

Amendment

No.1



Comhairle Contae an Chláir
Clare County Council

Shannon Town and Environs Local Area Plan 2012–2018

Amendment No. 1

17th June 2019

To change the zoning of part of the lands at Illaunmanagh, Shannon, to a revised land use zoning objective of 'Community' to facilitate an extension to the existing Burial Ground.

Appropriate Assessment - Natura Impact Report

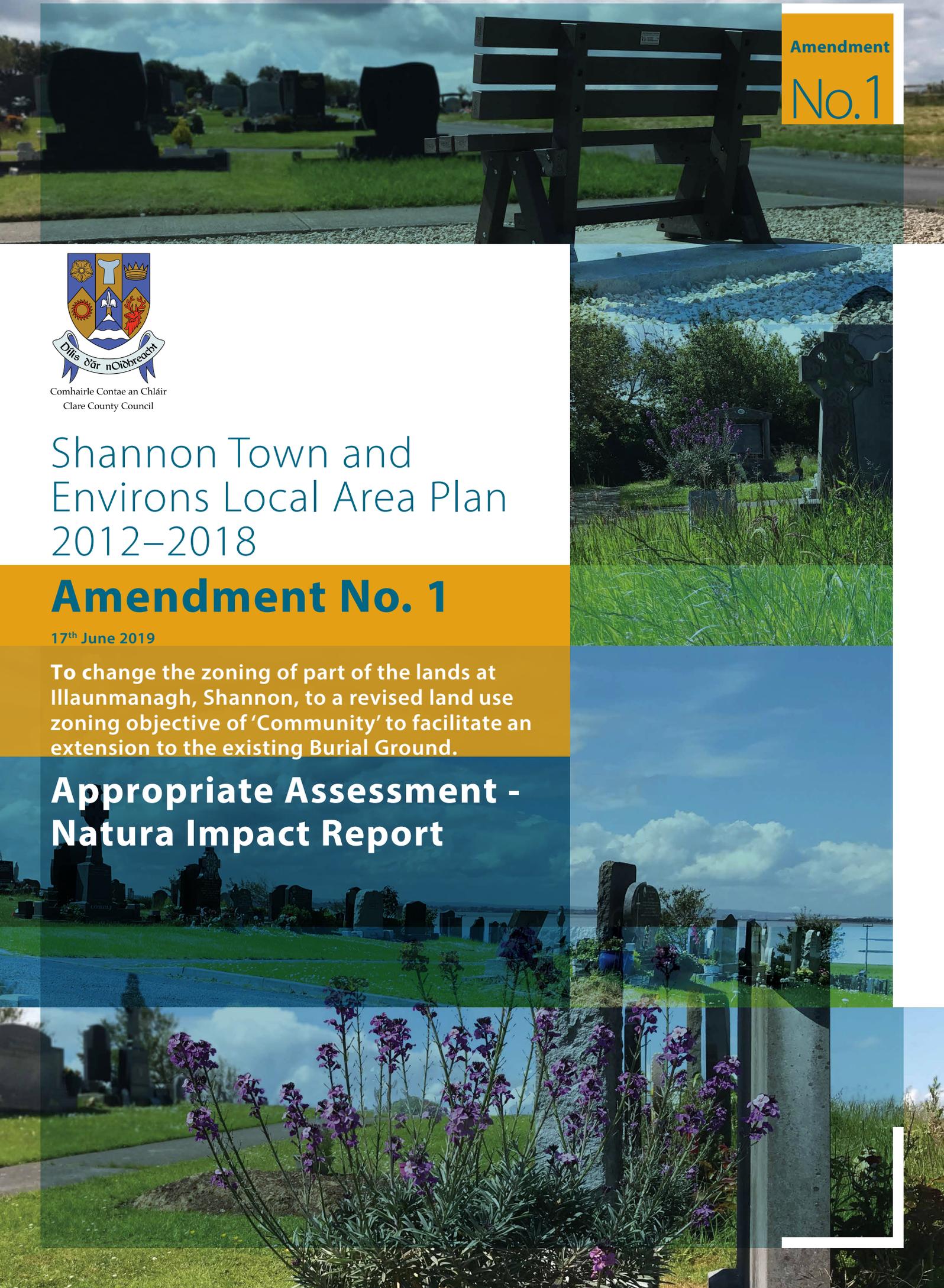


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1 INTRODUCTION

1.1 Background

McCarthy Keville O'Sullivan Ltd. (MKO) has been appointed by Clare County Council to provide the information necessary to allow the competent authority to conduct an Appropriate Assessment in accordance with the requirement of Article 6(3) of the Habitats Directive (Directive 92/43/EEC) for a proposed amendment to the Shannon Town and Environs Local Area Plan (LAP) 2012 – 2018. It is proposed to change the zoning of part of the lands at Illaunmanagh, Shannon, which are currently zoned as OS5 'Open Space' to a revised land use zoning of 'Community C18', in order to facilitate an extension to the existing burial ground at this location.

1.2 Article 6(3) AA Screening Conclusion

An Article 6(3) Appropriate Assessment Screening Report was prepared and is provided in **Appendix 1**. The screening assessment concluded:

It cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed amendment to the plan, individually or in combination with other plans and projects, would have a significant effect on the identified European sites.

Consequently, an appropriate assessment of the proposed amendment to the plan is required, and a Natura Impact Report will be prepared.

1.3 Appropriate Assessment Methodology

This report has been prepared in accordance with the European Commission guidance document 'Assessment of Plans and Projects Significantly affecting Natura 2000 Sites' (EC, 2001) and the Department of the Environment's guidance "Appropriate Assessment of Plans and Projects in Ireland" (DoEHLG, 2010).

The following relevant documents were considered in the preparation of this report:

1. Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018)
2. Interpretation Manual of European Union Habitats. EUR 28. (EC, 2013)
3. Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities (DoEHLG, 2010)
4. Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC: Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission (EC, 2007)
5. 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 (EC, 2001)
6. Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2000)
7. Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (EC, 1992)

2 DETAILS OF THE PROPOSED AMENDMENT

2.1 Background

The Shannon Town and Environs Local Area Plan (LAP) 2012 – 2018 sets out the land-use plan for the proper planning and sustainable development of the settlement of Shannon and its environs. On 12th June 2017, the elected members of Clare County Council resolved to defer the making of a new Shannon Town and Environs LAP.

