

Appropriate Assessment Screening of the Draft Ardee Local Area Plan 2010 -2016

In line with the requirements of Article 6(3) of the EU Habitats Directive



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1.0 Introduction

This is an Appropriate Assessment in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC), of the Draft Ardee Local Area Plan. This report was prepared in compliance with the Department of Environment, Heritage and Local Government *Guidelines for the Appropriate Assessment of Plans and Projects in Ireland, 2010*

The Habitats Directive compels local authorities to undertake appropriate assessments of any plan or project not directly connected with or necessary to the management of a Natura 2000 site but likely to have a significant effect thereon, either individually or in combination with other plans or projects. The Bird and Habitat Directives set out procedures and obligations in relation to nature conservation management in Member States in general, and of the Natura 2000 sites and their habitats and species in particular.

The assessment examines the implications of proceeding with the plan or project in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site, the competent 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 the assessment concludes that the plan or project will have a negative impact on the site, it may only proceed and be carried out for imperative reasons of overriding public interest as outlined in the Directive and the member state concerned shall take all compensatory measures to ensure that the overall coherence of the Natura 2000 site is protected. The European Commission must be informed where this occurs.

2.0 Legislation

The requirements for a Habitats Directive Assessment (HDA) are set out in the E.U. Habitats Directive 92/43/EEC. Articles 6(3) and 6(4) of this Directive state:

2.1 Article 6(3)

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

2.2 Article 6 (4)

If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. 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 (IROPI).

In addition, Article 10 of the Habitats Directive states that;

2.3 Article 10

Member States shall endeavour, where they consider it necessary, in their land-use planning and development policies and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild fauna and flora. Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.

2.4 EU Birds Directive

The EU Birds Directive (Council Directive 79/409/EEC on the conservation of wild birds) is the EU's oldest piece of nature legislation and one of the most important. It created a comprehensive scheme of protection for all wild bird species naturally occurring in the Union. It was adopted unanimously by the Member States in 1979 as a response to increasing concern about the declines in Europe's wild bird populations resulting from pollution, loss of habitats as well as unsustainable use. It was also in recognition that wild birds, many of which are migratory, are a shared heritage of the Member States and that their effective conservation required international co-operation.

The directive recognises that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species (listed in Annex I), especially through the establishment of a coherent network of **Special Protection Areas (SPAs)** comprising all the most suitable territories for these species. Since 1994 all SPAs form an integral part of the Natura 2000 ecological network.

2.5 EU Habitats Directive

The Habitats Directive (together with the Birds Directive) forms the cornerstone of Europe's nature conservation policy. It is built around two key factors which are the Natura 2000 network of protected sites and a strict system of species protection. The directive protects over 1,000 animals and plant species and over 200 location based "habitat types" (e.g. special types of forests, meadows, wetlands, etc.), which are of European importance. The aim of the directive is *"to contribute towards ensuring biodiversity through the conservation of natural habitats of wild fauna and flora in the European territory of the Member States to which the treaty applies"*. Any actions taken must be designed to *"maintain or restore at a favourable conservation status natural habitats and species of wild fauna and flora of Community interest"*. The directive provides for the creation of protected sites known as **Special Areas of Conservation (SACs)** for a number of habitat types and certain species of flora and fauna. The Directive was transposed into Irish law by the European Communities (Natural Habitats) Regulations, SI 94/1997.

Article 6(3) of the Directive requires that an Appropriate Assessment (AA), or screening for Appropriate Assessment, be undertaken to determine the impact of plans and projects on Natura 2000 sites, which would include land use plans such as the Drogheda Borough

Development Plan 2011-2016. The Department of the Environment Heritage and Local Government (DoEHLG) has prepared guidelines on the incorporation of the Habitats Directive Assessment including the Appropriate Assessment process into Irish plan making.

3.0 The AA Process

- Stage 1: Screening

The first step to establishing if an appropriate assessment is required is referred to as 'screening' and its purpose is to determine on the basis of a preliminary assessment and objective criteria if the plan, alone or in combination with other plans or projects, could have a significant effect on a Natura 2000 site in view of the sites conservation objectives. The process identifies any likely impacts upon a Natura 2000 Site, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

- Stage 2: Appropriate Assessment

The consideration of the impact of the project or plan on the integrity of the Natura 2000 Site, either alone or in combination with other projects or plans to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

- Stage 3: Alternative Solutions

The process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site

- Stage 4: Imperative Reasons of Overriding Public Interest

This stage is the main derogation process of Article 6(4) which examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project which will have adverse effects on the integrity of a Natura 2000 site to proceed.

