



Mullingar Local
Area Plan 2014-2020

Volume 4
Natura Impact Report

**Appropriate Assessment
Natura Impact report
Screening Report
Stage 1**

of the

**Proposed
Mullingar Local Area Plan**

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1 INTRODUCTION

Westmeath County Council has prepared a Proposed Local Area Plan for Mullingar in accordance with Section 20 of the Planning and Development Act 2000 -2010, as amended.

Article 6(3) and (4) of the Habitats Directive 92/43/EEC requires an Appropriate Assessment of Land Use Plans with respect to ecological implications of any plan or project, whether within or outside a designated site, which does not directly relate to the management of the site but may impact upon its Conservation Objectives. Therefore, the purpose of this Screening Report is to consider whether, based on best available scientific knowledge, the proposed Local Area Plan for Mullingar on implementation would have potential impacts upon the conservation objectives of any Natura 2000 sites.

NATURA 2000 sites are protected habitats for flora and fauna of European importance. They comprise **Special Areas of Conservation (SACs)**, designated under the Habitats Directive and **Special Protection Areas (SPAs)**, designated under the Birds Directive.

This Natura Impact Report has been carried out in accordance with the provisions of Article 6 (3) and (4) of the Habitats Directive as transposed into domestic legislation by Part XAB of the Planning and Development (Amendment) Act 2000-2011. Regulations and/or Ministerial Guidance under section 28 of the Planning and Development Act have not been put in place to date, therefore in the preparation of this assessment, reference has been made to the following documents in particular;

MANAGING NATURA 2000 SITES. The provisions of Article 6, of the 'Habitats' Directive 92 / 43 / CEE

Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92 / 43 / EEC.

Guidance document on Article 6(4) of 'Habitats Directive' 92 / 43 / EEC

Department of the Environment Heritage and Local Government (DEHLG) Circular letter SEA 1 / 08 & NPWS 1 / 08 dated 15 February, 2008.

Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities. December 2010

Circular letter SEA 1 / 08 and NPWS 1 / 08 states:

"Any draft land use plan (development plans, local area plans, regional planning guidelines, schemes for strategic development zones) or amendment/variation to it proposed under the Planning and Development Act 2000 (as amended) must be screened for any potential impact on areas designated as Natura 2000 sites (normally called Special Areas of Conservation (SACs) or Special Protection Areas (SPAs).

This screening should be based on any ecological information available to the authority and an adequate description of the plan and its likely environmental impacts. This should take into account any policies that will set the terms for future development. Up to date maps of Natura 2000 sites, or areas proposed for designation, are available on www.npws.ie. The results of the screening should be recorded and made available to the public.

In any case where, following screening, it is found that this Plan may have an impact on the conservation objectives of a Natura 2000 site or that such an impact cannot be ruled out, adopting a precautionary approach-

an appropriate assessment of the plan must be carried out and in any case where a strategic environmental assessment (SEA) would not otherwise be required, it must also be carried out."

Section 4.8 of the Guidance for Planning Authorities on Appropriate Assessment of Plans and Projects in Ireland issued by the legislation unit of the NPWS states that the decision that an AA is required or not, will be influenced by the nature and extent of the development likely to be proposed in the Plan and the Plan area's in situ, ex situ and in combination relationship to adjoining Natura 2000 sites and the wider Natura 2000 Network.

An Appropriate Assessment would be required if the Proposed Local Area Plan on implementation was likely to have a significant impact on Natura 2000 sites. A review of the proposed Plan found that there are a number of potential conflicts between policies and objectives, and full implementation of the Directive. However, policies and objectives exist in the Proposed Local Area Plan and the Draft County Development Plan which may enable these habitats to be protected in the course of considering any plans or projects arising on implementation of policy contained in the proposed Plan.

The consideration of mitigation provided at policy level, as described above, cannot be considered at Screening (Stage 1) in accordance with s.2.6 of Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites, Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC. Mitigation can only be considered at stage 2 after the potential for significant impacts has been determined.

The consideration of mitigation by policy requiring assessment of elements of a plan or project at a later stage is dealt with in domestic legislation by virtue of Article 42 (17)(b) of the EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS 2011 (S.I. No. 477 of 2011) which states the following:

