

Kildare County Council

Leixlip Local Area Plan 2020-2023 (as extended) Proposed Amendment No. 1 (Confey Masterplan)

Appropriate Assessment Screening Report

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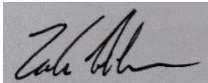


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Contents

1.	Introduction	1
1.1	Overview	1
1.2	Legislative Context	1
1.3	Screening for Appropriate Assessment	2
1.4	Overlap with Strategic Environmental Assessment	2
1.5	Report Structure	2
2.	Confey Masterplan Overview	3
2.1	Plan Area	3
2.2	Confey Masterplan	3
3.	Methodology	5
3.1	Guidance	5
3.2	Data Sources	6
3.3	Screening Methodology	7
4.	Natura 2000 Sites under Consideration	7
4.1	Natura 2000 sites within the Zone of Influence	7
4.2	Conservation Objectives	8
4.3	Site Specific Threats and Pressures	8
4.4	Identification of Potential Impacts and Effects	9
5.	Screening for Appropriate Assessment	10
5.1	Previous Appropriate Assessment Screenings	10
5.2	Impacts to Natura 2000 Sites	12
5.3	In-combination Plans and Projects	13
6.	Conclusion	15
7.	References	15

Tables

Table 1	Natura 2000 Sites within the ZoI of the Amendment to the LLAP	8
Table 2	Screening of Natura 2000 Sites	12
Table 3	In-Combination Effects of Plans and Projects Relevant to the Amendment to the LLAP.	13

1. Introduction

1.1 Overview

Kildare County Council (KCC) is proposing to incorporate the Confey Lands Leixlip Draft Masterplan (hereafter referred to as the ‘Confey Masterplan’) as an amendment to the Leixlip LAP 2020-2023 (as extended) (hereafter referred to as the “LLAP”) to ensure compliance with the Confey Urban Design Framework (UDF) set out in the LLAP.

The Confey Masterplan aims to satisfy the objectives in the LLAP which stipulate that the *future development of the lands identified within the Confey Urban Design Framework are subject to a detailed masterplan* (KCC, 2020). KCC intends to make an amendment entitled “*Proposed Amendment No. 1: Confey Lands Masterplan, Leixlip*” to the LLAP (hereafter referred to as ‘the Amendment to the LLAP’) under the Planning and Development Act (as amended). The purpose of this report is to determine whether Amendment No. 1 requires Appropriate Assessment (AA).

Arup was commissioned to prepare an AA Screening for the Amendment to the LLAP. This AA screening report provides information to KCC, the competent authority, to make a determination as to whether a Likely Significant Effect (LSE) on any European designated sites arising as a result of the implementation of the Plan can be screened out, or if a further assessment of the LSE is required through an AA.

1.2 Legislative Context

Natura 2000 is a network of protected sites across the European Community (EC) which comprises Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) (sometimes referred to as European Sites or Natura 2000 Sites). Under the European Directive 2009/147/EC on the conservation of wild birds (the ‘Birds Directive’), member states have the power and responsibility to identify and classify SPAs in order to protect birds that are rare and vulnerable in Europe. SACs are protected sites designated under the Directive on the conservation of natural habitats and wild fauna and flora (92/43/EEC) (the ‘Habitats Directive’). They are high quality sites that contribute significantly to the conservation of a large range of habitats and species.

Plans should be subject to assessment in the same way that projects require assessment under the provisions of Article 6(3) and (4) of the Habitats Directive. The requirement to consider the effect of land use plans on Natura 2000 Sites has been transposed in Ireland by the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) (as amended), and by Part XAB of the Planning and Development Act, 2000 (as amended). Article 6(3) of the Habitats Directive states that:

“Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to an appropriate assessment of its implications for the site in view of the site’s conservation objectives. In 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.”

The subsequent paragraph allows proposed plans and projects to be approved in certain conditions, as Article 6(4) states that:

“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, Member States shall take all compensatory measures necessary to ensure that the overall coherence of the 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 the beneficial consequences of primary importance for the environment or, further to an opinion from the Commission to other imperative reasons of overriding public interest.”

Under these Regulations, prior to submitting for approval a plan that is not directly connected with or necessary to the management of either a SPA or SAC, competent authorities are required to consider whether the plan may have a LSE on such a site; and where this is the case, ensure an AA of the LSE has been carried out.

1.3 Screening for Appropriate Assessment

Regulation 42 (1) of Statutory Instrument 293 of 2021 states that: “*Screening for Appropriate Assessment of a plan or project for which an application for consent is received [...] shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on [any Natura 2000 sites].*” To ensure compliance with this regulation, public authorities must screen all land-use plans for potential impacts on Natura 2000 sites.

This AA screening report provides information to KCC, the competent authority, to make a determination as to whether LSEs on any Natura 2000 Sites arising as a result of the implementation of the Amendment can be screened out, or if a further assessment of the LSE is required through an AA.

1.4 Overlap with Strategic Environmental Assessment

The Strategic Environmental Assessment (SEA) screening report of the Proposed Amendment to the LLAP has been carried out concurrently with the AA screening report. The SEA screening report process according to the Environment Protection Agency (EPA) guidance, comprises three principal stages:

1. Applicability
2. Screening
3. Determination

This process enables a decision on whether or not a SEA of the Amendment to the Leixlip LAP is required.

1.5 Report Structure

This report follows the following structure:

- Section 2 provides an overview of Amendment No. 1 to the LLAP;
- Section 3 outlines the guidance, data and methodology used to inform the screening;
- Section 4 provides information on the Natura 2000 Sites considered within the screening;
- Section 5 documents the Screening for Appropriate Assessment; and
- Section 6 provides a conclusion.

