

KERRY COUNTY DEVELOPMENT PLAN 2022-2028



HABITATS DIRECTIVE ASSESSMENT APPROPRIATE ASSESSMENT

NATURA IMPACT REPORT

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Preface

Kerry County Council has prepared the Draft Kerry County Development Plan 2022-2028, hereafter referred to as the CDP. The purpose of this Natura Impact Report (NIR) is to outline and record the assessment process which has been applied to date as part of the Appropriate Assessment for the CDP under Article 6(3) of the EU Habitats Directive [92/43/EEC] as transposed through Part XAB of the Planning and Development Act 2000, as amended.

In preparing this NIR, a multi-stage approach has been taken. The purpose of this staged approach has been to align the AA process with the requirements of the Strategic Environmental Assessment (SEA) Directive [2001/42/EC] process which is also required to support the development of the CDP. Art. 3.2(b) of the SEA Directive expressly links to assessments pursuant to Article 6 of Directive 92/43/EEC. The preparation of the SEA and AA reporting comprises an integrated approach, such as sharing of baseline data and mapping of European Sites, sharing of potential ecological effects of the CDP on European Sites. In turn the SEA is informed by the Strategic Flood Risk Assessment undertaken for the CDP. These processes together have informed and shaped the development of the CDP.

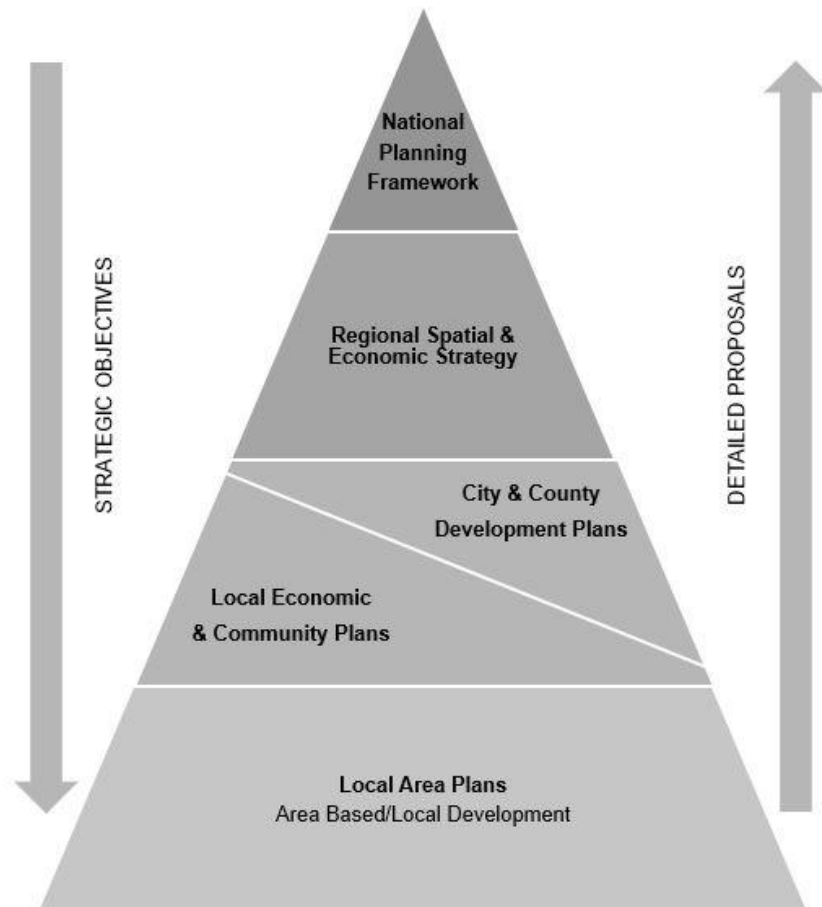
It should be noted that with the exception of one recommendation, all the recommendations contained within this NIR have been incorporated into the published DRAFT CDP. The singular recommendation not incorporated within the Draft CDP is specifically referred to in Section 8 of this report (Next Steps – page 70). As outlined in section 8, if this recommendation is not incorporated during the next stage of the plan making process, further assessment will be undertaken in relation to same, as necessary.

In the case of land use plans such as the CDP, further assessment is likely to be required to assess material amendments arising during the remainder of the plan making process and prior to adoption and finalisation. Such assessments will form addenda to this report.

1. Introduction and planning hierarchy context

Kerry County Council is currently preparing the Kerry County Development Plan 2022-2028 (CDP). The Kerry CDP is a strategic land use plan, which sets the framework for future local area plans in the County and is guided by national and regional planning policy. For the purposes of this report the 'plan' is taken to be CDP. The plan sets the framework for land use decision making within the County for the six-year period outlined. The CDP also contains policy and land use zoning objectives for the 3 main settlements in the County - Tralee, Killarney and Listowel. These town zonings are reflective of the land use zoning objectives contained within the existing Town Development Plans and which were previously subject to Appropriate Assessment. The CDP also contains policy and land use zoning objectives for the Tarbert / Ballylongford landbank. These are largely reflective of the existing land use zonings which were previously subject to Appropriate Assessment, with an additional extension eastward to link to and incorporate the existing industrial development lands on Tarbert Island. The plan also contains renewable energy policies and modified wind deployment maps.

The plan aims to put in place objectives that will better manage land use planning and economic development in the County. It is largely strategic in nature and does not, in and of its own right, confer consent for any specific development.



Above: Planning Hierarchy context for the Kerry CDP 2022-2028

1.1 Legislative context of the Natura Impact Report (NIR)

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as “The Habitats Directive”, provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community Interest through the establishment and conservation of an EU-wide network of sites known as the Natura 2000 Network. In Ireland, the Natura 2000 network of European sites comprise Special Areas of Conservation (SACs) designated under the Habitats Directive (92/43/EEC) and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC) as codified by Directive 2009/147/EC (hereafter referred to as the Birds Directive). In this report the terms ‘Natura 2000 sites’ and ‘European Sites’ are used interchangeably.

The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000 (as amended) and the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended). In the context of the CDP, the governing legislation is principally Part XAB of the Planning and Development Act 2000, as amended. Regulation 27 of the Birds and Natural Habitats Regulations also has relevance as which sets out the general duties of public authorities in relation to the nature directives and nature conservation.

A Screening for Appropriate Assessment (AA) Report to inform the AA screening determination in accordance with the requirements of Part XAB of the Planning and Development Act 2000 has been prepared and is included as Appendix A of this report. The screening report was prepared to assess, in view of best scientific knowledge, whether the CDP, individually or in combination with other plans and projects, is likely to have a significant effect on a European site. Included in the AA Screening Report and of relevance to the NIR are guidance documents, guiding principles and case law of relevance. As part of this the methodology and various stages of Appropriate Assessment are contained in Appendix A.

The AA Screening Determination by Kerry County Council, as the Competent Authority, on the screening for AA concluded that significant effects are likely or that sufficient uncertainty remains, to indicate that an appropriate assessment should be carried out for the Kerry CDP. The European sites listed in S1.1 and S1.2 of the AA Screening Report, which include all European sites located within or downstream of the County of Kerry, were screened in for Stage two Appropriate Assessment. No viable or realistic pathway (ecological, hydrological or otherwise) for impact on other European sites exists and potential for significant effect on same has been conclusively ruled out.

Therefore, the project is subject to AA in accordance with Article 6(3) of the EU Habitats Directive, the Planning and Development Act 2000, as amended. The responsibility for carrying out the AA lies with Kerry County Council. This NIR has been prepared in support of the AA process having regard for the legislative requirements of EU and national law. An NIR is defined under section 177T of the Planning and Development Act 2000, as amended: 177T.— (1) In this Part— (a) A Natura impact

report means a statement for the purposes of Article 6 of the Habitats Directive, of the implications of a Land use plan, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites.

The NIR comprises an examination, analysis, evaluation, findings and conclusions and will inform the AA determination to be made by Kerry County Council prior to finalising and adopting the CDP, as to whether or not the CDP would adversely affect the integrity of a European site (alone or in combination with other plans and projects).

1.2 Layout of the NIR

The layout of this material is as follows:

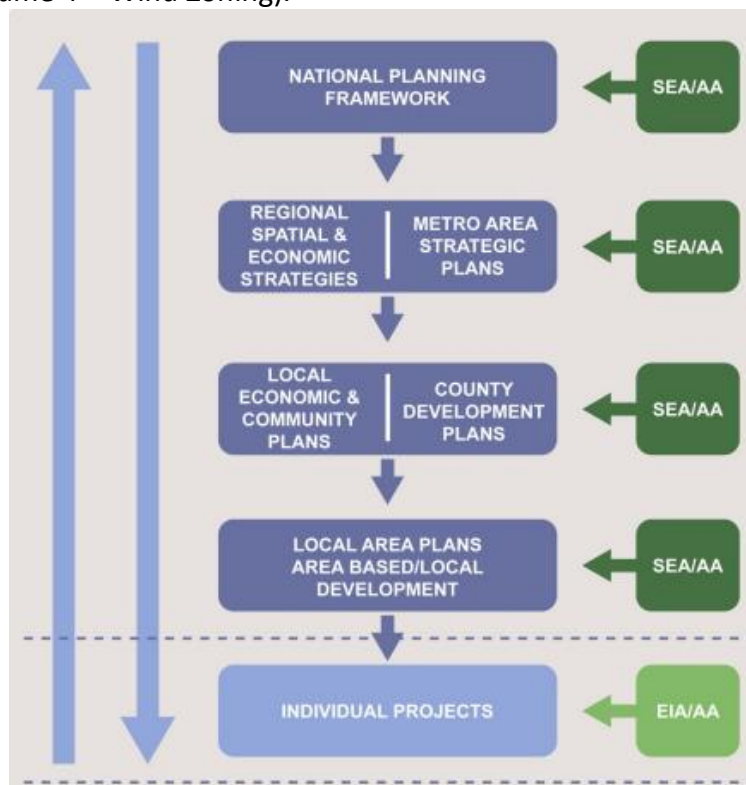
- Chapters 1-3 deal with the description of the CDP, approach and methodology for the NIR, supporting information in relation to the Natura 2000 network and a summary of the AA screening undertaken on the CDP. Appendices A to D are of relevance to these chapters. These contain the AA Screening Report and supporting information for Natura 2000 European Sites.
- Chapter 4-6 presents the main assessment in relation to the CDP and has been prepared to accompany the draft CDP for public consultation. This should be read in conjunction with Appendix F, which contains an assessment on the plan's objectives. Both Chapter 5 and Appendix F contain recommended modifications arising from this assessment.
- Chapter 7 provides a preliminary Appropriate Assessment conclusion statement of the NIR in relation to the CDP, mindful that the plan is likely to be amended prior to adoption and coming into effect.
- Chapter 8 provides an overview of the next steps in the plan making process and its relationship with this Natura Impact Report Appropriate Assessment.

2. Scope, Parameters and Description of the plan (Kerry County Development Plan 2022-2028)

The objectives and policies that make up the Development Plan are largely strategic in nature and therefore the impact assessment for same is generalised in its scope. As detail is developed down through the planning hierarchy, further opportunity for focussed assessment will be required to inform decision making at a granularity which cannot be undertaken at the CDP scale. In general, greater clarity and geographic specificity become more available at the local area plan preparation and development consent stages both of which also require Habitats Directive Assessment.

The CDP outlines that the growth targets and the level of development proposed and facilitated by the Core Strategy is in line with those specified for County Kerry in the NPF and RSES – both of which were subject to SEA and AA.

Land use zoning maps and objectives are contained within the plan for the Towns of Tralee, Killarney and Listowel and for the strategically important Tarbert / Ballylongford industrial landbank. The land use zonings in these towns is reflective of that currently outlined in the respective Town Development Plans and which was subject to SEA and AA. As part of the CDP, it is proposed to extend landbank zoning in an easterly direction to connect with and incorporate the existing industrial lands in Tarbert Island. The total proposed extension is 46.3ha, the vast majority of which is existing industrial land. The overall extent of the landbank as outlined in the CDP would remain less than that outlined within the Shannon Integrated Framework Plan and which was subject to SEA and AA. Wind deployment maps area also included in the plan (Volume 4 – Wind Zoning).



Above: AA within the land use planning hierarchy

The goals of the CDP

The Kerry County Development Plan 2022-2028 has outlined the following as its ten main goals for the future development of the County:-

1. The growth of a Sustainable and Strong Economy.
2. The transition to a Low Carbon and Climate Resilient Society.
3. Attract inward Investment and People into the County.
4. Enhance Physical and Digital connectivity internally, across the broader region and internationally
5. Promote a Socially Inclusive County.
6. Create attractive Vibrant Compact Settlements that provide a high quality of life for our citizens.
7. Strengthen the fabric of Rural Areas and Villages and support the communities who live there.
8. Maintain and provide additional Services for our citizens, investors, and visitors.
9. Protect and enhance the Natural and Built Environment.
10. The development of Kerry as a Healthy and Age friendly County with Life-Long Learning opportunities.

The vision of the CDP

“The Vision is to provide for the development of County Kerry as an attractive, competitive and sustainable place to live, visit and do business, and where the quality of employment and educational opportunities, natural and built environment, cultural experiences and the strength and viability of its rural and urban communities are to the highest standards”.

Chapter 3 of the CDP (Core and Settlement Strategy) outlines that the following will be prioritised to achieve the vision of the County Development Plan:

- Emphasis will be on the settlements outlined in the settlement strategy as the principal locations for future investment in housing, employment, infrastructure, social and community facilities.
- Re-positioning of settlements as the focal point for services serving their surrounding rural hinterland. The level of service provision will be commensurate with the size of settlement, infrastructural provision and demand from the rural hinterland served.
- The County’s intrinsic qualities, including social, recreational, cultural, linguistic, and environmental assets, will be protected which when combined with high quality employment opportunities will provide a unique location and quality of life for the residents and visitors.
- The provision of adequate water and wastewater infrastructure to facilitate the sustainable development of towns and villages without adverse impact on the environment.
- The creation of employment opportunities, capitalising on the roll out of the National Broadband Scheme and societal shifts towards remote working

The Core Strategy principles of the CDP

Following on from this the principles of the Core Strategy are outlined in S3.4 of the CDP as follows:-

The Core Strategy considers all aspects of what is needed to deliver sustainable communities having regard also to the availability of infrastructure, the carrying capacity of the environment and the need to support economic development. The following are the key areas considered in the preparation of the Core Strategy and supported by Development Objective KCDP3-1:-

Climate Action and Renewable Energy - To transition to a low carbon and climate resilient county, with an emphasis on reduction in energy demand and greenhouse gas emissions, through a combination of effective mitigation and adaptation responses to climate change; whilst increasing the resilience of our Natural and Cultural Capital to climate change by planning and implementing appropriate adaptation measures.

Housing - To facilitate the sustainable growth of all rural areas, towns and villages throughout the county by seeking to accommodate, as far as possible, all persons in their choices to live in our rural areas, towns and villages; by supporting and strengthening the rural economy to sustain vibrant rural communities and by promoting consolidation and compact development of all urban and rural settlements in an attractive setting that provides a suitable mix of housing with supporting amenities; and by ensuring coordinated investment in infrastructure that will support economic competitiveness and create a high quality living and working environment.

Settlements - To develop Kerry's settlements as a network of attractive, liveable towns and villages in the county with sustainable levels of population, employment activity and enhanced levels of amenity which encourage a high quality of life and well-being and support a sustainable synergy with the rural countryside.

Key Towns- To prioritise the sustainable development of the Key Towns of Tralee and Killarney within the Kerry Hub and Knowledge Triangle in line with the RSES. **Sustainable Communities** - To develop and support vibrant sustainable communities in Kerry where people can live, work, and enjoy access to a wide range of community, health, educational facilities, and amenities, suitable to all ages and needs, in both urban and rural areas, thereby supporting a high quality of life for all to enjoy.

Economic Development - To promote and enhance Kerry's economic development potential through increased resilience in the county's enterprise, underpinned by talent and innovation, thereby ensuring that Kerry is best placed to excel in the long-term delivery of sustainable jobs and an enhanced standard of living for all.

Kerry Hub and Knowledge Triangle- To seek investment for and to facilitate development within the Kerry Hub and Knowledge Triangle as the economic core of the county.

Tourism Development - To develop Kerry as the leading tourism destination through continued sustainable expansion of the tourism sector, with a focus on creating high-quality visitor services and the continued development and enhancement of visitor attractions and activities, capitalising on our natural and cultural heritage assets, whilst safeguarding these resources for future generations.

Mobility and Transport - To support increased use of sustainable modes of transport; the integration of spatial planning with transport planning; enhanced county and regional accessibility; the transition to a low carbon energy efficient transport system; and the development of a safer, more efficient, effective, and connected transport system within Kerry.

Infrastructural Development - To protect, improve and provide water, wastewater, surface water and flood alleviation services throughout the county, and to facilitate the provision of high-quality information communication technology, broadband, telecommunication information and electricity network required to support and enhance the key aims of best place to live, work, visit and invest.

Built Environment - To recognise and enhance the unique identity, character and built heritage of Kerry's towns, village, and rural areas, to improve quality of life through the application of healthy placemaking, underpinned by good urban design with the creation of attractive public spaces that are vibrant, distinctive, safe, and accessible and which promote and facilitate positive social interaction.

Natural Environment - Continue to protect and enhance the county's natural heritage and biodiversity and ensure that networks of green and blue infrastructure are identified, created, protected and enhanced to provide a wide range of environmental, social and economic benefits to communities; To also improve the knowledge and understanding of the county's landscape and coast, and enhance the overall characteristics, qualities and diversity of landscape character, its sense of place and local distinctiveness in recognition of the amenity potential of the county.

Funding- To maximise and utilise all available funding streams to implement the objectives of this plan. Promote the sustainable implementation of innovative, collaborative projects through the URDF, the RRDF and other sources of EU and national funding.

