

Kildare County Council

Kildare Town Local Area Plan 2023 - 2029

AA Concluding Statement

Reference:

Draft | 28 November 2023



© Enter image copyright here

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 278388-00

Ove Arup & Partners Ireland Limited
50 Ringsend Road
Dublin 4
D04 T6X0
Ireland
arup.com

Document Verification

Project title Kildare Town Local Area Plan 2023 - 2029
Document title AA Concluding Statement
Job number 278388-00
Document ref
File reference

Revision	Date	Filename
Version 1	10 November 2023	AA Concluding Statement Kildare Town Plan

Prepared by	Checked by	Approved by
	Sinead Whyte	
Name		
Signature		

Revision	Date	Filename
Version 2	24 November 2023	SEA concluding Statement Kildare Town Plan

Prepared by	Checked by	Approved by
	Sinead Whyte	
Name		
Signature		

Issue Document Verification with Document

Contents

1.	Introduction	3
1.1	Legislative Background	3
2.	AA screening	4
3.	Consultation	4
4.	Conclusion	4
5.	AA Draft Determination	5
6.	AA Final Determination	5

1. Introduction

The Kildare Town Local Area Plan (LAP) 2023–2029 has been prepared in accordance with the requirements and provisions of the Planning and Development Act 2000 (as amended). It sets out an overall strategy for the proper planning and sustainable development of Kildare Town in the context of the Kildare County Development Plan 2023–2029 and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA). It is also informed by Ministerial Guidelines issued pursuant to Section 28 of the Planning and Development Act 2000 (as amended) together with EU requirements regarding Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment (SFRA).

The Kildare Town LAP provides the main public statement of planning policies and objectives for Kildare Town for the Plan duration (2023-2029). The policies and objectives are critical in determining the appropriate location and form of different types of development as the LAP is the primary statutory land use policy framework against which planning applications are assessed.

The objectives of the LAP are also used by Kildare County Council (KCC) to guide their activities and to indicate priority areas for action and investment by the Council such as the sustainable development of Kildare Town and focusing on attracting employment into the town and or enhancing the town as a centre for tourism.

The Kildare Town LAP is a key document for setting out a vision for how Kildare Town should develop over the years 2023-2029.

1.1 Legislative Background

Article 6(3) of the Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (hereafter referred to as the Habitats Directive) sets out the requirement for Appropriate Assessment (AA).

The Habitats Directive has been transposed into Irish domestic legislation through the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) as amended. An AA is an assessment that determines the precise nature and extent of the potential impacts of the plan or programme and whether, alone, or in combination with other plans or programmes, the plan or programme will have adverse effects on the integrity of any European site which can be described as the coherent sum of the site's ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of a species for which the site is designated.

In accordance with these EU and national legislative requirements for the assessment of the effects of plans and projects on European Sites, a Screening for AA of the Kildare Town LAP has been prepared.

This document is an AA Conclusion Statement for the Kildare Town LAP.

The purposes of the AA process is to inform KCC of the potential for likely significant effects and subsequently any potential for adverse impacts on the integrity of European sites arising from the Kildare Town LAP.

2. AA screening

There are five European designated sites within the Zone of Influence (ZoI) of the Plan, namely Pollardstown Fen SAC, Mouds Bog SAC, Ballynafagh Lake SAC, River Barrow and River Nore SAC and Ballynafagh Bog SAC.

Of these five European designated sites, there is only a potential impact pathway identified between the area covered by the Plan, and one site, namely the River Barrow and River Nore SAC. This is a hydrological connection via the Tully Stream and Armour Stream, along 13km of watercourse (including five confluences), to the Finnelly River which is designated as part of the River Barrow & River Nore SAC.

The potential for LSE of each individual objective/land-use zoning in the Plan on the integrity of the River Barrow & River Nore SAC has been systematically considered, and it is recommended that all objectives can be screened out from AA.

3. Consultation

Statutory and public consultation was undertaken during the preparation of the Kildare Town LAP in relation to AA.

A period of public, statutory consultation process took place during 21st March and 3rd May 2023 to gather feedback on the Draft Kildare Town LAP and supporting environmental assessments.

Statutory consultation took place from 4th August to 4th September 2023, to gather feedback on the proposed material alterations to the draft LAP (and accompanying AA screening addendum).