2. Confey Masterplan Overview

2.1 Plan Area

The lands at Confey are situated immediately north of Leixlip on the border of Co. Kildare and Co. Dublin. The Confey Masterplan covers an area of approximately 73 ha of which KCC is the responsible local authority for the area. Refer to Figure 1 for its location.

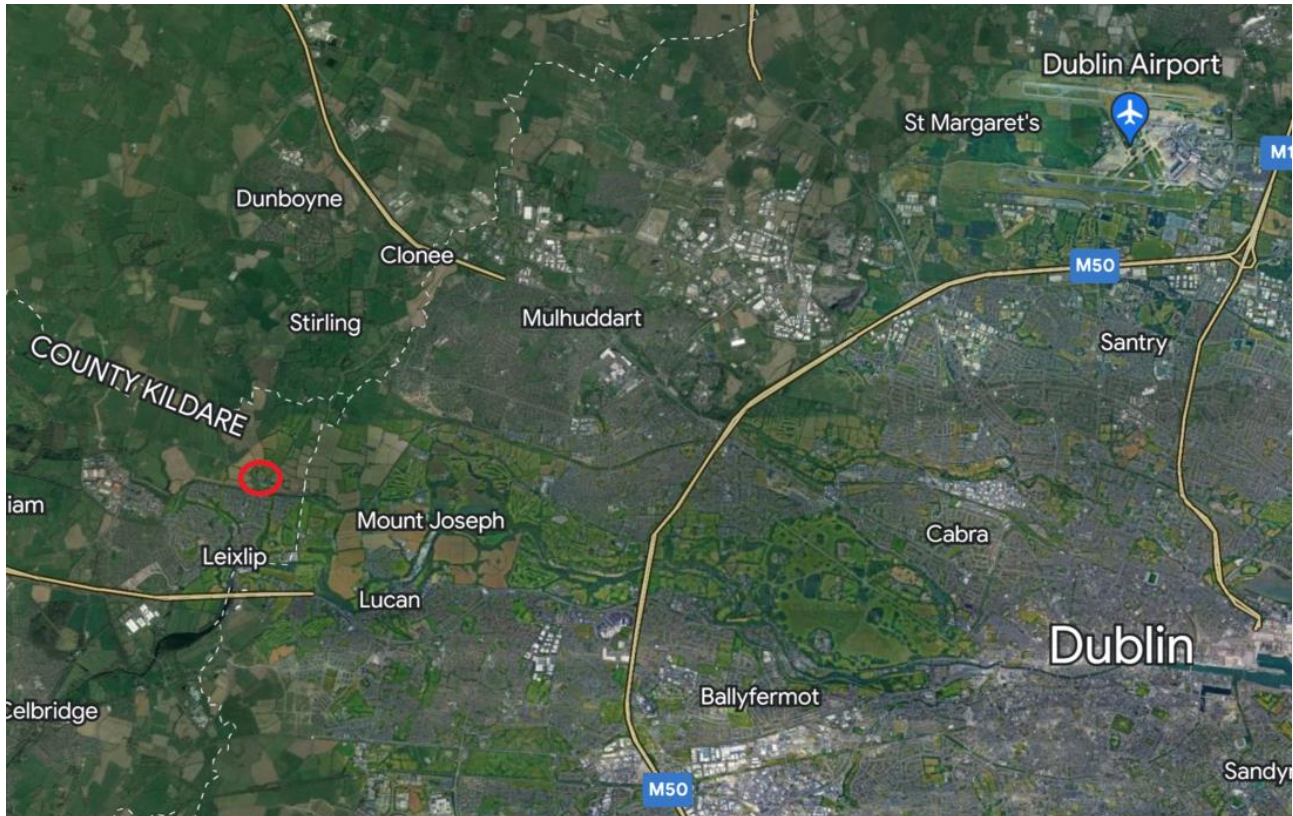


Figure 1 Confey – circled in red | Not to scale: Source (Google Earth, 2023)

2.2 Confey Masterplan

The Confey Masterplan seeks to satisfy the objectives of CON1.1 in the Leixlip LAP and provides the masterplan required to guide development in the area. CON1.1 states the following:

CON 1.1 (a) No residential development shall take place on the lands identified within the Confey Urban Design Framework until such time as a Masterplan is prepared and integrated into the Leixlip Local Area Plan by way of a statutory amendment to the Local Area Plan, pursuant to Section 20 of the Planning and Development Act 2000 (as amended).

(b) The Masterplan should include (but not be restricted to):

- (i) Phasing infrastructure programme including physical, social, transport and economic infrastructure;*
- (ii) Site-Specific Flood Risk Assessment for the masterplan lands;*
- (iii) Transport Impact Assessment including proposals (if any) for Captain's Hill (R149).*
- (iv) Upgrades to Cope Bridge.*
- (v) Details of any upgrade works to Captain's Hill, to include entrances/exits to existing housing estates from same.*
- (vi) Statement of Compliance with Urban Design Framework.*

(vii) Water and wastewater network requirements.

(viii) Associated Environmental Assessments.

(c) Individual applications for smaller sections of the Confey Masterplan lands shall not be considered by the Planning Authority or An Bord Pleanála until the Masterplan is integrated into the Local Area Plan in accordance with (a) above.

The boundaries and zoning objectives of the masterplan are presented in Figure 2.

