



**Planning Authority Habitats Directive
Appropriate Assessment Screening Determination Statement**

**Proposed Amendments / Material Alterations of the Draft
Kerry County Development Plan 2022-2028**

Stage 1 Appropriate Assessment Screening Statement

Section 12 (7) (aa) of the Planning and Development Act 2000 (as amended), requires, inter alia, a determination to be made by the planning authority as to whether an Appropriate Assessment is required to be carried out as respects one or more than one proposed material alteration of the draft Kerry Development Plan 2022-2028.

In accordance with Section 177U of the Planning and Development Act 2000 (as amended), Kerry County Council as Competent Authority hereby determines that the proposed amendments / material alterations **Ref 2.16, 11.14, 12.9 and 12.13**, may have a significant effect on a European site (Natura 2000 Site), and as such, a Stage 2 Appropriate Assessment / Natura Impact Report is required.

Pursuant to Section 12 (7) of the Planning and Development Act 2000, as amended, it is therefore determined that a (Stage 2) Appropriate Assessment is required. This Appropriate Assessment will be completed by the 18th of May 2022 and will form an addendum to the Appropriate Assessment Natura Impact Report prepared at Draft Plan Stage. The Appropriate Assessment Natura Impact Report addendum will accompany the proposed Amendments / Material Alterations on public display.

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 conclusion and Determination Statement will be undertaken by the Planning Authority at adoption.



Reasons for determination

Proposed Amendment / Material Alteration

- **Ref: 2.16** (Chapter 2 'Climate Change & Achieving a Sustainable Future' Turf Cutting). Reason: A number of peatlands in the County are designated as Natura 2000 European sites. Taken in isolation, the proposed objective could potentially facilitate the cutting of qualifying interest peatland habitat, which could significantly affect same. **This objective requires additional plan level mitigation and accordingly will be further considered within the stage 2 Appropriate Assessment of the plan.**
- **Ref: 11.14** (Chapter 11 'Environment' Dredging and Pumping of Watercourses). Reason: Many rivers and waterways in the County form part of the Natura 2000 European site network. Taken in isolation the proposed objective could potentially adversely impact water dependent qualifying interest habitats and species. **This objective requires additional plan level mitigation and accordingly will be further considered within the stage 2 Appropriate Assessment of the plan.**
- **Ref: 12.9** (Chapter 12 'Energy' Open to Consideration Zoning. Reason: The proposed amendment seeks to remove the wind energy 'open to consideration' zonings outlined in the Draft Plan. That aspect of the proposed amendment is not likely to have significant effects on Natura 2000 European sites.

The proposed amendment also seeks to add two new 'Open to Consideration' wind zoning areas in the Kilgarvan area. This would potentially facilitate the development of windfarms on lands located within the Catchment of the River Flesk and Lough Leane, which form part of the Killarney National Park, McGillycuddy Reeks and Caragh River Catchment SAC. There is also some spatial overlap between the proposed open to consideration zoning and the aforementioned SAC. Windfarm developments within the proposed zoning have the potential to significantly effect this SAC by way of habitat loss, species disturbance and or water quality impacts.

In addition, potential lesser horseshoe bat foraging and commuting grounds associated with the Kilgarvan Ice House SAC and the Curraglass Woods SAC are located within the proposed Wind Energy Open to Consideration zoning. Windfarm development within the proposed zoning have the potential to significantly effect these SACs by way of habitat loss and species disturbance / mortality. **Potential for significant effects cannot be ruled out and accordingly a more detailed Appropriate Assessment is required.**

- **Ref: 12.13** (Chapter 12 'Energy' Repowering Policy). Reason: This proposed amendment / material alteration results from the consideration of submissions and observations received on the plan's wind energy repowering proposals, including a submission received from the National Parks and Wildlife Service (DHPLG).

The proposed additional text relates to the plans wind energy repowering policy as set out in S12.5.4.1.7. **Notwithstanding the nature of the proposed amendment, given the spatial overlap and proximity between some of the proposed repowering areas and the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle (Hen Harrier) SPA, it is considered that the plans repowering policy is one which has potential to have significant effects on Natura 2000 sites and warrants further consideration within an Appropriate Assessment.**

In relation to the other proposed amendments / material alterations and having regard to the context of same within the overall plan and Appropriate Assessment undertaken to date, it is considered that no viable or realistic pathway (ecological, hydrological or otherwise) for impact on Natura 2000 European sites exists and potential for significant effect on same has been conclusively ruled out.

Signed:



Michael Scannell

**Director of Services / Stiúrthóir Seirbhísí, Economic & Community
Development / Forbairt Eacnamaíochta & Pobail**

Date:

16/5/2022