

## Screening for Appropriate Assessment

### Determination

under  
Section 20 (3) of the Planning and Development Act 2000, as amended,  
for the

### Proposed Material Alterations to the Draft Athy Local Area Plan 2021-2027

A Screening for Appropriate Assessment (AA) Determination is being made by Kildare County Council regarding Proposed Material Alterations to the Draft Athy Local Area Plan (LAP) 2021-2027. Section 20 (3) of the Planning and Development Act 2000 as amended requires, inter alia, a determination to be made as to whether Proposed Material Alterations to the Draft Plan warrant the undertaking of AA.

In making the determination that Appropriate Assessment (AA) is required, information regarding potential effects on the integrity of European Sites and associated mitigation contained within the Proposed Material Alterations has been taken into account (this information will be placed on public display in the AA Natura Impact Report alongside the Proposed Material Alterations).

The existing Draft Plan has already been informed by a Stage 2 AA and a Natura Impact Report has been prepared. As part of that AA, it was identified that the Plan may, if unmitigated, have significant effects on 1 (no.) European site, the River Barrow and River Nore SAC. Factors that could potentially affect the integrity of the European site from the under the Plan include:

- Provisions for sectors such as climate action, urbanisation including residential and economic development, streetscape works, community facilities, transport, green infrastructure, energy, environmental infrastructure, recreation and tourism, which introduce sources for effects through construction phase such as habitat destruction, light pollution, hydrological interactions and disturbance effects; and
- Loading pressures from the operational phase of developments – these sources could result in habitat loss, disturbance effects, interactions with water quality and habitat fragmentation.

Mitigation was integrated into the Draft Plan that allowed the Natura Impact Report to conclude that the Draft Plan is not foreseen to give rise to any significant effects on designated European sites, alone or in combination with other plans or projects<sup>1</sup>. The Draft Plan and AA Natura Impact Report were placed on public display and submissions were invited. Some of these submissions resulted in Material Alterations being proposed to the Plan.

Taking into account the measures that have been already integrated into the Draft Plan that provide for and contribute towards environmental protection, environmental management and sustainable development (including those measures to contribute towards the protection of European sites), there is no potential for effects on the integrity of any European site to arise as a result of the Proposed Material Alterations.

However, the AA screening process takes into account the need to undertake Stage 2 AA when mitigation is being proposed. As Proposed Material Alterations No. 4, 10 and 27 could be considered to be mitigation in relation to Plan elements that could potentially affect the integrity of European sites, further to the mitigation already integrated into the Draft Plan, with the objective of protecting the integrity of the River Barrow and River Nore SAC, the AA process identified that it would be prudent to undertake Stage 2 AA.

The undersigned, having carefully considered the information referred to above agrees with and adopts the reasoning and conclusion presented above. The undersigned hereby determines pursuant to Section 20 (3) of the Planning and Development Act 2000, as amended, and for the purposes of Article 6(3) of the Habitats Directive that Stage 2 AA is required for Proposed Material Alterations No. 4, 10 and 27.

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<sup>1</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be:

- a) no alternative solution available,
- b) imperative reasons of overriding public interest for the plan to proceed; and
- c) Adequate compensatory measures in place.

The AA Natura Impact Report that accompanies the Proposed Material Alterations is part of the ongoing and overall AA process that is being undertaken alongside the preparation of the Plan. All Plan and AA related documentation will be considered by the planning authority in advance of the adoption of the Plan and a final AA Determination will be undertaken by the planning authority at adoption. An AA Conclusion Statement will be prepared following adoption, which will detail the AA process undertaken for the Plan.

Signatory: 

**Director of Services Planning and Strategic Development**  
**Date: 10<sup>th</sup> May 2021**