Population and development growth proposals

The CDP outlines that the population growth and the level of housing proposed in the Core Strategy is in line with the population target specified for County Kerry in the NPF and RSES – both of which were subject to SEA and AA. The CDP core strategy also outlines that the land use strategies for Tralee, Killarney and Listowel as contained in Volume 2, and the following local area plans, Tralee MD LAP 2018-2024, Killarney MD LAP 2018-2024, West Iveragh LAP 2019-2025, Listowel MD LAP 2020-2026 and Corca Dhuibhne EA LAP 2021-2027, are consistent with the Core Strategy

3. Overview of the Receiving Environment

Ireland has obligations under EU law to protect and conserve biodiversity. This relates to habitats and species both within and outside designated sites. Nationally, Ireland has developed a Biodiversity Plan (DCHG, 2017) to address issues and halt the loss of biodiversity, in line with international commitments. The overall vision in the National Biodiversity Plan is that “biodiversity and ecosystems in Ireland are conserved and restored, delivering benefits essential for all sectors of society and that Ireland contributes to efforts to halt the loss of biodiversity and the degradation of ecosystems in the EU and globally.” The NBP includes seven headline objectives cross referenced as appropriate to both the relevant Aichi Biodiversity targets and also the UN sustainability goals. Objective 6 of the NBP specifically addresses the Natura 2000 network. It states: Expand and improve management of protected areas and species. The three related sub-objectives in the NBP are:

- Natura 2000 network designated and under effective conservation management by 2020;
- Sufficiency, coherence, connectivity, and resilience of the protected areas network substantially enhanced by 2020; and
- No protected species in worsening status by 2020; majority species in, or moving towards, favourable status by 2020

3.1 Identification of European Sites

The European or Natura 2000 sites potentially significantly affected by the plan, on a precautionary basis have been identified in the AA Screening Report contained as Appendix A of this report, as follows:-

Natura 2000 site Name and Code
Special Areas of Conservation (SACs)
Caha Mountains SAC, 000093
Akeragh, Banna And Barrow Harbour SAC, 000332
Ballinskelligs Bay And Inny Estuary SAC, 000335
Castlemaine Harbour SAC, 000343
Old Domestic Building, Dromore Wood SAC, 000353
Kilgarvan Ice House SAC, 000364
Killarney National Park, Macgillycuddy's Reeks And Caragh River SAC, 000365
Lough Yganavan And Lough Nambrackdarrig SAC, 000370
Mount Brandon SAC, 000375
Sheheree (Ardagh) Bog SAC, 000382
Cloonee And Inchiquin Loughs, Uragh Wood SAC, 001342
Mucksna Wood SAC, 001371
Glanmore Bog SAC, 001879
Maulagowna Bog SAC, 001881
Mullaghanish Bog SAC, 001890
Old Domestic Building, Curraglass Wood SAC, 002041
Tralee Bay And Magharees Peninsula, West To Cloghane, SAC 002070
Old Domestic Building, Askive Wood SAC, 002098
Ballyseedy Wood SAC, 002112
Kenmare River SAC, 002158
Lower River Shannon SAC, 002165
Blackwater River (Cork/Waterford) SAC, 002170
Blasket Islands SAC, 002172
Blackwater River SAC (Kerry), 002173

Natura 2000 site Name and Code
Slieve Mish Mountains SAC, 002185
Drongawn Lough SAC, 002187
Magharee Islands SAC, 002261
Valencia Harbour/Portmagee Channel SAC, 002262
Kerry Head Shoal SAC, 002263
Glanlough Woods SAC, 002315
Moanveanlagh Bog SAC, 002351
Glengarriff Harbour And Woodland SAC (Cork), 000090
Tullaer Lough and Bog SAC (Clare), 002343
Special Protected Areas (SPAs)
Puffin Island SPA 004003
Skelligs SPA 004007
Blasket Islands SPA 004008
Tralee Bay Complex SPA (includes former Lough Gill SPA 004011 and Akeragh, Banna and Barrow Harbour SPA 004079), 004188
Castlemaine Harbour SPA 004029
Killarney National Park SPA 004038
River Shannon and River Fergus Estuaries SPA 004077
Eirk Bog SPA 004108
Magharee Islands SPA 004125
Dingle Peninsula SPA, 004153
Iveragh Peninsula SPA 004154
Stacks to Mullaghareirk Mountains, West Limerick and Mount Eagle Hills SPA 004161
Deenish Island and Scariff Island SPA 004175
Kerry Head SPA 004189
Mullaghanish To Musheramore Mountains SPA (Cork) 004162
Blackwater Callows SPA (Cork and Waterford) 004094

3.2 Conservation Objectives

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of annexed habitats and annexed species of community interest for which an SAC or SPA has been designated. The Conservation Objectives (COs) for a European site are set out to ensure that the QIs/SCIs of that site are maintained or restored to a favourable conservation condition. Maintenance of favourable conservation condition of habitats and species at a site level in turn contributes to maintaining or restoring favourable conservation status of habitats and species at a national level and ultimately at the European site network level.

Detailed site synopses for each European site are also available from the NPWS website. In Ireland 'generic' COs have been prepared for all European sites, while 'site specific' COs have been prepared for a number of individual sites to take account of the specific QIs/SCIs of that site. Both the generic and the site-specific COs aim to define the requirements for favourable conservation condition for habitats and species at the site level. Generic COs which have been developed by NPWS encompass the spirit of site-specific COs in the context of maintaining and restoring favourable conservation condition as follows;

- For SACs: "To maintain or restore the favourable conservation condition of the Annex I habitats and/or Annex II species for which the SAC has been selected".
- For SPAs: "To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA".

Site-specific conservation objectives (SSCO) aim to define favourable conservation condition for a particular habitat or species at a European site. Maintaining habitats and species in a favourable conservation condition then contributes to the wider objective to maintain those most vulnerable habitats and species at favourable status throughout their range within the Natura 2000 network.

At an individual site level, SSCOs specify whether the objective is to maintain or to restore favourable conservation condition of the habitat or species, and they set out attributes and targets that define the objectives. It is the aim of the DCHG to produce SSCOs for all European sites in due course. Qualifying interests (QI) and Special Conservation Interests (SCIs) are annexed habitats and annexed species of community interest for which an SAC or SPA has been designated. The SSCOs for European Sites are set out to ensure that the QIs/ SCIs of that site are maintained or restored to a favourable conservation condition/ conservation status. The QIs for SACs and the SCIs for SPAs considered in this NIR are contained in Appendix F.

Favourable conservation status (or condition, at a site level) of a habitat is achieved when:

- its 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 (or condition, at a site level) 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.

A full listing of the COs and QIs/ SCIs that each European Site is designated for, as well as the attributes and targets to maintain or restore the QIs/ SCIs to a favourable conservation condition are available from the NPWS website (www.npws.ie).

It is noted that the existing conservation condition of some habitats and species is unfavourable at present for various reasons, including because of exceedance in environmental quality parameters.

3.3 Conservation Status of EU protected Habitats and Species

In 2007, 2013 and again in 2019 the National Parks and Wildlife Service (NPWS) published a report detailing the conservation status in Ireland of habitats and species listed in the EU Habitats Directive (92/43/EEC), often referred to as “the Article 17 Report”. Under the Habitats Directive, each Member State is obliged to undertake surveillance of the conservation status of the natural habitats and species in the Annexes and under Article 17, to report to the European Commission every six years on their status and on the implementation of the measures taken under the Directive. Appendix B sets out a summary of the 2019 conservation status of each habitat and species.

Ireland’s 2019 Article 17 Habitats Report recorded 15% of habitats as “favourable”, 46% as “inadequate” and 39% as “bad”. Among the other key findings were:

- Many Irish habitats are in unfavourable status. Many are still declining albeit with some positive actions underway while almost half are demonstrating ongoing declines;
- The main pressures to habitats are from grazing (undergrazing and overgrazing); pollution of watercourses; drainage / cutting of peatlands and wetlands; invasive species; recreation; [urbanisation; fertilizer application; and road building among others];
- Some of the marine habitats are considered to be improving, and to have better prospects, due in part to implementation of other EU environmental directives;
- The status of raised bogs in Ireland is “bad”; and the trend is for an ongoing decline as restoration is necessary to cause improvement, notwithstanding the cessation of cutting on SAC bogs. However, The National Raised Bog Special Areas of Conservation Management Plan 2017- 2022 sets out a commitment for protection and restoration activities within all raised bog SACs;
- Grasslands, such as orchid-rich grasslands and hay meadows, have undergone significant losses over the last decade, with 31% and 28% of the area monitored reported as being lost;

- Blanket bog is also assessed as “bad”; the report notes that, as one of the main impacts on this habitat is grazing, an improving trend might be expected due to the implementation of Commonage Framework Plans. However, this improvement appears to be offset and even exceeded by on-going deleterious effects such as peat cutting, erosion, drainage and burning;
- Although some of our woodlands are rated as “bad” because they are patchy and fragmented, improvements have been noted due to afforestation, the planting of native species, the removal of alien species and control of overgrazing. Improvements noted from 2013 are now recorded as stable in 2019;
- Many freshwater habitats are considered unfavourable due to nutrient loading within the catchment, however the RBMP (2018-2021) will aim to ensure improved targeting of mitigation measures

Ireland’s 2019 Article 17 Species Report recorded that 57% of species were assessed as “favourable”, 15% as “inadequate”, 15% as “bad” and 13% as “unknown” or considered to be vagrant species (Notwithstanding the above, it is understood that the Killarney shad population may have deteriorated since the 2019 report). Among the key findings were:

- Otter, pine marten and many bat species have also been assessed as “favourable” with evidence of an expanding range;
- The Natterjack toad is not exhibiting adequate positive results but has gone from “bad” in 2013 to stable in 2019.
- Salmon (*Salmo salar*) is showing signs of improvement and the Killarney shad (*Alosa killarneyensis*) is still assessed as “favourable”, but some other fish remain at “bad” status; and
- Freshwater pearl mussel is “bad” and declining.

Ireland’s Article 12 of the Birds Directive (2009/147/EC), submission to the EU Commission on the Status and trends of bird species (2008-2012) covers 196 species which includes breeding, wintering and passage species. Appendix C sets out a summary of the conservation status of each bird species having regard to the Article 12 submission and to the Birds of Conservation Concern in Ireland 4:2020-2026 Report (Gilbert *et al* 2020). Among the key findings were:

- Results show 23 species moving onto the Red list and only six leaving it.
- 54 (25.6%) of Ireland’s regularly occurring bird species are now on the Red list, with some species having shown dramatic declines and losses on this island.
- Existing conservation concerns are reinforced, such as the further catastrophic decline of waders with six more wading bird species joining the Red list; and generalist birds of farmland now Red-listed.
- When grouped by habitat, upland (50%) and farmland (35%) have the highest proportions of Red-listed species.
- Black-headed Gull *Larus ridibundus* and European Herring Gull *Larus argentatus* have moved from Red to Amber.

3.4 Threats and pressures to EU protected Habitats and Species

Under Article 17 of the Habitats Directive, member states are obliged to identify threats and pressures to QIs/SCIs 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 considered to be most relevant and linked either directly or indirectly to the CDP were extracted from the full list of threats and pressures. The headline categories considered relevant to the CDP are presented below, with a more detailed breakdown of the threats and pressures under each headline category presented in Appendix D.

- Agriculture;
- Forestry;
- Mining, quarrying and energy production;
- Biological resource other than agriculture & forestry;
- Transportation and service infrastructure;
- Urbanisation, residential and commercial development;
- Disturbance due to human activities;
- Pollution;
- Invasive and introduced species;
- Modification of natural conditions; and
- Climate change.

Ireland's Prioritised Action Framework was published by the DAHG in November 2014 and this was based upon the EU Biodiversity Strategy to 2020 (2011). It identified a range of actions needed to help improve the status of Ireland's habitats and species. The key priorities outlined in the framework are outlined below:

- Restoration of raised bogs;
- Better protection for blanket bogs and Ireland's uplands generally;
- Better management of Ireland's dunes and machair systems;
- Better protection for turloughs;
- Measures to protect Ireland's remaining freshwater pearl mussels; and
- New measures to protect birds in decline such as the hen harrier, corncrake and waders.

4. Stage 2 Appropriate Assessment of the CDP

4.1 Assessment Methodology

In line with the relevant guidance and case law, this stage of the Appropriate Assessment consists of three main steps, the first of which 'Impact Prediction' is contained in this section of the report:

- **Impact Prediction** – identify the aspects of the draft plan likely to affect the conservation objectives of European sites, the types of impacts include direct and indirect effects; short and long-term effects; construction, operational and decommissioning effects; and isolated, interactive and cumulative effects. A source-pathway-receptor model has been used to assess potential for impact.
- **Assessment of Effects** - where the effects of the draft plan are assessed as to whether they have any adverse effects on the integrity of European Sites as defined by conservation objectives; and
- **Mitigation Measures** - where mitigation measures are identified to ameliorate any adverse effects on the integrity of any European Site.

4.2 Impact Prediction

As previously outlined a source-pathway-receptor model has been used to assess potential for impact. The source relates to the policy and objective measures outlined in the CDP which have the potential to adversely impact European Sites e.g. infrastructural developments. The pathways by which CDP can impact European Sites include changes in land use, habitat loss/fragmentation, emissions to air and via hydrological connections. The receptor in this instance will be the European sites, for which there is a pathway of connectivity as a result of the implementation of the CDP.

Impacts that could potentially occur through the implementation of the CDP can be categorised under the following categories having regard to the EC 2021 methodological guidance document:

- **Direct loss:** reduction of habitat coverage as a result of its physical destruction (e.g. due to its removal or to the deposition of construction materials or sediments); loss of breeding, foraging, resting areas for species.
- **Degradation:** deterioration of habitat quality, leading to a reduced abundance of characteristic species or an altered community structure (species composition). This can be caused by changes in abiotic conditions (e.g. water levels or an increase in suspended sediments, pollutants or dust deposition); deterioration of breeding, foraging, resting areas for species.
- **Disturbance:** a change in existing environmental conditions (e.g. increased noise or light pollution, a greater frequentation of people and vehicles). Disturbance may cause, inter alia, the displacement of species individuals, changes in species behaviour, or the risk of morbidity or mortality.

- **Fragmentation:** leading to an alteration of distribution patches of relevant habitats and species, e.g. through the creation physical or ecological barriers in areas that are physically or functionally connected, or splitting them into smaller more isolated units.
- **Other indirect effects:** indirect change to the quality of the environment (resulting for example from a change in availability of nutrients and light, or an increase in the vulnerability of the site to other new threats such as invasive alien species, human and animal penetration).

In identifying the aspects of the draft plan likely to affect the conservation objectives of European sites, regard was had to the embedded protection measures included in the CDP as outlined in section 4.2.1 and Table 4.1 below.

4.2.1 Embedded protection measures included in the CDP

This assessment has considered the potential to impact on the achievement of the Conservation Objectives of the European Sites, as required by Article 6 of the Habitats Directive. The assessment has been developed in the context of the full policy base contained within the CDP which includes environmental protection policies, introduced with a view of avoiding adverse effects in line with recognised mitigation hierarchy.

Of specific relevance to the potential for impact on European sites, the following environmental commitments and objectives as set out in Table 4.1, are contained within the CDP and underpin the assessment which follows. Note these may have been further strengthened by way of the SEA and NIR recommendations.

Table 4.1 – Protective Policies and Objectives relevant to European Sites

Embedded protective policies and objectives relevant to European Sites in the CDP	
Chapter 1. Introduction	Section 1.7 presents an over-arching protection policy for Natura 2000 sites which underpins their protection within the context of the County Development Plan.
1.7 Sustainable Development Interpretation	This section makes it clear that for the purposes of this plan, the conservation of species and habitats in accordance with the requirements of the EU Habitats and Birds Directives is considered to be a vital component of sustainable strategies, policies, and objectives. Similarly, where the term ‘at appropriate locations’ is used within this plan, the protection of the Natura 2000 network inherently applies. It further outlines that all policies and objectives supported by the plan are required to be carried out in a manner which does not adversely affect Natura 2000 sites and that the plan only supports strategies plans and projects or aspects of same which are compatible with the requirements of the Habitats Directive.

Embedded protective policies and objectives relevant to European Sites in the CDP	
Chapter 3. Core Settlement Strategy	<p>3.2 Setting out the Core Strategy</p> <p>The following will be prioritised to achieve the vision of the County Development Plan:.... ‘The provision of adequate water and wastewater infrastructure to facilitate the sustainable development of towns and villages without adverse impact on the environment....’</p> <p>3.10.3 Population Distribution (and allocation)</p> <p>In allocating settlement population growth targets to settlements, ‘Environmental and infrastructural constraints’ are included as a guiding principle taken into consideration.</p>
Chapter 4. Towns & Villages	<p>4.4.1 Sustainable Infill and Brownfield Development</p> <p>It is an objective of this plan to encourage the redevelopment and renewal of town and village cores rather than continual expansion and sprawl of settlements out into the countryside. A target of at least 30% of new housing should be delivered within the existing built-up areas of settlements on infill and/or brownfield sites.</p> <p>Development Objective KCDP4-25</p> <p>It is an objective of the Council to prioritise the regeneration of underused town centre and brownfield / infill lands in order to achieve the sustainable delivery of new housing within the existing urban footprint of settlements in the County.</p>
Chapter 5. Rural Housing	<p>Development Objective KCDP5-16</p> <p>It is an objective of the Council to ensure that the provision of rural housing will not affect the landscape, natural and built heritage, economic assets, and the environment of the county.</p> <p>Development Objective KCDP5-18</p> <p>It is an objective of the Council to ensure that all developments are in compliance with normal planning criteria and environmental protection considerations.</p> <p>5.8 Renovation and Restoration of Existing and Vacant Buildings Situated in Rural Areas</p> <p>Where necessary surveys on protected species may need to be undertaken in order to assess the impact of restoration and renovations on these protected species.</p>
Chapter 7. Housing for all	<p>S7.3 Support a sequential approach to residential development in which the first-choice location for new housing is within the built-up area of towns and villages, while maximising under-utilised infill and brownfield lands within town and village centres</p>
Chapter 9. Economic Development	<p>9.7.3 Rural Economy</p> <p>This section highlights the importance of biodiversity and Kerry’s rich natural environment. Its further outlines that ‘it is necessary for these features to be protected to the standards required by</p>

Embedded protective policies and objectives relevant to European Sites in the CDP

national legislation and European Directives, whilst accommodating sustainable development in appropriate locations to facilitate sustainable economic growth and development’.

Agriculture, Agri-Food and Agri-Tech

Development Objective KCDP 9-52

It is an objective of the Council to facilitate and support the development of sustainable agricultural practices and facilities within the county, subject to normal planning and environmental criteria and the development management standards contained in Volume 6 of this plan

Development Objective KCDP 9-61

It is an objective of the Council to ensure the economic benefits associated with promoting the County’s agri-food sector are balanced with due consideration for the conservation and protection of the rural environment

9.7.6.2.2 Foreshore Extraction

Development Objective KCDP 9-69

It is an objective of the Council to prevent, where appropriate, the extraction of inorganic material from the foreshore and watercourses. Proposals necessary for the purposes of flood risk management or navigation route protection will be considered on their merits and will be subject to detailed environmental assessment. As part of this the potential for impact on fisheries and Natura 2000 sites will be taken into consideration.