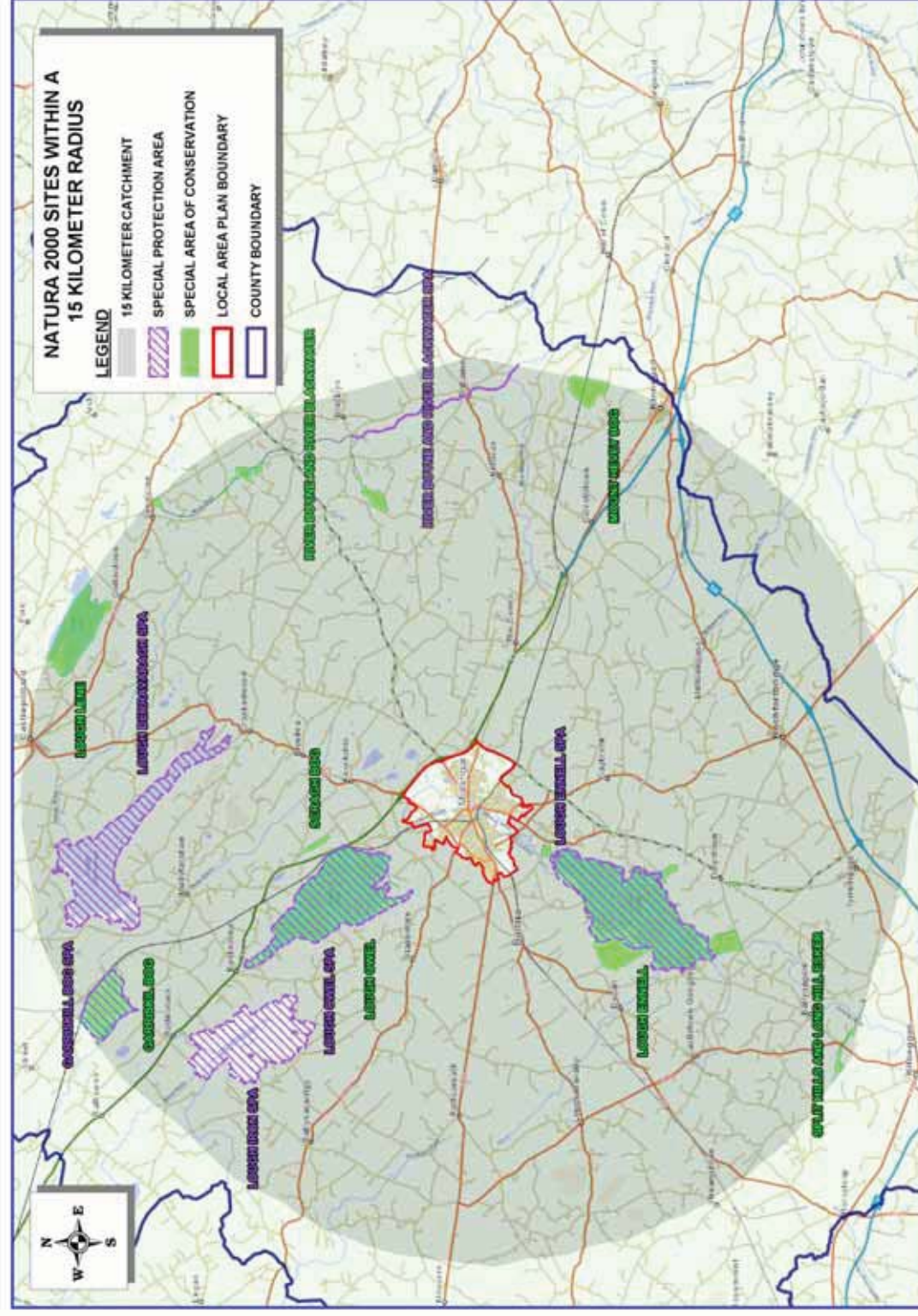
“(b) A public authority shall not adopt or undertake, or grant any consent for, a plan or project containing any conditions, restrictions or requirements purporting to—

- (i) permit the deferral of the collection of information required for a screening for Appropriate Assessment or for an Appropriate Assessment or the completion of a screening for Appropriate Assessment or an Appropriate Assessment until after the consent has been given,*
- (ii) accept an incomplete Natura Impact Statement, or*
- (iii) permit or facilitate the avoidance of compliance with the conditions set out in Article 6(4) of the Habitats Directive.”*

The Eastern and the Shannon River Basin Management Plans require Westmeath County Council to ensure compliance with the environmental objectives set out in the River Basin Management Plans (RBMP) and the Surface Water Regulations which have a significant role in the protection of water based Natura sites. Protection of these water resources in accordance with the River Basin Management Plans will offer protection to the Natura 2000 sites. Measures of these River Basin Management Plans require coordination of development planning with the other measures of the River Basin Management Plans in order to secure the objectives of the Water Framework Directive.

2 BRIEF DESCRIPTION OF NATURA 2000 SITES

NATURA 2000 sites are protected habitats for flora and fauna of European importance. They comprise Special Areas of Conservation, designated under the Habitats Directive and Special Protection Areas, designated under the Birds Directive. Site synopses in respect to SACs, and SPAs, relevant to the Proposed Mullingar Local Area Plan are not included in this Report however hyperlinks have been provided in the tables below to all site synopses and other relevant material on the NPWS website.



The Natura 2000 network of sites, are the prime wildlife conservation areas in the country, considered to be important on a European as well as Irish level. [The EU Habitats Directive \(92/43/EEC\)](#) lists certain habitats and species that must be protected. [The EU Birds Directive \(79/409/EEC\)](#) lists rare and vulnerable species, regularly occurring migratory species and wetlands which attract large numbers of migratory birds each year.

Sites proposed for designation under the Habitats Directive are called candidate Special Areas of Conservation (cSAC) and Special Protection Areas (SPA) under the Birds Directive, and are legally protected under various legislation, regulation and policy at European, National, Regional and County Level. Details of these sites are forwarded to the EU Commission and once approved by the commission; these sites are formally designated by the Minister as SAC's and SPA's.

The high quality of the natural environment both within and surrounding Mullingar is reflected in the fact that there are 16 Special Areas of Conservation (SACs) and 10 Special Protection Areas for Birds (SPA's) in County Westmeath. Although there are no Natura 2000 sites within the proposed LAP boundary there are 8 cSAC's and 6 SPA's within 15km of Mullingar representing a diverse range of habitats from Lakes, Rivers, Eskers, Bogs and Fens.

All Natura 2000 sites entirely or partially within a 15km buffer from the proposed LAP boundary have been included in this assessment. This buffer is considered ample for application to the subject assessment and is also considered to be an appropriate buffer in Section 3.2.3 of *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities December 2009*.

Further details pertaining to the Natura 2000 sites with particular reference to potential impacts arising from the proposed policy are provided below.

Conservation Management Objectives for Natura 2000 sites

At the time of writing specific Conservation Management Plans were unavailable for many of Natura 2000 sites listed in Tables 2.1.1 and 2.1.2. For sites lacking a published Plan, a list of generic conservation management objectives have been provided by the NPWS. These are:

For SACs

- To maintain the Annex I habitats for which the SAC has been selected at favourable conservation status;
- To maintain the Annex II species for which the SAC has been selected at favourable conservation status;
- To maintain the extent, species richness and biodiversity of the entire site; and
- To establish effective liaison and co-operation with landowners, legal users and relevant authorities.

For SPAs

- To maintain the bird species of special conservation interest, for which the SPA has been designated, at favourable conservation status.

Since the conservation management objectives for the Natura 2000 sites focus on maintaining the favourable conservation status of the qualifying interests of each site, the Screening process concentrated on assessing the potential implications of the proposed Plan against the qualifying interests of each site.

