present a summary of this exercise. Those sites for which potential effects and impacts have been identified will be taken forward to Stage 2 Appropriate Assessment. Those for which no potential impacts are anticipated as a result of implementation of the Plan do not require Stage 2 Appropriate Assessment and are 'screened-out' at this stage of the assessment.

Table 2.3 Possible Impacts on cSACs

Site Name	Reduction of Habitat Area	Disturbance to Key Species	Habitat or Species Fragmentation	Reduction in Species Density	Changes in Key Indicators of Conservation Value (Water Quality Etc.)
Boyne Coast and Estuary	None	N/A	None	N/A	None
River Boyne and River Blackwater	None	N/A	None	N/A	None
Lambay Island	None	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
Rogerstown Estuary	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
Malahide Estuary	Potential Impacts	Potential Impacts	Potential Impacts	N/A	Potential Impacts
Rye Water Valley/Carlton	None	None	None	None	None
Baldoyle Bay	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
Howth Head	Potential Impacts	N/A	Potential Impacts	N/A	Potential Impacts
Ireland's Eye	Potential Impacts	N/A	Potential Impacts	N/A	Potential Impacts
North Dublin Bay	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
South Dublin Bay	None	N/A	None	N/A	Potential Impacts
Wicklow Mountains	None	None	None	None	None
Glensamole Valley	None	N/A	None	N/A	None

Table 2.4 Possible Impacts on SPAs

Site Name	Reduction of Habitat Area	Disturbance to Key Species	Habitat or Species Range Fragmentation	Reduction in Species Density	Changes in Key Indicators of Conservation Value (Water Quality, etc.)
Boyne Estuary	None	N/A	None	N/A	None
River Nanny Estuary and Shore	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
Skerries Islands	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
Rockabill	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
Lambay Island	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
Rogerstown	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
Baldoyle Bay	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
Broadmeadow / Swords Estuary	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
Howth Head Coast	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
Ireland's Eye	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
North Bull Island	None	Potential Impacts	Potential Impacts	Potential Impacts	Potential Impacts
South Dublin Bay And River Tolka Estuary	None	None	None	None	Potential Impacts
Wicklow Mountains	None	None	None	None	None

2.6 SCREENING CONCLUSIONS

The likely impacts that will arise from the plan have been examined in the context of a number of factors that could potentially affect the integrity of the Natura 2000 network e.g. disturbance, habitat loss etc. and results of the Screening Assessment as presented in Tables 2.3 and 2.4. These tables indicate "None" for sites where there is no likelihood of negative impact on the Conservation Objectives or on the overall integrity of the site and "Potential Impact" for those sites where it is certain, likely or uncertain at this stage that impacts on the Natura 2000 network may arise as a result of implementation of the plan.

Following the screening stage of the process, eight SACs and eleven SPAs will be brought forward for Stage 2 Appropriate Assessment (Table 2.5).

Table 2.5: Summary of Sites Requiring Stage 2 Appropriate Assessment

Site Name	Site Code	Requirement for Stage 2 Appropriate Assessment
Lambay Island cSAC	000204	Required
Rogerstown Estuary cSAC	000208	Required
Malahide Estuary cSAC	000205	Required
Baldoyle Bay cSAC	000199	Required
Howth Head cSAC	000202	Required
Ireland's Eye cSAC	002193	Required
North Dublin Bay cSAC	000206	Required
South Dublin Bay cSAC	000210	Required
River Nanny Estuary and Shore SPA	004158	Required
Skerries Islands SPA	004122	Required
Rockabill SPA	004014	Required
Lambay Island SPA	004069	Required
Rogerstown SPA	004015	Required
Baldoyle Bay SPA	004016	Required
Broadmeadow / Swords Estuary SPA	004025	Required
Howth Head Coast SPA	004113	Required
Ireland's Eye SPA	004117	Required
North Bull Island SPA	004006	Required
South Dublin Bay And River Tolka Estuary SPA	004024	Required

3 STAGE 2 - APPROPRIATE ASSESSMENT

Nineteen sites have been brought forward for Stage 2 – Appropriate Assessment. Each individual objective in the draft Plan has been reviewed with respect to each identified Natura 2000 site and a determination has been made as to whether there is potential for any aspect of the objective, either alone or in combination with other related objectives, to impact on the integrity of the Natura 2000 site. Where a potential negative impact has been identified, mitigation measures have been proposed to reduce or eliminate the impact (see Chapter 4 of this document). In line with best practice, a hierarchy of mitigation, beginning with avoidance has been followed. Where avoidance is not possible, caveats have been added or changes to the wording of the objective have been identified which would mitigate the impact at this strategic level. None of the mitigation proposed in Chapter 4 of this document removes the legal obligation to carry out Appropriate Assessment at the project level where required by the provision of the Habitats Directive or implementing legislation in Ireland.

3.1 DETAILED DESCRIPTION OF THE NATURA 2000 SITES

Table 3.1 (cSACs) and Table 3.2 (SPAs) present details of the Natura 2000 Sites that were identified in the Screening Report for the Draft Plan (RPS, 2009) as having the potential to be impacted upon by the Policies, Objectives or zonings contained in the Plan. The qualifying features for each site have been obtained through a review of the site synopses available from the NPWS website. The threats and conservation objectives have been obtained from NPWS information and from previous AA processes which RPS have been engaged in e.g. Eastern River Basin Management Plan AA (2008).