4.0 Ardee: Location and Context

Ardee is located some 20km south west of Dundalk and 20km north west of Drogheda on the intersection of the N2 Dublin – Derry Route and N52 Ardee to Nenagh Road. The N33 Ardee link road provides direct access from Ardee to the M1 motorway. Ardee is thus strategically placed with regard to road accessibility and transport both nationally and regionally. The River Dee traverses the southern part of the town.

The pattern of development is linear in form, formed by Market Street and Castle Street running north-south, to which a number of streets are aligned at right angles. The burgage plot pattern survives well along both sides of Market Street and a number of narrow lanes which may have separated medieval houses, are present. Buildings such as Ardee Castle and Hatches Castle, which date back to the 15th Century, together with the street pattern, give Ardee a distinctive medieval form that adds to the town's attractiveness and unique character.

Under Section 19(1)(b) of the Planning and Development Act, as amended, it is stated that a local plan shall be made in respect of an area which is designated a town; has a population in excess of 2,000 and is situated within the functional area of a planning authority which is a county council. Ardee falls within this category of settlement and hence a statutory plan was prepared in 2003 –the Ardee Local Area Plan 2003 – 2009. This Plan is being reviewed and a new local plan for the period 2010 – 2016 prepared.

Ardee had a total population of 4,301 persons in 2006 according to the Census of Population 2006. This represented a 20.7% rise in population since the 2002 Census which recorded a population of 3,568. This was mainly as a result of commuter derived demand for residential development facilitated by the improved road infrastructure created during this period. Between 2006 and January 2010, it is estimated that the population increased at a somewhat lower rate of 5.3%.by a further 232 persons to a total of 4,533,

4.1 Ardee and the County Louth Settlement Hierarchy

Ardee town is placed on the second tier of the county settlement strategy as set out in the County Development Plan 2009 – 2015. It is the policy of the Louth County Development Plan 2009 – 2015 to *'promote the development of Ardee as a medium sized town for urban strengthening to serve the needs of the local community and drive development within the locality'*.

A population increase of 399 persons is allocated to Ardee giving it a target population of 4,700 for the year 2016.

4.2 Draft Ardee Local Area Plan 2010 - 2016

Louth County Council the planning authority for the administrative area of county Louth, has prepared a draft Local Area Plan for Ardee under Part II, Section 18 of the Planning and Development Act, as amended.

The Louth County Development Plan 2009 – 2015 (prepared under the provisions of the Planning and Development Act 2000, as amended) is the current overarching Plan for the area.

The local plan area covers the statutory boundary of the town of Ardee and includes the townlands of Ardee, Townparks, Rathgory, Mulladrillen, Dawsons Demesne, Cappocksgreen, Riverstown, Stoneylane, Glebe and Mullameelan. The plan shall be entitled the "Ardee Local Area Plan" and shall operate for a period of six years from the date of its adoption, or until the plan is varied or a new plan is made. It shall replace the Ardee Local Area Plan 2003 – 2009.

4.3 Purpose of the Ardee Local Area Plan

Ardee with an estimated population of 4,700, is the third largest town in County Louth after Dundalk (population 35,085*) and Drogheda (population 30,303*). The accessibility of Ardee to Dublin by reason of its strategic road infrastructure and its proximity to Drogheda and Dundalk has had a significant influence on the development of the town over the last decade. Ardee's primary function is as a local service centre providing retail, health, education, community facilities and employment for its own population and an extensive hinterland. Over the past

decade its expansion has been based on demand for commuter driven residential. The rate at which the town's population increased between 2002 and 2006, some 20.7% significantly slowed down between 2006 and now to 5.3%. It is envisaged that given the current economic climate, number of properties for sale and the departure of immigrants that the population will continue to grow at a much slower rate or stabilise. The Louth County Development Plan 2009 - 2015 has allocated a projected target population for Ardee of 4,700 persons.

An assessment of the Ardee Local Area Plan 2003 -2009, shows that there are some 60 hectares of undeveloped residentially zoned lands within the plan boundaries which when developed could facilitate the growth of the population of Ardee to 10,000. Consequently the draft plan does not propose to increase the residential zoning provision.