In conjunction with the Clare County Development Plan 2017 – 2023 (as varied), the Shannon Town and Environs LAP 2012 – 2018 provides the statutory basis for the consideration by Clare County Council of applications for planning permission within the LAP area.

2.2 Purpose of the Proposed Amendment

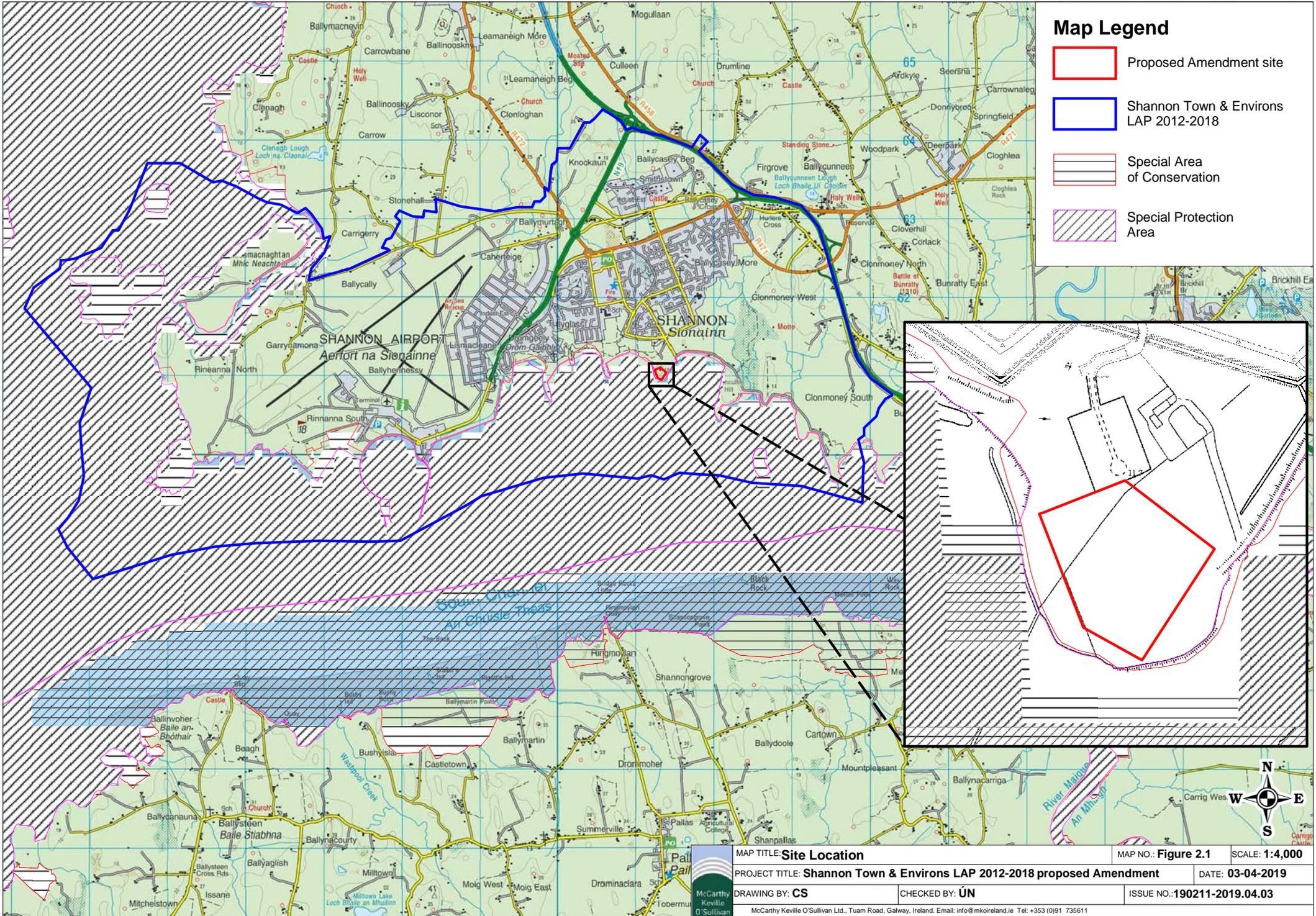
It is proposed to change the zoning of part of the lands at Illaunmanagh, Shannon, which are currently zoned as OS5 'Open Space' to a revised land use zoning objective of 'Community C18' in order to facilitate an extension to the existing Burial Ground at this location. The amended land use zoning for part of the lands currently zoned as OS5 is proposed as follows;

Community C18

'The lands are zoned as Community to solely facilitate the extension of the Illaunmanagh Burial Ground. Any proposed development to extend the Burial Ground onto these lands shall be subject to the requirement to undertake an appropriate assessment at project level.'

The proposed Amendment site is located at the site of the current community allotments, adjacent to the existing Illaunmanagh burial ground. The only access is through the existing burial ground. There has been significant disturbance and cultivation of the allotment sites over the years for use as garden allotments. The proposed amendment site area measures 1.25 hectares.

Figure 2.1 illustrates the Shannon Town and Environs LAP 2012-2018 boundary and the location of the proposed Amendment site at Illaunmanagh.



3 IMPACT ASSESSMENT & MITIGATION

The proposed amendment is specific to lands at Illaunmanagh, Shannon and relate specifically to the revised land use zoning to facilitate an extension to the existing burial ground at this location.

The AA Screening Report, included as **Appendix 1** of this document, uses a precautionary approach given the lack of detailed project level information associated with the proposed amendment, and screens in the potential for significant effects on a number of SACs and SPAs within the Likely Zone of Impact.

Table 3.1. Impact Assessment

Proposal	Mitigation	Residual Impact
<p>Clare County Council intends to amend the Shannon Town and Environs LAP 2012 - 2018, to change the zoning of part of the lands at Illaunmanagh, Shannon, which are currently zoned as OS5 'Open Space' to a revised land use zoning of 'Community C18' in order to facilitate an extension to the existing burial ground at this location.</p>	<p>The lands will be zoned as Community to solely facilitate the extension of the Illaunmanagh Burial Ground.</p> <p>Any proposed development to extend the Burial Ground onto these lands will be subject to appropriate assessment process at project level.</p> <p>The competent authority will only grant consent having ascertained that the project, either individually or in combination with other plans and projects, will not be likely to significantly affect/adversely affect the integrity of any European Sites.</p>	<p>The implementation of the proposed amendment will not adversely affect the integrity of any European site.</p>

3.1.1 Recommended Appropriate Assessment Procedure

As required under the Habitats Directive and as set out under S.I.477 of 2011 Clare County Council (as the developing authority) must undertake 'screening' to assess whether or not the project - either individually or in combination with other plans or projects - is likely to have a significant effect on any SAC or SPA (whether surrounding, adjoining or remote), in view of both the conservation objectives of that Natura site and best scientific knowledge.