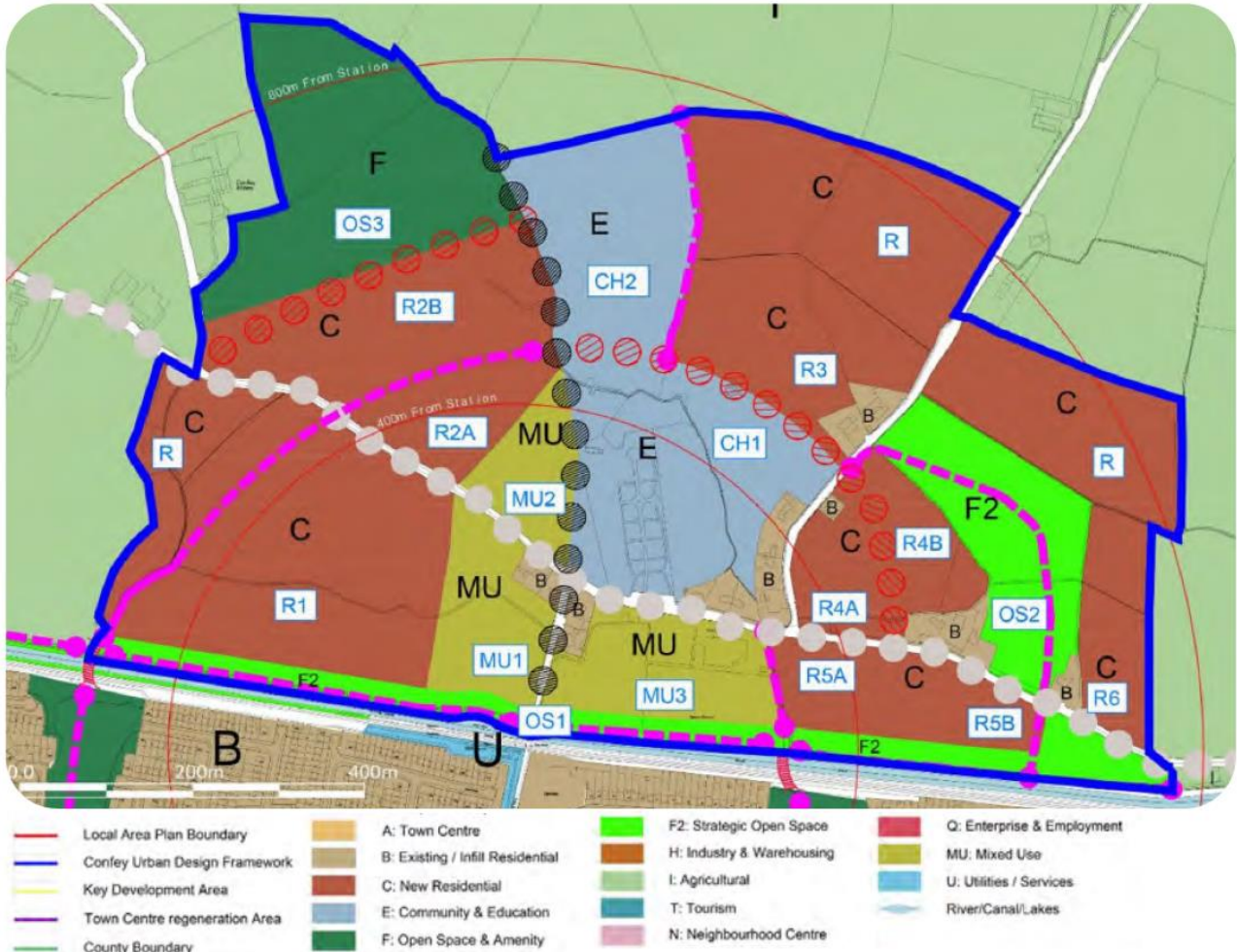


Figure 2 Confey Masterplan boundaries and zoning objectives (Source: KCC, 2023)

The development of green infrastructure and continuing ecological enhancement constitute key objectives of the Confey Masterplan. With respect to green infrastructure, the Confey Masterplan “provides for the retention of identified high to moderate quality planting, trees or hedgerows which provide a valuable resource”. These existing hedgerows, field lines and watercourses have influenced the design of the masterplan layout to incorporate natural features.

High value and moderate value hedgerows have been identified (See Figure 3) and form a network of ecological corridors where habitats and networks will be enhanced alongside the development at Confey. These corridors will also provide a varied landscape which aims to mitigate landscape and visual impacts whilst providing natural Sustainable Urban Drainage Systems (SUDS).

As noted in the SEA Addendum, potential negative effects were noted for Biodiversity, Water, Air and Noise, Land and Soil and Landscape and Visual. However, the SEA Addendum of Material Alterations stated:

“It should be noted that following preparation of the masterplan, the extent of the proposed greenfield development, and subsequent potential for negative environmental effects, may be reduced...It should also be noted that a number of environmental assessments will be carried out, during its preparation, in order to inform the Confey Masterplan. This will work to prevent, reduce and, as fully as possible, offset any significant environmental effects of implementing any greenfield development.”

The following design codes listed in Confey Lands Leixlip: Design Code (KCC, 2023a) address the issues highlighted within the SEA Addendum:

4.1.3: A range of design measures must be deployed to avoid negative environmental impacts, including noise, pollution and any potentially negative microclimatic effects;

4.1.6: Conservation and the reuse of water is to be strongly encouraged and each development should maximise the use of natural resources through rainwater harvesting and sustainable drainage techniques;

4.1.9: Urban nature conservation measures must support biodiversity;

4.1.10: Each development must retain as much of the existing tree stock as is possible and streets and squares must be generously planted with new trees;

4.4.70: Development must consider the surrounding green infrastructure and wildlife habitats with a view to developing strategies that link up existing wildlife corridors or create new ones as a means to increase biodiversity throughout the site;

5.4.4: All entrances must be covered/sheltered and provide level access and sufficient drainage to prevent flooding;

5.4.44: Street trees should be considered as an integral part of the street environment in accordance with DMURS (2013);

5.4.45: Street trees should also be augmented by planting within privacy strips along residential streets; and

5.4.46: In the interest of biodiversity and placemaking, reduced spacing between street trees should be considered and implemented where appropriate and achievable.