Table 3.1: cSACs within 15km of the Fingal Development Plan Area

Site Code	Site Name	Qualifying Feature		Threats	Conservation Objectives
		Annex I habitat	Annex II Species		
001957	Boyne Coast and Estuary	Fixed coastal dunes with herbaceous vegetation (grey dunes)*, Embryonic shifting dunes, Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes), Estuaries, Mudflats and sandflats not covered by seawater at low tide, <i>Salicornia</i> and other annuals colonizing mud and sand, Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i> , Mediterranean salt meadows (<i>Juncetalia alicorn</i>), <i>Spartina</i> swards (<i>Spartinion maritimae</i>)		Reclamation of land; drainage; dredging; invasion of species; removal of fauna; coastal protection works; walking, horse-riding & non-motorised vehicles; trampling, overuse; paths, tracks & cycling routes; motorised vehicles; golf course, sports pitch; overgrazing; routes/autoroutes; pollution; discontinuous urbanisation; burning; competition	To maintain and, where possible, enhance the ecological value of the priority habitats within the site – fixed coastal dunes with herbaceous vegetation (grey dunes), Atlantic decalcified fixed dunes and petrifying springs with tufa formation To maintain and, where possible, enhance the ecological value of other habitats within the site To maintain and, where possible, increase populations of noteworthy species of plants To maintain

Site Code	Site Name	Qualifying Feature		Threats	Conservation Objectives
		Annex I habitat	Annex II Species		
					effective liaison between the NPWS, relevant authorities and interested parties on the management of the site
000204	Lambay Island	Vegetated sea cliffs of the Atlantic and Baltic coasts	Halichoerus grypus (Grey Seal)	Wastewater and industrial discharge, unsewered properties, forestry, physical modifications	<p>To maintain Annex I habitats and Annex II species for which the cSAC has been selected at favourable conservation status.</p> <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>
000208	Rogerstown Estuary	Tidal mudflats and sandflats, estuaries, Spartina swards, Atlantic salt meadows, Mediterranean salt meadows, Marram dunes, Fixed dunes and Salicornia mud.		<p>Aquaculture, recreational fishing; housing development; sewage outflow; industrialisation;; autoroutes; port/marina; motorised sports including boating; water pollution; reclamation of land; drainage; dredging; invasion of species; professional fishing; bait digging; removal of fauna; coastal protection works; natural transition of mudflats; natural</p>	<p>To maintain the Annex II species for which the cSAC has been selected at favourable conservation status.</p> <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>

Site Code	Site Name	Qualifying Feature		Threats	Conservation Objectives
		Annex I habitat	Annex II Species		
				die-back of species	
000205	Malahide Estuary	Tidal mudflats and sandflats, Atlantic salt meadows, Spartina swards, Mediterranean salt meadows, Salicornia mud, Marram dunes and fixed dunes.		Walking, horse-riding, non-motorised vehicles, erosion, grazing, undergrazing, invasion by a species, trampling, overuse, camping and caravans, agricultural improvement, stock feeding, overgrazing, motorised vehicles, paths, tracks, cycle routes, golf course, restructuring, sea defence, dispersed habitation, disposal of household waste, sand and gravel extraction, other pollution, sports pitch, urbanisation, burning, routes, autoroutes, fertilisation, pollution, competition	<p>To maintain Annex I habitats and Annex II species for which the cSAC has been selected at favourable conservation status.</p> <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>
000199	Baldoyle Bay	Tidal mudflats and sandflats, Atlantic salt meadows, Spartina swards, Mediterranean salt meadows and Salicornia mud.		Aquaculture, professional fishing, bait digging, removal of fauna, aggregate extraction; removal of beach material, industrialization, Port/Marina, communications networks, water pollution, reclamation of land, coastal protection works, invasive species, erosion & accretion, grazing, over-grazing, infilling, horse-riding, amenity	<p>To maintain Annex I habitats and Annex II species for which the cSAC has been selected at favourable conservation status.</p> <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>

Site Code	Site Name	Qualifying Feature		Threats	Conservation Objectives
		Annex I habitat	Annex II Species		
				use, camping, electricity poles	
000202	Howth Head	Dry heath and Vegetated sea cliffs.		Fertilisation, grazing, restructuring land holdings, forestry, leisure fishing, hunting, disposal of household waste, nautical sports, water pollution, drainage and Invasive species, peat cutting, burning, afforestation	<p>To maintain Annex I habitats and Annex II species for which the cSAC has been selected at favourable conservation status.</p> <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>
002193	Ireland's Eye	Perennial vegetation of stony banks and vegetated sea cliffs.		Reclamation of land; drainage; dredging; invasion of species; removal of fauna; coastal protection works; walking, horse-riding & non-motorised vehicles; trampling, overuse; paths, tracks & cycling routes; motorised vehicles; factory; sports pitch; overgrazing; routes/autoroutes; pollution; discontinuous urbanisation; burning; competition	<p>To maintain Annex I habitats and Annex II species for which the cSAC has been selected at favourable conservation status.</p> <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>
000206	North Dublin Bay	Tidal mudflats and sandflats, Atlantic salt meadows, <i>Spartina</i> swards, Mediterranean salt meadows, <i>Salicornia</i> mud, Marram dunes,	Petalophyllum ralfsii (Petalwort)	Walking, horse-riding, non-motorised vehicles, erosion, grazing, undergrazing, invasion by a	To maintain Annex I habitats and Annex II species for which the cSAC has been selected at favourable conservation

Site Code	Site Name	Qualifying Feature		Threats	Conservation Objectives
		Annex I habitat	Annex II Species		
		fixed dunes, Embryonic shifting dunes and annual vegetation of drift lines.		species, trampling, overuse, camping and caravans, agricultural improvement, stock feeding, overgrazing, motorised vehicles, paths, tracks, cycle routes, golf course, restructuring, sea defence, dispersed habitation, disposal of household waste, sand and gravel extraction, other pollution, sports pitch, urbanisation, burning, routes, autoroutes, fertilisation, pollution, competition	status. To maintain the extent species richness and biodiversity of the entire site. To establish effective liaison and co-operation with landowners, legal users and relevant authorities