The content of submissions and comments received during each consultation period were considered by Arup and Kildare County Council, and amendments were made in response to those consultation inputs, where considered appropriate.

4. Conclusion

Having considered the Kildare LAP and the conclusions of the AA screening, it can be concluded, for the purposes of Article 6(3) of the Habitats Directive that the adoption of the Kildare LAP would not adversely affect the integrity of a European site (whether individually or in combination with other plans or projects).

5. AA Draft Determination

Following their review of the findings of the Appropriate Assessment (AA) Screening Report, Kildare County Council, as the competent authority for AA issued a determination on the Draft Kildare Local Area Plan 2023-2029 which set out the Council's opinion that,

Having regard to the content of the Draft Kildare Town Local Area Plan 2023-2029 and consideration of the potential for significant effects arising from its implementation which may have the potential to adversely affect any Natura 2000 site with regard to their Qualifying Interests and Conservation Objectives as well as considering other plans and projects, and applying the precautionary principle, it is the view of Kildare County Council that it is clear that there is no likelihood of significant effects on any European sites.

In conclusion, in accordance with Article 6(3) of the Habitats Directive and Section 177U of the Planning and Development (Amendment) Act 2010 (as amended), taking into account all matters relevant it has been determined that the draft Plan, individually or in combination with other plans or projects, there is no likelihood of significant effect on a European Site and a Natura Impact Statement is not required for the draft Plan.

A final AA determination will be made on the LAP before adoption takes place. This determination will take into account any other documents prepared and submitted during the plan preparation process and any written submissions made on the draft plan and associated documents while they are on public display.

6. AA Final Determination

See overleaf.



Kildare Town Local Area Plan 2023-2029

Appropriate Assessment (AA) Screening Determination in accordance with the EU's Habitats Directive Article 6(3) and the Section 177U of the Planning and Development Act 2000 (as amended)

An Appropriate Assessment (AA) Screening determination has been made by Kildare County Council regarding the Kildare Town Local Area Plan (LAP) 2023 - 2029.

The Kildare Town LAP, through a series of Objectives and Policies, will set out the vision and direction for the future development of the Kildare Town area up to 2029. Proposed land use plans and proposed variations must undergo a formal 'test' or 'screening' to ascertain whether they are likely to result in any significant adverse effects on specific sites designated for their nature conservation importance. These sites are those designated under the European Commission's Natura 2000 network of sites (hereafter 'European sites'). These sites are designated on the basis of the presence of certain habitats and species that are deemed to be of international importance. The Irish Government and local planning authorities have a legal obligation to protect these sites. The EC Habitats and Birds Directives are the framework for the designation of these sites. The EC Habitats Directive requires the 'screening' of plans and projects under Article 6(3). If the screening process results in a judgement that likely significant effects may occur or cannot be ruled out, then a more detailed 'appropriate assessment' (AA) is required.

There are five European designated sites within the Zone of Influence (ZoI) of the Plan, namely Pollardstown Fen SAC, Mouds Bog SAC, Ballynafagh Lake SAC, River Barrow and River Nore SAC and Ballynafagh Bog SAC.

Determination

Having regard to the content of the Kildare LAP 2023-2029 and consideration of the potential for significant effects arising from its implementation which may have the potential to adversely affect any Natura 2000 site; with regard to their Qualifying Interests and Conservation Objectives, it was determined on the basis of the findings of the Appropriate Assessment Screening Report, that the Kildare Town LAP 2021-2027 individually or in-combination with other plans or projects, would not be likely to have a significant effect on European sites, in view of the said sites' conservation objectives. This decision has been informed by analysis prepared by Arup in addition to the Kildare Town LAP 2023-2029 and other material pertinent to the European Sites held by the Council.

In conclusion, in accordance with Article 6(3) of the Habitats Directive and Section 177U of the Planning and Development (Amendment) Act 2010 (as amended), taking into account all matters relevant it has been determined that the Kildare Town LAP 2023-2029 individually or in-combination with other plans or projects, would not be likely to have a significant effect on European sites, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Signed

Signatory (Approved Officer):

Director of Services, Planning, Enterprise, Economic Development and Emergency Services

Date

29th November 2023