2.1 Sites of conservation value in and within 15km of Westmeath

2.1.1 Special Areas of Conservation in Westmeath

Natura 2000 site	Site specific plans by the competent Authority (NPWS)	Qualifying Interest		Specific Threats to Natura 2000 site
Site Code: 000692 Scragh Bog	Generic Conservation Objectives	1065	<i>Euphydryas aurinia</i>	Site well protected as a National Nature Reserve but nonetheless vulnerable to a deterioration in water quality if intensification in agricultural practices occurs. Main Threats and Impacts: Overgrazing by cattle; general forestry management; fertilisation; urbanised areas, human habitation; auto routes; Pollution, Moderate Water Pollution, Other pollution or human impacts; Landfill, land reclamation and drying out; Infilling ditches, dykes, ponds, marshes and pits; drainage; other human induced changes in hydraulic conditions; Biocenotic evolution; accumulation of organic material.
		1393	<i>Drepanocladus vernicosus</i>	
		7230	Alkaline fens	
		7140	Transition mires and quaking bogs	
Site Code: 000688 Lough Owel	Generic Conservation Objectives	3140	Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.	The site is vulnerable to eutrophication. Increased abstraction of water from the lake could adversely affect the functioning of the system. Increased activity by boats on the lake could cause physical damage to the fragile species of <i>Chara</i> . Main Threats and Impacts: Overgrazing by cattle; General Forestry management; Peat Extraction; Urbanised areas, human habitation; Communication networks routes; Pollution; Landfill, land reclamation and drying out; Infilling ditches, dykes, ponds, marshes and pits, drainage, Other human induced changes in hydraulic conditions.
		7140	Transition mires and quaking bogs	
		7230	Alkaline fens	
Site Code: 000685 Lough Ennell	Generic Conservation Objectives	1096	<i>Lampetra planeri</i>	Main threats and Impacts: channel maintenance, barriers, Passage obstruction, Gross pollution and specific pollutants. Main Threats and Impacts: water pollution, other forms or mixed forms of pollution, infilling of ditches, dykes, ponds, pools, marshes or pits, drainage, management of aquatic and bank vegetation for drainage purposes, removal of sediments, canalization or modifying structures of inland water course; arterial drainage, local drainage and agricultural reclamation; Overgrazing, fertilization, and the presence of alien species
		1355	<i>Lutra lutra</i>	
		7230	Alkaline fens	
		3140	Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.	
		7120	Degraded raised bogs still capable of natural regeneration	
Site Code: 002342 Mount Hevey	Generic Conservation Objectives	7110	Active raised bog	In the past this site was subject to extensive peat-cutting. More recently there has been afforestation in the south-eastern corner of the site. Both of these damaging operations have resulted in the drying-out of the high bog area. Unless peat-cutting is curtailed and the areas of forestry are removed,
		7120	Degraded raised bog capable of natural regeneration	
		7150	Depressions on peat substrates	

Natura 2000 site	Site specific plans by the competent Authority (NPWS)	Qualifying Interest	Specific Threats to Natura 2000 site
Bog		of the Rhynchosporion	<p>the site will continue to be vulnerable to drying out. Any intensification of these activities could be very damaging. The drier areas of the high bog surface are vulnerable to burning events which, if intense, can be very damaging.</p> <p>Main Threats and Impacts: Peat cutting; drainage and burning; afforestation; grazing; dumping; fertilisation; restructuring agricultural land; communication routes; cultivation;</p>
		7120 Degraded raised bogs still capable of natural regeneration	
		6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>)	
		1355 <i>Lutra lutra</i>	
		7110 Active raised bog	
Site Code: 001831 Split Hills and Long Hill Esker	Generic Conservation Objectives	7120 Degraded raised bogs still capable of natural regeneration	<p>The esker ridge is particularly vulnerable to quarrying for sand and gravel. This activity already occurs on the site in several locations. The calcareous grassland is vulnerable to both overgrazing and undergrazing and to fertilization. The woodland is vulnerable to clearance for grazing of stock. Although some sections of the site are state owned, the site is otherwise unprotected. The presence of two protected species of flora provides a measure of protection to those sections of the site in which they occur.</p> <p>Main Threats and Impacts: Access to site, Grazing, Quarrying, Scrub encroachment</p>
		7110 Active raised bogs	
Site Code: 002299 River Boyne and River Blackwater	Generic Conservation Objectives	1355 Otter (<i>Lutra lutra</i>)	<p>Main threats to the ecological interests of this site are further drainage schemes and water pollution. In the past, where drainage occurred it altered the character of the river and removed natural bankside structure and vegetation.</p> <p>Ongoing maintenance dredging is carried out along stretches of the river system where the gradient is low. This can be extremely destructive to salmonid habitat. Drainage also impacts on the many small wetland areas throughout the site.</p> <p>Water quality is impaired in parts of the system through agricultural runoff and inputs from domestic and industrial sources. A reduction in the input of pollutants to the system is required to preserve the important aquatic interests in this site. Further threats include: Cultivation; Fertilisation; Grazing; General forestry management; Leisure fishing</p>
		7230 Alkaline fens	
		91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)	
		1092 White-clawed crayfish (<i>Austropotamobius pallipes</i>)	
		3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.	