Table 3.2: SPAs within Co Fingal Development Plan Area

Site Code	Site Name	Qualifying Feature Annex I species	Threats Identified in Site Synopsis
004080	Boyne Estuary SPA	Wintering wildfowl and waders, Golden Plover, Bar Tailed Godwit,	Human pressure in beach areas has increased in recent years . Dreging can cause disturbance to birds fish shellfish. Pollution and disturbance caused by factories upstream. Significant developments within the site could cause disturbance to wintering birds.
004122	Skerries Islands SPA	Breeding Seabirds and non-breeding Golden Plover, Short Eared Owl	No threats or pressures mentioned in site synopsis.
004014	Rockabill SPA	Breeding Seabirds Roseate Tern, Common Tern, Arctic Tern	No apparent threats to the nesting seabirds noted.
004069	Lambay Island SPA	Wintering wildfowl and waders, breeding Peregrine Falcon	<i>Lambay Island</i> SPA has essentially been maintained as a wildlife sanctuary by its owners since the early 20th century and the policy of preservation of wildlife continues. Rats may be causing some damage to the populations of burrow-nesting sea-birds. As Lambay is close to major shipping lanes, oil pollution is always a threat.
004015	Rogerstown SPA	Wintering wildfowl and waders, Golden Plover and Ruff	The inner parts of <i>Rogerstown Estuary</i> cSAC and <i>Rogerstown</i> SPA have been damaged by the Baleally Landfill, which covers 40 hectares of mudflat.
004016	Baldoyle Bay	Wintering wildfowl and waders, Golden Plover, Bar Tailed Godwit	The Site Synopsis for <i>Baldoyle Bay</i> SPA identified the main threat to the birds as disturbance and dumping, as it is located in a densely populated area. In particular, the dumping of spoil onto the foreshore presents a threat to the value of the site.
004025	Broadmeadow/Swords Estuary SPA	Wintering wildfowl and waders, Golden Plover, Bar-tailed Godwit and Ruff.	The Site Synopsis for <i>Broadmeadow / Swords Estuary</i> SPA identified it as a substantial river, which drains a mainly agricultural, though increasingly urbanised, catchment. The inner part of the estuary is heavily used for water sports, which causes disturbance to bird populations. A section of the outer estuary has been in-filled for a marina and housing development. Aquatic flora and fauna are vulnerable to all forms of pollution such as that which can occur as a

Site Code	Site Name	Qualifying Feature Annex I species	Threats Identified in Site Synopsis
			result of agricultural run-off and industrial and municipal effluents.
004113	Howth Head Coast SPA	Breeding seabirds and Peregrine Falcon.	The main land use within <i>Howth Head</i> cSAC is recreation, mostly walking and horse riding, and this has led to some erosion within the site. Fires also pose a danger to the site. There may also be a threat in some areas from further housing development.
004117	Ireland's Eye SPA	Breeding seabirds and Peregrine Falcon.	The principal direct threat to the nesting birds on <i>Ireland's Eye</i> SPA is potential disturbance from visitors to the island. Regulation and management of visitors on the island may be necessary in the future.
004006	North Bull Island SPA	Wintering wildfowl and waders, Golden Plover, Bar Tailed Godwit	No threats or pressures mentioned in site synopsis.
004158	River Nanny Estuary and Shore SPA	Wintering wildfowl and waders, Golden Plover, Bar Tailed Godwit	The main threat to the wintering birds at the <i>River Nanny Estuary and Shore</i> SPA is increased levels of disturbance by beach users.

3.1.1 The likely effects of the Plan on Natura 2000 Sites

Most of the Natura 2000 sites within the county are coastal and as the population of the region increases, the demands made on the coastline, its habitats and waters will grow. It is important that the coastal zone is managed and developed in a way that protects Natura 2000 Sites.

The unprecedented population and economic growth over the past number of years has put pressure on habitats and species within Fingal due to urban expansion, commercial development, housing and building in general, tourism and recreation and infrastructure provision. This has put strain on Fingal's protected sites through increased pressure from discharges e.g. from wastewater treatment, and increased recreational disturbance from residential expansion and intensification of existing developments.

Pressures on Fingal's coastline will come from the future development of ports, harbours and marinas, and a number of Objectives of the Plan propose development of these including the proposed Port in vicinity of Bremore, the exact location of which has not yet been determined. Demand is increasing for marinas and jetties in Rogerstown, Malahide and Skerries, which serve mainly recreational functions. The location and use of marinas and jetties needs to be carefully managed to prevent environmental degradation of the coastal area and potential impacts to water quality.

A number of Objectives in the Plan propose the development of footpaths and cycleways that either cross or run along the boundaries of Natura 2000 sites. Whilst it is acknowledged that such facilities are beneficial to people's enjoyment of the countryside and can be valuable in developing a public appreciation of the county's wildlife and biodiversity, it should also be recognised that pedestrians and

cyclists can cause a significant degree of disturbance to wildlife and particularly to birds including those for which the county's SPAs have been designated. Most of these Objectives are included in Chapter 1 and 9 of the Plan.

Other potential impacts associated with the Plan include:

- Run off of pollutants during construction and operational phase of development;
- Loss, fragmentation and disturbance to habitats due to continued development and development intensification;
- Inadequate wastewater treatment resulting in pollution of watercourses.

3.2 COMMITMENTS TO THE PROTECTION OF NATURA 2000 SITES IN THE DRAFT PLAN

A number of Sections of the Draft Plan discuss the provisions of the EU Habitats Directive; Natura 2000 Sites and the requirement for Habitats Directive Appropriate Assessment. In particular, a large part of Chapter 5, 'Natural Heritage', Section 5.2 'Biodiversity' is dedicated to these issues.

Chapter 1 Current Context contains a detailed description on how the requirements of the Habitats Directive and on how the plan intends on fulfilling these requirements.