If a significant effect is likely or where uncertainty exists, Clare County Council must prepare a Natura Impact Statement (NIS). Upon receipt of the NIS, the consenting authority will undertake an 'appropriate assessment', primarily to gauge the nature of the impact and the effectiveness of any avoidance, amelioration or mitigation measures proposed to avoid adverse effects on the integrity of the Natura site(s) concerned.

Screening for Appropriate Assessment, and the Appropriate Assessment itself, will be carried out in accordance with Regulation 42 of the European Communities (Birds & Natural Habitats) Regulations 2011. When carrying out the Appropriate Assessment (if required), it must include a determination under Article 6(3) of the Habitats Directive as to whether or not the project would adversely affect the integrity of the Natura site(s) concerned. The assessment carried out under Article 6(3) cannot have any deficiencies or data / information gaps and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of a project on the Natura site(s) concerned.

The consenting authority can approve the application only after it has ascertained – either at screening or at Appropriate Assessment – that the project, individually or in combination with other plans or projects is not likely to have a significant effect on/adversely affect the integrity of any European site.

4 CUMULATIVE IMPACTS

4.1 Relationship with Other Relevant Plans and Programmes

The Shannon Town and Environs LAP 2012 – 2018 sits within a hierarchy of international, national, regional and county level policy guidelines, which feed progressively down to the Local Area Plan. The LAP adheres to policy and strategic options which are pre-determined by higher level plans and guidelines, particularly the Clare County Development Plan 2017 – 2023 (as varied) and a wider range of relevant plans and programmes.

A full list of all the relevant documents that were considered in this assessment is provided as Appendix 2. This includes international, national, county and local policy documents, strategies and guidance.

4.1.1 Conclusions of In-Combination Impact Assessment

Following consideration of the potential effects it is noted that the proposed amendment on its own, will not result in any adverse effects on any European Site.

In reviewing the plans/programmes listed above, it was noted that none had objectives that could lead to adverse effects on the natural environment and many contained policies that actively promoted the protection of it. Many also had specific objectives to protect European Sites.

No potential for adverse cumulative impacts were identified when the proposed amendment was considered in combination with any of the plans/programmes listed above.

5 CONCLUDING STATEMENT

5.1 Characteristics of the Proposed Plan

Description of Project

The proposed amendment is described in Section 2 of this report.

Is the plan directly connected with or necessary to the management of the site?

The proposed amendment is not directly connected with or necessary to the management of any European Site.

Are there any other plans/projects or plans that together with the project being assessed could affect the site?

The proposed Amendment will have no individual or in combination impacts on any European site in any regard.

5.2 Assessment of Significance of Effects

Describe how the project is likely to affect the Natura 2000 sites

Any proposed development to extend the Burial Ground at Illaunmanagh Shannon will be subject to a requirement to undertake an appropriate assessment at project level.

There will be no adverse effect on any European site as a result of the implementation of the proposed amendment.

5.3 Data Collected to Carry Out Assessment

In preparation of the report, the following sources were used to gather information:

- Review of NPWS published information on European Sites including Site Synopses, Natura 2000 Standard Data Forms, European Site mapping and Conservation Objectives for European Sites
- Review of other plans and projects within the area.

5.4 Integrity of the European Sites

Based on the objective information gathered and the predictions made about the changes that are likely to result from the implementation of the proposed amendment, the integrity of site checklist, as per Box 10 of EC, 2002, is completed in Table 5.1 below.

Table 5.1 Integrity of site checklist and assessment for European Sites

Does the plan have the potential to:	Assessment	Residual Impact: Yes/No
Conservation objectives		
Cause delays in progress towards achieving the conservation objectives of the site?	Implementation of the proposed amendment will not cause delays or interrupt progress towards achieving the conservation objectives of the European Sites.	No
Interrupt progress towards achieving the conservation objectives of the site?		No
Disrupt those factors that help to maintain the favourable conditions of the site?	Implementation of the proposed amendment will not disrupt those factors that help to maintain the favourable conditions of the site European Sites.	No
Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site?	Implementation of the proposed amendment will not interfere with the balance, distribution and density of key species that are the indicators of the favourable condition European Sites.	No
Other Indicators		
Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem?	Implementation of the proposed Amendment will not cause changes to the structure and function of the habitats or ecosystems of any European Sites.	No
Change the dynamics of the relationships (between, for example, soil and water or plants and animals) that define the structure and/or function of the site?		No
Interfere with predicted or expected natural changes to the site (such as water dynamics or chemical composition)?	No potential significant impacts on any QI of any European site has been identified.	No
Reduce the area of key habitats?	There will be no reduction in area of key habitat.	No
Reduce the population of key species?	Implementation of the proposed Amendment will not reduce the population of key species or change the balance between Key species. The proposed amendment is not anticipated to result in a reduction in diversity within any European site.	No
Change the balance between key species?		No
Reduce diversity of the site?		No

Does the plan have the potential to:	Assessment	Residual Impact: Yes/No
Result in disturbance that could affect population size or density or the balance between key species?		No
Result in fragmentation?	Implementation of the proposed Amendment will not results in fragmentation.	No
Result in loss or reduction of key features (e.g. tree cover, tidal exposure, annual flooding, etc.)?	No Key features will be lost as a result of the implementation of the proposed Amendment.	No

5.5 Conclusion

It can be concluded, on the basis of objective scientific information, that the proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan (LAP) 2012 – 2018, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.

Appendix 1

Appropriate Assessment - Screening Report

Article 6(3) Appropriate Assessment Screening Report

Proposed Amendment to Shannon Town and
Environs Local Area Plan 2012 - 2018



Planning & Environmental Consultants

DOCUMENT DETAILS

Client: Clare County Council

Project title: Shannon Town and Environs LAP 2012-2018 Amendment

Project Number: 190211

Document Title: Article 6(3) Appropriate Assessment Screening Report

Doc. File Name: AASR F – 2019.04.03 – 190211

Prepared By: McCarthy Keville O'Sullivan Ltd.