To achieve balanced economic development in County Louth, the 2003 -2009 Plan addressed a scarcity of lands zoned for industry and employment generating activities. Additional lands were therefore zoned for these purposes. There are currently an estimated 70 hectares of undeveloped lands within the town boundary zoned for a variety of commercial, industrial and associated uses. There is not therefore a need to zone any additional lands for these purposes over the period of the new plan.

The plan aims to provide a framework for future development and facilitate the appropriate assessment of applications in the town. It is intended that Ardee will develop in a coordinated manner appropriate to the existing character (natural and built) and setting of the town while reflecting the needs of the local community.

- 2006 Census of Population

4.4 Waste Water

The existing Wastewater Treatment plant in Ardee is currently treating a population equivalent (PE) of 5800 and operating beyond its nominal capacity of 5000 PE. However effluent monitoring results consistently comply with Urban Wastewater Directive requirements. This reflects a large degree of conservatism in the original design of the plant. The treatment plant capacity is constrained by capacity of the existing inlet works and its ability to deal with storm water loading.

Plans have been submitted to the Department of the Environment, Heritage and Local Government to upgrade and rehabilitate the existing sewerage system and to increase capacity at the wastewater treatment plant. Subject to approvals and availability of finance it is intended to incrementally address this capacity constraint with first stage works incorporating provision of new inlet pumping station, storm tanks and possibly tertiary treatment. Should these works proceed they will allow the plant cater for a population equivalent of 8000 population equivalent.

5.0 Description of Natura 2000 Sites

There are no Natura 2000 sites within or abutting the Ardee Local Plan boundaries.

The 'likely zoned of impact' on a site is described as being within 15 km. There are three designated sites within this distance namely Stabannon and Braganstown Special Protection Area (site 004091), Dundalk Bay Special Protection Area (site 004026) and Dundalk Bay Special Area of Conservation (000455).

Table 1 lists these sites and details their proximity to the Plan area. Map1 illustrates the extent and boundaries of the Natura 2000 sites relative to Ardee.

Table 1 Natura 2000 sites and details of their proximity to Ardee

Site Code	Name and Designation	Distance from Ardee
004091	Stabannon and Braganstown Special Protection Area	4.2km
000455	Dundalk Bay Special Area of Conservation	13km
004026	Dundalk Bay Special Protection Area	13km

5.1 Description of Natura 2000 Sites

Stabannon and Braganstown (SPA)

The Stabannon – Braganstown SPA is a small, very flat alluvial plain adjacent to the River Glyde. It is situated approximately 4.2 kilometres north east of Ardee town. It is bounded to the north and south by low rolling hills. Much of the site was formerly marshlands and wet grassland. It is now intensively farmed for grass, cereals and root crops.

The site is of high ornithological importance as a feeding area for wintering waterfowl. It is the largest Greylag Goose wintering site in the county. It also supports three species of birds which are listed on Annex I of the E.U. Birds Directive, namely the Greenland White-fronted Goose, the Whooper Swan and the Golden Plover.

Dundalk Bay Special Protection Area (SPA) and Special Area of Conservation (SAC)

Dundalk Bay, Co. Louth is a very large open shallow sea bay with extensive salt marshes and inter-tidal sand and mudflats, extending some 16km from Castletown River in the north to Annagassan and Salterstown in the south. The bay encompasses the mouths and estuaries of the Rivers Dee, Glyde, Fane, Castletown and Flurry.

The site contains five habitats listed under the EU Habitats Directive:

- perennial vegetation of stony banks
- tidal mudflats
- salt marshes
- *Salicornia* mudflats

- Estuaries

Salt marsh vegetation occurs in four main areas: at Lurgangreen, Marsh South, Dundalk Harbour and Bellurgan. These are dominated by wide expanses of Common Cord-grass (*Spartina anglica*). Sea Purslane (*Halimione portulacoides*) is common along the numerous channels. Common Saltmarsh-grass (*Puccinellia maritima*) is also abundant in places. Glasswort (*Salicornia* spp.) occurs on the lower zones of the salt marshes and in places extends out onto the sand flats. The salt marshes at Lurgangreen and Marsh South are partially fenced and grazed by sheep.