Section 5.2 of the Draft Plan includes a detailed discussion of Appropriate Assessment and provides commitments that Fingal County Council will consult in an appropriate manner with prescribed bodies on Appropriate Assessment issues: "The Council will consult with the Prescribed Bodies, and other Government agencies where appropriate, when considering plans or projects which are likely to affect Natura 2000 sites (or those sites proposed to be designated as Natura 2000 sites)."

The text of Section 5.2 of the Draft Plan also makes a commitment to implement in full the provisions of Article 6 as follows: "In accordance with Article 6(3) of the Habitats Directive the Council will normally only grant permission in cases where it is clearly demonstrated that, a proposed development either individually, or in combination with other plans and projects, will not adversely affect the ecological integrity of a Natura 2000 site or sites. Following a finding that a proposed development will adversely affect the integrity of a Natura 2000 site planning permission may only be granted in exceptional cases, in the absence of any alternatives, for imperative reasons of over-riding public interest subject to the strict requirements of Article 6(4) of the Habitats Directive."

The commitments made in the text of Section 5.2 are backed-up by a number of stated Objectives. Objective BD8 acknowledges Fingal County Council's responsibility to protect the integrity of the Natura 2000 sites within the county: "Strictly protect areas designated or proposed to be designated as Natura 2000 sites (also known as European sites). These include Special Areas of Conservation (SACs) designated pursuant to the Habitats Directive and Special Protection Areas (SPAs) designated pursuant to the Birds Directive, a number of which have also been designated under the Ramsar Convention (see Green Infrastructure maps)."

Objective BD9 explains that this will be achieved through the process of Appropriate Assessment of proposed projects: "Ensure Appropriate Assessment is carried out for any plan or project, wherever

located, which individually, or in combination with other plans and projects, is likely to have a significant direct or indirect impact on any Natura 2000 site or sites.”

Further commitments to the quality of this Appropriate Assessment process are made in Objectives BD6 “Ensure that Statements for Appropriate Assessments and any other ecological impact assessments submitted in support of proposals for development are carried out by appropriately qualified professionals and that any necessary survey work takes place in an appropriate season”; and BD 10 “Ensure planning applications for proposed developments likely to have significant direct or indirect impacts on any Natura 2000 site or sites is accompanied by a Statement for Appropriate Assessment prepared in accordance with the Guidance issued by the Department of the Environment, Heritage and Local Government (*Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities*, December 2009)”.

In addition to the detailed consideration given to the requirement of Article 6 in Section 5.2 of the Draft Plan, other Sections of the Draft Plan also make reference to Natura 2000 Sites and to Appropriate Assessment as follows.

Chapter 1 ‘Introduction’, Section 1.1 ‘Current Overview, Environmental Overview’, includes a statement that: “... there are Natura 2000 sites all along the coast which the Council must protect pursuant to the requirements of the Habitats and Birds Directives”; and also states that: “A number of key environmental challenges can be identified for Fingal: [*inter alia*] protecting of the ecological integrity of Natura 2000 sites while allowing for ongoing growth and development.”

In Section 1.3 ‘Strategic Policy’ it is stated that: “The Strategic Policy will deliver on the Main Aims by seeking to 1. Promote sustainable development by providing for the integration of economic, environmental, social and cultural issues into development plan policies and objectives, utilizing to that end the Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) processes.”

Chapter 1 ‘Introduction’, Section 1.6 ‘Fingal’s Settlement Strategy’, includes reference to the requirement for Appropriate Assessment Screening in ‘Objective Rush 4’: ‘Preserve and improve the coastal amenities of Rush including the creation of a coastal walkway from Rogerstown Estuary to Rush Harbour as part of the Fingal Coastal Way subject to an Appropriate Assessment screening.”

Chapter 2 ‘Enterprise and Employment’, Section 2.7 ‘Tourism’, includes a statement that, “There will be a necessity to carry out an Appropriate Assessment screening where development would have direct or indirect impacts on a Natura site.”

In Chapter 3 ‘Green Infrastructure’, Section 3.1 Statement of Policy “Develop the Green Infrastructure network to ensure the conservation and enhancement of biodiversity, including the protection of Natura 2000 sites, the provision of accessible parks, open spaces and recreational facilities, the sustainable management of water, the maintenance of landscape character including historic landscape character and the protection and enhancement of the architectural and archaeological heritage. In section 3.2 there is a commitment in Objective GI04 of the Plan to “Ensure the protection of Fingal’s Natura 2000 sites is central to Fingal County Council’s Green Infrastructure Strategy and policy and ensure the protection of these sites is facilitated through Habitats Directive Appropriate Assessment of all plans and projects that are likely to have a significant affect on the Conservation Objectives of these sites.

Chapter 8 ‘Rural Fingal’, Section 8.4 ‘Rural Enterprise’ includes Objective RE30, “Support the provision of proposed long distance walking trails which give access to scenic coastal and river features, subject to Appropriate Assessment screening.”; and includes text stating, with reference to

the 'South Shore' area of Rush, that "The area also borders on Rogerstown Estuary, which hosts two Natura 2000 sites, Rogerstown Estuary SAC and Rogerstown Estuary SPA. These sites are subject to strict protection afforded by the Habitats Directive and the Council must ensure that development does not adversely affect the ecological integrity of these sites."

3.2.1 Determination of the Adequacy of the Draft Plan's Commitment to Commitments to the Protection of Natura 2000 Sites

It is considered that the Draft Plan is thorough and accurate with regard to the requirement for HDA Screening of projects that will or may be progressed as a result of adoption and implementation of the Draft Plan. The discussion of HDA in the Draft Plan is however orientated very much towards 'Projects' and relatively little consideration is given to the Appropriate Assessment of plans, which is also a requirement of Article 6.