Planning & Environmental Consultants
Tuam Road,
Galway



Document Issue:

Rev	Status	Issue Date	Document File Name	Author(s)	Approved By:
01	Draft	05.03.2019	AASR D1 – 2019.03.05 - 190211	ÚN	JH
02	Final	11.03.2019	AASR F – 2019.03.11– 190211	ÚN	JH
03	Final	03.04.2019	AASR F – 2019.04.03 – 190211	ÚN	JH

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Appendices

- Appendix 1 Relevant International, National & Other Policy Documents, Strategies & Guidance

1 INTRODUCTION

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The proposed plan is not directly connected with, or necessary for, the management of any European site, consequently the project has been subject to the appropriate assessment process. This report specifically assesses the potential for the proposed amendment to impact on European sites.

This report has been prepared in accordance with the European Commission guidance document '*Assessment of Plans and Projects Significantly affecting Natura 2000 Sites*' (EC, 2001) and the Department of the Environment's guidance "*Appropriate Assessment of Plans and Projects in Ireland*" (DoEHLG, 2010).

The following relevant documents were considered in the preparation of this report:

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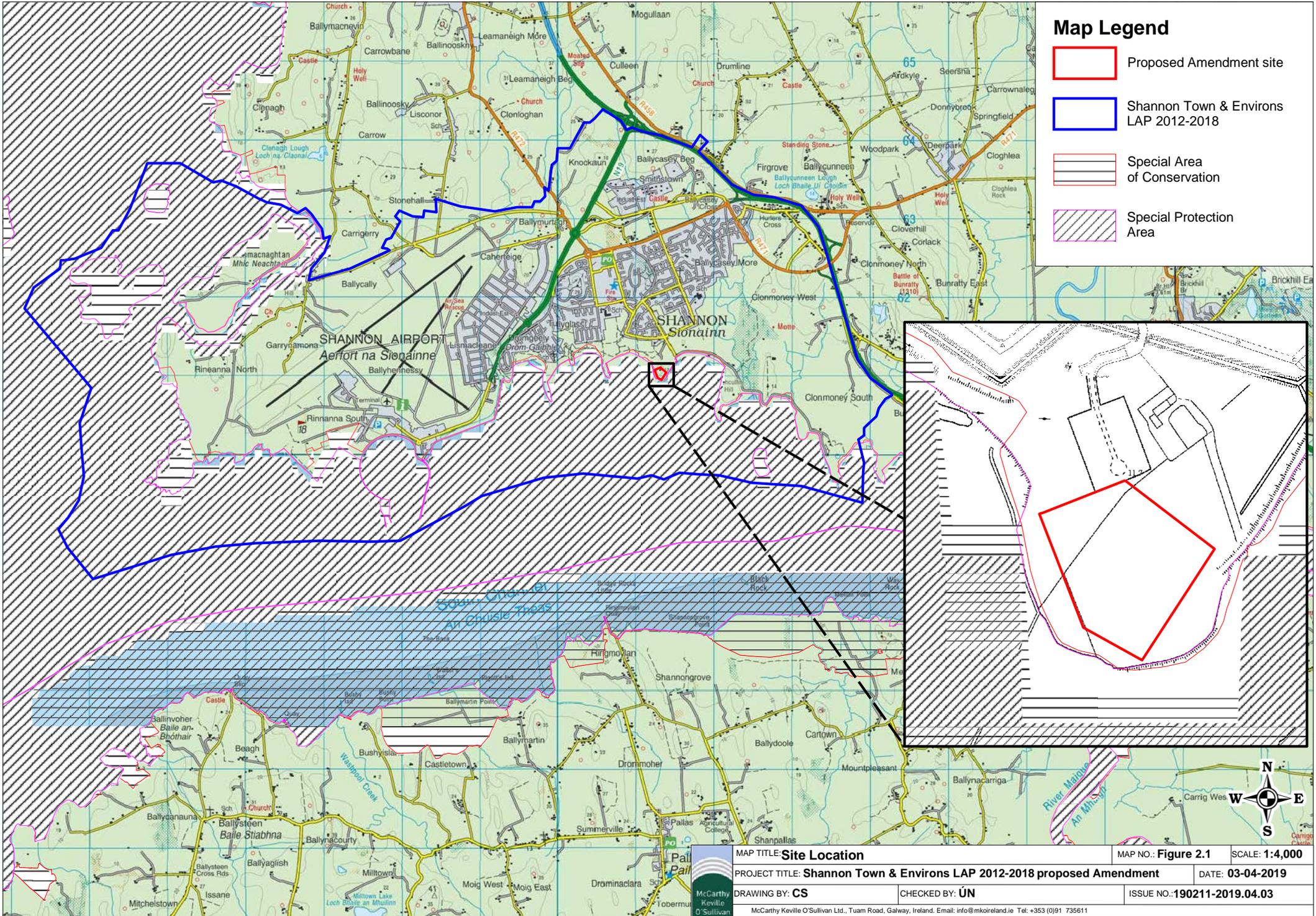
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Figure 2.1 illustrates the Shannon Town and Environs LAP 2012-2018 LAP boundary and the location of the proposed Amendment site at Illaunmanagh.



Map Legend

- Proposed Amendment site
- Shannon Town & Environs LAP 2012-2018
- Special Area of Conservation
- Special Protection Area

	MAP TITLE: Site Location		MAP NO.: Figure 2.1	SCALE: 1:4,000
	PROJECT TITLE: Shannon Town & Environs LAP 2012-2018 proposed Amendment			
	DRAWING BY: CS		CHECKED BY: ÜN	
			ISSUE NO.: 190211-2019.04.03	

3 IDENTIFICATION OF RELEVANT EUROPEAN SITES

3.1 Background to European Sites

The Habitats Directive (92/43/EEC) (together with the Birds Directive (2009/147/EC)) forms the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natura 2000 network of protected sites and the strict system of species protection. The Directive protects over 1,000 animal and plant species and over 200 "habitat types" (e.g. special types of forests, meadows, wetlands, etc.), which are of European importance.

With the introduction of the EU Habitats Directive and Birds Directive which were transposed into Irish law as S.I. No. 94/1997 *European Communities (Birds and Natural Habitats) Regulations 1997*, the European Union formally recognised the significance of protecting rare and endangered species of flora and fauna, and also, more importantly, their habitats. The 1997 Regulations and their amendments were subsequently revised and consolidated in S.I. No. 477/2011- *European Communities (Birds and Natural Habitats) Regulations 2011*. This legislation requires the establishment and conservation of a network of sites of particular conservation value that are to be termed 'European Sites'.