Shingle beaches are particularly well represented in Dundalk Bay, occurring almost continuously from Salterstown to Lurgan White House in the south bay, and from Jenkinstown to east of Giles Quay. The shingle often occurs in association with inter-tidal shingle, salt marsh and or shingle based grassland. The shingle supports species such as Spear-leaved Orache (*Atriplex prostrata*), Sea Mayweed (*Matricaria maritima*), Sea Beet (*Beta vulgaris*), Sea Rocket (*Cakile maritima*), Wild Carrot (*Daucus carota*), Sea Holly (*Eryngium maritimum*), Sea sandwort (*Honkenya peploides*) and Sea Radish (*Raphanis maritimus*). Yellow Horned-poppy (*Glaucium flavum*) and Sea Scutch (*Leymus arenarius*) occur here at their most northerly locality on the east coast, while the Red Data Book species Sea-kale (*Crambe maritima*) has also been recorded.

The extensive sand flats and mud flats (over 4,000 ha) have a rich fauna of bivalves molluscs, marine worms and crustaceans. These flats are the main food resource of the tens of thousands of waterfowl (including waders and gulls) which feed in the inter-tidal area of Dundalk Bay.

The salt marshes are used as high-tide roosts by all these species, while the grazing birds (notably Brent Geese and Wigeon) feed on the salt marsh grasses, areas of *Zostera* and other grassland vegetation. The Brent Geese also feed on the mats of green algae on the mudflats. At night the wintering Greylag and Greenland White-fronted Geese, and Whooper Swans, from Stabannan and Braganstown roost in Dundalk Bay.

6.0 Assessment of Likely Effects of the Draft Ardee Plan on Natura 2000 Sites

- There are no additional lands zoned for development in the draft Ardee Local Area Plan 2010-2016.
- The draft Ardee Local Area Plan recognises the diversity of habitats located in within the proximity to the settlement. The Plan includes a policy 'To implement Article 6(3) of the EU Habitats Directive, and to subject any plan or project likely to impact on Natura 2000 or European Sites (SACs, SPAs), whether directly, indirectly or in combination with other plans or projects, to an appropriate assessment in order to inform decision making.'
- It is a requirement of the draft Local Area Plan to adhere to the principles and policies set out in the Biodiversity Action Plan for Louth 2008-2012. These seek to assess, manage and protect existing landscape features by requiring detailed site surveys and appropriate protection measures as part of any development proposal. In assessing all

decisions on development the Council will balance possible impacts on the environment and possible social, economic, community and cultural impacts.

- The Plan has been formulated to ensure that uses, developments and effects arising from permissions based upon this Plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of any Natura 2000 site.
- The policies and provisions of the Plan have been devised to anticipate and avoid the need for developments that would be likely to significantly and adversely affect the integrity of any Natura 2000 sites. Furthermore, such developments as will be permitted on foot of the provisions of this Plan shall be required to conform to the relevant regulatory provisions at national and EU level for the prevention of pollution, nuisance or other environmental effects likely to significantly and adversely affect the integrity of any Natura 2000 sites. Other relevant national guidance will be factored into such decisions.
- The policies, objectives and provisions of this Plan comply with those as set out in the Louth County Development Plan 2009 – 2016, which was the subject of an Appropriate Assessment.

7.0 Assessment Criteria

The table below details the assessment criteria in relation to Natura 2000 sites and impact type

Impact Type	Stabannon and Braganstown Special Protection Area (004091)	Dundalk Bay Special Protection Area (004026)	Dundalk Bay Special Area of Conservation (000455)
<i>Any likely direct, indirect or secondary impacts of the Plan (either alone or in combination with other plans or projects) on the Natura 2000 site</i>	Not expected	Not expected	Not expected
<i>Reduction to area of the habitat or Natura 2000 site</i>	None	None	None
<i>Direct or indirect damage to physical quality of the environment (e.g. water, quality and supply, soil compaction)</i>	Indirect	Indirect	Indirect
<i>Serious or ongoing disturbance to species or habitats (increased</i>	None	None	None

<i>noise, illumination, human activity)</i>			
<i>Direct or indirect damage to size, characteristics or reproductive ability of populations of Natura 2000 site</i>	None	None	None
<i>Interfering with mitigation measures</i>	No	No	No

8.0 Conclusion

It is considered that the Draft Local Area Plan for Ardee poses no risk of a significant effect on the Natura 2000 sites and as such requires no further assessment.