3. Methodology

3.1 Guidance

This AA screening report has taken into account guidance contained in the following documents:

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2010 revision);
- Appropriate Assessment under Article 6 of the Habitats Directive; Guidance for Planning Authorities. Circular National Parks and Wildlife Service (NPWS) 1/10 and PSSP 2/10;
- Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodical Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission Environment Directorate-General, 20214);
- Communication from the Commission on the precautionary principle. European Commission (2000);
- Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC (European Commission, 2007);

- Guidelines for Good Practice Appropriate Assessment of Plans under Article 6(3) Habitats Directive (International Workshop on Assessment of Plans under the Habitats Directive, 2011);
- Managing Natura 2000 Sites: The Provision of Article 6 of the Habitats Directive 92/43/EEC (EC Environment Directorate-General, 2018); [hereafter referred to as MN 2018];
- Office of the Planning Regulator Practice Note PN01 - Appropriate Assessment Screening for Development Management (OPR, 2021);
- The Status of EU Protected Habitats and Species in Ireland. Volume 1: Summary Overview. Unpublished NPWS report. NPWS (2019);
- The Status of EU Protected Habitats and Species in Ireland. Volume 2: Habitat Assessments. Unpublished NPWS report. Edited by: Deirdre Lynn and Fionnuala O’Neil. NPWS (2019); and
- The Status of EU Protected Habitats and Species in Ireland. Volume 3: Species Assessments. Unpublished NPWS report (2019). Edited by: Deirdre Lynn and Fionnuala O’Neill (2020) Environmental Protection Agency - Ireland’s Environment. An Integrated Assessment 2020 Article 12 web tool. Species trends at Member State Level.

3.2 Data Sources

Information relied upon for the AA screening report included the following information sources, which includes maps, ecological and water quality data:

- Ordnance Survey of Ireland mapping and aerial photography¹;
- Online data available on Natura 2000 Sites as held by the National Parks and Wildlife Service (NPWS)²;
- Land-use zoning from the online mapping of the Department of the Environment, Community and Local Government³;
- Water quality data⁴;
- Ireland River Basin District data⁵;
- Soils, geology, and hydrogeology data⁶;
- Article 17 Reporting on the status of EU protected habitats and species in Ireland available from NPWS website⁷; and
- Birds of Conservation Concern in Ireland (BOCCI) 2020 – 2026⁸; and
- Kildare County Council Development Plan 2023-2029⁹.

¹ OS Ireland. Available at [Home - Ordnance Survey Ireland \(osi.ie\)](#). Accessed May 2023

² National Parks and Wildlife Service. Available at [National Parks and Wildlife Service \(npws.ie\)](#). Accessed May 2023

³ MyPlan.ie. Available at [Home - My Plan](#). Accessed May 2023

⁴ Environmental Protection Agency. Available at [Home | Environmental Protection Agency \(epa.ie\)](#). Accessed May 2023

⁵ Water Framework Directive. Available at [www.wfdireland.ie](#). Accessed May 2023

⁶ Geological Survey Ireland. Available at [Geological Survey Ireland \(gsi.ie\)](#). Accessed May 2023

⁷ Article 17 Reporting. Available at [Article 17 Reports | National Parks and Wildlife Service \(npws.ie\)](#). An overview report (Volume 1), released in August 2019, provides more detail on the methodologies, an easy-to-read summary of the results and a list of contributors to the assessments. Volume 2 (Habitats) and Volume 3 (Species) contain the detailed reports and relevant scientific information. Accessed May 2023

⁸ Birdwatch Ireland. Available at [Home Page - BirdWatch Ireland](#). Accessed May 2023

⁹ Kildare County Council Development Plan 2023-2029. Available at: [Kildare County Council \(KCC\) Planning \(kildarecoco.ie\)](#) Accessed: May 2023

3.3 Screening Methodology

Screening is used to identify whether the Amendment to the LLAP, either alone or in combination with other plans or projects, is likely to have a significant effect on a Natura 2000 Site. This screening report follows European Commission (2001) guidance which recommends that screening follow a four-step process comprising:

- Step one: Determine whether the Amendment to the LLAP is directly connected with or necessary to the management of Natura 2000 Sites. If it is, then no further assessment is necessary.
- Step two: Describe the Amendment to the LLAP and other plans and projects that, 'in combination', have the potential to have significant effects on a Natura 2000 Site.
- Step three: Identify the potential effects on the Natura 2000 Sites.
- Step four: Assess the significance of any effects on the Natura 2000 Sites.

The AA screening report follows the Source-Pathway-Receptor (S-P-R) model, which dictates that in order for an effect to be established, then all three elements must be present and functioning. If one aspect of this chain is absent, then the potential LSE is to be of little significance on the Natura 2000 Site.

4. Natura 2000 Sites under Consideration

4.1 Natura 2000 sites within the Zone of Influence

A Zone of Influence (ZoI) has been identified for this screening for AA process. The ZoI is the geographical area over which a plan could affect the receiving environment in a way that could have a significant effect on the Qualifying Interests (the reasons for which the site is designated) (QIs) of a SAC or SPA. The ZoI is established using the S-P-R model and takes into consideration the scale of the Plan. This distance from the Plan's scope is precautionary and was determined by ecological effect features, such as species mobility distances and distances at which air and hydrological pollution events could have a significant effect. This is focussed on certain species where their foraging ranges, home ranges, nesting/roosting sites (and connections between same) may extend beyond the Natura 2000 Site boundaries, independent of the absence of any hydrological or hydrogeological pathways between Natura 2000 Sites and Confey Masterplan area.