9.7.6.2.3 Forestry

Development Objective KCDP 9-73

It is an objective of the Council to support sustainable forestry development, including the planting of native trees, throughout the County where it is deemed appropriate and to ensure that the development is compatible with the protection of the environment and nature conservation areas including sensitive areas, water supplies and fisheries.

9.7.6.2.4 Fishing / Aquaculture

Development Objective KCDP 9-78

It is an objective of the Council to support the protection of water quality, key habitat, and other natural resource requirements necessary to safeguard coastal, estuarine and freshwater fisheries.

9.7.9 Marine Sector

Development Objective KCDP 9-80

Embedded protective policies and objectives relevant to European Sites in the CDP	
	<p>It is an objective of the Council to support the existing diverse nature of the marine sector in Kerry, and identify and promote sustainable growth opportunities, while protecting European sites. This shall be achieved through engagement and partnership with the relevant agencies, sectoral representatives, and local communities.</p>
Chapter 10. Tourism and Outdoor Recreation	<p>10.1.1 Sustainable Tourism and Climate Action Development Objective KCDP 10-1</p> <p>It is an objective of the Council to adhere to the principles of sustainable tourism and have regard to its current and future economic, social and environmental impacts on local infrastructure, sensitive areas and sites, water quality, biodiversity, soils, ecosystems, habitats and species, climate change.</p> <p>Development Objective KCDP 10-31</p> <p>It is an objective of the Council to ensure that future caravan, camping and parking facilities in coastal areas will not be visually intrusive or impact on sensitive coastal environments (e.g., sand dune systems).</p> <p>10.3.1 Wild Atlantic Way</p> <p>‘.....Kerry County Council are committed in conjunction with Failte Ireland to sustainably improve facilities along the WAW route subject to appropriate environmental assessments’ .</p> <p>10.4.1 Adventure Tourism</p> <p>This section of the CDP outlines that ‘County Kerry has excellent natural outdoor recreation assets including mountains, forests, lakes, rivers, and beaches and has the capacity to become a year-round international outdoor activity destination. Other assets include internationally renowned golf courses, adventure centres and marine based water activities. It is recognised that such uses often require a rural location which may be high in natural and cultural heritage values which must be protected.’</p> <p>10.4.1.2 Greenways/Blueways/Peatways</p> <p>...Blueways and associated infrastructure need to be developed in a sustainable manner with minimal impact on sensitive habitats and sensitive species.</p> <p>Development Objective KCDP 10-37</p> <p>It is an objective of the Council to facilitate and promote a link between The Beara Way, The Kerry Way, The Dingle Way, The Saint’s Walk (Cosán na Naomh), The North Kerry Way and The Shannon Way to create a walking trail subject to ensuring that no</p>

Embedded protective policies and objectives relevant to European Sites in the CDP	
	<p>significant adverse effects on the environment and the integrity of the Natura 2000 network.</p> <p>Development Objective KCDP10-39 Support the provision of sustainable mountain bike facilities at suitable locations subject to compliance with the policies and objectives of this Plan particularly as they relate to the protection of the natural environment.</p> <p>Development Objective KCDP10-54 Support the provision of appropriately designed and located toilet and changing facilities at blue flag beaches in the county and at other locations subject to need assessment and environmental compatibility.</p> <p>Development Objective KCDP10-61 Sustainably support and promote, with the co-operation of landowners, public access to heritage sites and features at appropriate locations.</p> <p>Development Objective KCDP10-62 Support and promote the sustainable development of architectural and heritage trails, at appropriate locations ensuring that development does not result in negative impacts on the fabric or setting of Kerry's heritage assets.</p>
Chapter 11. Environment	<p>Development Objective KCDP 11-1 It is an objective of the Council to ensure that the requirements of relevant EU and national legislation, are complied with by the Council in undertaking its functions.</p> <p>11.2.1 European / National DesignationsThe Planning Authority will assess all plans and projects for compliance with Article 6 of the Habitats Directive in accordance with the DEHLG (2010) Appropriate Assessment of plans and projects in Ireland.</p>
Chapter 12. Energy	<p>Development Objective KCDP12-08 Ensure that the siting of electricity power lines is managed in terms of the physical and visual impact of these lines on both the natural and built environment, the conservation value of Natura 2000 sites and especially in sensitive landscape areas. When considering the siting of powerlines in these areas, consideration will be given to undergrounding or the selection of alternative routes.</p> <p>12.5.4.1.3 Wind Energy Policy Areas In line with national guidance, areas of the County have been designated as 'Open for Consideration'. 'Repower areas' have also</p>

Embedded protective policies and objectives relevant to European Sites in the CDP

been identified. The methodology for the designation of these areas is outlined in Wind Zoning Methodology (Appendix 2).

Applications for windfarms in these areas will be assessed on a case-by-case basis, subject to viable wind speeds, environmental resources and constraints and cumulative impacts in compliance with Article 6 of the Habitats and EIA Directives. Areas outside

‘Areas Open to Consideration’ and ‘Repower areas’ are not deemed suitable for commercial wind farm development because of their overall sensitivity arising from landscape, ecological, recreational and or cultural and built heritage resources.

S12.5.4.1.4 Open-to-Consideration

Having regard to ...impact on sensitive receptors in the environment and European / Natura 2000 sites

Development Objective KCDP12-14

Facilitate the sustainable development of wind energy development within open-to-consideration areas at appropriate locations where it can be demonstrated to the satisfaction of the planning authority that there will be no significant adverse impact on residential amenity, on the built and natural environment, or on the visual character of the landscape.

Development Objective KCDP12-15

Ensure that wind energy projects will not normally be considered in areas outside of ‘Open-to-Consideration’ and ‘Repower Areas’.

12.5.4.1.7 Repower Areas

As wind turbine technology continues to advance, existing windfarms and sites developed today have the potential to greatly increase efficiency and capacity by upgrading older turbines with more efficient technology or their replacement with larger capacity turbines in the future. The repowering of these sites will be considered where it is demonstrated that there is no adverse impact on the receiving environment.

Repowering of existing wind energy developments may be considered within or adjacent to European sites. These applications will be dealt with on a case-by-case basis in accordance with best practice environmental standards and compliance with Article 6 of the Habitats Directive.

Given the outcome of the European Union Court of Justice (CJEU) Case C-164/17, wind farms in/adjacent to SPAs designated for

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Breeding Hen Harrier, when applying for repowering will require the submission of a Natura Impact Statement (NIS) that is informed by this judgement. This will include upgrades, renewal, repowering or extension of existing planning permissions, for wind farms

Development Objective KCDP12-16

(a) Facilitate the sustainable replacement of turbines or re-power energy projects in areas shown as ‘Repower areas’ and areas ‘Open-to-Consideration’

(b) Ensure that repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier shall not result in insufficient habitat for the Hen Harrier in line with the conservation objectives of the SPA. As part of this re-powering, proposals will not be permitted to result in the taking out of additional Hen Harrier foraging habitat within the SPA.

(c) Ensure that all mitigation measures outlined in a Natura Impact Statement, submitted in support of Repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier shall be certain beyond all reasonable scientific doubt and shall be supported by robust evidence including at least 2 years of annual ornithological survey work.

(d) Ensure that repowering proposals within or in proximity to SPAs designated for Breeding Hen Harrier do not constitute an unacceptable collision risk to Hen Harrier

Development Objective KCDP12-17

Ensure that all applications are accompanied by a Natura Impact Statement under Article 6 of the Habitats Directive if the site is located within or within close proximity to a (candidate) Special Area of Conservation or Special Protection Area or if the site is within the catchment of a (candidate) Special Area of Conservation.

12.5.4.1.8 Extension to Existing Windfarms

In certain circumstances an extension to an existing wind farm may be considered subject to best practice environmental standards and where existing infrastructure can be used. Extension to existing windfarms will not be considered within Natura 2000 sites.

Development Objective KCDP12-19

Ensure that extensions to existing windfarm developments located within Natura 2000 designations, are not permitted.

12.5.4.1.9 Single User Turbines

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	<p>If located within or close to a SPA, SAC or NHA, a Habitats Directive Assessment and/or Environmental Impact Assessment may be required.</p> <p>Solar Energy Development Objective KCDP12-21 Facilitate USSPV where it can be demonstrated to the satisfaction of the planning authority that there will be no significant adverse impact on the built and natural environment, the visual character of the landscape, or on residential amenity.</p> <p>Hydropower Development Objective KCDP12-24 (a) Not permit hydro power developments in Natura 2000 sites or within designated and proposed Natural Heritage Areas or, ex situ of these ecologically sensitive areas where proposals will adversely affect the integrity of Natura 2000 sites; impact on the ecological integrity of NHA/pNHAs, or the habitats of protected species (without appropriate licence) as designated under National and European legislation. (b) Not permit Hydro power developments in the following particularly sensitive water catchments:</p> <ul style="list-style-type: none"> • Lough Leane • Currane • Gearhameen • Kerry Blackwater • Caragh River • Owenmore • Munster Blackwater <p>Ocean Energy Development Objective KCDP12-29 Support the sustainable development of onshore infrastructure, including grid connections, to facilitate the development of offshore energy projects at appropriate locations and further to environmental assessments.</p>
<p>Chapter 13 Water & Waste Management</p>	<p>Development Objective KCDP13-1 Ensure compliance with the Water Framework Directive.</p> <p>Development Objective KCDP13-2 Achieve water quality targets by implementing the national River Basin Management Plan (and associated programmes of measures).</p> <p>Development Objective KCDP13-3</p>

Embedded protective policies and objectives relevant to European Sites in the CDP	
	<p>Ensure Irish Water invest in capital projects over the lifetime of this plan to facilitate the population growth targets outlined in the Core Strategy of this plan.</p> <p>Development Objective KCDP13-9 Protect the County’s waters from pollution by nitrates and phosphates from agricultural sources by facilitating changes in agricultural practices.</p> <p>Development Objective KCDP13-10 Ensure that all wastewater treatment systems for single houses are designed, constructed, installed and maintained in accordance with the manufacturers guidelines and the E.P.A. Publication ‘Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses’ or any amending/replacement guidance or standards.</p>
Chapter 14. Connectivity	<p>Development Objective KCDP14-2 Facilitate and support the sustainable establishment of a network of greenways as outlined in the KCC Greenway Strategy in Map 14.1 and Table 14.2 within the County and the adjoining counties, further to environmental assessment.</p> <p>Development Objective KCDP14-13 Ensure that all proposals for new greenways comply with the following strategy: Strategy for the Future Development of Greenways (DTTAS, 2017) and are subject to prior environmental assessment.</p>
Volume 2. Tralee Town Plan	<p>1.1.3 Vision and Strategy Plan for Sustainable Growth</p> <ol style="list-style-type: none"> 1. Sustainably strengthen the role of Tralee in accordance with the RSES as a Key town and economic driver in the region and build upon inherent strengths as a key settlement in the Kerry Hub Knowledge Triangle and on the Atlantic Economic Corridor. 2. Sustainably plan for future growth of the town on a phased basis in consultation with Irish Water to ensure that the timely provision of wastewater treatment infrastructure is provided for and that future growth does not impact negatively on the Tralee Bay SAC. <p>Development Objective TR1 Plan for and facilitate the development of Tralee in accordance with RSES RPO 11 & RPO15</p> <p>Development Objective TR58</p>

Embedded protective policies and objectives relevant to European Sites in the CDP	
	<p>Promote existing features and facilities such as the natural, cultural and built heritage and facilitate sustainable tourism developments that pay due respect to Tralee’s history, environment and location.</p> <p>Development Objective TR59 Support Tralee as an urban coastal tourism destination while protecting the natural resources on which it relies.</p> <p>Development Objective TR96 Facilitate and support the ongoing maintenance (including dredging) of the Tralee Canal to ensure its use as a navigational waterway and amenity subject to compliance with the Habitats and EIA Directives.</p>
<p>Volume 2. Tralee Town Plan</p> <p>RSES Objectives RPO11 and RPO15 are specifically supported by Development Objective TR1</p>	<p>RSES Development Objective RPO11 includes:-</p> <p>(i) That any reference to support for all plans, projects, activities and development in the Key Towns should be considered to refer to ‘environmentally sustainable development’ that shall be subject to appropriate feasibility studies, best practice site/route selection (to consider environmental constraints), environmental assessment including EclA to support development management and where required, the completion of statutory SEA, EIA and AA processes as appropriate;</p> <p>(i) That local authorities consider the carrying capacity of SACs/SPAs, as appropriate, to inform the appropriate growth rates for Key Towns;</p> <p>(j) To plan increasing population growth in all Key Towns on a phased basis in collaboration with Irish Water, the local authority and other stakeholders to ensure that the assimilative capacity of the receiving environment is not exceeded and that increased wastewater discharges from population growth does not contribute to degradation of water quality and avoids adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network;</p> <p>(l) To give due consideration to the suitability of new and/or existing drinking water sources (e.g. hydromorphological pressures) to meet the increased demands on the water supply and prevent adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network. The National Water Resources Plan (NWRP) will outline how we move towards a sustainable, secure and reliable public drinking water supply over the next 25 years, whilst safeguarding our environment.</p> <p>RSES Development Objective RPO15 includes:-</p> <p>(d) Future growth of the town should be planned for on a phased basis in consultation with the local authority and Irish Water to</p>

Embedded protective policies and objectives relevant to European Sites in the CDP	
	<p>ensure that sufficient wastewater capacity is accounted for and that further growth avoids negative impacts on the nutrient sensitive Lee Estuary</p> <p>(g) To support the development and delivery of infrastructure for the delivery of additional employment through modern office, enterprise and manufacturing space</p> <p>(h) To support Tralee as an urban coastal tourism destination while protecting the natural resources on which it relies.</p>
<p>Volume 2. Killarney Town Plan</p>	<p>1.1.3 Vision and Strategy includes the following</p> <ul style="list-style-type: none"> • provide an improved quality of life for its residents and stimulate growth in population and services to a level which will maintain a vibrant town, while maintaining and enhancing its physical assets, unique character and natural attributes • Sustainably plan for future growth of the town on a phased basis in consultation with Irish Water to ensure that the timely provision of wastewater treatment infrastructure <p>Development Objective KA24</p> <p>Ensure that all plans and projects follow Article 6 of the Habitats Directive and that the ecological integrity of Natura 2000 sites is safeguarded.</p> <p>1.11.3 Roads & Infrastructure</p> <p>An indicative Inner relief road is proposed from Deerpark to Loreto Road on the eastern side of Killarney town. A feasibility study will be carried out on the River Flesk crossing and its potential for impact on Natura 2000 sites will be taken into consideration.</p>
<p>Volume 2. Killarney Town Plan</p> <p>RSES Objectives RPO11 and RPO18 are specifically supported by Development Objective KA1</p>	<p>RSES Development Objective RPO11 includes:-</p> <p>(i) That any reference to support for all plans, projects, activities and development in the Key Towns should be considered to refer to ‘environmentally sustainable development’ that shall be subject to appropriate feasibility studies, best practice site/route selection (to consider environmental constraints), environmental assessment including EclA to support development management and where required, the completion of statutory SEA, EIA and AA processes as appropriate;</p> <p>(k) That local authorities consider the carrying capacity of SACs/SPAs, as appropriate, to inform the appropriate growth rates for Key Towns;</p> <p>(l) To plan increasing population growth in all Key Towns on a phased basis in collaboration with Irish Water, the local authority and other stakeholders to ensure that the assimilative capacity of the receiving environment is not exceeded and that increased wastewater discharges from population growth does not contribute to degradation of water quality and avoids adverse</p>

Embedded protective policies and objectives relevant to European Sites in the CDP

	<p>impacts on the integrity of water dependent habitats and species within the Natura 2000 network;</p> <p>(l) To give due consideration to the suitability of new and/or existing drinking water sources (e.g. hydromorphological pressures) to meet the increased demands on the water supply and prevent adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network. The National Water Resources Plan (NWRP) will outline how we move towards a sustainable, secure and reliable public drinking water supply over the next 25 years, whilst safeguarding our environment.</p> <p>RSES Development Objective RPO18 includes:-</p> <p>(f) To support investment in infrastructure and the development of lands to the north of the existing by-pass in accordance with proper planning and sustainable development objectives including the appropriate master plans in consultation with statutory stakeholders;</p> <p>(g) Future growth of the town should be planned for on a phased basis in consultation with the local authority and Irish Water to ensure that sufficient wastewater capacity is accounted for and that further growth avoids negative impacts on the downstream freshwater ecosystem in the National Park (River Deenagh, Lough Leane).</p>
<p>Volume 2 Listowel Town Plan</p>	<p>1.1.3 Vision includes the following</p> <ul style="list-style-type: none"> • Protect and enhance the conservation value of the River Feale and the Lower River Shannon SAC. • Develop a strategy for the sustainable transition of Listowel as a regional hub for tourism, outdoor activity and recreation, incorporating: The North Kerry Greenway, The River Feale Blueway, Childers Park and Woodlands, Arts and Culture, Heritage and Food. <p>Development Objective LIS 19 Develop further the considerable potential of the River Feale for amenity purposes, particularly with regard to protecting existing rights-of-way, improving access and extending the riverside walk in a manner which would not adversely affect the conservation objectives of the SAC.</p> <p>Development Objective LIS 20 Provide fishing stands along the River Feale so as to facilitate disabled anglers in a manner which would not adversely affect the conservation objectives of the SAC.</p> <p>Development Objective LIS 22</p>

Embedded protective policies and objectives relevant to European Sites in the CDP	
	Implement the recommendations and provisions of the Planning Guidelines on the Planning System and Flood Risk Management (DoEHLG 2009), (UOM 23) and ensure that flood risk assessment policies, plans or projects are compliant with Article 6 of the Habitats Directive.
Volume Six – Which includes a range of Development Management Standards & Guidelines and a Biodiversity Action Plan	<p>1.15.2 Solar Energy</p> <p>The potential impact on the ecological characteristics and features of the site and its sensitivity to the proposed changes arising from the construction, operation and decommissioning stages of a development. On a proposed site where a significant level of ecological impact is predicted an Ecological Management Plan may be used to mitigate against the predicted impact and/or a Natura Impact Statement if applicable.</p>

4.3 Aspects of the plan likely to affect the conservation objectives of European sites:-

The individual elements of the plan, in combination with other plans and projects that may result in impacts on Natura 2000 sites have been identified as broadly relating to the following themes:-

- General development (5.2.1)
- Public infrastructure proposals, including water services, roads, parking, recreational and ancillary proposals (5.2.2)
- Energy Strategy (5.2.3)
- Tarbert Ballylongford Landbank (5.2.4)
- Urban development and the Town Plans (5.2.5)
 - Tralee Town Plan (5.2.5.1)
 - Killarney Town Plan (5.2.5.2)
 - Listowel Town Plan (5.2.5.3)

In addition, the proposed CDP objectives will be systematically assessed and modifications recommended, as appropriate (See Appendix F).