Habitats Directive/Special Areas of Conservation

Articles 3 – 9 of the EU Habitats Directive (92/43/EEC) provide the EU legislative framework of protecting rare and endangered species of flora and fauna, and habitats. **Annex I** of the Directive lists habitat types whose conservation requires the designation of **Special Areas of Conservation (SAC)**. Priority habitats, such as Turloughs, which are in danger of disappearing within the EU territory are also listed in Annex I. **Annex II** of the Directive lists animal and plant species (e.g. Marsh Fritillary, Atlantic Salmon, and Killarney Fern) whose conservation also requires the designation of SACs.

Birds Directive/Special Protection Areas

Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (Birds Directive) has been substantially amended several times. In the interests of clarity and rationality the said Directive was codified in 2009 and is now cited as Directive 2009/147/EC. The Directive instructs Member States to take measures to maintain populations of all bird species naturally occurring in the wild state in the EU (**Article 2**). Such measures may include the maintenance and/or re-establishment of habitats in order to sustain these bird populations (**Article 3**).

A subset of bird species has been identified in the Directive and are listed in **Annex I** as requiring special conservation measures in relation to their habitats. These species have been listed on account of inter alia: their risk of extinction; vulnerability to specific changes in their habitat; and/or due to their relatively small population size or restricted distribution. **Special Protection Areas (SPAs)** are to be identified and classified for these Annex I listed species and for regularly occurring migratory species, paying particular attention to the protection of wetlands (**Article 4**).

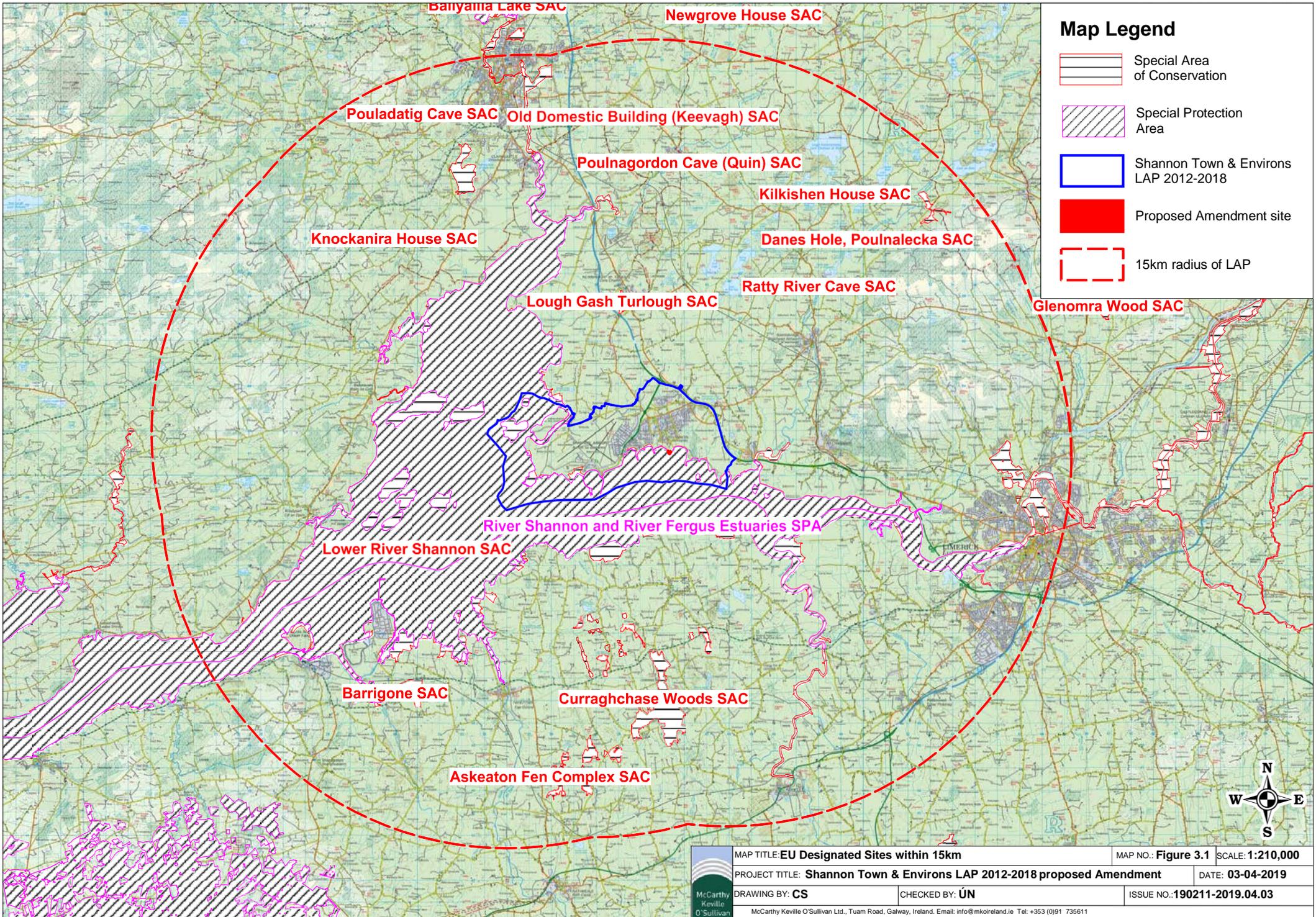
3.2 European Sites within the Likely Zone of Impact

The most up to date GIS spatial datasets for surface water catchments and European designated sites were downloaded from the EPA website (www.epa.ie) and NPWS website (www.npws.ie), respectively on the 03/04/2019. Using the GIS software, MapInfo (V.10.0), European sites within the Likely Zone of Impact¹ of the LAP boundary were identified. The following rationale was used to identify the Likely Zone of Impact.

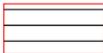
Initially, sites within a 15 km radius of the Shannon Town and Environs LAP 2012-2018 LAP boundary were identified (DoEHLG, 2010). In addition, using the precautionary principle, European sites located outside the 15 km buffer zone were also taken into account and assessed where potential pathways for impact were identified and particularly where hydrological connectivity could be established. In this case, no potential for impacts on European sites located outside the 15 km buffer radius were identified. Figure 3.1 shows the location of the LAP boundary in relation to all European sites within 15 km.