The Draft Plan makes a number of commitments to the preparation, implementation or progression of various plans, programmes, strategies, frameworks, masterplans, LAPs etc and it is important that these are also screened for Appropriate Assessment before being adopted. In this regard, it is recommended that a new additional Objective is included in Section 5.2 of the Draft Plan in this regard (see Chapter 4 of this report).

A key reason for the requirement for HDA of plans as well as projects is to ensure that activities that do not require planning permission as projects are also screened and if necessary assessed. In this regard it is recommended that a second additional Objective is included in Section 5.2 of the Draft Plan (see Chapter 4 of this Report).

In several instances in the Draft Plan, specific Objectives make reference to the requirement for HDA screening. It is considered that a number of additional Objectives in the Draft Plan should make specific reference to the requirement for HDA screening. These are Objectives which it is considered would pose a particular threat to the integrity of Natura 2000 sites were they to be implemented in the absence of HDA screening. In some cases this is due to the characteristics of the proposals outlined in the Objective; in other cases it is due to the location(s) to which the Objective refers, or it may be a combination of these factors. Sections 4.2 and 4.3 of this Report details recommended amendments to specific Objectives of the Draft Plan in this regard, and also makes recommendations for additional Objectives where this is considered necessary. Each Chapter of the Draft Plan is discussed in sequence.

4 MITIGATION MEASURES

This section presents details of proposals for amendments to the objectives of the Plan. This mitigation, in the context of a strategic land use plan such as the Fingal County Development Plan should be viewed as mitigation to ensure that the no negative impacts arise on Natura 2000 sites as a result of implementation of the Plan. It is not intended to remove the need for a detailed consideration (project level AA) of specific proposals at the project level.

The path taken to arrive at the mitigation measures now proposed included an assessment of evolving policies and objectives as the development plan process was ongoing (based on the Managers Draft of the Plan). Based on preliminary findings from the AA on the Managers Draft, a meeting was held between members of RPS, the NPWS and Fingal County Council (March 2nd 2010) to discuss an approach to mitigation based on the preliminary recommendations from the AA and the most effective way to deliver the mitigation throughout the plan.

An assessment of the full draft of the Development Plan was then undertaken and based on the approach discussed with NPWS, mitigation measures have been proposed. This Chapter details the resultant recommended amendments to the Plan.

4.1 NEW OBJECTIVE EMPHASISING THE NEED FOR PROJECT-LEVEL HDA SCREENING

The preliminary draft of the HDA recommended that a large number of project-related Objectives should carry caveats specifying a requirement for project-level HDA Screening. It was agreed at the meeting (see above) that there was a need to reduce the extent of these caveats in favour of a more targeted approach. Whilst appreciating that some objectives do require such caveats, it was felt that in many cases it was not necessary and that instead, the requirement for many of the projects proposed by the plan to be subject to project-stage HDA Screening could be covered by one single Objective to this effect at the start of the relevant Chapter of the Plan. An important justification for this approach is that these project-related Objectives could not and would not be taken as stand alone entities, but would always be considered within the context of the Plan as a whole. Hence, it is proposed that the following Objective is inserted into the Section entitled "Fulfilling the Requirements of the Habitats Directive" in Section 1.1 of the Plan:

"Ensure that all activity in the County that might impact negatively upon the conservation objectives of Natura 2000 Sites, will be subject to Habitats Directive Assessment Screening."

This commitment should also be repeated in the following Chapters of the Plan. In each case it should be inserted as an Objective of the Plan:

- In Chapter 2, within each of the following Sections:
 - Section 2.3 Land Use and Zoning,
 - Section 2.7 Tourism,
 - Section 2.9 Dublin Airport,
 - Section 2.10 Ports, Marinas and Jetties,
 - Section 2.12 Seveso Directive;
- At the beginning of Chapter 4;
- In Chapter 5, in Section 5.5 The Coast;
- In Chapter 8, within each of the following Sections:
 - Section 8.3 Rural Living; sub-section 'Housing in the Countryside',
 - Section 8.3 Rural Living; sub-section 'South Shore Area of Rush',
 - Section 8.4 Rural Enterprise; sub-section 'Golf Courses',
 - Section 8.4 Rural Enterprise; sub-section 'Water Based Sports',

- Section 8.4 Rural Enterprise; sub-section 'Land Reclamation and Aggregate Extraction'; and
- At the beginning of the 'Local Area Objectives' section of Chapter 9.

One further new Objective is proposed to be added to the Plan as follows:

Chapter 5, Section 5.2: A new Objective should be included in Chapter 5, Section 5.2 which acknowledges the requirement for Appropriate Assessment Screening of any plans, programmes, strategies, frameworks, masterplans, LAPs etc that are prepared, implemented or progressed as a result of Objectives of the Draft Plan by specifying that these are screened for Appropriate Assessment before being adopted. Hence, the following new Objective should be included in Section 5.2 under 'BD':

"Where an Objective of the Plan includes reference to the future adoption of any plans, programmes, strategies, frameworks, masterplans, LAPs, etc.; Fingal County Council will ensure that these have undergone Habitats Directive Assessment Screening, and they will only be implemented once it has been established that any negative impacts on Natura 2000 Sites can be avoided or mitigated. Where the adoption of these plans, programmes, strategies, etc, results in the implementation of projects, Fingal County Council will ensure that these projects, whether or not they are subject to planning permission, are also subject to HDA Screening."

4.2 PROJECT-SPECIFIC AND LOCATION-SPECIFIC OBJECTIVES THAT REQUIRE CAVEATS

It was agreed during discussions between RPS, NPWS and Fingal County Council that in a number of cases where Objectives of the Plan are specific to either a particular project or a particular location and it is considered very likely that some level of conflict will arise between the Objective and the need to protect the Natura 2000 sites, caveats should be amended to those Objectives. The following amendments to Objectives are therefore recommended.