5. Assessment of Effects and Mitigation Measures

5.1 Introduction

This section of the report assesses the effects of the plan on a thematic basis to ascertain whether they are likely to have any adverse effects on the integrity of European Sites as defined by conservation objectives. Where appropriate, recommendations and mitigation measures are identified to avoid or ameliorate any adverse effects on the integrity of any European Site. The themes assessed have been

identified having regard to the preceding sections of this report and to the related AA Screening Report prepared and which is included as Appendix A. It should also be noted that the proposed CDP objectives have been assessed, and modifications recommended as appropriate (refer to Appendix F).

5.2 Thematic level assessment and mitigation

5.2.1 General Development

The comprehensive range of embedded protection and mitigation measures contained in the plan are noted. Notwithstanding this, it is considered that additional safeguards would be beneficial to mitigate potential cumulative water quality deterioration and landscape fragmentation. This relates to both urban and rural type development.

More specifically there is potential for water quality impacts to arise downstream from development. Water quality deterioration has the potential to degrade Natura 2000 habitats. While addressed in the plan, it is considered that greater emphasis is required for nature-based surface water management solutions and fine sediment control. Such measures are particularly beneficial in preventing cumulative water quality deterioration arising from diffuse sources. Development can also fragment connectivity at a landscape level by cutting off access to habitats. While addressed in the plan, it is considered that the landscape connectivity value of watercourses requires greater emphasis as does the potential for light pollution, to fragment key Lesser Horseshoe Bat habitat.

It should be noted that in addition to the recommendations outlined below, modifications to objectives related to this theme are also recommended. These are included in Appendix F of this report.

Volume one - recommended modifications

CDP Section 6.2.3 Housing for Sustainable Communities

To be amended as follows:-

It is a policy of Kerry County Council topromote rainwater harvesting, [nature based surface water management solutions](#) and energy efficiency during the construction phase and during the lifetime of residential developments by sensitive design, and layout taking into account topography, orientation and surrounding features,

CDP Section 7.3 Housing policies

To be amended as follows:-

It is a policy of Kerry County Council topromote rainwater harvesting, [nature based surface water management solutions](#) and energy efficiency during the construction phase and during the lifetime of residential developments by sensitive design, and layout taking into account topography, orientation and surrounding features,

CDP Section 9.7.6.2.4

Second paragraph, second sentence to be amended as follows:-

The council will support the sustainable development of the operations of the fishing and aquaculture industry while protecting and preserving the biodiversity and ecosystems in our oceans [and watercourses](#), so they can continue to provide essential monetary and non-monetary goods and services

CDP Section 11.3.3.2 Lights and Biodiversity

Second and third sentence to be amended as follows:- Bat species ~~in particular can~~ vary in their sensitivity to light pollution. Kerry has international important populations of the annexed II Lesser Horseshoe bat, a bat species particularly vulnerable to light pollution [and habitat loss and fragmentation arising from same](#).

The following to be included after S11.5.1 CFRAM and ICPSS Programmes

[See also S13.2.4 Storm Water Management](#)

CDP Section 13.2.4 Storm Water Management

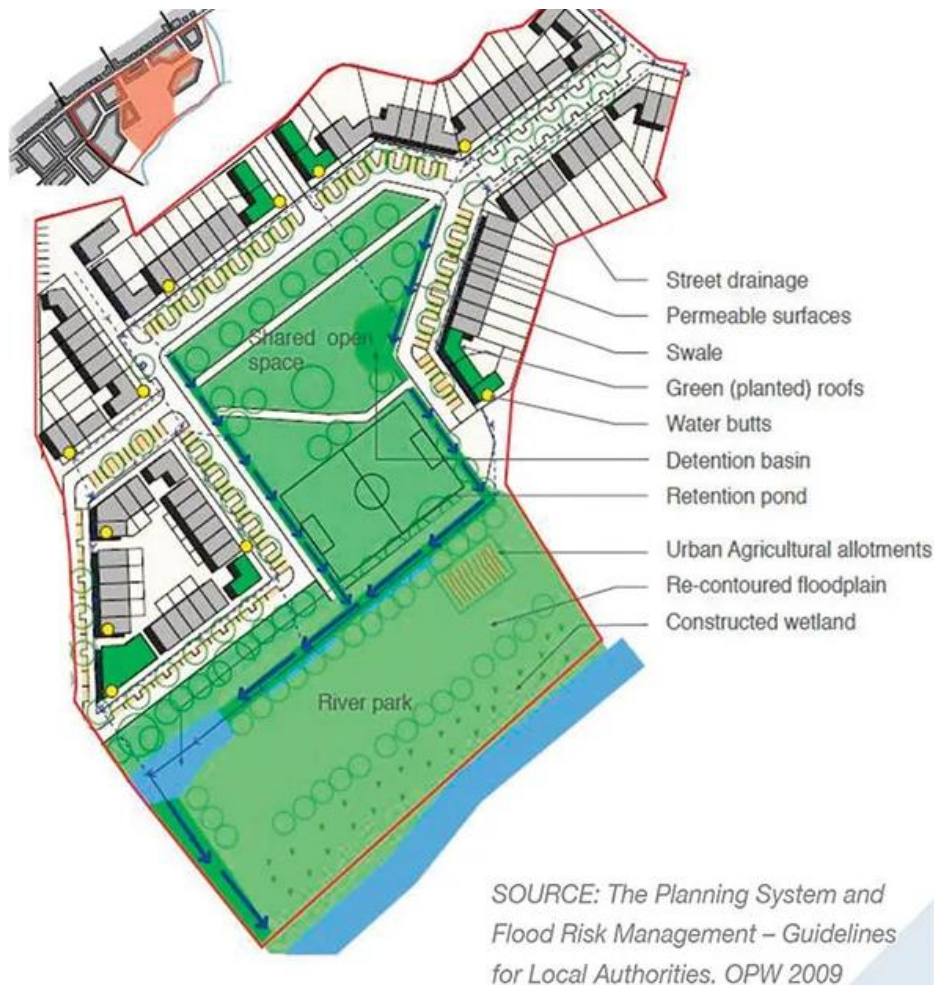
Section to be amended as follows:-

Storm water flows can have a significant detrimental impact on the available capacity of combined sewer networks and at treatment plants. [Climate change is exacerbating the impact by way of more frequent and intense rainfall. This brings challenges in terms of drainage and capacity, traditionally addressed by hard engineering options \(concrete gullies, pipes, drains etc\).](#)

Sustainable Drainage Systems, commonly known as SuDs, is an approach to manage surface water runoff as close as possible to its origin by various engineering [or nature-based solutions](#) that replicate natural drainage processes before it enters the watercourse or network. The incorporation of SuDs techniques allows surface water to be either infiltrated to ground or conveyed more slowly to water courses using porous surface treatments, ponds, swales, filter drains or other installations. [The benefits of taking a nature-based approach includes not just flood risk management benefits but also improved water quality, biodiversity and Climate adaptation and mitigation. To maximise effectiveness, nature-based surface water solutions requires consideration in the early design stages of land use planning, including during the preparation of masterplans and land use zoning objectives.](#)

The Council will require the application of SuDs in new developments and proposals to extend existing developments. At a minimum surface water runoff will be restricted to greenfield runoff rates.

The application of SuDs techniques will be site-specific and will depend on the site's characteristics and will be required to demonstrate that climate change considerations have been incorporated into the design. All applications should include a commensurate drainage assessment which outlines the drainage design considerations/strategy in line with the flood risk, surface water management and climate change requirements and objectives in the CDP.



Additional Development Objective to be included in S13.2.4 as follows:

It is an objective of the Council to identify opportunities for nature-based SuDs in tandem with the preparation of masterplans for urban areas and plan level Strategic Flood Risk Assessments.

CDP Volume six - recommended modifications

CDP Section 1.14.2 Lighting and illumination

First sentence to be amended as follows:-

Functioning public lighting that is well designed, **energy efficient** and suitably located is of critical importance to our urban communities.

In addition the following bullet point to be included:-

- **Have regard to Bat Conservation Trust 2018 Guideline Note 08/18**

CDP Section 1.3.2 Ecosystem Services Approach and Green Infrastructure

First bullet point to be amended as follows:-

Existing Green Infrastructure (including green corridors) and ecosystems services should be identified at the initial stages of the planning process of a proposed development and should guide the design of an appropriate site layout. These may comprise linear open spaces along paths, water courses, planting or other natural

features, and provide opportunities for walking and cycling, informal recreation, and biodiversity and wildlife migration. [IFI guidance on *Planning for Watercourses in the Urban Environment*](#) should be adhered to where possible.

Final bullet point to be amended as follows:-

The Planning Authority will encourage the protection and integration within an overall site green infrastructure network, of existing mature trees, [watercourses](#) and hedgerows which occur on proposed development sites, and where feasible, along roads. Where possible, all trees, hedgerow and landscape features to be retained shall be identified and retained in planning applications.

The following to be included as 1.3.6

1.3.6 Sediment control

Many development projects have the potential to generate soiled water run-off containing sediment and silt, particularly during the construction phase. Such run-off can be harmful to the ecological functioning of watercourses downstream. Freshwaters are generally more vulnerable to sedimentation than coastal and estuarine waters, which can have greater dilution capacities and can be more naturally turbid. It is accepted that in certain instances soil and or vegetation characteristics may facilitate natural interception of sediments from overland surface water run-off. In other cases, there may be sufficient capacity in naturally occurring landscape features or in the urban drainage infrastructure to cater for the sediment and run-off likely to arise.

Sediment control measures and or a Construction Erosion and Sediment Control Plan CЕСP will be required by the Planning Authority, where deemed necessary or may be submitted as part of a planning application as a best practice measure - regardless of ecological risk.

Where required the purpose of a Construction Erosion and Sediment Control Plan (CESCP) is to:

- Minimise erosion potential by effective planning, procedures and water management;
- Apply erosion control measures to prevent the movement of sediment; and
- Apply sediment control measures to prevent off-site sediment release in the event of sediment movement.

Where applicable, regard should be had to NRA (2005) Guidelines for the Crossing of Watercourses during Construction of National Road Schemes and CIRIA 648 (2006) Control of Water Pollution from Linear Construction Sites, which provide advice on potential impacts arising during the construction phase of developments and the assessment and mitigation of these risks.

The following to be included as 1.3.7

1.3.7 Construction Environmental Management Plan

Where applicable, a CEMP will be required to be prepared by the Contractors, to ensure commitments included in the statutory approvals are adhered to.

CDP Section 1.5.8.10 Hardcore Surface and Surface Water Disposal

To be amended as follows:-

- Surface water be disposed of to soak pits or watercourse(s) adjoining the site and shall not be allowed to flow onto the public road or to adjoining properties. Details shall be submitted with the planning application.
- There is no minimum standard required for gardens. However, the hard landscaping of areas around dwelling houses shall be limited.
- [Where feasible nature-based solutions to manage water run-off should be considered](#)

CDP Section 1.9.2 Surface Water

Additional sentence to be provided as follows:-

Surface water from the development will be required to be contained within the site and piped to the public system. No surface water will be permitted to pond within the forecourt, adjoining the boundary walls or along the entrance/exit lanes. [Appropriately designed and maintained hydrocarbon interceptors will also be required.](#)

Volume six – 1. Land Use Zoning – Recommended modification

In the interests of clarity, the **subheading '1.3.2.1 Built Up Areas' to be deleted** with the associated text incorporated into the preceding heading of 1.3.2 Development in Existing Residential /Built Up Areas (R2/M2/M4) as the bullet points contained in 1.3.2.1 relate to 1.3.2.

Delete sub heading ~~1.3.2.1 Built Up Areas~~

5.2.2 Infrastructure proposals, including flood risk management measures, water services, roads, parking, recreational and ancillary proposals

Infrastructure proposals supported in the plan can potentially result in direct or indirect habitat loss, degradation, disturbance or fragmentation. This relates to proposals within both the urban and rural landscape. Flood risk management measures as set out in the OPW Units of Management s (UoM) areas for Kerry and derived from the Flood Risk Management Planning process are supported in the plan. These were subject to their own SEA and AA processes. A number of roads, water and recreational projects area also supported – at a strategic level and subject to environmental assessment. The comprehensive range of embedded protection and mitigation measures contained in the plan are noted. Notwithstanding this, it is considered that the plan should be amended to further emphasise the requirement for such proposals to be sustainable and to have due regard to nature conservation objectives and considerations. It should be noted that in addition to the recommendations outlined below, modifications to objectives related to this theme are also recommended. These are included in Appendix F of this report.

Volume one - recommended modifications

CDP Section 6.3.1 Sporting, Leisure Facilities and Open Space

In addition, the following to be added to paragraph 2 of S6.3.1:-

Site selection should take into account biodiversity and wider sustainability considerations.

CDP Section 13.2.2 Water Infrastructure

The final sentence of the first paragraph to be amended as follows. Kerry has a predominance of surface water sources which are susceptible to drought and therefore ground water and impoundment / storage measures need to be developed over the medium term for resilience. Such proposals will require environmental assessment and should be compatible with Natura 2000 site conservation objectives.

CDP Section 13.2.3 Public Conveniences

The following to be added to the section. In certain environmentally sensitive areas, it may be more appropriate to provide or to upgrade facilities in a nearby settlement to address the need

CDP Section 14.3.4.1 Greenways

Legend of Map 14.1 to be amended to read as follows:-

South Kerry Glenbeigh to Renard – subject to planning ~~application~~ permission

North Kerry Tralee to Listowel- subject to ~~feasibility study~~ environmental assessment and development consent

CDP Section 10.4.1.3 Water-Based Tourism

The waterways, rivers and lakes of County Kerry are rich natural resources that attract many visitors to the County each year. In addition, they provide significant leisure and amenity opportunities including fishing, sea-angling, sailing, birdwatching and pleasure boating. Ensuring access to the lakes and waterways and the sustainable management of activities taking place on the water, on the lakeshore and in the

riparian zone of waterways is essential to ensure a balance between tourism development and conservation of natural heritage in these areas. [The importance of biosecurity and protection of our watercourses from invasive species is particularly recognised due to the potential negative impacts on fisheries, water quality and angling/other water-based amenity tourism.](#)

CDP Section 10.3.4.1 Accessible Tourism

Ensuring that services are more accessible to people with mobility issues, people with learning disabilities, visual or hearing impairment, young children and older people creates a more inclusive society. In order to increase tourism numbers within these groups the appropriate infrastructure, such as ramps, footbridges, lifts, suitable toilet facilities must be in place to cater for their needs and increase access to the countryside and coastline [at appropriate locations](#). Information on accessibility to tourist venues and activities should be readily available so that these groups can plan their trips. Information should be disseminated through all information sources used by holiday makers and in the range of formats required by groups with different types of disabilities.

It is the policy of the Council through its role as a planning authority and a building control authority, to ensure that there is a wide range of accessible tourism experiences available in throughout the County. While the Council acknowledges that some existing sites by reason of their [environmental sensitivity](#), historical design, siting or location may have accessibility limitations, the Council will make every effort to ensure tourism developments and ancillary developments are accessible to everyone.

CDP Section 10.4.1.1 Walking and Cycling

First paragraph, second last sentence to be amended as follows:-

The provision of recreational and leisure facilities and limited commercial services will be facilitated at the trailheads, [subject to environmental assessment](#).

CDP Section 14.4.3 Parking Provision

Second paragraph, to be amended as follows:-

Car parks are also needed in a rural context to [access](#) recreational facilities and amenities [and to manage associated pressure](#). This parking must be provided in a sustainable manner taking cognisance of environmental designations, and minimising effects on the landscape. [Where car parking demand is seasonal the provision of temporary facilities and solutions will be explored in order to reduce environmental impact.](#)

Volume six - recommended modifications

CDP Section 1.11 Takeaways/Restaurants/Kiosk/ Popup (Container) Trading Units

The following bullet point to be included:-

- [Potential for impact on biodiversity and the environment, for example by way of wildlife disturbance, littering or trampling of sensitive vegetation.](#)

CDP Section 1.12.2 Caravan, Glamping and Camping developments

The following bullet point to be amended:-

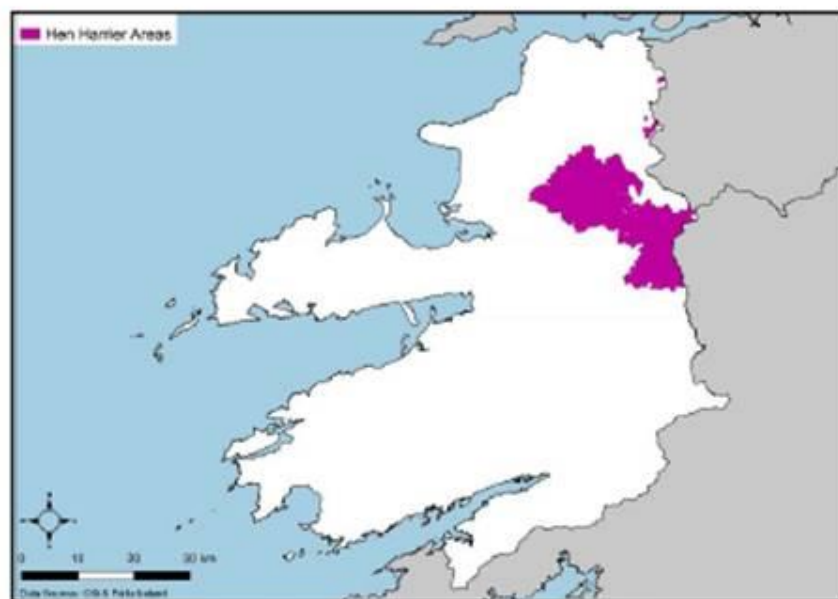
- Parks will not generally be permitted in proximity to the coastline, [outside of lands specifically zoned for such development](#).

