

# **Draft County Wexford Development Plan 2013-2019**

## **Appropriate Assessment Screening Report & Determination**

**Determination of the need for Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive (Council Directive 92/43/EEC, as amended)**



Wexford County Council  
Planning & Development

**Introduction**

RPS on behalf of Wexford County Council carried out a formal screening process of the Wexford County Development Plan 2013-2019 to determine whether Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive was required. This Screening Report, dated June 2012, is included in Part 2. The Council subsequently made Material Alterations to the County Development Plan (CDP)(the Material Alterations to the CDP have been subsumed into the body of the CDP). These alterations were formally screened to determine whether an Appropriate Assessment was required. This report, dated November 2012, forms an Addendum to the main Screening.

## **Part 1**

**Determination as to whether or not a draft County Development  
Plan would adversely affect the integrity of a European site**

## **Determination**

RPS on behalf of Wexford County Council carried out a formal screening process of the Draft Wexford County Development Plan 2013-2019 to determine whether Appropriate Assessment Article 6(3) of the Habitats Directive was required. The screening exercise were carried out in accordance with the Commission's methodological guidance (EC, 2002) to determine a) whether the plan or project is directly connected to or necessary for the management of the site and b) whether the plan, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site(s) in view of the site(s) conservation objectives.

RPS determined that an Appropriate Assessment of Proposed Draft County Development Plan 2013-2019 was not required having regard to:

- The RPS AA Screening Report (June 2012) and Addendum to the Screening Report (Nov 2012);
- The characteristics of the Plan;
- The objectives of the Plan to protect Natura 2000 sites and biodiversity;
- The Strategic Environmental Assessment Environmental Report prepared by Wexford County Council; and
- The consultations with the Prescribed Bodies and in particular the National Parks and Wildlife Service

**Forward Planning Section  
Wexford County Council  
November 2012.**



## **Part 2**

# **Appropriate Assessment Screening Report prepared by RPS**



# **Screening for Appropriate Assessment of the Material Amendments of Draft Wexford County Council Development Plan 2013-2019**

## **AA Screening Report & Determination**

### **DOCUMENT CONTROL SHEET**

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# **DRAFT WEXFORD COUNTY DEVELOPMENT PLAN 2013-2019**

## **APPROPRIATE ASSESSMENT – SCREENING**

### **1. INTRODUCTION**

#### **1.1 Background**

Under section 12 (4) of the Planning and Development Act 2000 (as amended), Wexford County Council have prepared a Report to the Members detailing the material amendments to the County Development Plan 2013-2019 following receipt of submissions and observations with respect to the Draft Wexford County Development Plan 2013-2019.

All land use plans, such as this draft Development Plan, must undergo a formal 'test' or be screened to see if they would have likely significant effects on specific sites designated for their nature conservation importance. These sites are those designated under European Commission's Natura 2000 network of 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 EC Habitats and Birds Directives are the frameworks under which these sites are designated. The EC Habitats Directive requires the 'screening' of plans and projects under Article 6 (3). If the screening process results in a judgement that identifies that likely significant effects may occur or cannot be ruled out, then a more detailed 'appropriate assessment' (AA) is required. Whilst the structure of this assessment process is not specified in legislation, guidance documentation has been published which provides direction with respect to carrying out appropriate assessment.

RPS undertook an AA Screening of the Draft Wexford County Development Plan 2013-2019 in June 2012. This assessment concluded that a Natura Impact Statement was not required. In order to ensure that the material amendments of the Plan fully comply with the requirements of Article 6 of the Habitats Directive and all relevant Irish transposing legislation, RPS on behalf of Wexford County Council carried out this AA Screening exercise which identifies if any of the proposed material amendments, as outlined in the Report entitled Proposed Amendments to the Draft Wexford County Development Plan 2013-2019 would be likely to impact a Natura 2000 site.

#### **1.2 Scope of Assessment**

The original report identified that there were no likely significant effects of the draft Plan on Natura 2000 sites and, therefore, no appropriate assessment was required.

This Addendum to the AA Screening Report (June, 2012) presents a further AA Screening of the material amendments of the Wexford County Development Plan 2013-2019. The Material Amendments are those outlined the Manager's Report (October 2012).