4.2.1 Chapters 1 to 8

Chapter 1; Objective Donabate 3, to: "Develop a continuous network of signed pathways around Donabate Peninsula and linking the Peninsula to Malahide and Rush via the Rogerstown and Malahide estuaries whilst ensuring the protection of designated sites."

Should be amended to:

"Develop a continuous network of signed pathways around Donabate Peninsula and linking the Peninsula to Malahide and Rush via the Rogerstown and Malahide estuaries whilst ensuring the protection of designated sites through HDA Screening."

Chapter 1; Objective Rush 9, to: "Prepare and implement the Rogerstown Estuary Management Plan"

Should be amended to:

“Prepare and implement the Rogerstown Estuary Management Plan, and subject the Management Plan to Habitats Directive Appropriate Assessment prior to its adoption.”

Chapter 1; Objective Skerries 7, to: “Promote the development of marine sports and recreational facilities in Skerries, subject to the identification of suitable location and the feasibility of developing such facilities in keeping with the character of the built and natural environment and coastal amenities of the town of Skerries, in consultation with the local community.”

Should be amended to:

“Promote the development of marine sports and recreational facilities in Skerries, subject to the identification of suitable location and the feasibility of developing such facilities in keeping with the character of the built and natural environment and coastal amenities of the town of Skerries, in consultation with the local community and subject to Habitats Directive Appropriate Assessment including consideration of the possibility of indirect impacts on the Conservation Objectives of *Skerries Islands* SPA and of *Rockabill* SPA. .”

Chapter 4, Objective TO1, to: “Support the sustainability principles set out in the *National Spatial Strategy*, the Dublin Transportation Office’s *A Platform for Change 2000-2016*, the *Regional Planning Guidelines for the Greater Dublin Area* and the document ‘*Smarter Travel, A Sustainable Transport Future 2009 – 2020*’ and ensure that land use and zoning are integrated with transportation, especially along public transport corridors/nodes and at accessible urban sites.”

Should be amended to:

“Support the sustainability principles set out in the *National Spatial Strategy*, the Dublin Transportation Office’s *A Platform for Change 2000-2016*, the *Guidelines for Planning Authorities, Appropriate Assessment of Plans and Projects in Ireland*, the *Regional Planning Guidelines for the Greater Dublin Area* and the document ‘*Smarter Travel, A Sustainable Transport Future 2009 – 2020*’ and ensure that land use and zoning are integrated with transportation, especially along public transport corridors/nodes and at accessible urban sites.”

Chapter 4, Objective WQ4, to: “Protect existing riverine wetland and coastal habitats and where possible create new habitats to maintain naturally functioning ecosystems.”

Should be amended to:

“Protect existing riverine wetland and coastal habitats and where possible create new habitats to maintain naturally functioning ecosystems, whilst ensuring they do not impact negatively on the conservation objectives of any Natura 2000 sites.”

Chapter 5, Objective CT19 “Plan and develop the Fingal Coastal Way from north of Balbriggan to Howth taking full account of the need to protect the natural and cultural heritage of the coast and the need to avoid significant impacts on Natura 2000 sites and species protected by law.”

Should be amended to:

“Investigate the feasibility of developing the Fingal Coastal Way from north of Balbriggan to Howth taking full account of the need to protect the natural and cultural heritage of the coast and the need to avoid significant adverse impacts on Natura 2000 Sites and on species protected by law.”

4.2.2 Chapter 9 Local Area Objectives

Sheet No 5 (Skerries), Objective SK1. “Prepare a Masterplan for the harbour area incorporating mixed-use development including community/recreational and marina/water sports facilities with improved accessibility and enhanced off-street car-parking.”

Both the *Skerries Islands* SPA and *Rockabill* SPA are designated on the basis of their breeding seabird populations. Rockabill in particular is an Internationally Important site that also enjoys National ‘Refuge for Fauna’ status. Seabirds feed over a wide area of the sea around these designations and there is therefore a relatively high risk of indirect impacts on these SPAs if these seabird feeding areas suffer any negative impact. Hence, it is considered that an amendment is required to the following Objective making specific reference to this potential and for the requirement for HDA screening of the proposed Masterplan. Hence, this Objective should be amended to read:

“Prepare a Masterplan for the harbour area incorporating mixed-use development including community/recreational and marina/water sports facilities with improved accessibility and enhanced off-street car-parking. With regard to watersports, the Masterplan will also, through the HDA process, take full account of the important seabird colony SPAs that exist in the vicinity of Skerries”

Sheet No 6B (Rush) MD 6B.1: “Develop a marina and auxiliary and associated facilities designed and built in accordance with sustainable ecological standards and avoiding significant adverse impacts on the Natura 2000 sites and species protected by law.”

This Objective proposes the development of a Marina within the boundary of both *Rogerstown Estuary* cSAC and *Rogerstown Estuary* SPA. It is considered highly likely that project-level HDA would conclude that such a development would have unacceptable negative impacts on the conservation objectives of these Natura 2000 sites. Based on a hierarchy of mitigation, avoidance is considered the best approach in this case. It is therefore recommended that this Objective should not be included in the Plan. Should any consideration be given to its inclusion, the need for Appropriate Assessment Screening should be included in the objective.