5.2.3 Energy Strategy

It is noted that the Wind Zoning Methodology, as outlined in S5 of Volume 1- Appendices took Natura 2000 site designations into account within the constraints section of the methodology. In addition, it is noted that the Strategic Policy of the Environmental Assessment unit of Kerry County Development Plan in relation to the Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA, locally known as the Hen Harrier SPA was accepted. This resulted in the Hen Harrier SPA and a 250m buffer area being included as an Accessible Resource Constraint and excluded from consideration for additional wind farm development, save for repowering proposals.

Appendices

Kerry County Council Development Plan (DRAFT) 2022-2028



Map 6.15: Hen Harrier Areas (incl. 250m buffer)

It is further noted that catchments particularly vulnerable to water quality deterioration, including those designated under the European Communities Environmental Objectives (Freshwater Pearl Mussel) Regulations, 2009, in response to the presence of significant pearl mussel populations have also been excluded from consideration of windfarms.

The comprehensive range of embedded protection and mitigation measures contained in the plan are noted. In addition to the recommendations and clarifications outlined below, modifications to objectives related to this theme are also recommended. These are included in Appendix F of this report.

Volume one - recommended modifications

CDP Section 12.5.4.1.4 Open-to-Consideration

To be amended as follows:-

It is the policy of the Council to:

- Ensure that all proposals for wind energy development (including the grid connection) have regard to the cumulative effect of the development on the environment in conjunction with the entire development and other existing/permitted developments in the area.
- Ensure that all applications are in compliance with Article 6 Habitats Directive, EIA Directive and Water Framework Directive, where applicable this should be informed by at least 2 years of annual (breeding and wintering) bird survey undertaken to best practices guidelines.

CDP Section 12.5.4.1.7 Repower Areas

The final sentence of the first paragraph to be amended as follows. It is noted that in some cases the existing windfarms in the repower area predate the European Site designation.

Volume six - recommended modifications

CDP Section 1.15.1 Wind Energy

The following bullet points in the second set of bullet points in the section to be amended as follows:-

- That the developer consult with other relevant statutory agencies that could assist in identifying environmental sensitivities and relevant considerations such as the Department of Housing, Local Government, Department of Environment, Climate and Communications, The Forestry Service, the Irish Aviation Authority, National Parks and Wildlife Service, Inland Fisheries Ireland and other appropriate statutory and non-statutory bodies.
- Appropriate Assessment Screening Report and where applicable a Natura Impact Statement.
- Ornithological (bird) survey (winter and breeding) for at least 2 years prior to a planning application being made.
- Assessment of the carbon balance of the proposed development, particularly any development on or impacting on peat or other carbon sequestering soils.

CDP Section 1.15.2 Solar Energy

The third bullet point to be amended and an additional one to be inserted following same as follows:-

-The potential impact on the ecological characteristics and features of the site and its sensitivity to the proposed changes arising from the construction, operation and decommissioning stages of a development. On a proposed site where a significant level of ecological impact is predicted an Ecological Management Plan may be used to mitigate against the predicted impact ~~and/or a Natura Impact Statement if applicable~~ - possible significant effects and/or adverse effects on site integrity of Europeans which may require the submission of an AA Screening Report and/or a Natura Impact Statement.

5.2.4 Tarbert Ballylongford Landbank, including proposed extension to same

The Tarbert / Ballylongford landbank has been identified as a suitable location for industrial development since the state purchased the first tranche of land at this location in the 1960's. The estuary at this location has the benefit of naturally occurring deep and sheltered waters and has long been recognised as having huge potential for industry and employment. The Lenamore reservoir at Ballylongford was specifically designed / sized some 40 years ago to serve the landbank. The local coast road (L1010) which runs to the south of much of the landbank and which links the settlements of Ballylongford with Tarbert, is currently being upgraded. Tarbert is served by the National road network

As part of the CDP, it is proposed to extend landbank zoning in a easterly direction to connect with and incorporate the existing industrial lands in Tarbert Island. In total the plan has identified and zoned 437 Hectares of lands on the Southern shore of the Shannon Estuary within the Tarbert Ballylongford landbank. Of this the proposed extension accounts for 46.3ha. The proposed zoning extension is reflective of the current land use on and adjoining Tarbert Island, which includes a Power Plant comprising of two 60MW and two 250MW oil-fired turbines as well as oil storage infrastructure of strategic national importance associated with NORA -the National Oil Reserve Agency. The overall extent of the landbank as outlined in the CDP would remain less than that outlined within the Shannon Integrated Framework Plan (SIFP) and which was subject to SEA and AA.

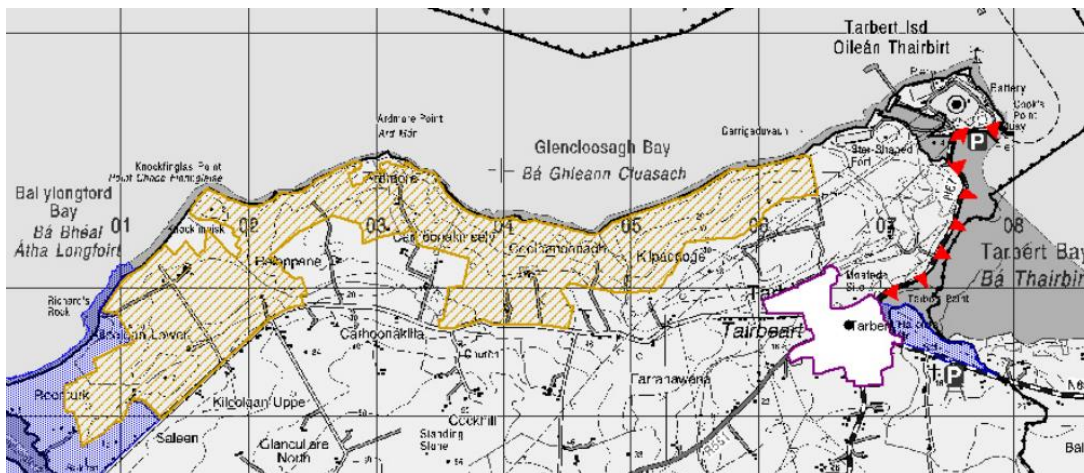
The SIFP is outlined as a case study/example in the National Planning Framework (NPF). Chapter 7 of the Framework is entitled "Realising our Island and Marine Potential". Within this Chapter the Shannon Estuary and in particular the Strategic Integrated Framework Plan is included as a case Study. S4.9.1 of the RSES for the Southern Region cites, as a good practice example, the Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary, noting that this involves inter-county and inter-agency collaboration. The Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary is an inter-jurisdictional land and marine based framework plan to guide the future development and management of the Shannon Estuary. Nine Strategic Development Zones (SDZ) sites have been identified for marine related industry in the SIFP area. Two of these are located in Kerry, on the Tarbert Power Plant site (SDL G) and the Tarbert / Ballylongford Land Bank (SDL H). The plan identifies these strategic sites as being critical to the future development potential of marine and energy related industry in the Estuary. The SIFP was subject to both Strategic Environmental Assessment and Appropriate Assessment.

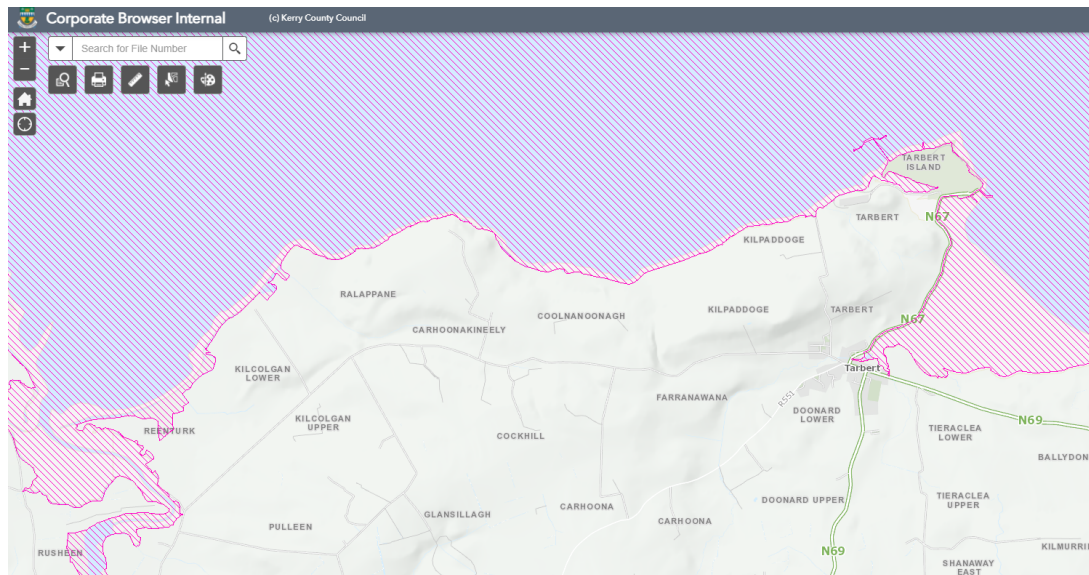


Above: proposed extension to the Tarbert Ballylongford landbank linking to and incorporating the existing industrial lands on Tarbert island to the east



Above: Proposed Tarbert / Ballylongford landbank as outlined in the Draft Kerry CDP.





Above: River Shannon and Fergus Estuary SPA adjoining the Tarbert Ballylongford Landbank

Mitigation Measures outlined in SIFP Natura Impact Report include:-

The Natura Impact Report prepared as part of the SIFP outlines that any future development of either a Strategic Development Location or Area or Opportunity will be subject to 3 levels of mitigation arising from the Natura Impact Report and SEA process as follows:-

1. Over-arching mitigation (Table 11.2 of the SEA ER and Table 6.1 of the SIFP NIR)
2. Mitigation measures per theme (See Section 6.2.1 of the SIFP NIR)
3. Site specific mitigation measures (As outlined in Table 11.3 of the SEA ER and Tables 3.19-3.39 of the SIFP NIR).

Assessment

For the most part the Tarbert / Ballylongford landbank proposals are reflective of the existing land uses and land use zonings for the area and which was previously ‘Appropriately Assessed’ including within the SIFP. Within the SIFP, the landbank is located within the Strategic Development Locations G and H. It is noted that a comprehensive waterbird survey for the Shannon Estuary was undertaken in 2017/2018. That study commissioned by the SIFP partnership, assessed waterfowl numbers, usage and distribution on the River Shannon and the River Fergus Estuaries, with particular reference to the identified Strategic Development Zones. The Kerry Strategic Development Locations (SDLs) were not identified as areas with high concentrations of SCI species.

It is considered that the plan should reaffirm that the Mitigation Measures identified in the SIFP remain applicable. In addition, it is recommended that the area of land located within the proposed landbank and which is located within the Tarbert Bay proposed Natural Heritage Area be removed from the landbank extension as this may constitute functionally linked land for key species associated with the Lower River Shannon SAC (Otter) and or the River Shannon and Fergus Estuary SPA (waterbirds

and wetlands). It is noted that this land was not identified for development or environmentally assessed within the SIFP.

Volumes one and four – recommended modifications

CDP Section 9.6.1.1 Shannon Estuary Tarbert-Ballylongford Landbank

To be amended as follows:-

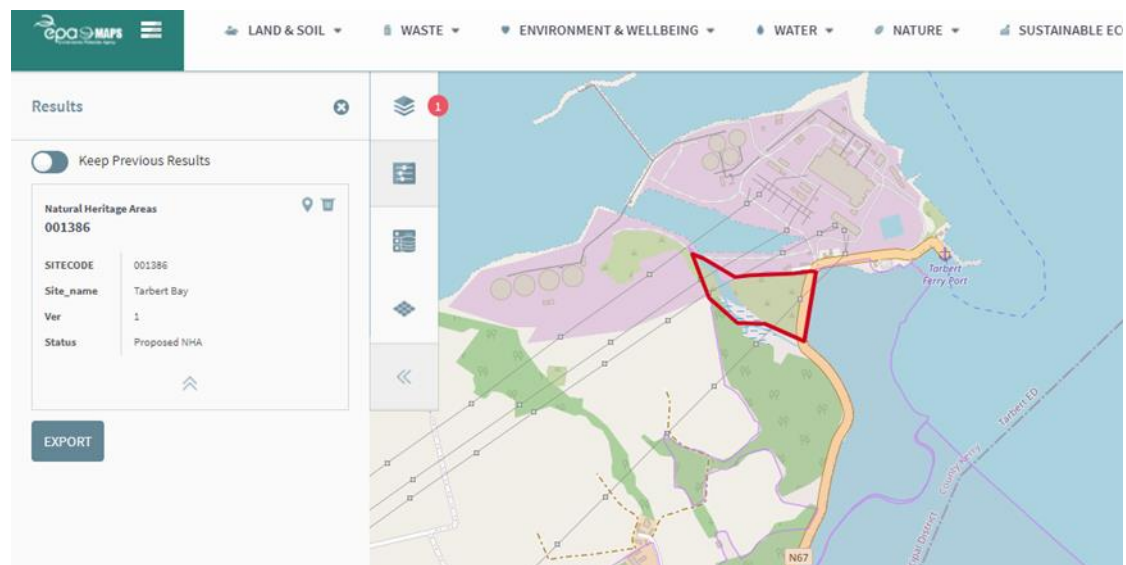
The Strategic Development Location (SDL) at Tarbert/Ballylongford in North Kerry is recognised for its potential as an Energy Hub and for industrial development at a regional and national level. There are 437 Hectares of zoned lands available for development on the Southern shore of the Shannon Estuary with access to deep water (up to 23m). It is the policy of the council to support the [sustainable](#) development of the Shannon Estuary, [in line with the SIFP and the recommendations of its environmental assessments](#), and recognise its potential as an Energy Hub.

CDP Section 9.6.1 / S9.6.1.1 Shannon Estuary and Volume 4 maps

To be amended as follows:-

Tarbert-Ballylongford Landbank

It is recommended that the lands contained within the Tarbert Bay pNHA, identified in red in the following map to be removed from the Tarbert Ballylongford landbank maps contained in Volume 4 of the plan. In addition, the stated area of the landbank as outlined in S9.6.1 of Volume 1 should be reduced accordingly.



Volume one – recommended modification

The following amendments to be made to S11.2.6 Green and Blue infrastructure – Ecological /Urban Blue Corridors

11.2.6 heading to be amended to 'Green and Blue infrastructure – Ecological ~~Urban~~ Blue Corridors'

First paragraph to be amended as follows:-

~~Green infrastructure or~~ Ecological corridors/ steppingstones are habitat patches that may not necessarily be of high conservation value themselves but serve to maintain

ecological connectivity in the landscape. An ecological corridor permits the movement of wildlife between areas of high conservation interest or through areas that have little ability to support these species. Examples of ecological corridors include field boundaries comprising of stone walls, hedgerows and treelines, which support biodiversity by providing food and shelter for plants and animals. [These may form part of green infrastructure proposals](#). Ecological corridors can also be classed as blue infrastructure, essentially watercourses. They also act as pathways along which species travel and disperse through the wider countryside. Urban Blue Corridors can provide many co-benefits including more effective management of urban flood risk, improved access, additional and more useable public open space, and improved biodiversity. [Given the extent of the Tarbert Ballylongford landbank and its location relative to areas of nature conservation importance, it is of particular importance that ecological connectivity at a landscape level is taken into account as part of development proposals for this area.](#)

5.2.5 Urban development and the Town Plans

It is noted that the plan directs the majority of economic and population growth to the three principal towns in the County (Tralee, Killarney and Listowel). The proposed land use zonings as outlined in the Town Plans is reflective of that currently outlined in the respective Town Development Plans and which was subject to SEA and AA.

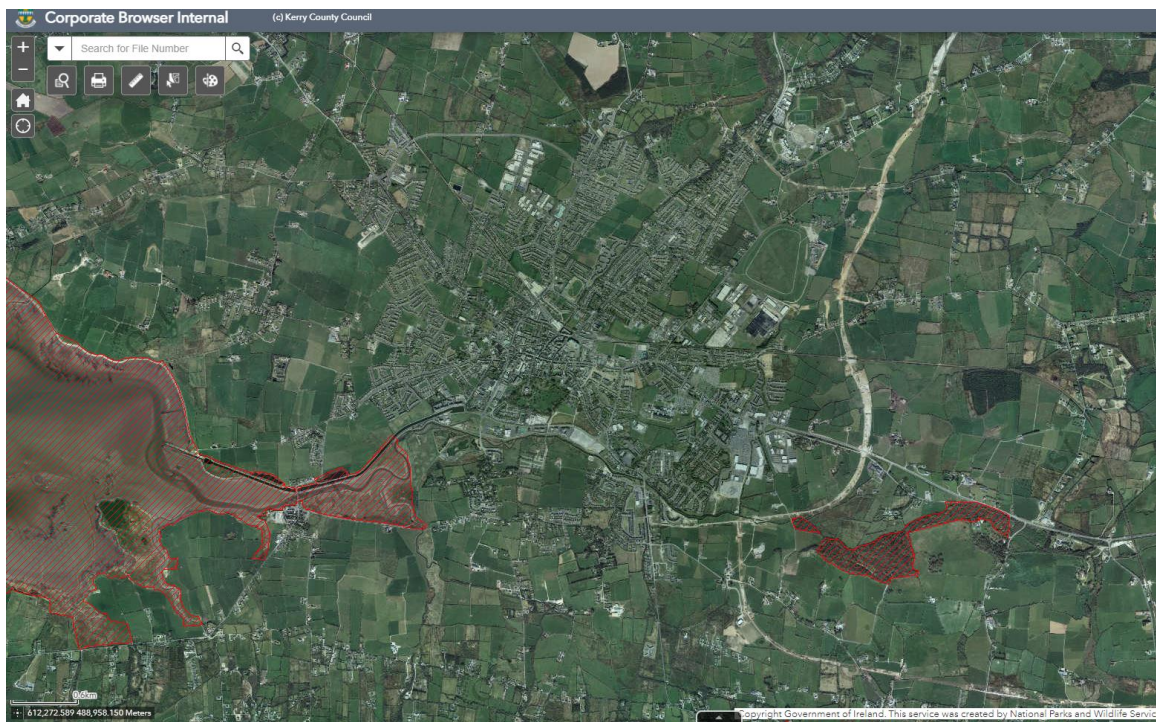
5.2.5.1 Tralee Town Plan

The CDP incorporates a Town Plan for Tralee. This town plan is subject to the objectives and policies contained elsewhere in the CDP, including the Development Management Standards and Guidelines. It should be noted that the Land use zonings outlined for the settlement correspond with the existing zonings for the town as contained in the Tralee Town Development plan 2009-2015, as extended and varied and which was previously subject to Appropriate Assessment.