Natura 2000 site	Site specific plans by the competent Authority (NPWS)	Qualifying Interest	Specific Threats to Natura 2000 site
Site Code: 002121 Lough Lene	Objective 1: To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status; Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. (85% area of the site). Objective 2: To maintain the Annex II species for which the cSAC has been selected at favourable conservation status; White-clawed Crayfish (<i>Austropotamobius pallipes</i>). Objective 3: To maintain the extent, species richness and biodiversity of the entire site. Objective 4: To establish effective liaison and co-operation with landowners, legal users and relevant authorities.	7120 Degraded raised bogs still capable of natural regeneration	<p>The main threats to this site are increased abstraction and eutrophication caused by agricultural run-off from surrounding areas. Any further reclamation of the semi-natural habitats around the lakes shore would be detrimental to the overall ecology of the lake system. Increased usage of the lake for boating and angling could cause physical damage to the <i>Chara</i> communities. The crayfish population is vulnerable to water pollution and to further introductions of the crayfish fungus.</p>
		7110 Active raised bogs	
Site Code: 000679 Garriskil Bog	Generic Conservation Objectives	7150 Depressions on peat substrates of the Rhynchosporion	<p>Raised bogs are vulnerable to water loss caused by peat cutting, drainage and fire. There is no active peat cutting at this site at present. Recent drainage is causing drying out of a section of the site to the NE. Dredging of the river Inny may have caused water loss at the S and subsequent subsidence.</p> <p>Main Threats and Impacts: Peat cutting; drainage and burning; afforestation; invasive species; grazing; dumping; fertilisation; restructuring agricultural land; communication routes; cultivation; mowing/cutting; modification of inland water structures; sand and gravel extraction.</p>

2.1.2 SPA's within 15km of Mullingar

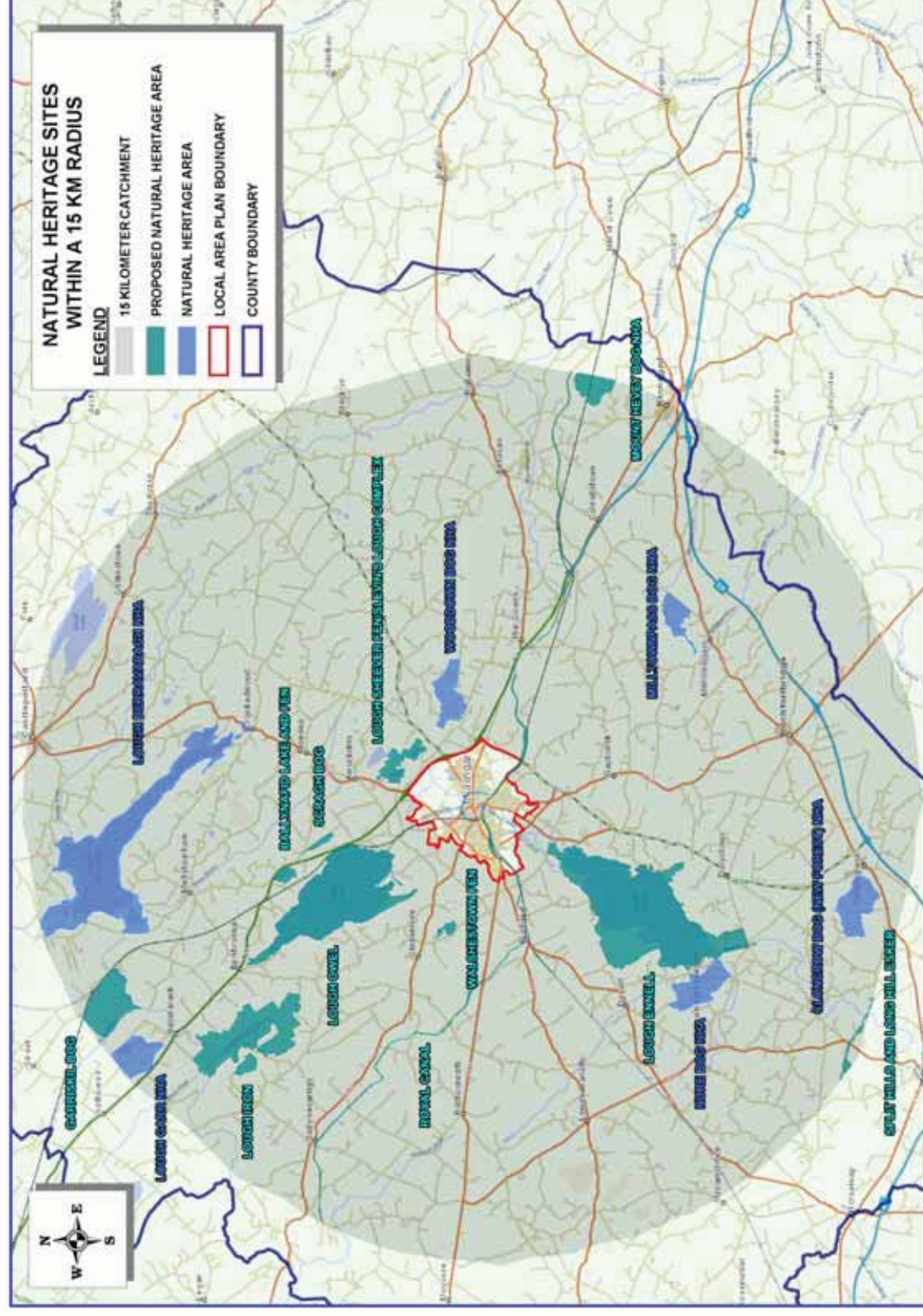
Natura 2000 site	Site specific plans by the competent Authority (NPWS)	Qualifying Interest	Specific Threats to Natura 2000 site
004043 <u>Lough Derravaragh SPA</u>	Generic Conservation objectives	A038	Lough Derravaragh is classified as a mesotrophic system, with increased planktonic algal growth recorded in 2000. Enrichment of the lake, mainly by agricultural run-off, is a threat and could affect the bird populations and especially the diving duck. An increase in recreational and wildfowling activities could cause disturbance to the birds though this is not considered to be a major threat. Threats include: Leisure fishing; hunting; water pollution; animal breeding; general forestry management; fertilisation.
		A059	
		A061	
		A125	
		A395	
		A140	
		A999	
004102 <u>Garriskill Bog SPA</u>	Generic Conservation objectives	A395	There is little active peat cutting taking place at this site and recent information suggests that fire damage has been slight recently. The apparent abandonment of the site by wintering <i>Anser albifrons flavirostris</i> reflects a general move away from raised bogs and is not considered to be due to conditions at the site. Threats include: Drainage; grazing; burning; modifying structures of inland watercourses; Railway lines, TGV; planting; restructuring agricultural land holding.
004046 <u>Lough Iron SPA</u>	Generic Conservation objectives	A038	As the water body is relatively small, the lake is particularly vulnerable to water pollution from, for example, agricultural run-off. Further afforestation in the vicinity of the lake shore is a threat and could affect grassland habitats used by the birds. Main threats include: drainage; water pollution; grazing; fertilisation; general forestry management.
		A050	
		A052	
		A056	
		A125	
		A140	
		A395	
		A999	