Sheet 7 (Donabate and Portrane), Objectives 150 and 151 are worded identically and discuss the proposed development of Donabate Southern bypass, the proposed route of which runs close to the boundaries of both *Rogerstown Estuary* SPA and *Rogerstown Estuary* cSAC. An amendment to include for HDA screening of the proposed road is recommended for both Objectives, 150 and 151, as follows:

“Development in the area shall be conditional on the satisfactory outcome of the detailed topographical, hydrological and visual/landscape/environmental impact assessments. The layout and design of the future residential area shall provide for visual mitigation measures including substantial set backs from the road boundaries (Hearse Road & Coast Road & Balcarrick Road). The route of the Donabate Southern bypass shall be conditional on the satisfactory outcome of detailed topographical, and visual/landscape impact assessments in tandem with these assessments a Traffic Management Plan shall be prepared for the town centre. The Coast Road to continue to function only as a local service access with traffic management. Viewing lay-bys to be provided along the road. The area alongside the southwestern and southern boundaries including the River Pill and bridge to form part of the pedestrian walkway/wildlife area. An independent pedestrian walkway and wildlife area to be

reserved along the railway embankment and alongside the southwestern and southern boundaries, to link with the Broadmeadow and the Malahide Estuaries, Newbridge Demesne and railway station. Natural/neutral colours to be used in building materials.”

Should be amended to read:

“Development in the area shall be conditional on the satisfactory outcome of the detailed topographical, hydrological and visual/landscape/environmental impact assessments including HDA Screening. The layout and design of the future residential area shall provide for visual mitigation measures including substantial set backs from the road boundaries (Hearse Road & Coast Road & Balcarrick Road). The route of the Donabate Southern bypass shall be conditional on the satisfactory outcome of detailed topographical, and visual/landscape impact assessments in tandem with these assessments a Traffic Management Plan shall be prepared for the town centre. The Coast Road to continue to function only as a local service access with traffic management. Viewing lay-bys to be provided along the road. The area alongside the southwestern and southern boundaries including the River Pill and bridge to form part of the pedestrian walkway/wildlife area. An independent pedestrian walkway and wildlife area to be reserved along the railway embankment and alongside the southwestern and southern boundaries, to link with the Broadmeadow and the Malahide Estuaries, Newbridge Demesne and railway station. Natural/neutral colours to be used in building materials.”

Sheet 7 (Donabate and Portrane), Objectives 155, proposes upgrading of the railway line that crosses both *Rogerstown Estuary* SPA and *Rogerstown Estuary* cSAC. Such upgrading could have negative impacts on the conservation of both Natura 2000 sites and an amendment to this Objective is therefore recommended as follows:

“Provide for the upgrade of the railway line and facilities to Donabate .”

Should be amended to read:

“Provide for the upgrade of the railway line and facilities to Donabate Omit of Dart services subject to HDA screening.”

Sheet 9 (Malahide / Portmarnock), Objective 181, is to: “Facilitate water based leisure activities.” This Objective refers to the inner part of Rogerstown Estuary, within the boundaries of both *Rogerstown Estuary* SPA and *Rogerstown Estuary* cSAC. It is not considered appropriate to include such an objective in the plan as its implementation would be highly likely to result in negative impacts on the conservation objectives of these two Natura 2000 sites. Based on a hierarchy of mitigation, avoidance is considered the best approach in this case. It is therefore recommended that this Objective should not be included in the Plan. Should any consideration be given to its inclusion, the need for Appropriate Assessment Screening should be included in the objective.

Sheet 9 (Malahide / Portmarnock), Objective 186, is to: “Accommodate marine based activity within the estuarine area and fringe to the west of the rail line at Bissetts Strand including boardwalk and berthing facilities whilst ensuring that the visual and environmental amenity of the area is protected.” This Objective refers to the inner part of Rogerstown Estuary, within the boundaries of both *Rogerstown Estuary* SPA and *Rogerstown Estuary* cSAC. It is not considered appropriate to include such an objective in the plan as its implementation would be highly likely to result in negative impacts on the conservation objectives of these two Natura 2000 sites. Based on a hierarchy of mitigation, avoidance is considered the best approach in this case. It is therefore recommended that this Objective should not be included in the Plan. Should any consideration be given to its inclusion, the need for Appropriate Assessment Screening should be included in the objective.

Sheet 10 (Baldoyle / Howth), Objective 337, is to: “Maintain and protect the public amenity of the beach and improve public access to the beach.” The beach in this area is included within the boundary of *Baldoyle Bay* SPA and improved access to the beach could potentially result in increased levels of disturbance to the birds which are the qualifying feature of the SPA. It is recommended that any Objective to increase access in this area should be preceded by a study to determine whether or not such a proposal would negatively affect the birds; this is best achieved through HDA screening. Hence, it is recommended that this Objective is amended as follows:

“Maintain and protect the public amenity of the beach and improve public access to the beach, provided such increased public access is shown, through the process of HDA screening to be compatible with the conservation objectives of *Baldoyle Bay* SPA.”

Sheet 10 (Baldoyle / Howth), Objectives 308 and 315 relate to the development of Racecourse Park at Baldoyle. This site lies adjacent to the boundaries of both *Baldoyle Bay* cSAC and *Baldoyle Bay* SPA and it is therefore important that any development in this area takes account of the potential for negative impacts on this area through the process of HDA. It is therefore recommended that Objective 315 is amended as follows:

“Develop the Racecourse Park subject to Appropriate Assessment Screening.”

Sheet 15 (Green Infrastructure 1), Objective GIM8, to: “Provide new Regional Parks at the following locations: Baleally Lane, Mooretown/Oldtown (Swords), Baldoyle, and Dunsink.” The proposed location of the Regional Parks at Baleally Lane and at Baldoyle are immediately adjacent of the boundaries of *Rogerstown Estuary* SPA and cSAC and *Baldoyle Bay* SPA and cSAC respectively and it is therefore important that any development in these areas takes account of the potential for negative impacts on these designations through the process of HDA. It is therefore recommended that Objective 315 is amended as follows:

“Provide new Regional Parks at the following locations: Baleally Lane, Mooretown/Oldtown (Swords), Baldoyle, and Dunsink subject to HDA screening.”