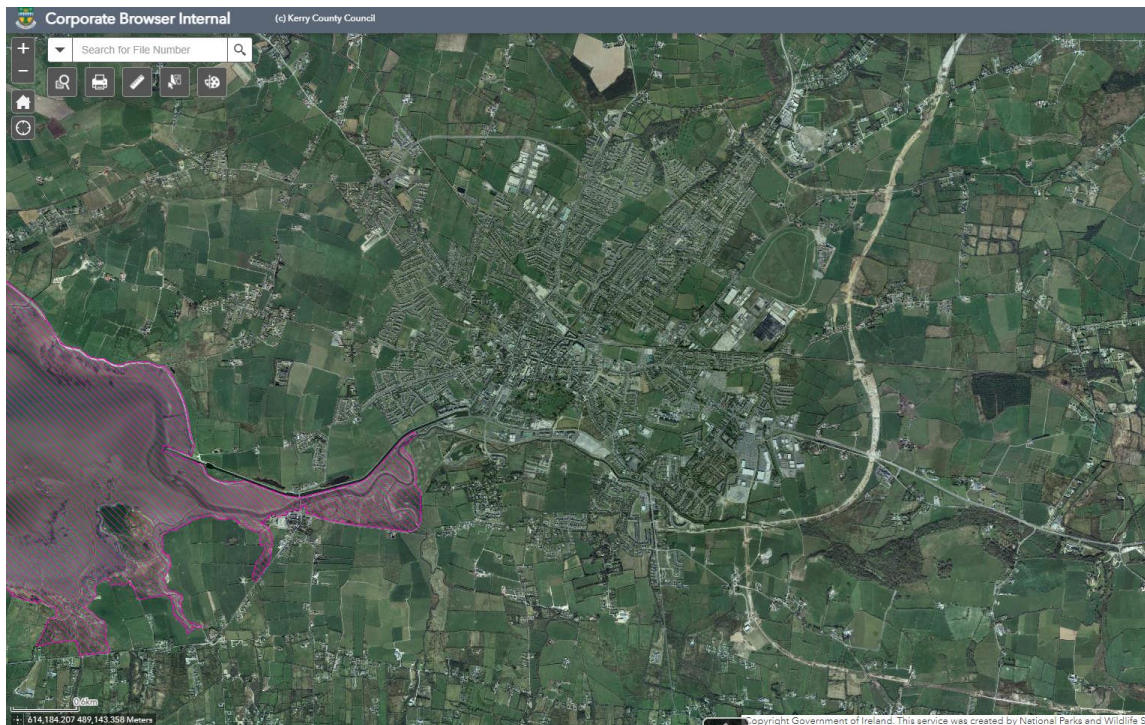
Environmental Sensitivities:

- Special Area of Conservation (SAC): Tralee Bay And Magharees Peninsula, West To Cloghane (west), Ballyseedy Wood (east), Slieve Mish Mountains (south),
- Special Protection Area (SPA): Tralee Bay Complex (west), Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle (north-east),
- Natural Heritage Sites (NHA): Knockatarriv/Knockariddera Bogs
- Proposed Natural Heritage Sites (pNHA): Tralee Bay And Magharees Peninsula, West To Cloghane (west)
- Annex I habitats associated with Tralee Bay, Ballyseedy Wood, and wet heath areas in the south associated with the Slive Mish Mountain Range.
- Medium contribution to potential ecological networks
- Wetland and saltmarshes
- Medium-high Terrestrial Biodiversity
- Scattered forestry
- Licensed facilities: windfarms (east), 3 IPPC licences, Tralee landfill, Fenit Port
- Moderate-High Aquifer vulnerability

- WFD River 2013-2018 Ecological Status and Risk: River Lee of Moderate/Unassigned status and At Risk, Big River Unassigned and Under Review
- WFD Coastal and Transitional 2013-2018 Water Bodies Risk: Lee K Estuary of Moderate Status and At Risk. Inner Estuary of Good Status and Not at Risk.
- Flood risk areas associated with River Lee and adjacent wetlands
- Wastewater Treatment Plant (WWTP): Tralee EPA license No. D0040-01. Agglomeration Pe 31,852 (EPA, 2020), Agglomeration Pe 34,266 (EPA 2016), Plant design Pe 50,333; Overall Compliance = Pass; EPA Priority Urban Area failing to meet EU requirements (Nitrogen and Phosphorous)



Above: SAC designations in close proximity to Tralee Town



Above: SPA designations in close proximity to Tralee Town

Mitigation Measures for Tralee outlined in the Regional Spatial and Economic Strategy for the Southern Region Natura Impact Report

1. Phasing of services in tandem with growth and settlement is essential to avoid adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network.
2. Increasing population growth should be planned on a phased basis in collaboration with Irish Water and the local authority to ensure that the assimilative capacity of the receiving environment is not exceeded and that increased wastewater discharges from population growth does not contribute to degradation of water quality.
3. In order meet the increased demands on the water supply and prevent adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network, due consideration should be given to the suitability of new and/or existing drinking water sources e.g. hydromorphological pressures.
4. Selection of sites for regeneration and expansion should be supported by a quality site selection process and subject to detailed environmental assessment.
5. A set of site selection criteria should be developed by SRA to assist local authorities in decision making. This should include explicit consideration of the potential for likely significant effects as a distinct criterion for short-listing of sites and if necessary, the potential of sites to avoid adverse effects on the integrity of any European site.
6. Support for [linear] infrastructure is subject to robust feasibility studies and site/route selection to reduce impacts on the environment and required appraisal, planning and environmental assessment processes.
7. Policy wording in the RSES shall recognise that at the project consent stage if it appears that any element of the RSES cannot be implemented without adverse impacts which cannot be adequately mitigated or compensated then the proposals will only make provision for the level and location of development for which it can be concluded that there will be no adverse effect.

8. Flood relief schemes should be subject to robust site selection processes in addition to the appropriate environmental assessments.

Assessment:

In consideration of the above, the development of Tralee as a key town has potential for adverse effects on European Sites along a number of pathways. The plan seeks to further develop and expand the settlement from the centre outwards. There is potential for increased diffuse urban pressure on the rivers that run through Tralee with resultant water quality changes in the downstream European sites (Tralee Bay and Magharees Peninsula, West to Cloghane SAC and the Tralee Bay Complex SPA).

Tralee Bay and Magharees Peninsula, West to Cloghane SAC and the Tralee Bay Complex SPA are important coastal wetland sites supporting over 20,000 wetland and wintering birds. Other potential pressures on the waterbodies arise from rural development and activities as well as the development of smaller settlements in the catchment.

It is noted that wastewater is treated in the west of Tralee by way of a Tertiary treatment plant with N&P removal. This facility is operated by Irish Water and licensed by the EPA. Despite being within design capacity of 50,033 PE the facility is currently listed as an EPA Priority Urban Area. It is failing the more stringent EU treatment standards for Ammonia, Nitrogen and Phosphorus removal.

Future growth of Tralee is therefore likely to put significant pressure on the plant and the network, discharging into the Lee Estuary as this area has known nutrient sensitivities. Notwithstanding this, the Irish Water 2020 Annual Environmental Report (AER) for the facility outlines that the discharge from the wastewater treatment plant does not have an observable impact on the water quality or an observable negative impact on the Water Framework Directive status. The annual mean and maximum hydraulic loadings for 2020 were less than the peak Treatment Plant Capacity.

Irish Water has recently undertaken surveys of the existing sewer network in the town as part of preparing a Drainage Area Plan for the agglomeration. The surveys will provide the basis to build a hydraulic model to assess the capacity, condition and performance level of the town's sewer network and will facilitate Irish Water in the prioritisation of sewer upgrade, as appropriate. Upgrading of Storm Water Overflows to comply with the criteria outlined in the DoECLG "Procedures and Criteria in relation to Storm Water Overflows, 1995" SW1 to SW10 is currently at planning stage with an expected completion date of 2024+ outlined in the Irish Water 2020 AER for the agglomeration.

Population growth within Tralee will result in increased demand on water supply and therefore there is potential for increased abstractions leading to changes/pressures on existing hydrological/hydrogeological regimes. In spring 2021, Irish Water published a National Water Resources Plan – Framework Plan, which is a 25-year strategic plan for the country's water assets and for which a Strategic Environmental Assessment and an Appropriate Assessment were carried out. As part of the

framework plan options to address identified need fall under the following three pillars: 'Lose Less', 'Use Less' and 'Supply Smarter'. The accompanying AA outlines that as part of the feedback loop, no option arising from the Framework Plan with the potential for adverse effects on site integrity identified at project level will be progressed as the Framework Plan will have identified other options that could be progressed at the project level if required. It is noted that the recently completed Lough Guitane Water Treatment Plant project is highlighted in the report within the context of future proofing infrastructure. It is further noted that development consent is in place for a 30,000m³ reservoir at Sheheree, Killarney and a 12,500m³ reservoir at Lissardboola, Tralee and that watermain replacement, leakage reduction and upgrade works are underway in Tralee and elsewhere in the County as part of Irish Waters Capital Works Program.

The plan also proposes to strengthen the links between Tralee and the Tralee Bay Area with the development of a Blueway along the Tralee Canal (S.1.10.2.1). Notwithstanding the existing and established recreational use of the canal, it is nonetheless located within the Tralee Bay and Magharees Peninsula, West to Cloghane SAC and adjoins the Tralee Bay Complex SPA and could potentially affect same by way of disturbance. Improved access along the River Lee and at other potentially sensitive locations is also proposed.

Recommended amendments to policy and supporting text to Tralee Town Plan - Volume 2

Section 1.1.3 Vision and Strategy **Plan for Sustainable Growth**

Point number 2 to be amended as follows:-

Sustainably plan for future growth of the town on a phased basis in consultation with Irish Water to ensure that the timely provision of wastewater treatment infrastructure is provided for and that future growth does **not adversely affect European Sites impact negatively on the Tralee Bay SAC.**

Point number 4 to be amended as follows:-

Prepare and implement a Sustainable Urban Mobility Plan to facilitate greater permeability, connectivity and universal access for alternative means of transport in support of Tralee as a '10-minute town' by strengthening **in a sustainable manner** the linkages between the town and the waterfront, Ballyseedy Woods, The Greenway and the Town Park, Munster Technological University, Kerry College of Further Education and Training, schools, Kerry Technology Park, residential neighbourhoods, with priority given to vulnerable road users, such as pedestrians and cyclists.

Tralee Plan Section 1.1.3 Vision and Strategy **Tralee 'Destination Town' / University Town**

Last sentence to be amended as follows:-

The vision for Tralee ~~exploits~~ **builds on** strong locational, functional, natural and built heritage attributes that Tralee enjoys, to maximise the economic growth potential of the town both in the medium and longer term.

Tralee Plan Section 1.3.2.1 Green and Blue Infrastructure

To be amended as follows:-

Tralee benefits from rich natural resources such as Tralee Bay, the surrounding mountains, and the river valley system as a seamless part of the urban experience, providing areas of natural habitat interwoven into an improved public realm. **The plan supports the protection, enhancement and creation of biodiversity in the public realm such as nature-based solutions for management of water run-off, actions from the All Ireland Pollinator Plan and where compatible with the town's architectural heritage, installing swift nest boxes.**

Tralee Plan Section 1.3.2 Biodiversity

Final sentence to be amended as follows:-

In the context of Tralee there is significant emphasis on the interconnectivity of the built and natural environment, **sustainably** merging the large open space natural resources of the town as a seamless part of the Urban experience, providing areas of natural habitat interwoven into an improved public realm, which lead to the wide expanse of the Tralee Town Park, and **the** Tralee Bay Experience ~~(SPA)~~.

Tralee Plan Section 1.3.4 Flood Risk

To be amended as follows:-

The OPW have identified preferred flood mitigation infrastructure to mitigate flood risk arising from the river network and from the coast in the CFRAM Flood Risk Management Plan for Tralee Bay – Feale River Basin (UOM 23). It is an objective of this plan to facilitate the implementation of this infrastructure and the Tralee flood relief scheme **subject to project level environmental assessments**. For more details regarding flood risk management see **Chapter 11 Environment, Chapter 13 Water and Waste Management and the Development Management Standards and Guidelines**.

Tralee Plan Section 1.4 Urban Regeneration (See also Vol 1, Chapter 4 – Town & Villages)

Tralee Plan Section 1.4.1 Town Centre and Public Realm Strategy

To be amended as follows:-

As part of this the council will facilitate the sustainable redevelopment of back land, infill, vacant and derelict sites throughout the town. It will encourage the construction of well-designed apartments/residential units, subject to achieving a high quality of living accommodation and provision of amenity space for residents. **Amenity space/public realm will use a co-benefits approach to include for the protection, enhancement and creation of biodiversity including nature-based solutions for management of water run-off, actions from the All Ireland Pollinator Plan and where compatible with the town's architectural heritage, installing swift nest boxes.**

Tralee Plan Section 1.8 Tourism

To be amended as follows:-

Future potential also exists in the [sustainable](#) development of a “blueway” and coastal trails from Tralee to Blennerville and onto The Spa and Fenit to tie in with the Greenways.

Tralee Plan Section 1.8.1 Tralee Bay Coastal Tourism Hub

To be amended as follows:-

Tralee and the wider bay area also has a long history as a tourist destination when compared to similar sized towns nationally and therefore has a significant opportunity to enhance this aspect of its economy. The key is to unlock its real potential and to reimagine a new identity for the town in the wider context of the Tralee Bay Area. In order to achieve this KCC has committed to the following “placemaking” objectives for Tralee Bay:

- Strengthen the “Tralee Bay” concept, image and identity as a key destination on the Wild Atlantic Way.
- Support Tralee Town Centre as a gateway to the surrounding bay area and beyond.

KCC also recognises the rich biodiversity in the Tralee Bay Coastal Hub area, with several European sites designated for predominately coastal habitats, species and birds of special conservation interest. KCC will seek to sustainably deliver on the aims of the Tralee Bay Coastal Hub initiative having due regard to these designations.

Tralee Plan Section 1.10.2 The Rivers and Ship Canal

To be amended as follows:-

Tralee has an attractive physical setting formed in part by its main rivers, the River Lee, the Big River, and other rivers such as the Clashleane River and other tributaries. The Ship Canal links the town with Tralee Bay. The waterways and coastal zone, [also designated as Natura 2000 sites](#), are an important element in defining Tralee’s natural heritage and together with the town’s flora and fauna, combine to form the natural back drop for the town’s built environment.

Riverwalk development proposals, both public and private sector, shall be designed to ensure the amenity potential of these areas are fully realised [having regard to environmental designations in the area](#).

Tralee Plan Section 1.10.2.1 Tralee Canal Blueway

To be amended as follows:-

Kerry County Council proposes to strengthen the links between Tralee and the Tralee Bay Area with the [sustainable](#) development of a Blueway along the Tralee Canal. The Tralee Canal is located to the south-west of Tralee Town Centre and runs for 2.5km west to the sea.

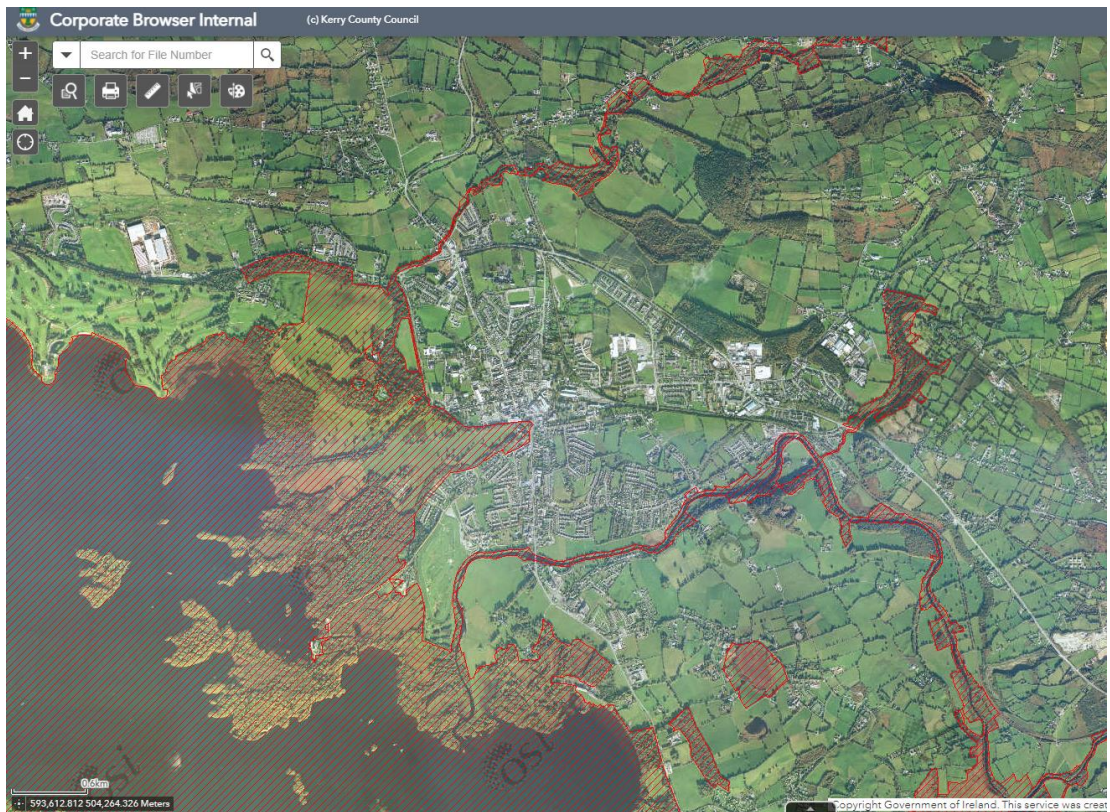
The [sustainable](#) development of a Blueway would provide an opportunity to revitalise and re-use a significant and historical element of Tralee’s infrastructure while offering an enhanced quality of life to the local community, potential to stimulate local businesses, expand Tralee’s recreational opportunities, connect with new and existing and proposed Greenways and walking trails and attract more visitors.