Natura 2000 site	Site specific plans by the competent Authority (NPWS)	Qualifying Interest	Specific Threats to Natura 2000 site
004232 <u>River Boyne and River Blackwater SPA</u>	Generic Conservation objectives	Waterbirds A229 <i>Alcedo atthis</i>	Drainage; other human induced changes in hydraulic conditions; routes, autoroutes; urbanised areas, human habitation; dispersed habitation
004047 <u>Lough Owel SPA</u>	Generic Conservation objectives	A056 <i>Anas clypeata</i> A125 <i>Fulica atra</i> A395 <i>Anser albifrons flavirostris</i> A999 Wetlands & Waterbirds	Lough Owel is vulnerable to pollution from agricultural and domestic sources though water quality has been satisfactory in recent years. A deterioration in water quality could affect bird populations. Some of the areas above the shoreline, which are not within the site, have been afforested – further afforestation could be damaging to the system. An increase in recreational and Wildfowling activities could cause disturbance to the birds though this is not considered to be a major threat. Water pollution; leisure fishing; hunting; other human induced changes in hydraulic conditions; Fertilisation; General forestry management.
004044 <u>Lough Ennell SPA</u>	Generic Conservation objectives	A059 <i>Aythya ferina</i> A061 <i>Aythya fuligula</i> A125 <i>Fulica atra</i> A140 <i>Pluvialis apricaria</i> A395 <i>Anser albifrons flavirostris</i> A005 <i>Podiceps cristatus</i> A053 <i>Anas platyrhynchos</i> A067 <i>Bucephala clangula</i> A142 <i>Vanellus vanellus</i> A999 Wetlands & Waterbirds	Lough Ennell is very vulnerable to pollution from agricultural and domestic sources though water quality has been satisfactory in recent years. A deterioration in water quality could affect bird populations (as shown by marked fluctuations in some populations in the past). Lough Ennell is an important amenity area, much used for fishing, boating and camping. Sections of the shoreline are managed for visitor access and amenity. Increases in such recreational activities could cause disturbance to the birds. Threats include: Water pollution; nautical sports; walking, horseriding and non-motorised vehicles; leisure fishing; fertilisation; general forestry management; urbanised areas, human habitation; trampling, overuse.

2.1.3 Natural Heritage Areas and proposed Natural Heritage Areas in Westmeath and within 15km of Mullingar

SITECODE	SITE NAME	SITECODE	SITE NAME
000677	Cloncrow Bog (New Forest) NHA	000684	Lough Derravaragh NHA
000694	Wooddown Bog NHA	001812	Lough Garr NHA
002323	Milltownpass Bog NHA	000679	Garriskil Bog pNHA
000685	Lough Ennell pNHA	000687	Lough Iron pNHA
000688	Lough Owel pNHA	000690	Lough Sheever Fen/Slevin's Lough Complex pNHA
000692	Scragh Bog pNHA	001584	Mount Hevey Bog pNHA
001731	Walshestown Fen pNHA	002103	Royal Canal pNHA

In addition to the European designations there are 5 Natural Heritage Areas (NHA's), and 9 proposed Natural Heritage Areas (pNHA's) in and within 15km of the proposed Mullingar Local Area Plan boundary these designations are not of primary concern to this Appropriate Assessment Screening, the purpose of which is compliance with Article 6 of the Habitats Directive which pertains to the Natura 2000 network of sites only. The presence and condition of natural heritage outside of the Natura 2000 network is however crucial to the conservation of the wider natural environment and perform a critically important function in the ecological coherence of the Natura 2000 network as recognised in Article 10 of the Habitats Directive. This function is of particular importance in Westmeath and the surrounding area where Natura Sites tend to be smaller and more fragmented that might be the case in other areas.



3 PROPOSED MULLINGAR LOCAL AREA PLAN

This AA screening relates to Proposed Local Area Plan (pLAP) for Mullingar. The full text of the proposed Plan contains the policies and objectives which are the subject of this Assessment and forms the principle element of a suite of documents of which this AA screening forms an integral part.

The purpose of the proposed Local Area Plan for Mullingar is to articulate a medium to long term evidence based Strategy for the spatial development of Mullingar, in so doing demonstrating consistency with National, Regional and County development policies and objectives. The pLAP is for the consideration of the public, the Members, and statutory consultees prior to potential amendments and ultimate adoption by the Elected Members of Westmeath County Council.

As the proposed Local Area Plan is subject to change this screening cannot be considered to be the final screening exercise in the course of preparing and adopting the Mullingar Local Area Plan. This screening is of the proposed Local Area Plan for Mullingar if it were to be implemented as proposed by the executive of Westmeath County Council without further modification.

The statutory provision regarding the preparation and adoption of the Local Area Plan are set out in sections 18 to 20 of the Planning and Development Act 2000 as amended.

Given the diverse nature and range of policy and objectives set out in the proposed Local Area Plan for Mullingar, account was taken of section 4.3.2 of the European Commission document “Managing Natura 2000 sites, The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC”. This section makes a distinction between plans which are in the nature of policy statements; setting out general political will, aspirations or general intentions and those elements of Land Use plans which have a direct legal effect on the use of land. For the purpose of maximising the limited resources in undertaking the Appropriate Assessment of the proposed Local Area Plan for Mullingar, a number of the Goals, Policies and Objectives of the proposed Plan were removed from consideration at a pre-screening as part of the SEA environmental report. These are contained in the matrix to the SEA Environmental Report.

3.1 Proposed Development Policies

The Proposed Local Area Plan (pLAP) for Mullingar has been formulated to seek to align policy and objectives with the Draft County Development Plan (dCDP) and the Region Planning Guidelines (RPGs) with a particular focus on the population targets as set out in the Draft County Development Plan Core Strategy.