4.3 PROJECT SPECIFIC AND LOCATION SPECIFIC OBJECTIVES THAT REQUIRE REFERENCE TO SUSTAINABILITY

It was agreed during discussions between RPS, NPWS and Fingal County Council that for some non-site-specific or location-specific project-related Objectives, appending a caveat is unnecessary and may in fact give the false impression that those project-related objectives without caveats are not subject to HDA Screening. It was recommended that such objectives make reference to the need to ensure sustainability.

The following amendments to Objectives are therefore recommended:

Chapter 1, Objective Portrane 5, to: “Ensure the sensitive coastal estuarine area of The Burrow is adequately protected.”

Should be amended to:

“Ensure the sensitive coastal estuarine area of The Burrow is adequately protected and is sustainable.”

Chapter 2, Objective EE76, to: “Support the continuation and, where possible, expansion of marine fishing, aquaculture and mariculture enterprises in co-operation with relevant agencies and facilitate the development of onshore processing units, provided such developments are located in or adjacent to existing developed areas and are consistent with the land use zoning and nature conservation objectives of the area.”

Should be amended to:

“Support the continuation and, where possible, expansion of marine fishing, aquaculture and mariculture enterprises in co-operation with relevant agencies and facilitate the development of onshore processing units, provided such developments are sustainable and are located in or adjacent to existing developed areas and are consistent with the land use zoning and nature conservation objectives of the area.

4.4 CHAPTER 9 ZONINGS

Chapter 9 presents the Council’s zoning policies and definitions. Zoning are illustrated spatially on the ‘Zoning Map’. The purpose of zoning is to indicate the land use objectives for all the lands within the County. Zoning aspires to promote the orderly development of the County by eliminating potential conflicts between incompatible land uses, and to establish an efficient basis for investment in public infrastructure and facilities.

It should be noted that the portions of Natura 2000 Sites located below the high tide mark are not zoned on the Zoning map because these lie outside the remit of the Plan which ends at the high water mark. This includes the majority of the areas of *Rogerstown Estuary* cSAC, *Rogerstown SPA*, *Malahide Estuary* cSAC, *Broadmeadows / Swords Estuary SPA*, *Baldoyle Bay* cSAC and *Baldoyle Bay SPA*.

4.4.1 Zoning

Most of the zoned land within Natura 2000 Sites and most of the land immediately adjacent to them is zoned as ‘High Amenity’. This zoning allows the following to be ‘Permitted in Principle’:

Agricultural Buildings, Agri-Tourism, Bed and Breakfast*, Burial Grounds, Carpark*1, Childcare Facilities*, Guest House*, Health Practitioner*, Holiday Home/Apartments*2, Home-Based Economic Activity*, Offices Ancillary to Permitted Use, Open Space, Residential*3, Restaurant/Café*4.

* Where the use is ancillary to the use of the dwelling as a main residence.

*1 Ancillary to permitted or existing use only.

*2 Only allowed in situations where the development involves conversion of a protected structure.

*3 Subject to conformance with the rural settlement strategy.

*4 Ancillary to tourist facility and development involves conversion of a protected structure.

Whilst there is potential for some of these forms of development to result in negative impacts on the conservation objectives of Natura 2000 sites should they be permitted, it is considered that the Council's commitments to HDA that are presented in the Draft Plan, including the amendments proposed in this Report, will be sufficient to prevent inappropriate development from occurring within the boundaries of the Natura 2000 sites.

4.4.2 Other Zonings

Small areas of land immediately adjacent to Natura 2000 site boundaries (and therefore in locations where the risk of indirect impacts on the Sites is relatively high) are zoned 'Open Space' and 'Residential'. It is considered that the Council's commitments to HDA that are presented in the Draft Plan, including the amendments proposed in this Report, will be sufficient to prevent inappropriate development in these areas.

4.5 CONCLUSION

Whilst there is potential for some of these forms of development to result in negative impacts on the conservation objectives of Natura 2000 sites should they be permitted, it is considered that the Council's commitments to HDA that are presented in the Draft Plan, including the amendments proposed in this Report, will be sufficient to prevent inappropriate development from occurring within the boundaries of the Natura 2000 sites.

There is still some important work to complete before the CDP can be adopted. This will include recording and considering comments received during consultations on the draft Plan, SEA Environmental Report and Habitats Directive Assessment. The next step in the SEA and Plan process will be a 10-week consultation period. During this time comment on the findings of the Environmental Report, the Habitats Directive Assessment and the content of the draft Plan may be submitted for consideration. The table below outlines the remaining steps in Plan and SEA process.

Date	Milestone	
	County Development Plan	Strategic Environmental Assessment
April 1, 2010	Publication of the draft Plan	Publication of Environmental Report
June 14, 2010	End of consultation	End of consultation

Written submissions or observations are now invited with respect to the draft Plan, associated Environmental Report and Habitats Directive Assessment. Written submissions or observations marked 'Draft Development Plan' should be forwarded for the attention of the Senior Executive Officer on or before June 14, 2010 (contact details below). Online submissions or observations may be made through the website www.fingalcoco.ie/yourfuture.

Senior Executive Officer
 Planning Department
 Fingal County Council
 County Hall
 Swords

Co. Dublin

These submissions / observations will be taken into consideration before finalisation of the Plan. Early responses would be appreciated to allow more time to clarify and resolve issues that may arise.

References

RPS (2009). Water Framework Directive River Basin Management Plans and Programmes of Measures - Eastern River Basin District. RPS Group, 2009.

DoEHGL (2009). *Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities*. Department of the Environment, Heritage and Local Government.

DoEHGL (2010). *Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities*. Department of the Environment, Heritage and Local Government.

ERBD (2008). WFD River Basin Management Plans and Programmes of Measures – ERBD. Habitats Directive Article 6 Assessment.

Fingal county council (Jan 2010). Manager Draft Written Statement

RPS (Jan 2010). Draft Habitats Directive Assessment Report.