In accordance with the Department of Environment, Heritage, and Local Government guidance (DoEHLG, 2010), an initial distance of 15km from the boundary of the Amendment to the LLAP was selected for consideration of Natura 2000 Sites, with extension of this area where there are hydrological linkages or other pathways that extend beyond 15km. This distance was deemed to be sufficient to cover all LSE which may arise from the implementation of Amendment No. 1 to the Amendment to the LLAP on Natura 2000 Sites. Spatial boundary data on the European network was extracted from the NPWS website in May 2023.

Based on this approach, one Natura 2000 Sites is considered in this AA screening report. In order to identify those sites that could be potentially affected, it was necessary to describe the Natura 2000 Sites in the context of why it has been designated i.e. their QIs. All Natura 2000 Sites which fall either within or within 15km of the draft Confey Masterplan are detailed in Table 1.

Table 1 Natura 2000 Sites within the Zol of the Amendment to the LLAP

Site	Site Synopsis and Qualifying Interests (QI)	Approximate Distance to the Amendment to the LLAP
Rye Water Valley/Cartron SAC	<p>Rye Water Valley/Cartron SAC is located between Leixlip and Maynooth, in Counties Meath and Kildare, and extends along the Rye Water, a tributary of the River Liffey.</p> <p>The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):</p> <p>7220 Petrifying Springs*</p> <p>1014 Narrow-mouthed Whole Snail</p> <p>1016 Desmoulin’s Whorl Snail</p>	675m

4.2 Conservation Objectives

The conservation objectives for each Natura 2000 Site focussed primarily on restoring the favourable conservation status of the habitats and species of interest (QI).

Many of the Natura 2000 Sites have site-specific conservation objectives, which focus on a particular habitats or species at that site by setting targets for appropriate attributes. The maintenance of habitats and species will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

Favourable conservation status of a habitat is achieved when:

- The natural range, and area it covers within that range, are stable or increasing;
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and
- The conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats; and
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

The conservation objectives for the Natura 2000 site within 15km are available on the NPWS website and are summarised in Table 1. The information presented in Table 1 was obtained from the NPWS website (www.npws.ie) as of December 2023.

4.3 Site Specific Threats and Pressures

In line with the Habitats Directive, any plans or projects that are directly connected with or necessary to the management of Natura 2000 Sites do not require an AA. The guiding principles of the Amendment to the Leixlip LAP are as follows:

- Identify and provide an overview of the existing opportunities and constraints facing the future development;
- Provide and demonstrate compliance with the Urban Design Framework set out in the Leixlip Local Area Plan 2020-23 (as extended).;

- Present an overarching vision that will guide the future development of the subject lands;
- Provide general and specific design principles to inform the future development;
- Provide details on residential density and distinctive ‘character areas’ in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas;
- Present a hierarchy of streets and opens spaces, including public spaces in accordance with the Design Manual for Urban Roads and Streets; and
- Provide a framework which places a focus on placemaking, the creation / enhancement of green infrastructure, built heritage and ecological features and sustainable transport modes in a manner which maximises the potential of the subject lands.

Therefore, the Proposed Amendment No. 1 to the LLAP is not for the management of the Natura 2000 Sites located within the Masterplan’s ZoI. Under Article 17 of the Habitats Directive, member states are obliged to identify threats and pressures to QIs using a standard set of criteria. A threat is defined as an “*Activity expected to have an impact on a species/habitat type in the future*”, and a pressure is defined as an “*Activity impacting a species/habitat type during the reporting cycle*”.

Threats and pressures most relevant to the Amendment to the LLAP are considered to be:

- Development, construction, and use of residential, commercial, industrial and recreation infrastructure and areas;
- Development and operation of transport systems; and
- Natural processes (excluding catastrophes and processes induced by human activity or climate change); and
- Unknown pressure and no pressures.

4.4 Identification of Potential Impacts and Effects

The available information on the European designated sites was reviewed to establish whether or not the Amendment to the LLAP is likely to have a significant effect on the conservation objectives of those sites. The likelihood of impacts on the features of interest of the European sites identified within this report is based on the information collated from desk study and other available existing information such as, but not limited to, published scientific literature and national reports such as Irish Wildlife Manuals.

The likelihood of impacts occurring are established in light of the type and scale of the proposed objectives, their location and zoning with respect of European designated sites and the features of interest and conservation objectives of the European designated sites.

The potential pressures and threats from the Amendment to the LLAP cannot at this stage be confirmed based on level of detail available however, they may be inferred particularly in relation to impacts to sensitive habitats and species. The types of effects can include:

- Direct and indirect effects;
- Short and long-term effects;
- Disturbance to habitats, important ecological features and hydrological regime;
- Habitat/species fragmentation
- Reduction in species density;
- Species mortality; and
- Changes in in key indicators of conservation value (e.g., decrease in water quality/quantity).

5. Screening for Appropriate Assessment

This section considers whether Amendment No. 1 to the Leixlip LAP is directly connected with, or necessary to, the management of the Natura 2000 Sites listed in Table 1 for nature conservation. This screening has been informed by the Natura Impact Statement (Arup, 2019) undertaken for the Draft LLAP.

This screening also confirms whether the Amendment to the LLAP would be likely to have an effect and whether that effect could be significant.

5.1 Previous Appropriate Assessment Screenings

5.1.1 Draft Revised Leixlip LAP Natura Impact Statement

The Draft Revised Leixlip LAP Natura Impact Statement (hereafter referred to as the ‘Leixlip LLAP NIS’) (Arup, 2019) assessed the potential impact of the Draft LLAP to impact on Natura 2000 sites (European sites). The Leixlip LLAP NIS contained the AA Screening which concluded that it was not possible to rule out, as a matter of scientific certainty, that the LLAP is either likely to have a significant effect on a European site(s), or that any such likelihood is uncertain or cannot be ruled out.