The proposed LAP also contains extensive policy and objectives to re-focus on the achievement/enhancement of recreation and amenity access to the considerable natural assets both within and surrounding Mullingar.

The Policies/Objectives/framework requirements and general intentions of the proposed Local Area Plan can only be implemented in accordance with the provisions of the County Development Plan, an extensive range of policies and objectives have been proposed in the draft Westmeath County Development Plan 2014-2020 pertaining to the protection of the Natura 2000 network.

3.2 Strategic Aims for Designated Sites

POLICIES AND OBJECTIVES CONCERNING DESIGNATED SITES relevant to the proposed Mullingar Local Area Plan.

The following information contained within the Westmeath County Development Plan 2014 – 2020 provides the strategic direction and policy against which any development implementing aspects of the proposed LAP are judged with respect to Designated Sites.

Draft Westmeath County Development Plan 2014-2020 contains a number of relevant general aims, policies and objectives for Natura 2000 sites as follows:

Chapter 2 – Core Strategy

P-CS1 To ensure that, the future spatial development of Westmeath is in accordance with higher level plans including National and Regional Spatial Policy including national policy guidance issued under section 28 of the Planning and Development Act 2010 as amended, the River Basin Management Plans, surface water regulations and the Habitats Directive.

P-CS4 To take in account, in the assessment of development proposals, Article 6(3)(4) and Article 10 of the Habitats Directive, the Surface Water Regulations 2009 and the relevant measures of the River Basin Management Plans 2009-2015.

Chapter 3 – Economic Development

P-GT7 To support developments which will enable and encourage countryside recreation and an increased appreciation of the natural environment, through facilitating the development of community walks, off road trails / rural trail developments, parks and other outdoor amenities and recreational infrastructure, subject to the requirements of the Habitats Directive.

P-ST6 To facilitate increased access points to the County's lakes including walkways along the lakes, subject to the requirements of the Habitats Directive.

P-ST7 To facilitate the sustainable development of eco-tourist projects at appropriate locations in the County, whilst protecting areas of ecological value and ensuring that development takes cognisance of the aims and objectives of the Water Framework Directive and is in compliance with the requirements of the Habitats Directive.

P-TI3 To support and facilitate the development of infrastructure associated with the Inland waterways in conjunction with Waterways Ireland, subject to compliance with the Habitats Directive.

P-TI8 To encourage proposals for the reinstatement, conservation or adaptation of existing ruinous or disused buildings for tourist purposes subject to normal planning considerations relating to design, safe access and provision of any necessary wastewater disposal facilities and compliance with the Habitats Directive.

P-GA3 To encourage the development of environmentally sustainable agricultural practices, to ensure that development does not impinge on the visual amenity of the countryside and that watercourses, wildlife habitats and areas of ecological importance are protected from the threat of pollution.

P-GA4 To ensure that all agricultural activities comply with legislation on water quality, such as the Phosphorous Regulations, Water Framework Directive and Nitrates Directive.

P-RE5 To promote sustainable rural tourism in a manner which protects and enhances the rural environment and where it can be demonstrated that resultant development will not have a negative impact on Natura 2000 sites.

Chapter 5 – Natural and Built Heritage**NATURAL HERITAGE POLICIES**

P-NH1 To protect, manage and enhance the natural heritage, biodiversity, landscape and environment of County Westmeath in recognition of its importance as a non-renewable resource, unique identifier and character of the County and as a natural resource asset.

P-NH2 To ensure as far as possible that development does not impact adversely on wildlife habitats and species. In the interests of sustainability, biodiversity should be conserved for the benefit of future generations.

P-NH3 To support and cooperate with Statutory Authorities and others in support of measures taken to manage designated nature conservation sites in order to achieve their conservation objectives. Specific regard shall be had to Conservation Management Plans and their conservation objectives/management practices, where they exist.

P-NH4 To promote development for recreation and educational purposes that would not conflict with maintaining favourable conservation status and the meeting of conservation objectives for designated sites.

P-NH5 To maintain a record of all previously adopted and proposed plans and programmes and all granted planning developments, which are likely to have a significant effect (directly or through indirect, cumulative or in combination effect) on European sites, within or adjoining the county, to allow for the appropriate assessment of potential cumulative or in combination effects of proposed plans, programmes or projects on such sites.

NATURA 2000 SITES: POLICIES & OBJECTIVES

P-NAT1 To protect and conserve wild bird species and their habitats, especially rare or vulnerable species and regularly occurring migratory species.

P-NAT2 To protect and conserve Special Areas of Conservation, candidate Special Areas of Conservation, Special Protection Areas and candidate Special Protection Areas, designated by the National Parks and Wildlife Service of the DoEHLG under the EU Birds and Habitats Directives respectively.

P-NAT3 To protect plant, animal, species and habitats which have been identified by the Habitats Directive, Birds Directive, Wildlife Act (1976) and (Amendment Act) 2000, and the Flora Protection Order S.I No. 94 of 1999.

P-NAT4 To assess any plan or project in accordance with Article 6 of the Habitats Directive, and assess whether the Plan or project is likely to have a significant effect on the site either individually or cumulatively upon the integrity, conservation objectives and qualifying interest of any Natura 2000 site.

P-NAT5 To require appropriate environmental assessment such as EIA (Environmental Impact Assessment) or ecological appraisal for developments not directly connected with or necessary to the management of a European site, or a proposed European Site and which are likely to have significant effects on the site individually or cumulatively.

P-NAT6 To consult with prescribed bodies when assessing development proposals affecting sites of biodiversity value with particular emphasis on the Natura 2000 network of sites.

P-NAT7 To ensure that the local authority in fulfilling its responsibility in the supply of services and infrastructure, zoning of lands and undertaking and authorising development, addresses the potential effects on biodiversity and the needs of priority habitats and species within or adjoining sites as identified in the NPWS Report 'The status of EU Protected Habitats and Species in Ireland' NPWS 2008.