Table 3.1 lists all European sites that were considered to be within the Likely Zone of Impact. The site synopses and conservation objectives of these sites, as per the NPWS website (www.npws.ie), were considered at the time of preparation of this report (03/04/2019). Details of these sites, including their distance from the LAP boundary and from the proposed Amendment site at Illaunmanagh, are provided in Table 3.1 below.

¹ Zone of Likely Impact is a term used in DoEHLG (2010). Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities. Revision, February 2010. Department of the Environment, Heritage and Local Government. Zone of Influence is used in NRA documentation and Guidelines.



Map Legend

-  Special Area of Conservation
-  Special Protection Area
-  Shannon Town & Environs LAP 2012-2018
-  Proposed Amendment site
-  15km radius of LAP

	MAP TITLE: EU Designated Sites within 15km	MAP NO.: Figure 3.1	SCALE: 1:210,000	
	PROJECT TITLE: Shannon Town & Environs LAP 2012-2018 proposed Amendment		DATE: 03-04-2019	
	DRAWING BY: CS	CHECKED BY: ÚN	ISSUE NO.: 190211-2019.04.03	
	<small>McCarthy Keville O'Sullivan Ltd., Tuam Road, Galway, Ireland. Email: info@mkofireland.ie Tel: +353 (0)91 735611</small>			

Table 3.1. European Sites within the Likely Zone of Impact

European Site	Distance (km)	Qualifying Interests/Special Conservation Interests for which the European Site has been designated (www.npws.ie 03/04/2019)	Conservation Objectives
Special Areas of Conservation (SAC)			
Lower River Shannon SAC [002165]	Within & outside LAP boundary. 0.009 km from proposed Amendment site	<ul style="list-style-type: none"> ▪ Sandbanks which are slightly covered by sea water all the time [1110] ▪ Estuaries [1130] ▪ Mudflats and sandflats not covered by seawater at low tide [1140] ▪ Coastal lagoons [1150] ▪ Large shallow inlets and bays [1160] ▪ Reefs [1170] ▪ Perennial vegetation of stony banks [1220] ▪ Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] ▪ Salicornia and other annuals colonising mud and sand [1310] ▪ Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] ▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] ▪ Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and Callitriche-Batrachion vegetation [3260] ▪ Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] ▪ Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] ▪ <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] ▪ <i>Petromyzon marinus</i> (Sea Lamprey) [1095] ▪ <i>Lampetra planeri</i> (Brook Lamprey) [1096] ▪ <i>Lampetra fluviatilis</i> (River Lamprey) [1099] ▪ <i>Salmosalar</i> (Salmon) [1106] ▪ <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] ▪ <i>Lutra lutra</i> (Otter) [1355] ▪ 	Detailed conservation objectives for this site (Version 1, August 2012) were reviewed as part of the assessment and are available at www.npws.ie
Lough Gash Turlough SAC (000051)	3.2km from LAP boundary	<ul style="list-style-type: none"> ▪ Turloughs [3180] ▪ Rivers with muddy banks with <i>Chenopodion rubri p.p.</i> and <i>Bidention p.p.</i> vegetation [3270] 	Detailed conservation objectives for this site (Version 1, November 2017) were reviewed as part of the assessment and are available

European Site	Distance (km)	Qualifying Interests/Special Conservation Interests for which the European Site has been designated (www.npws.ie 03/04/2019)	Conservation Objectives
	6.5km from proposed Amendment site		at www.npws.ie
Askeaton Fen Complex SAC (002279)	5.1km from LAP boundary 7.3km from proposed Amendment site	<ul style="list-style-type: none"> ▪ Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] ▪ Alkaline fens [7230] 	Detailed conservation objectives for this site (Version 1, May 2018) were reviewed as part of the assessment and are available at www.npws.ie
Ratty River Cave SAC (002316)	6.6km from LAP boundary 9.4km from proposed Amendment site	<ul style="list-style-type: none"> ▪ Caves not open to the public [8310] ▪ <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] 	Detailed conservation objectives for this site (Version 1, July 2018) were reviewed as part of the assessment and are available at www.npws.ie
Curraghchase Woods SAC (000174)	7.1km from LAP boundary 8.7km from proposed Amendment site	<ul style="list-style-type: none"> ▪ Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] ▪ <i>Taxus baccata</i> woods of the British Isles [91J0] ▪ <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] 	Detailed conservation objectives for this site (Version 1, July 2018) were reviewed as part of the assessment and are available at www.npws.ie
Barrigone SAC (000432)	8.4km from LAP boundary 14.9km from proposed	<ul style="list-style-type: none"> ▪ Juniperus communis formations on heaths or calcareous grasslands [5130] ▪ Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] 	Detailed conservation objectives for this site (Version 1, February 2019) were reviewed as part of the assessment and are available at www.npws.ie

European Site	Distance (km)	Qualifying Interests/Special Conservation Interests for which the European Site has been designated (www.npws.ie 03/04/2019)	Conservation Objectives
	Amendment site	<ul style="list-style-type: none"> ▪ Limestone pavements [8240] ▪ <i>Euphydryas aurinia</i> (Marsh Fritillary) [1065] 	
Knockanira House SAC (002318)	8.8km from LAP boundary 15.4km from proposed Amendment site	<ul style="list-style-type: none"> ▪ <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] 	Detailed conservation objectives for this site (Version 1, July 2018) were reviewed as part of the assessment and are available at www.npws.ie
Newhall and Edenvale Complex SAC (002091)	9.2km from LAP boundary 14.4km from proposed Amendment site	<ul style="list-style-type: none"> ▪ Caves not open to the public [8310] ▪ <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] 	Detailed conservation objectives for this site (Version 1, July 2018) were reviewed as part of the assessment and are available at www.npws.ie
Poulnagordon Cave (Quin) SAC (000064)	9.7km from LAP boundary. 12.8km from proposed Amendment site	<ul style="list-style-type: none"> ▪ Caves not open to the public [8310] ▪ <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] 	Detailed conservation objectives for this site (Version 1, July 2018) were reviewed as part of the assessment and are available at www.npws.ie
Kilkishen House SAC (002319)	10.9km from LAP boundary. 13.6km from proposed Amendment site	<ul style="list-style-type: none"> ▪ <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] 	Detailed conservation objectives for this site (Version 1, July 2018) were reviewed as part of the assessment and are available at www.npws.ie