The aspect of the LLAP that was considered to have potential for significant effects in the AA Screening with regards to Confey was the preparation of the Confey Masterplan. The Confey Objectives (CON1.1) and objective HC1.2 were considered to have hydrological connection between the Rathleek Stream and River Rye and potential impacts for Rye Water Valley/Carnton. These objectives are as follows:

- CON1.1: *To ensure the future development of the lands identified within the Confey Urban Design Framework are subject to a detailed Masterplan the contents of which shall be agreed in writing with the Planning Department of Kildare County Council.*
- CON1.2: *To ensure no development is permitted until a detailed Masterplan has been prepared for the Urban Design Framework lands. Individual applications for smaller sections of the Framework lands will not be considered until such time as an agreement in writing has been received from the Planning Department of Kildare County Council*
- CON1.3: *To require that the Masterplan prepared for the Confey Lands is accompanied by a statement of compliance which demonstrates how proposals for future development are consistent with the overall design principles, concept and character area details set out in section 2 of the Urban Design Framework.*
- CON1.4: *To ensure the development of the Framework lands and Masterplan are consistent with the phasing/sequencing schedule set out in section 3 of the Confey Urban Design Framework; and*
- HC1.2: *To facilitate the future development of a new neighbourhood at Confey in accordance with the objectives as set out in Section 12.8.(KCC, 2019b).*

Consequently, the NIS was prepared as a precautionary measure to inform and assist KCC in carrying out its AA. The Leixlip LLAP NIS considered the likelihood of the plan, either alone or in combination with other plans or projects, having an adverse effect (or risk of this) on the integrity of a Natura 2000 site. The Leixlip LLAP NIS noted the following recommendation to mitigate any potential impacts arising from the above objectives:

Within the area of the Confey Master Plan there is a hydrological connection between the Rathleek Stream and River Rye and potential impacts to Rye Water Valley/ Carnton SAC through disturbance. Rathleek Stream, which runs along the boundary of the Confey Master Plan area is hydrologically connected to the Rye Water Valley/ Carnton SAC. Therefore, any proposals for development with potential for significant effects on Rathleek Stream should be screened for Appropriate Assessment, in accordance with Article 6(3) of the Habitats Directive. If the Council considers that a development would be likely to have a significant effect on Rye Water Valley/ Carnton SAC it will only be approved if it can be ascertained, by means of an Appropriate Assessment, that the integrity of the site will not be adversely affected.

The Leixlip LLAP NIS analysed in-combination effects with other plans and found no potential impacts as a result of the LLAP. The report concluded that with the mitigation measures, the LLAP will not have significant adverse effects on the integrity of the Natura 2000 network.

5.1.2 Appropriate Assessment Screening of Material Amendments

Material alterations were presented which proposed to alter objectives within the LLAP and revise the land use-zoning presented in the Confey UDF. The Proposed Material Alteration (MA) No. 56 proposed to delete the objectives CON1.1-CON1.4 and insert a new objective (CON1.1) under Section 12.7 of the LLAP which states:

(a) No residential development shall take place on the lands identified within the Confey Urban Design Framework until such time as a Masterplan is prepared and integrated into the Leixlip Local Area Plan by way of a statutory amendment to the Local Area Plan, pursuant to Section 20 of the Planning and Development Act 2000 (as amended).

(b) The Masterplan should include (but not be restricted to):

(i) Phasing infrastructure programme including physical, social, transport and economic infrastructure;

(ii) Site-Specific Flood Risk Assessment for the masterplan lands;

(iii) Transport Impact Assessment including proposals (if any) for Captain's Hill (R149).

(iv) Upgrades to Cope Bridge.

(v) Details of any upgrade works to Captain's Hill, to include entrances/exits to existing housing estates from same.

(vi) Statement of Compliance with Urban Design Framework.

(vii) Water and wastewater network requirements.

(viii) Associated Environmental Assessments.

(c) Individual applications for smaller sections of the Confey Masterplan lands shall not be considered by the Planning Authority or An Bord Pleanála until the Masterplan is integrated into the Local Area Plan in accordance with (a) above (KCC, 2019).

The AA Screening of Material Amendments to the Draft LLAP (Arup, 2019) found no risk of significant effect including in-combination and cumulative effects as a result of MA No. 56.

In addition, the Proposed MA No. 57 relates to the re-zoning of land from agricultural to new residential which has the potential to result in negative environmental effects-on aspects such as water, biodiversity, air and noise, land and soil and landscape and visual. Proposed MA No. 57 sought to rezone the lands within the Confey UDF as follows:

Amend the Map Ref. 4 Land Use Zoning Objectives for the Confey UDF lands to provide for an increased in the amount of land zoned 'C – New Residential' in accordance with proposed Material Alteration No. 6. The lands are located to the west, north/northeast and east of Confey.

It is noted that this will necessitate consequential material amendments throughout the document and the Confey Urban Design Framework (KCC, 2019).

The land use designations which were proposed to be altered are presented below in Figure 3.