P-NAT9 To prepare Strategic Habitat Management Plans in consultation with NPWS and relevant stakeholders.

O-NAT1 To promote the maintenance and as appropriate, achievement of favourable conservation status of habitats and species and to improve the ecological coherence of Natura 2000 by maintaining and where appropriate developing features in the landscape which are of major importance for wild fauna and flora.

P-RLC3 To protect the biodiversity of rivers, streams and other water courses and maintain them in an open state and to discourage culverting and realignment.

P-RLC6 To consult, as appropriate, with Inland Fisheries Ireland in relation to any development that could potentially impact on the aquatic ecosystems and associated riparian habitats.

P-RL8 To consult with Waterways Ireland and the National Parks and Wildlife Service, the DoEHLG, and Inland Waterways Association and local communities on development proposals that may affect inland waterways, rivers, lakes, canals or water courses.

P-RL12 To require that run off from a proposed development does not result in a deterioration of downstream watercourses or habitats.

O-RLC1 To provide for public access to waterways, where feasible and appropriate, in partnership with the National Parks and Wildlife Service, Waterways Ireland and other relevant stakeholders, while maintaining them free from inappropriate development and subject to ecological impact assessment and Appropriate Assessment as appropriate.

P-WET1 To ensure that floodplains, wetlands and watercourses, are protected for their biodiversity and flood protection value.

O-WET2 To consult Fisheries Board and the National Parks and Wildlife Service on any development proposal concerning riparian areas and watercourses and to take account of the requirements for the protection of fisheries habitat during construction and development works at river sites.

O-WET3 To maintain good ecological status of wetlands and watercourses in support of the provisions of the Water Framework Directive and Ramsar Convention.

Chapter 6 – Landscape Characterisation and Lake Management

P-LLM1 To require that development is sensitively designed, so as to minimise its visual impact on the landscape, nature conservation, on archaeology and groundwater quality.

P-LLM3 To adhere to the implementation of provisions of the Shannon River Basin Management Plan to assist the process of achieving good water status for the river catchments and ensure that future development in areas close to the rivers will adhere to the principles of this plan.

LAKE MANAGEMENT POLICIES & OBJECTIVES

P-LM1 To protect the counties lakes, their shorelines and islands, amenity and biodiversity from inappropriate development.

P-LM2 To protect the water quality of Lough Owel and Lough Lene as important public water supplies.

O-LM3 To maintain and improve the water quality of all water bodies including the lakes in accordance with the River Basin management plans and the groundwater protection scheme.

Chapter 7 – Social and Community Development

O-REC9 To extend public walking and cycling routes around the lakes in a sustainable manner and in a way that does not compromise the conservation objectives of any designated sites (i.e. Natura 2000).

Chapter 9 – Water, Drainage and Environmental Services

P-WT2 To facilitate the implementation of the relevant provisions of Water Pollution Legislation.

P-WT4 To seek to comply with Directive 2006/7/EC on bathing water as implemented by the Bathing Water Quality Regulations 2008 (S.I. No.79 of 2008) and in particular to ensure that bathing waters achieve “sufficient or better status by 2015” and increase the number of bathing waters classified as 'good' or 'excellent'

P-WT7 To resist development within the water catchment areas of Lough Owel and Lough Lene, which would give rise to pollution of these water sources.

P-WT8 To implement the Shannon and Eastern River Basin Management Plans and their programmes of Measures, in relation to Water Policy.

O-WT5 To prevent deterioration of water quality by taking into account the potential of the proposed development to contribute to impact on Emission Limit Values (ELV's) and of other conditions provided for in Waste Water Discharge Authorisations (WWDA) issued by the EPA on its own or in combination with existing or permitted development.

O-WT6 To prepare a detailed report within 12 months of adopting of the Plan with a particular focus on Lough Lene and Lough Owel:

Abstraction capacity limits taking account of conservation objectives of these European Sites.

Measures for monitoring of potential environmental issues identified.

O-WT7 In considering development proposals, Westmeath County Council shall, in determinations prescribed under s.177V of the PDA (as may be amended) include, as part of its assessment required under this section, the potential for increased water abstraction should this arise as a result of such development proposals, to impact on the integrity of Lough Lene and Lough Owel European sites.

P-GW1 To ensure, through the implementation of the Shannon and Eastern International River Basin Management Plans and their associated Programmes of Measures and any other associated legislation, the protection and improvement of all drinking water, surface water and ground waters throughout the county.

P-WST2 To ensure that public wastewater collection and treatment infrastructure fully complies with the requirements of the Urban Waste Water Treatment Regulations 2001 and 2004 and promote, as appropriate, specific provisions for the implementation of the relevant recommendations set out in the Focus on Urban Waste Water Discharges in Ireland Report (EPA, 2012).

P-WST6 To strictly control development proposals, involving individual treatment systems, which would increase effluent loading within existing housing clusters located within areas of high groundwater vulnerability.

The consideration of these policies as mitigation against potential significant impacts on the integrity of the Natura 2000 network is discussed in the introduction to this screening report.

4 ASSESSMENT CRITERIA/SCREENING MATRIX

4.1 Description of the Plan

4.1.1 Brief Description of the plan

The Goal of the proposed Local Area Plan for Mullingar, is to articulate a medium to long term quantitatively based Strategy for the spatial development of Mullingar, in doing so demonstrating consistency with County, National and Regional development objectives.

Due to the diverse nature of Development Plan Policy the Policies and objectives of the Plan can be grouped into two broad sub categories:¹

those of a more strategic nature which relate to political aspirations or general intentions, and policies and objectives which are specific statements to carry out a specific plan, project or programme to follow a particular course of action.

Consideration given to the political aspirational type of policies has been in many instances of a different character to that given to those of a more specific nature.

The policies and objectives contained in the proposed Plan aim to re-focus the development of Mullingar in accordance with draft County, National and Regional policy. Notwithstanding the AA process, account has been taken of policy relating to the Natura 2000 network in the preparation of the proposed Plan.