European Site	Distance (km)	Qualifying Interests/Special Conservation Interests for which the European Site has been designated (www.npws.ie 03/04/2019)	Conservation Objectives
Old Domestic Building (Keevagh) SAC (000353)	11.6km from LAP boundary. 14.9km from proposed Amendment site	<ul style="list-style-type: none"> ▪ <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] 	Detailed conservation objectives for this site (Version 1, September 2018) were reviewed as part of the assessment and are available at www.npws.ie
Danes Hole, Poulnalecka SAC (000030)	12.4km from LAP boundary. 15.1km from proposed Amendment site	<ul style="list-style-type: none"> ▪ Caves not open to the public [8310] ▪ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] ▪ <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] 	Detailed conservation objectives for this site (Version 1, July 2018) were reviewed as part of the assessment and are available at www.npws.ie
Pouladatig Cave SAC (000037)	13.1km from LAP boundary. 18.6km from proposed Amendment site	<ul style="list-style-type: none"> ▪ Caves not open to the public [8310] ▪ <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] 	Detailed conservation objectives for this site (Version 1, July 2018) were reviewed as part of the assessment and are available at www.npws.ie
Special Protection Area (SPA)			
River Shannon and River Fergus Estuaries SPA (004077)	Within & outside LAP boundary. 0.005 from proposed Amendment lands.	<ul style="list-style-type: none"> ▪ Cormorant (<i>Phalacrocorax carbo</i>) [A017] ▪ Whooper Swan (<i>Cygnus cygnus</i>) [A038] ▪ Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] ▪ Shelduck (<i>Tadorna tadorna</i>) [A048] ▪ Wigeon (<i>Anas penelope</i>) [A050] ▪ Teal (<i>Anas crecca</i>) [A052] ▪ Pintail (<i>Anas acuta</i>) [A054] ▪ Shoveler (<i>Anas clypeata</i>) [A056] ▪ Scaup (<i>Aythya marila</i>) [A062] ▪ Ringed Plover (<i>Charadrius hiaticula</i>) [A137] 	Detailed conservation objectives for this site (Version 1, September 2012) were reviewed as part of the assessment and are available at www.npws.ie

European Site	Distance (km)	Qualifying Interests/Special Conservation Interests for which the European Site has been designated (www.npws.ie 03/04/2019)	Conservation Objectives
		<ul style="list-style-type: none"> ▪ Golden Plover (<i>Pluvialis apricaria</i>) [A140] ▪ Grey Plover (<i>Pluvialis squatarola</i>) [A141] ▪ Lapwing (<i>Vanellus vanellus</i>) [A142] ▪ Knot (<i>Calidris canutus</i>) [A143] ▪ Dunlin (<i>Calidris alpina</i>) [A149] ▪ Black-tailed Godwit (<i>Limosa limosa</i>) [A156] ▪ Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] ▪ Curlew (<i>Numenius arquata</i>) [A160] ▪ Redshank (<i>Tringa totanus</i>) [A162] ▪ Greenshank (<i>Tringa nebularia</i>) [A164] ▪ Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] ▪ Wetland and Waterbirds [A999] 	

4 ARTICLE 6(3) SCREENING ASSESSMENT AND CONCLUSIONS

4.1 Data Collected to Carry Out Assessment

In preparation of the assessment, the following sources were used to gather information:

- Review of NPWS Site Synopses, mapping and Conservation Objectives for the various European Sites within the Likely Zone of Impact.
- Review of OS maps and aerial photographs of the LAP area and site of the proposed amendment lands.
- Review of Shannon Town and Environs LAP 2012 – 2018 and proposed amendment from Clare County Council.

4.2 Overall Conclusions

Table 3.1 above lists the European sites within the Likely Zone of Impact of the Shannon Town and Environs LAP 2012 – 2018 boundary. The screening assessment uses a precautionary approach, given the lack of detailed project level information associated with the proposed Amendment.

It cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed amendment to the plan, individually or in combination with other plans and projects, would have a significant effect on the identified European sites. Consequently, an Appropriate Assessment of the proposed Amendment to the plan is required, and a Natura Impact Report will be prepared.

5 BIBLIOGRAPHY

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

EC (1992) Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora

EC (2000) Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. Office for Official Publications of the European Communities, Luxembourg.

EC (2001) 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. Office for Official Publications of the European Communities, Luxembourg.

EC (2007) Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC: Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission. Office for Official Publications of the European Communities, Luxembourg.

EC (2013) Interpretation Manual of European Union Habitats. Version EUR 28. Office for Official Publications of the European Communities, Luxembourg.

EC (2018) Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg.

Appendix 1

Relevant International, National & Other
Policy Documents, Strategies & Guidance

RELEVANT PLANS AND PROGRAMMES

The Shannon Town and Environs Local Area Plan (LAP) 2012 – 2018 sits within a hierarchy of legislation, plans, programmes and strategies, which includes international, EU, national, regional and local levels. The principle requirements in relation to international Plans and Programmes have been incorporated into the national and regional Plans and Programmes. The LAP must comply with relevant higher-level legislation, plans and strategic actions and may, in turn, guide lower level strategic actions.

The Shannon Town and Environs LAP 2012 – 2018 was prepared with cognisance of the relevant spatial planning policies and objectives of the Clare County Development Plan 2011 – 2017 (i.e. the Plan in place at the time of its preparation), which was subject to SEA prior to its adoption. The Shannon Town and Environs LAP 2012-2018 is also required to comply with the current Clare County Development Plan 2017 – 2023 (as varied), which was also subject to SEA.

The SEA Environmental Report for the Shannon Town and Environs LAP 2012 – 2018 provided a review of the plans and programmes with which the Plan interacts, and included those summarised below at international, national and regional/local level.