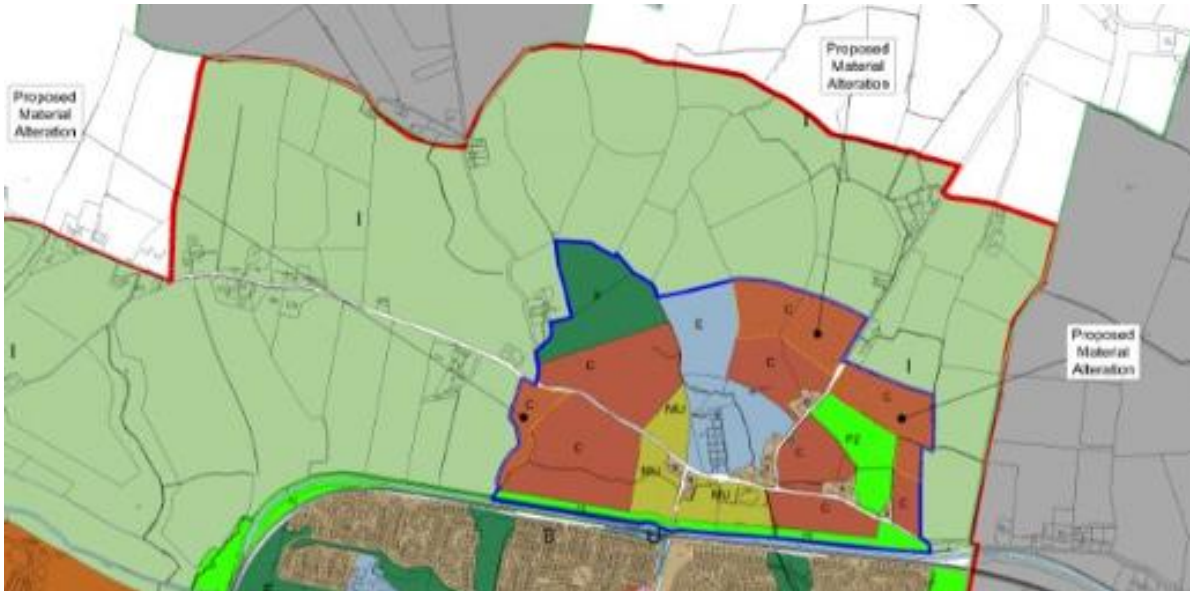


Figure 3 Proposed Land Use Changes from Material Alterations (Source: CE Report on Proposed MAs, KCC 2020)

The AA Screening of Material Amendments to the LLAP (Arup, 2019) found no risk of likely significant effects including in-combination and cumulative effects as a result of MA No. 57.

5.2 Impacts to Natura 2000 Sites

Following a review of the principles of the Amendment to the LLAP and the change from land use zonings from agricultural to residential alongside the sensitivities of each Natura 2000 Site, the potential for LSE has been assessed. Natura 2000 Sites were screened out based on one or more of the following criteria:

- Where the Natura 2000 Sites are located at such a distance that impacts are considered highly unlikely and there are no clear impact pathways such as hydrological links. As mentioned previously, a Natura 2000 Site will only be at risk from LSE where the S-P-R link exists between the draft Plan and the Natura 2000 Site; and
- Where known threats or vulnerabilities of a Natura 2000 Site, as listed in their site documents, cannot be linked to any potential impacts that may occur through the implantation of the Amendment to the LLAP. The outcome of this screening report on the Natura 2000 Site as listed previously in Table 1 is shown in Table 2.

Table 2 Screening of Natura 2000 Sites

Site	Approximate Distance from Draft Plan Area	Potential Pathway	Potential Impact	Screened in for Further Assessment
Rye Water Valley/Carton SAC	675m	The Rye Water Valley/Carton SAC and Confey Masterplan are connected via the Rathleek Stream situated on the western border of the Amendment to the LLAP. Therefore, there is a hydrological connection between the Amendment to the LLAP and the Rye Water Valley/Carton SAC.	No. Refer to Section 5.1.2	No

Whilst there is a hydrological connection between the Rye Water Valley/Carton SAC and the Amendment to the LLAP site, no risk of likely significant effects were found in both the Proposed Material Alterations AA Screening Report. As the Amendment to the LLAP will serve to reduce the environmental impact of the development through the implementation of strict design codes, any impacts previously assessed will be reduced.

The Proposed Material Alterations AA Screening Report concluded that the material alterations to the Draft Leixlip Local Area Plan (including the Confey Masterplan) will not have significant effect on the Natura 2000 network. Therefore, it can be concluded that there will be no risk of likely significant impact to the Rye Water Valley/Cartron SAC as a result of the Amendment to the LLAP.

5.3 In-combination Plans and Projects

Article 6(3) of the Habitats Directive requires an assessment of a plan to consider other plans or programmes that might, in combination with the plan or project, have the potential to adversely impact upon European designated sites.

A wide range of plans and projects are of relevance to the measures associated with the Amendment to the LLAP. These have been outlined in Table 3.

Table 3 In-Combination Effects of Plans and Projects Relevant to the Amendment to the LLAP.

Level	Plans and Projects	Potential for In-Combination Effects
Plans		
National Level	<p>National Planning Framework – Project Ireland 2040</p> <p>The framework sets out the government’s long-term overarching strategy to make Ireland a better country for all of its people. Alongside the development of physical infrastructure, Project Ireland 2040 supports business and communities across all of Ireland in realising their potential. The National Development Plan and the National Planning Framework combine to form Project Ireland 2040. Development of infrastructure may have localised adverse impacts. Actions that may arise as a result of Project Ireland 2040 will be considered at a project level, which will ensure that any cumulative or in-combination impacts are addressed. A Natura Impact Statement was prepared for the Framework and Plans in adherence to the requirements of the Habitats Directive.</p>	There is no potential for in-combination effects to occur from the Amendment to the LLAP in conjunction with this framework, due to there being no potential for LSEs arising from the Amendment to the LLAP.
	<p>The River Basin Management Plan (DoHLGH, 2018)</p> <p>Sets out the actions that Ireland will take to improve water quality and achieve ‘good’ ecological status in water bodies (rivers, lakes, estuaries and coastal waters) by 2021. “The investment of €1.7 billion in waste-water infrastructure over the period of this Plan to 2021 will see over 250 projects in urban areas progressed and decisive steps towards sustainable and efficient water use will be taken. Assessment of risks to water quality in the planning processes will be enhanced and there will be more analyses of water quality carried out at a catchment level.” “Development related to this Plan may have localised adverse impacts that will be assessed on a project level, however; overall impacts that may arise as a result of this Plan are likely to be positive in nature.”</p>	There is no potential for in-combination effects to occur from the Amendment to the LLAP in conjunction with this framework, due to there being no potential for LSEs arising from the Amendment to the LLAP.
	<p>Environmental River Enhancement Programme</p> <p><i>“The Programme focuses on the enhancement of drained Salmonid rivers in Ireland. The involves capital enhancement and enhanced maintenance.</i></p> <p><i>Infrastructural works that arise as a result of the programme have the potential to impact other designated features, however, the effects will overall be positive. Actions that may arise as a result of the programme will be considered at a project level, which will ensure that any cumulative or in-combination impacts are addressed.”</i></p>	There is no potential for in-combination effects to occur from the Amendment to the LLAP in conjunction with this framework, due to there being no potential for LSEs arising from the Amendment to the LLAP.
	<p>Sustainable Development Goals (SDGs) National Implementation Plan 2018 - 2020</p> <p><i>“The SDGs National Implementation Plan is in direct response to the 2030 Agenda for Sustainable Development and provides a whole-of-government approach to implement the 17 SDGs.”</i></p>	There is no potential for in-combination effects to occur from the Amendment to the LLAP in conjunction with this framework, due to there being no potential for LSEs arising from the Amendment to the LLAP.