5.2.5.2 Killarney Town Plan

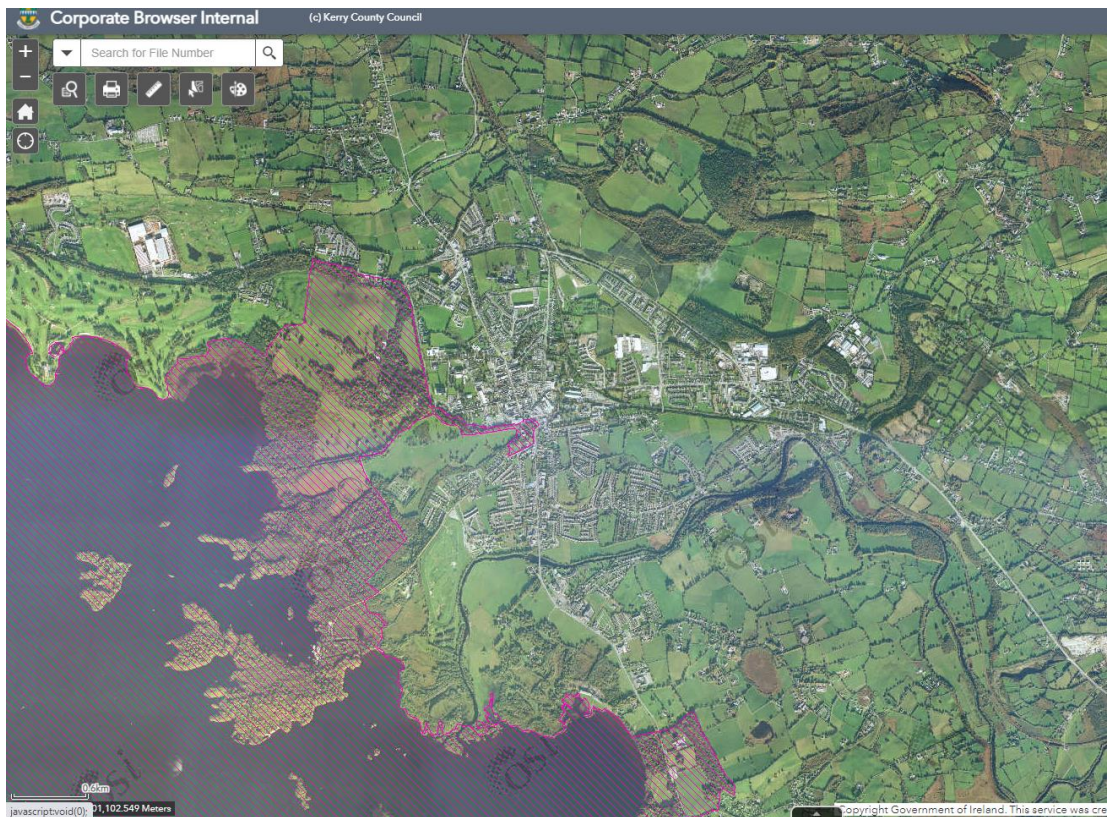
The CDP incorporates a Town Plan for Killarney. This town plan is subject to the objectives and policies contained elsewhere in the CDP, including the Development Management Standards and Guidelines. It should be noted that the Land use zonings outlined for the settlement correspond with the existing zonings for the town as contained in the Killarney Town Development plan 2009-2015, as extended and varied and which was previously subject to Appropriate Assessment.

Environmental Sensitivities

- Special Area of Conservation (SAC): Killarney National Park, Macgillicuddy's Reeks And Caragh River Catchment (south-west), Castlemaine Harbour (north), Sheheree (Ardagh) Bog (south-east)
- Special Protection Areas (SPA): Killarney National Park (south-west)
- Proposed Natural Heritage Sites (pNHA): Killarney National Park, Macgillicuddy's Reeks And Caragh River Catchment (south), Doo Loughs (south-east), Sheheree (Ardagh) Bog (south-east)
- Annex I Old Oak Woodlands (east) and scattered Residual alluvial forests (south)
- High contribution to potential ecological networks
- High Terrestrial Biodiversity
- Heavy forestry (south)
- Licensed facilities: a number of active quarries, 2 discharge licences,
- Historical Town and key stop on Ring of Kerry/Kerry Way routes
- High Aquifer vulnerability
- WFD River 2013-2018 Ecological Status and Risk: River Deenagh of Good Status and At Risk, River Flesk of Good Status and Not at Risk, Woodford River is unassigned and under review, Finow River is of Moderate Status and At Risk.
- WFD Lake 2013-2018 Ecological Status and Risk: Lake Leane of Good Status and Not at Risk, Ross Bay of Moderate Status and At Risk, Muckross Lake of High Status and Not at Risk, Lough Guitane is of Good Status and Not at Risk.
- Flooding vulnerabilities along River Flesk and lake complex
- Killarney Wastewater Treatment Plant (WWTP) EPA license No.D0037-01. Agglomeration Pe 21,356 (EPA, 2020) Agglomeration Pe 26,845 (EPA, 2016) 26,130 (Irish Water, 2017) Plant design Pe 54,000. Overall compliance = Pass



Above: SAC designations in close proximity to Killarney Town



Above: SPA designations in close proximity to Killarney Town

Mitigation Measures for Killarney outlined in the Regional Spatial and Economic Strategy for the Southern Region Natura Impact Report

1. Phasing of services in tandem with growth and settlement is essential to avoid adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network.
2. In order meet the increased demands on the water supply and prevent adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network, due consideration should be given to the suitability of new and/or existing drinking water sources e.g. hydromorphological pressures.
3. Selection of sites for regeneration and expansion should be supported by a quality site selection process and subject to detailed environmental assessment.
4. Tourism action plans should undertake carrying capacity assessments to identify visitor pressures, and site/route selection studies with appropriate environmental assessments for proposed development/infrastructural projects to avoid potential adverse impacts to European Sites.
5. A set of site selection criteria should be developed by SRA to assist local authorities in decision making. This should include explicit consideration of the potential for likely significant effects as a distinct criterion for short-listing of site and if necessary, the potential of sites to avoid adverse effects on the integrity of any European site.
6. Support for [linear] infrastructure is subject to robust feasibility studies and site/route selection to reduce impacts on the environment and required appraisal, planning and environmental assessment processes.
7. Policy wording in the RSES shall recognise that at the project consent stage if it appears that any element of the RSES cannot be implemented without adverse impacts which cannot be adequately mitigated or compensated then the proposals will only make provision for the level and location of development for which it can be concluded that there will be no adverse effect.

Assessment

In consideration of the above, the development of Killarney as a key town has potential for adverse effects on European Sites along a number of pathways. The plan seeks to further develop and expand the settlement from the centre outwards. There is potential for increased diffuse urban pressure on the rivers that run through Killarney with resultant water quality changes in the downstream European sites (Killarney National Park MacGillycuddy Reeks & Caragh River Catchment SAC, Killarney National Park SPA, Castlemaine Harbour SAC and Castlemaine Harbour SPA). In particular, resultant infrastructure and added urban pressures may impact water quality in the nearby lake complex within Killarney National Park SAC and SPA which borders the town.

The principle watercourses flowing through the town (R.Flesk and R. Deanagh) are currently at good status and unlikely to be impacting Natura 2000 sites downstream, however any deterioration in water quality as a result of added urban pressure or otherwise has the potential to negatively impact hydrologically connected European Sites and in particular Lough Leane which forms part of Killarney National Park SAC, which supports 'Oligotrophic to Mesotrophic Lake Habitat (habitat code 3130)' and the 'Annex II Slender Naiad, (species code 1833)' which are sensitive to phosphorus

loading. Other potential pressures on the waterbodies arise from rural development and activities as well as the development of smaller settlements in the catchment.

It is noted that wastewater is treated in the south of Killarney, by way of a Tertiary treatment plant with N&P removal. The facility is operated by Irish Water and licensed by the EPA and is well within design capacity of 54,000 PE. According to the Irish Water 2020 Annual Environmental Report (AER) for the facility, it is passing compliance standards. The plant is not listed as a Priority Area for wastewater. The annual mean and maximum hydraulic loadings for 2020 were less than the peak Treatment Plant Capacity. However, the Lower Lake within the SAC/SPA, downstream of the sewage outfall is designated as a Nutrient Sensitive Water Body.

Irish Water has recently undertaken surveys of the existing sewer network in the town as part of preparing a Drainage Area Plan for the agglomeration. The surveys will provide the basis to build a hydraulic model to assess the capacity, condition and performance level of the town's sewer network and will facilitate Irish Water in the prioritisation of sewer upgrade, as appropriate.

Population growth within Killarney will result in increased demand on water supply and therefore there is potential for increased abstractions leading to changes/pressures on existing hydrological/hydrogeological regimes. It is noted that the recently completed Lough Guitane Water Treatment Plant project is highlighted in the report within the context of future proofing infrastructure. It is further noted that development consent is in place for a 30,000m³ reservoir at Sheheree, Killarney and a 12,500m³ reservoir at Lissardboola, Tralee and that watermain replacement, leakage reduction and upgrade works are underway in Killarney and elsewhere in the County as part of Irish Waters Capital Works Program.

A key future priority of the plan is to better orientate and integrate the town with Killarney National Park (KNP) and to make better use of KNP for walking and cycling (S1.1.2, KA4, KA 7 and KA35). The continued promotion of Killarney as a tourist destination is also outlined. These may give rise to negative impacts through increased recreational and visitor pressures potentially resulting in habitat degradation or species disturbance.

With respect of the lands proposed to be zoned C6 Enterprise north of the Killarney bypass, it is noted that this proposed zoning was subject to Appropriate Assessment as part of the making of variation no 4 to the Killarney Town Plan. That appropriate assessment recommended the inclusion of the following to the Killarney Town Plan, which was accepted.



Variation No 4 to the Killarney Town Plan – Appropriate Assessment Recommendation

A Natura Impact Statement, incorporating a Lesser Horseshoe Bat survey and impact assessment is required to be undertaken by a suitably qualified individual, in support of any development proposal for the lands in question. Proposals which would either directly or indirectly result in the loss of functionally linked habitat of importance to the Killarney National Park McGillycuddy Reeks and Caragh River Catchment SAC will not be permitted.

Based on the previous Appropriate Assessment undertaken, which remains valid, it is recommended that a similar objective be included in the proposed Town Plan for Killarney and linked to the proposed C6 zoning north of the Killarney Bypass.

Recommended amendments to policy and supporting text to Killarney Town Plan – Volume 2

Killarney Plan Section 1.1 Introduction & Context

First sentence to be amended as follows:-

Killarney is located on the Shores of Lough Leane and at the foot of the north-eastern end of the Macgillycuddy’s Reeks and adjoins the 26,000 acres of Killarney National Park and Lakes. It is ideally placed as the main access point to the Ring of Kerry and forms part of the Kerry Biosphere – (a UNESCO Biosphere Reserve – Incorporating Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment eSAC and Killarney National Park SPA).

Killarney Plan Section 1.1.3 Vision and Strategy

Second paragraph to be amended as follows:-

This proposal for developing Killarney Town as a world class tourist destination, seeks to expand and diversify the Town Core’s offering through creating an authentic tourist

experience building on and extending the existing culture and heritage of the town through the creation of Cultural and Art/Craft Quarters, creating and defining linkages between areas of historic and cultural significance and sensitively merging the National Park as part of the Town Core experience.

Killarney Plan Section 1.1.3 Destination Killarney points number 2 and 3 to be amended as follows:-

Improve connectiveness throughout the town and sensitively orientate the town to the National Park, having due regard to nature conservation designations in the area.

Killarney Plan Section 2. Improve connectiveness throughout the town and orientate the town to the National Park. To be amended as follows:-

- facilitate and promote greater integration of the town and the National Park in a manner compatible with the overriding nature conservation objectives of the National Park.
- Prepare and implement a Sustainable Urban Mobility Plan to facilitate greater permeability, connectivity and accessibility between the town and the Lough Leane/national park area and between different areas of the town, with priority given to vulnerable road users and alternative sustainable modes of transport. This plan shall be subject to Habitats Directive Assessment and should not adversely impact Natura 2000 sites.

Killarney Plan Section 3. Alleviate traffic congestion by the transition to low carbon and sustainable mobility policies. To be amended as follows:-

- Sustainably strengthen the settlement through investment in key pieces of infrastructure such as the completion of the inner relief road and additional parking facilities, at appropriate locations, for locals and visitors alike.

Killarney Plan Section 1.3.1 Climate Action in Killarney

First sentence to be amended as follows:-

Kerry County Council will seek to incorporate the national policy on climate change – ~~the National Transition Objective – the goal of achieving~~ the national climate objective of a “transition to climate resilient, biodiversity rich and environmentally sustainable and climate neutral economy by the end of the year 2050” - and

Killarney Plan Section 1.3.2 Biodiversity

The following to be included after the second paragraph: -

It is also recognised that the overriding objective of the National Park is nature conservation and that this needs to be taken into account as part of project design and consent procedures.

Killarney Plan Section 1.3.2.1 Green and Blue Infrastructure

To be amended as follows-

Strong communities and a thriving economy need a healthy natural environment. Green and blue (waterways, rivers etc) infrastructure within our environment – built and natural - provides habitats for flora and fauna to thrive and thereby enhances our biodiversity. [The plan supports the protection, enhancement and creation of biodiversity in the public realm such as nature based solutions for management of water run-off, actions from the All Ireland Pollinator Plan and where compatible with the town’s architectural heritage, installing swift nest boxes.](#) Killarney benefits from an abundance of rich natural resources such as the national Park, surrounding mountains and lakes. [Where appropriate,](#) these should be interconnected more seamlessly through green and blue infrastructure in order to benefit both residents and tourists alike.

Killarney Plan Section 1.3.5 Flood Risk

To be amended as follows-

The OPW have identified preferred flood mitigation infrastructure to any mitigate flood risk in the CFRAM Flood Risk Management Plan for Laune-Maine-Dingle Bay River Basin (UOM 22). It is an objective of this plan to facilitate the implementation of this infrastructure scheme [subject to project level environmental assessments.](#) For more details regarding flood risk management see [Chapter 11 Environment, Chapter 13 Water and Waste Management and the Development Management Standards and Guidelines.](#)

Killarney Plan Section 1.4.1 Town Centre and Public Realm

Second paragraph to be amended as follows-

The Local Authority shall facilitate the redevelopment of backland, infill, vacant and derelict sites throughout the town. It will encourage the construction of well-designed high-density apartments or residential units, subject to achieving a high quality of living accommodation for incoming residents, adequate provision of amenity space and refuse storage. [Amenity space/public realm will use a co-benefits approach to include for the protection, enhancement and creation of biodiversity including nature-based solutions for management of water run-off, actions from the All Ireland Pollinator Plan and where compatible with the town’s architectural heritage, installing swift nest boxes.](#)

Fifth paragraph to be amended as follows-

It is the aim of the plan to improve connectiveness throughout the town and orientate the town to the National Park. This plan seeks to improve connectivity through walkways and cycleways linking the town centre with surrounding areas with particular emphasis on the national Park, [subject to environmental assessment.](#)

Killarney Plan Section 1.11.3 Roads & Infrastructure

First sentence to be amended as follows:-

Kerry County Council shall facilitate, the [sustainable](#) implementation of the recommendations of the Killarney Town Traffic Model / Traffic Management Study to alleviate the traffic pressures on the town in order to sustainably, economically and inclusively benefit Killarney including the following specific projects:

- Completion of the Inner Relief Rd linking Bohereen Na Goun and Monsignor O’Flaherty road is necessary.
- Construction of a new strategic link road from the N22 Killarney Bypass to the Park Road to alleviate traffic in the town centre. (A-C road)
- Construction of a network of radial cycle lanes from the town centre to residential areas, heritage buildings, tourist attractions and the National Park.

Killarney Plan Section 1.12 Land Use Zoning

The following objective to be included in Section 1.12,

It is an objective of the Council to ensure that the following is adhered to with respect of the C6 Enterprise zoning north of the Killarney Bypass:-

Ensure that a Natura Impact Statement, incorporating a Lesser Horseshoe Bat survey and impact assessment is required to be undertaken by a suitably qualified individual, in support of any development proposal for the lands in question. Proposals which would either directly or indirectly result in the loss of functionally linked habitat of importance to the Killarney National Park McGillycuddy Reeks and Caragh River Catchment SAC will not be permitted.

Killarney Town Plan Map Legend to be amended as follows:-

- Proposed N71-N22 Link road to be amended to ‘Indicative route of proposed N71-N22 Link road
- Proposed N22 Road improvement to be amended to ‘Indicative route of proposed N22 Road improvement’

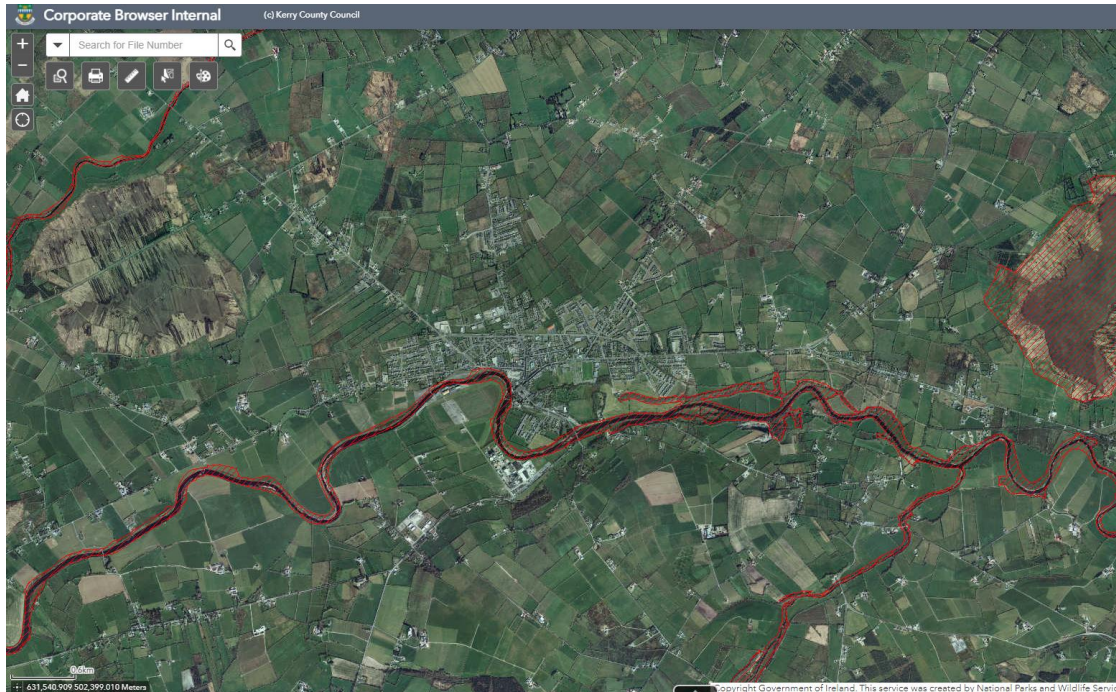
5.2.5.3 Listowel Town Plan

The CDP incorporates a Town Plan for Listowel. This town plan is subject to the objectives and policies contained elsewhere in the CDP, including the Development Management Standards and Guidelines. It should be noted that the Land use zonings outlined for the settlement correspond with the existing zonings for the town as contained in the Listowel Town Development plan 2009-2015, as extended and varied and which was previously subject to Appropriate Assessment.