International and European Plans/Programmes:

- 6th Environmental Action Plan of the European Community (2002)
- Agenda 21 (1992). Action for Sustainable Development
- Air Framework Directive, Directive on Air Quality Assessment and Management (Framework Directive) (1996/62/EC) as amended
- Ambient Air Quality and Cleaner Air for Europe (CAFE) Directive
- Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979)
- Birds Directive 79/409/EEC on the Conservation of Wild Birds
- Convention on Wetlands of International Importance 1971 (amended 1982 and 1987) (Ramsar Convention)
- Directive 2000/60/EC Water Framework Directive as amended
- Directive 2001/92/EC Energy performance of buildings
- Directive 2002/96/EC, The WEEE Directive on waste electrical and electronic equipment
- Directive 2007/60/EC Flood Risk Management Assessment and Management of Flood Risk
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive)
- Directive 99/31/EC Landfill Directive
- Directive on national emission ceilings for certain atmospheric pollutants (2001/81/EC)
- EC Directive on Hazardous Waste (91/689/EEC)(as amended)
- Environmental Impact Assessment Directive 85/337/EEC (amended by Directive 97/11/EC), European Communities (Environmental Impact Assessment) (Amendment) Regulations 1989 – 2006, as amended by Directive 2014/52/EC
- EU Directive on Air Quality Assessment and Management (Framework Directive) (1996/62/EC) as amended

- EU Bathing Water Directive (76/160/EEC)
- EU Dangerous Substances in Water Directive (79/464/EEC)
- EU Directive on National Emission Ceilings for Certain Atmospheric Pollutants WHO Air Quality Guidelines (1999).
- EU Directive on the assessment and management of flood risks (2007/60/EC)(Floods Directive)
- EU Directive on the Promotion of the Use of Energy from Renewable Sources (2009/28/EC) and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC
- EU Drinking Water directive (98/83/EC)
- EU Freshwater Fish Directive (78/659/EEC)(S.I. No. 293 of 1988)
- EU Groundwater Directive (1980/68/EEC)
- EU Nitrates Directive (91/676/EEC)
- EU Surface Water Directive (75/440/EEC)
- EU Thematic Strategy for Soil Protection
- EU Urban Wastewater Directive (91/271/EEC)
- EU White Paper on Renewable Energy, 1997
- European Biodiversity Strategy to 2020
- European Climate Change Programme Aims to reduce emissions;
- European Communities (Bird and Natural Habitats) Regulations
- European Convention for Protection of the Architectural Heritage of Europe 1992
- European Convention on the Protection of the Archaeological Heritage, 1992 (the 'Valletta Convention')
- European Landscape Convention (2000)
- European Spatial Development Perspective (1999)
- European Strategy for Sustainable Development (2006)
- Freshwater Fish Directive (78/659/EEC)
- Granada Convention for Protection of the Architectural Heritage of Europe 1985
- Kyoto Protocol (1997) and the Paris (Climate Change) Agreement
- Pan-European Biological and Landscape Diversity Strategy (1995)
- Strategic Environmental Assessment (SEA) Directive 2001/42/EEC
- The EU Environment and Health Strategy 2004- 2010
- The Gothenburg Strategy Communication from the Commission on Sustainable Europe for a Better World 2001
- The Stockholm Convention 2001
- UN Convention on Biological Diversity 1992

National Plans/Programmes:

- 3rd National Biodiversity Action Plan 2017-2021
- Architectural Heritage Protection - Guidelines for Planning Authorities (2011)
- Delivering Homes, Sustaining Communities, 2007
- Design Standards and New Apartments Guidelines, DOEHLG, 2007
- Draft Landscape and Landscape Assessment Guidelines 2000
- Guidelines on Sustainable Residential Development in Urban Areas 2009
- Irish Water Capital Investment Programme (2017-2021)
- Irish Water Services Strategic Plan SEA and AA (2015)
- Local Authority Adaptation Strategy Development Guidelines, EPA (2016)
- National Adaptation Framework (2018)
- National Heritage Plan 2002
- National Housing Strategy for people with a disability, Building for Everyone (BFE) 2009
- National Landscape Strategy (2015-2025)

- National River Basin District Management Plan (2018)
- National Spatial Strategy 2002 – 2020
- Our Sustainable Future - A Framework for Sustainable Development in Ireland 2012
- Planning Policy Statement, (2015)
- National Development Plan 2018-2027
- Project 2040 National Planning Framework (2018)
- Sectoral Planning Guidelines for Climate Change Adaptation, (2018)
- Smarter Travel, A Sustainable Transport Future, A New Transport Policy for Ireland 2009-2020
- Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual, (DoEHLG) 2009
- Sustainable Rural Housing Guidelines 2005
- The Housing (Traveller Accommodation) Act, 1998
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities 2009
- The Right Living Space – The housing and accommodation needs of people with disabilities 2008
- The Role of Data Centres in Ireland’s Enterprise Strategy, Department of Business, Enterprise and Innovation, 2018
- The Wildlife Act 1976 and the Wildlife (Amendment) Act 2000
- Urban Waste Water Treatment Directive (91/271/EEC)
- Water Services (Amendment) Act (2012)
- Water Services Act (2007)
- Waterways Ireland Heritage Plan 2014-2020

Regional/Local Plans:

- Clare County Biodiversity Action Plan 2017 - 2023
- Clare County Development Plan 2017 – 2023 (as varied)
- Clare County Heritage Plan 2017 - 2023
- Clare County Local Economic and Community Plan 2017 – 2022
- Clare Landscape Character Assessment 2003
- Clare Wind Energy Strategy 2017 - 2023
- County Clare Enterprise Strategy
- Noise Action Plan 2018
- Draft Regional Spatial and Economic Strategy for the Southern Region
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessments – August 2018
- Mid-West Regional Planning Guidelines, 2010-2022
- Record of Monuments and Places, County Clare
- Strategic Integrated Framework Plan for the Shannon Estuary 2013 – 2020
- Ennis Municipal District Written Statement & Settlement Plans (Vol 3a of Clare County Development Plan 2017 – 2023 (as varied))
- Shannon Municipal District Written Statement & Settlement Plans (Vol 3b of Clare County Development Plan 2017 – 2023 (as varied))
- Killaloe Municipal District Written Statement & Settlement Plans (Vol 3c of Clare County Development Plan 2017 – 2023 (as varied))
- West Clare Municipal District Written Statement & Settlement Plans (Vol 3d of Clare County Development Plan 2017 – 2023 (as varied))

SHANNON TOWN AND
ENVIRONS LOCAL
AREA PLAN

2012
2018



Comhairle Contae an Chláir
Clare County Council

Clare County Council,
Áras Contae an Chláir,
New Road,
Ennis, Co. Clare

Tel: +353 (65) 682 1616
planoff@clarecoco.ie
www.clarecoco.ie

Amendment
No.1

Shannon Town and Environs LAP 2012-2018
Appropriate Assessment - Natura Impact Report
17th June 2019