Level	Plans and Projects	Potential for In-Combination Effects
Regional Level	<p>Eastern and Midlands Regional Spatial and Economic Strategy</p> <p>In order to comply with the requirements of Article 6 (3) of the EU Habitats Directive and Part XAB of the Planning and Development Act 2000 (as amended), the process of Screening for Appropriate Assessment (AA) was undertaken at an early stage in the drafting of the Regional Spatial and Economic Strategy (RSES). The AA Screening assessed whether the RSES was likely to have significant effects on any European Sites within the Natura 2000 network, either alone or in combination with other plans and projects.</p> <p>The screening concluded that an Appropriate Assessment of the RSES was required.</p> <p>The Natura Impact Report concluded that subject to mitigation, there would be no adverse effects on the integrity of any European sites as a result of implementation of the RSES.</p>	<p>There is no potential for in-combination effects to occur from the Amendment to the LLAP in conjunction with this framework, due to there being no potential for LSEs arising from the Amendment to the LLAP.</p>
	<p>Kildare County Development Plan 2023-2029</p> <p>“This NIR has considered the potential of the Plan to give rise to likely significant effects which could adversely affect any European site, with regard to their qualifying interests, associated conservation status and the overall site integrity. In considering the potential for adverse effects, it has been noted that the Plan is largely a strategic and high-level plan, which will inform the preparation of project level design and assessment. In light of this, and where necessary, a precautionary approach has been adopted by the NIR to ensure that the policies and objectives proposed and supported by the Plan are underpinned by the principles of sustainability of which the protection of European Sites forms part of. Where necessary, the requirement for project level environmental assessment is emphasised in mitigation.</p> <p>As such, the Plan itself, subject to it securing the mitigation detailed in this report, will not adversely affect the integrity of any European Site either alone or in combination with other plans or projects.”</p>	<p>There is no potential for in-combination effects to occur from the Amendment to the LLAP in conjunction with this framework, due to there being no potential for LSEs arising from the Amendment to the LLAP.</p>
Projects		
Local Level	<p>Iarnród Éireann</p> <p>Railway works from the city centre to Maynooth and M3 Parkway, largely on existing railway lines (approx.40km). Works include electrification, closure of level crossings, modification of bridges, a new depot and new Spencer Dock station.</p> <p>Located near Confey Station adjacent to the Amendment to the LLAP.</p>	<p>There is no potential for in-combination effects to occur from the Amendment to the LLAP in conjunction with this development, due to there being no potential for LSEs arising from the Amendment to the LLAP.</p>
	<p>Intel Ireland Limited</p> <p>Proposed alterations and realignment of the existing 1.1km section of 110 kV line</p> <p>Located approximately 1.2km southwest of the Amendment to the LLAP boundaries</p>	<p>There is no potential for in-combination effects to occur from the Amendment to the LLAP in conjunction with this development, due to there being no potential for LSEs arising from the Amendment to the LLAP.</p>

6. Conclusion

There is one Natura 2000 site located within the ZoI of the Amendment to the LLAP that requires consideration. Possible effects of the Amendment to the LLAP and its interventions were considered in relation to their possible impacts on the Rye Water Valley/Cartron SAC and its qualifying interests.

The *Proposed Material Alterations AA Screening Report* concluded that the *Proposed Amendment* to the LLAP (including the Confey Masterplan) will not have significant effects on the Natura 2000 network. Therefore, it can be concluded that there will be no risk of likely significant impact to the Rye Water Valley/Cartron SAC as a result of the Amendment to the LLAP.

No viable or realistic pathway (ecological, hydrological or otherwise) for impacts on the Rye Water Valley/Cartron SAC exists and potential for significant effects has been conclusively screened out.

It is Arup's view that at this stage, the *Proposed Amendment* to the LLAP and the implementation of its guiding principles, as well as considering other plans and projects and applying the precautionary principle, will not give rise to LSEs on the integrity of any Natura 2000 Sites. This indicates that an AA is not required for the Amendment to the LLAP.

7. References

Arup (2019) Kildare County Council: Draft Revised Leixlip LAP Natura Impact Report

Arup (2019) Kildare County Council: Draft Leixlip Local Area Plan 2020-2026 SEA Environmental Report

Arup (2020) Kildare County Council: Leixlip Local Area Plan SEA Addendum

KCC (2020) Final CE Report on Proposed MAs

KCC (2023a) Confey Lands Leixlip Design Code: Draft Design Code

KCC (2023b) Confey Lands Leixlip: Draft Masterplan