Section 2 of this report describes the likely significant effects, if any, of the material amendments on the integrity of the European sites within the Natura 2000 network (hereafter referred to as "Natura 2000 Sites").

Changes have not been made to the original Appropriate Assessment Screening Report at this stage. On adoption of the Plan, the findings of this Addendum will be used to update the Screening Report, where appropriate.

This Report documents the outputs of the screening of the material amendments only. Background information on the location and nature of the relevant European Sites is contained within the AA Screening Report prepared with respect to the Draft Wexford County Development Plan 2013-2019 (June 2012). Other background information regarding the assessment methodology is also contained within the original Screening Report.

## **2. AA SCREENING OF MATERIAL AMENDMENTS**

### **2.1 Assessment**

Each of the potential threats to the European sites have been examined (See Table 4.1 and 4.2 of the AA Screening Report of the Draft Wexford County Development Plan 2013-2019) and in turn the following question was asked:-

*“Is there any risk that the implementation of the material amendments to the Draft Wexford County Development Plan 2013-2019 that could lead to this threat or likely significant effects to Natura 2000 sites?”*

The response to this question is presented below following a detailed examination of the material amendments and discussions with Wexford County Council.

As outlined in the previous screening exercise for the Draft Plan, in some places policies of the draft Plan have pre-empted the potential for likely significant effects and have been amended accordingly through recommendations and advice from the AA team to the SEA and Plan making teams. Recommendations included revisions to policies or objectives to include for the protection of Natura 2000 sites.

As part of this Addendum to the AA Screening of the Draft Plan 2013-2019, each of the material amendments (including new policies or amendments to policies and text) were examined for a potential source – pathway - receptor link to impact on Natura 2000 sites.

In ecological and environmental impact assessments, for an impact to occur there must be a risk enabled by having a 'source' (e.g. works during the construction of individual aspects of the Scheme), a 'receptor' (e.g. a European site or a supporting pNHA or NHA), and a pathway between the source and the receptor (e.g. a watercourse which connects the draft Plan lands to a European site). The risk of the impact does not automatically mean it will occur, or that it will be significant. However, identification of the risk does mean that there is a possibility of ecological or environmental damage occurring, with the level and significance of the impact depending upon the nature and exposure to the risk and the characteristics of the receptor.

The screening process at the Draft Plan stage does not remove the need to carry out screening at the planning application stage as outlined in the Plan and set out under the Development Managements Standards in Chapter 18.

## 2.2 Recommendations

To ensure the integrity of the Natura 2000 network and to avoid any impacts, the following changes are recommended to the Material Amendments.

### 1. Material Amendment Section 18.16 Extractive Industries page 429 from Managers Report:-

- The activity should not result in potential significant adverse impacts on designated sites of natural and/or built heritage, whether or not a significant resource exists at such locations. **All planning applications will be assessed having regard to the Habitats Directive to determine if the project has the potential to impact on the potential of a Natura 2000 site.**

Should be amended to read as follows:-

- The activity should not result in potential significant adverse impacts on designated sites of natural and/or built heritage, whether or not a significant resource exists at such locations. **All planning applications will be assessed having regard to the Habitats Directive to determine if the project has the potential to impact on the integrity or the conservation objectives of any Natura 2000 site.**

### 2. Material Amendment to Objective T20 on page 183 with regard to existing access/egress points to the national road network, except in the following exceptional circumstances as described under Bullet points 1, 2, 3 and 4

Should be amended to include the following under each bullet point 1-4:

- **Subject to compliance with the development management standards outlined in Chapter 18**

### 3. Material Amendment to Section 9.2.3- Objective on page 198:

- a) To provide water treatment facilities in accordance with statutory obligations as set out by EU and National policy

Should be amended to read as follows:-

- a) To provide water treatment facilities in accordance with statutory obligations as set out by EU and National policy and **subject to compliance with the development management standards outlined in Chapter 18.**

### **3. CONCLUSION**

Following a detailed review of the amendments by an RPS Ecologist and Planner this review has shown that there are no elements of the material amendments that could either directly or indirectly, on their own or in combination, have a significant effect on the integrity of a Natura 2000 site.