Environmental Sensitivities

- Special Area of Conservation (SAC): Lower River Shannon SAC (River Feale) Moanveanlagh Bog (east)
- Special Protection Areas (SPA): River Shannon and Fergus Estuaries (West)
- Proposed Natural Heritage Sites (pNHA): Casheen River Estuary
- Broadleaf Woodland (Town Park and Bluebell woods (Spa ridge)
- High contribution to potential ecological networks
- High Terrestrial Biodiversity
- Licensed facilities: Kerry Ingredients (Ireland) Limited (Listowel).
- Historical Heritage Town
- High Aquifer vulnerability

- WFD River 2013-2018 Ecological Status and Risk: River Feale upstream of the Listowel Bridge of Good Status and not at risk. River Feale downstream of the Listowel Bridge of Moderate Status and at risk.
- Flooding vulnerabilities along River Feale and Clieveragh
- Listowel Wastewater Treatment Plant (WWTP), EPA licence No D0179-01. Agglomeration Pe 6,028 (EPA, 2020), Plant design Pe 12,500. Overall compliance = Pass



Above: SAC designations in close proximity to Listowel Town

Assessment

In consideration of the above, the development of Listowel as a key town has potential for adverse effects on European Sites along a number of pathways. The plan seeks to further develop and expand the settlement from the centre outwards. There is potential for increased diffuse urban pressure on the watercourses that run through Listowel with resultant water quality changes in the downstream River Feale which forms part of the Lower River Shannon SAC.

The River Feale is an important watercourse supporting populations of Atlantic Salmon, Lamprey and Otter. Other potential pressures on the River Feale arise from rural development and activities as well as the development of smaller settlements in the catchment. It is noted that the River Feale upstream of the town is currently at 'good status' but downstream of the town is of 'moderate status'.

It is noted that wastewater is treated in the west of Listowel by way of a Secondary Treatment Facility, operated by Irish Water and licensed by the EPA and is well within design capacity of 12,500PE. Despite passing effluent monitoring compliance standards, it is not reaching the more stringent EU treatment standards for Oxygenation and Nutrient Conditions. Future growth of Listowel is likely to put

pressure on the plant and the network. Notwithstanding this, the Irish Water 2020 Annual Environmental Report (AER) for the facility outlines that the discharge from the wastewater treatment plant does not have an observable impact on the water quality or an observable negative impact on the Water Framework Directive status. The annual mean and maximum hydraulic loadings for 2020 were less than the peak Treatment Plant Capacity.

Irish Water has recently undertaken surveys of the existing sewer network in the town as part of preparing a Drainage Area Plan for the agglomeration. The surveys will provide the basis to build a hydraulic model to assess the capacity, condition and performance level of the town's sewer network and will facilitate Irish Water in the prioritisation of sewer upgrade, as appropriate. Upgrading of Storm Water Overflows to comply with the criteria outlined in the DoECLG "Procedures and Criteria in relation to Storm Water Overflows, 1995" SW1 to SW10 is currently at planning stage with an expected completion date of 2024+ outlined in the Irish Water 2020 AER for the agglomeration.

Population growth within Listowel will result in increased demand on water supply and therefore there is potential for increased abstractions leading to changes/pressures on existing hydrological/hydrogeological regimes. In spring 2021, Irish Water published a National Water Resources Plan – Framework Plan, which is a 25-year strategic plan for the country's water assets and for which a Strategic Environmental Assessment and an Appropriate Assessment were carried out. As part of the framework plan options to address identified need fall under the following three pillars: 'Lose Less', 'Use Less' and 'Supply Smarter'. The accompanying AA outlines that as part of the feedback loop, no option arising from the Framework Plan with the potential for adverse effects on site integrity identified at project level will be progressed as the Framework Plan will have identified other options that could be progressed at the project level if required. It is noted watermain replacement, leakage reduction and upgrade works are underway in Listowel and elsewhere in the County as part of Irish Waters Capital Works Program.

A key future priority of the plan is to develop greenway and blueway infrastructure, activity and supporting facilities in the town extending into the hinterlands. As part of this a campervan, motor home and outdoor activity facilities are proposed. These have potential to give rise to negative impacts through increased recreational and visitor pressures potentially resulting in habitat degradation or species disturbance.

With respect of the lands proposed to be zoned R1 new / proposed residential phase 1 to the north of Bluebell woods and which are located within the Lower River Shannon SAC, it is noted that this proposed zoning was subject to Appropriate Assessment as part of the making of variation no 3 to the Listowel Town Plan. That appropriate assessment recommended the inclusion of the following to the Listowel Town Plan, which was accepted.

Variation No.3 to the Listowel Town Development Plan – Appropriate Assessment Recommendation

Having regard to the above, the following is recommended: -

- that a 15m buffer area be provided within the proposed residential zoning where it adjoins the Lower River Shannon SAC.
- That the following objective be included in the variation:- It is an objective of the Council to ensure that the 15m buffer area located within R1 New/Proposed Residential zoned lands is maintained as an active or passive open space area incorporated within any proposed residential development on adjoining lands to the north so as to safeguard the conservation interests of the woodland and its setting.

It is considered that the above would ensure that potential significant and adverse impacts on the Lower River Shannon SAC would be avoided, with certainty. This assessment takes into consideration the potential for cumulative and in combination effects.

Based on the previous Appropriate Assessment undertaken, which remains valid, it is recommended that a similar objective be included in the proposed Town Plan for Listowel and linked to the proposed RI zoning adjoining the woodland which forms part of the Lower River Shannon SAC. It is noted that the buffer is already included in the proposed land use zoning map for the town.

Recommended amendments to policy and supporting text to Listowel Town Plan

Listowel Plan Section 1.1 Introduction & Context

The first paragraph to be amended as follows:-

Listowel is the capital of North Kerry and is the third largest urban centre in County Kerry. Designated as a Regional town, Listowel is a heritage and historic town and a busy retail centre for North Kerry and West Limerick. It has attractive amenity areas within the town including Childers Park and Woodlands and the River Feale walk parallel to the town centre [which forms part of the Lower Shannon SAC](#).

Listowel Plan Section 1.3.1 Climate Action in Listowel

First paragraph to be amended as follows:-

Kerry County Council will seek to incorporate the national policy on climate change – ~~the National Transition Objective – the goal of achieving~~ [the national climate objective of a “transition to climate resilient, biodiversity rich and environmentally sustainable and climate neutral economy by the end of the year 2050”](#)- and

Listowel Plan Section 1.3.2.1 Green and Blue Infrastructure

Second paragraph to be amended as follows:-

In the context of Listowel there will be significant emphasis on the interconnectivity of the built and natural environment, sensitively merging the open space natural

resources of Childers Park and Woodlands, The River Feale, Ballygrennan Hill and the North Kerry Greenway as a seamless part of the urban experience, providing areas of natural habitat [sustainably](#) interwoven into an improved public realm.

Listowel Plan Section 1.3.4 Flood Risk

To be amended as follows:-

The OPW have identified preferred flood mitigation infrastructure to mitigate flood risk along the Feale in the CFRAM Flood Risk Management Plan for Tralee Bay – Feale River Basin (UOM 23). It is an objective of this plan to facilitate the implementation of this infrastructure and the Clieveragh flood relief scheme. For more details regarding flood risk management see scheme. For more details regarding flood risk management see [Chapter 11 Environment, Chapter 13 Water and Waste Management and the Development Management Standards and Guidelines](#). It is also an objective to prepare a masterplan for the Castleinch lands, this plan will include flood management proposals.

Listowel Plan Section 1.4.1 Town Centre and Public Realm

First paragraph to be amended as follows:-

In order to deliver the vision for Listowel as a vibrant regional town, this plan places a strong focus on town centre development, retail and urban regeneration opportunities. There are many opportunities and national schemes in place to address decay and dereliction and make town centres attractive and desirable places to visit and live including the Repair & Leasing Scheme and the Buy & Renew Scheme. [Developing an attractive public real/amenity space is also important and the use of a co-benefits approach to include for the protection, enhancement and creation of biodiversity including nature-based solutions for management of water run-off, actions from the All Ireland Pollinator Plan and where compatible with the town's architectural heritage, installing swift nest boxes, will be supported.](#)

Listowel Plan Section 1.4.1 Bullet point to be amended as follows:-

Establishing Listowel as a Tourism Hub for North Kerry through road and greenway infrastructure and in line with the Cliff Coast Development Plan [and subject to environmental assessment](#)

Listowel Plan Section 1.5.3 Castleinch

Second last sentence to be amended as follows:-

The council will require the preparation of a masterplan/design brief where appropriate prior to the redevelopment of the Castleinch lands for the development of a landmark riverfront site in a sustainable manner, providing new mixed use/ tourist facilities subject to a flood risk assessment in accordance with 'The Planning systems and Flood Risk Management - Guidelines for Planning Authorities', [compatibility with the conservation objectives of the Lower River Shannon SAC](#) and a traffic impact assessment.

Listowel Plan Section 1.10.2 Blueway

To be amended as follows:-

With an increased interest nationally in outdoor activity, and water sports, Kerry County Council recognises the potential of creating a “blueway” in the River Feale at Listowel having regard to the environment designations in the area. ~~and~~ As such it is supportive of a feasibility study for the sustainable development of the River Feale Blueway and how this would be linked to the Greenways incorporating a Trail head at the designated Outdoor Facility Hub (at the Neodata site and Council Depot site). The Blueway and associated infrastructure projects will be required to demonstrate compatibility with the conservation objectives of the Lower River Shannon SAC within which the River Feale is located.

Listowel Plan Section 1.13 Land Use Zoning

The following objective to be included in Section 1.13

It is an objective of the council to ensure that a 15m buffer area is maintained free from development to the north of the woodland located within the Lower River Shannon, as shown on the land use zoning map. This buffer area may be incorporated within an active or passive open space area associated with a proposed residential development

National Climate and Energy Plan 2021-2030	
National Planning Framework (Ireland 2040 Our Plan)	Potential for in-combination effects as it sets the policy framework on which CDP is based.
National Development Plan 2018-2027	However, it is a policy of the National Planning Framework to ensure the resilience of our natural resources and cultural assets. Linkage to wider policies such as for European Sites under the Birds and Habitats Directives and the Water Framework Directive is recognised and the need to set high level planning policies in protecting and making responsible use of our natural environment. These plans have been subject to AA. Where these have influenced CDP policy, potential for impact has been assessed. No likely significant in combination effects are considered likely.
Water Services Strategic Plan (WSSP)	The WSSP has undergone SEA and AA, which highlighted the need for additional plan/project environmental assessments to be carried out at the tier 2 and tier 3 levels.
National Water Resources Plan (NWRP)	The NWRP seeks to develop sustainable water supplies taking into consideration drought periods when assimilation capacity for diffuse runoff may be reduced. This plan has been subject to AA. Where these have influenced CDP policy, potential for impact has been assessed. No likely significant in combination effects are considered likely.
Catchment Flood Risk Assessment and Management (CFRAM) Programme, under the Floods Directive	CFRAM Studies and their product Flood Risk Management Plans have undergone appropriate assessment and take into account European Site Designations. Where these have influenced CDP policy, potential for impact has been assessed. No likely significant in combination effects are considered likely.
River Basin Management Plan	The River Basin Management Plan 2022-2027 public consultation is currently underway (3 rd cycle RMBD). A Appropriate Assessment NIS has been prepared in support of the draft plan. No likely significant in combination effects are considered likely.
Offshore Renewable Energy Development Plan (OREDP)	This sets out key principles, policy actions and enablers for delivery of Ireland's significant

	potential in this area. In this way, the plan provides a framework for the sustainable development of Ireland's offshore renewable energy resources. An Appropriate Assessment was undertaken as part of the plan. No likely significant in combination effects are considered likely.
National Wastewater Sludge Management Plan (2015)	The plan was subject to both AA and SEA and includes a number of mitigation measures which were identified in relation to transport of materials and land spreading of sludge. No in-combination effects are expected with the implementation of proposed mitigation measures. No likely significant in combination effects are considered likely.
Food Wise 2025	The strategy was informed by a Natura Impact Statement prepared for the same. No likely significant in combination effects are considered likely.
Lead in Drinking Water Mitigation Plan	The plan proposes orthophosphate dosing of the water supply at various treatment sites. This plan was subject to Appropriate Assessment, which highlighted the vulnerability of certain habitats and species including oligotrophic to mesotrophic lakes and the slender Naiad. No likely significant in combination effects are considered likely.
Regional Spatial and Economic Strategy for the Southern Region (RSES)	
People, Place and Policy – Growing Tourism to 2025. Irish Government Tourism Policy Statement (2015)	These Tourism plans recognise the value of Ireland's natural environment and its importance in supporting Irish Tourism. The importance of delivering Tourism growth and development in an environmental sustainable manner is highlighted in the Government Tourism Policy Statement.
Tourism Development & innovation – A strategy for investment 2016-2022 (Failte Ireland)	In addition, it is noted that it is a strategic objective of the Wild Atlantic Way program to ensure that it is delivered in accordance with the principles of sustainable tourism, ensuring that economic, social and environmental benefits are delivered in a balanced way.
Tourism Action Plan 2019-2021 (DoTTS)	No significant in-combination impacts are envisaged.
Regional Tourism Development Plan 2008-20 (Fáilte Ireland South West)	

Southern Waste Regional Management Plan	These plans were subject to AA. No significant in-combination impacts are envisaged.
Limerick City and County Development Plans	
Cork County Development Plan	
Clare County Development Plan 2017-2023	
The Offshore Renewable Energy Development Plan	
Guidance document on wind energy developments and EU nature legislation (European Commission 2020).	
Forests, products and people Ireland's forest policy – a renewed vision (2014)	This document incorporates nature conservation considerations. As part of this it is a stated policy statement to ensure that afforestation, management of existing forests and development of the forest sector are undertaken in a manner that ensures compliance with environmental requirements and objectives and enhances their contribution to the environment and their capacity for the provision of public goods and services. No significant in-combination impacts are envisaged.
Tralee, Killarney and Listowel Town Development Plans as varied and extended.	These plans were subject to Appropriate Assessment. The CDP plan will supersede the town development plans on adoption and will set the framework for future LAP review. No significant in-combination impacts are envisaged.
Tralee M.D LAP 2018-2024, Killarney M.D LAP 2018-2024, West Iveragh MDLAP 2019-2025, Listowel MDLAP 2020-2016, Corca Dhuibhne Electoral Area LAP 2021-2027.	

7. Preliminary Appropriate Assessment Conclusion Statement

This Natura Impact Report has considered the potential of the draft CDP 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 CDP is largely a strategic and high-level plan, which will inform the preparation of local area plans and 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 CDP are underpinned by the principles of sustainability of which the protection of Natura 2000 European Sites forms part. Where necessary, the requirement for project level environmental assessment is emphasised.

As such, the draft CDP itself, subject to it securing the mitigation detailed in this report, will not adversely affect the integrity of any Natura 2000 European Site either alone or in combination with other plans or projects*.

Reasons for conclusion

Policies and objectives contained within the plan will either not lead to development, are intended to protect conserve or enhance the natural environment, will positively steer development and pressure away from Natura 2000 sites and associated sensitive areas, positively make provision to ensure that implementation will not have a significant effect or an adverse affect on the integrity of a Natura 2000 site, and or have been formulated using a caveat or conditional approach requiring, where necessary, a case by case Environmental Assessment / Habitats Directive Assessment. Therefore, there is no viable or realistic pathway for adverse impact on Natura 2000 sites.


* It is noted that one recommendation of the NIR has not been incorporated into the published Draft CDP. This is addressed in Section 8 of this report (Next Steps).

8. Next Steps

The next step in the process is wider public consultation on the draft CDP, the accompanying SEA Environmental Report, Habitats Directive Appropriate Assessment Natura Impact Report and the Strategic Flood Risk Assessment. Submissions or aspects of submissions made relating to the Natura Impact Report should be clearly marked as such.

It should be noted that with the exception of one, all recommendations contained within this NIR have been incorporated into the published DRAFT CDP. The singular recommendation not incorporated within the Draft CDP is outlined below. If this recommendation is not incorporated into the plan during the next stage of the plan making process, further assessment will be undertaken in relation to same, as necessary.

NIR recommendation not incorporated into the published Draft CDP

CDP Section 9.6.1 / S9.6.1.1 Shannon Estuary and Volume 4 maps Tarbert-Ballylongford Landbank	
To be amended as follows:- It is recommended that the lands contained within the Tarbert Bay pNHA, identified in red in the following map to be removed from the Tarbert Ballylongford landbank maps contained in Volume 4 of the plan. In addition, the stated area of the landbank as outlined in S9.6.1 of Volume 1 should be reduced accordingly.	Referred to Map adjoining Tarbert island 

Where changes are made to the draft CDP following public consultation and consideration by the Chief Executive and the elected members, these will be assessed and this NIR will be updated by way of addendum documents to reflect any such changes. Prior to adoption, Kerry County Council, as the Competent Authority for the Appropriate Assessment must consider the NIR and any other relevant information and, for the purposes of Article 6(3) of the Habitats Directive and its application through the European Communities (Birds and Natural Habitats) Regulations, as amended, must determine whether the plan either individually or in combination with any other plans or projects would adversely affect the integrity of any European Site. Only having ascertained this can the Plan be adopted and come into effect.