Policies and objectives have been included in both the Proposed Local Area Plan and the Draft County Development Plan in order to protect and enhance the environmental assets of Mullingar and wider County Westmeath including all Natura 2000 sites.

4.1.2 Brief description of the Natura 2000 sites

See section 2.1 above.

4.2 Assessment Criteria

4.2.1 Describe the individual elements of the proposed Plan (either alone or in combination with other plans or projects) that have the potential for having significant effects on the Natura 2000 site.

This Proposed Local Area Plan sets out a framework for the sustainable development of urban and associated rural areas, taking into consideration the requirements for compliance with draft County, Regional and National Spatial Policy, resisting development in areas where environmental carrying capacity is limited, where investment in infrastructure and services is likely to be uneconomic and unrealistic, and ensuring protection of environmental assets including the Natura 2000 network.

The primary strategic development proposals with regards to the proposed Local Area Plan are:

To consolidate the settlement strategy through the provision of appropriate land use objectives in accordance with draft County, Regional and National Spatial and Economic Policy.

To ensure that high level strategic spatial policy and more specific objectives take environmental considerations into account including the potential for significant impacts on the conservation objectives of the Natura 2000 sites.

¹ S. 4.3.2 of Managing Natura 2000 Sites and S. 2.8 of Scottish Natural Heritage guidance for plan making bodies August 2010

The element of the Proposed Local Area Plan with the largest potential to have significant effects on the Natura 2000 network on implementation relates to the potential for the proposed Plan to direct and/or permit a quantum of development to in Mullingar, such that it exceeds the waste water treatment or water supply infrastructure (abstractive and/or assimilative capacity of waters including groundwater).

As Mullingar and the wider area is supplied with water from Lough Owel (natura site) and the waste water treatment plant is upstream from Lough Ennell (natura site) these aspects of the development of Mullingar are a particular focus for this Report.

In the Wastewater Discharge licence issued to the Council for the wastewater treatment plant in November 2008, conditions were attached, of particular relevance to this AA including Condition 4.19 and Condition 4.17 relating to habitats.

Under the heading Habitats Assessment section 7.3 of the Annual Environmental Report submitted 23rd April 2010 states that the Council have arranged for a competent person to prepare a Report on the predicted impacts of the discharges on the environment and habitats and which would be submitted to the EPA by June 2010. This AER also refers to the Environmental Liabilities Report which appears to have been missed in the preparation of the AER for publication on the EPA website. The Natura Impact Statement for the Mullingar Sewerage Improvement Scheme has been examined and the conclusions of this Report in relation to impact upon habitats has been noted.

The AER submitted to the EPA dated 31st of May 2012 states that the Habitats Assessment was submitted to the EPA with the 2010 AER and that the Environmental Liability Assessment and Financial Provision was to be forwarded to the EPA by 31st August 2012.

It is the policy of Westmeath County Council that it shall be demonstrated in each instance that sewered uses and/or developments with potential for effects on sewered uses/developments arising from permissions based on the Proposed Local Area Plan for Mullingar and County Development Plan (either individually or in combination with other plans and projects), shall be within environmental carrying capacity limits as prescribed by condition in EPA Authorisation of the subject waste water treatment plant. Where this policy is implemented in the course of Development Management no development arising on implementation of the proposed Local Area Plan for Mullingar shall give rise to significant adverse impacts on the integrity of any Natura 2000 sites.

The water source for Mullingar is a designated Natura 2000 site Lough Owel. The potential for impacts on the ecological functioning of Lough Lene and Lough Owel have been highlighted. See section 4.2.2 (c) below for further assessment of issues pertaining to water abstraction and impact on Natura 2000 sites.

4.2.2 Describe any likely direct/indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of

a. size and scale, area and land-take, etc.

Land use zoning objectives:

No parcels of land which are subject to the land use zonings in the proposed Local Area Plan involve any land take from a Natura 2000 site or result in any fragmentation of European Sites.

However the target population increase gives rise to potential negative impacts on Natura 2000 sites as a result of water supply with a cumulative aspect to the potential impacts arising for Lough Owel being the water source for areas beyond that of the Mullingar Local Area Plan

b. Distance from the Natura 2000 site or key feature of the site

Land use zoning objectives:

There are no land use zoning objectives in the Proposed Local Area Plan for Mullingar in close proximity to Natura 2000 sites.

Location specific policy and objectives:

There are no location specific objectives in the Proposed Local Area Plan for Mullingar in close proximity to Natura 2000 sites

c. Resource Requirements (Water abstraction etc.)**Land use zoning objectives:**

The Site Synopsis for Lough Owel SAC includes the following statement:

Potential threats to the conservation interest of the lake include the increasing level of water supply to Mullingar, overfishing, eutrophication caused by local farming practices and pressure from amenity uses such as boating and fishing.

This raises concern regarding the population target and associated land use zoning objectives for Mullingar and other parts of the County supplied from this abstraction.

Given the position set out above, in view of the Conservation Objectives of Lough Owel, and on the scientific examination of the evidence and data available to this screening exercise, it cannot be stated that the implementation of policy and objectives relating to the population target, shall not have a significant impact on the integrity of the subject Natura 2000 sites.

d. Emissions and Waste (disposal to land, water or air)**Land use zoning objectives:****Waste Water Collection and Disposal**

See section 4.2.1. Land use zoning objectives have been set out in the Proposed Local Area Plan for a population increase of over 10,000 persons in Mullingar. It is clear that the environmental carrying capacity exists to accommodate this additional population, based on the Natura Impact Statement dated December 2010, for the Mullingar Sewerage Improvement Scheme.

Surface Water Disposal

Surface water disposal is dealt with in the Strategic Flood Risk Assessment this document proposes drainage/filling of wetland areas and the relocation of existing attenuation to engineered solutions. This is likely to have an indirect impact on the broader biodiversity assets of Mullingar but is not considered to be a material consideration in the Appropriate Assessment.

Excavation requirements

Significant excavation is anticipated on implementation of land use zoning objectives in the Robinstown Framework Plan which coincide with reclaimed peat soils, this has potential to have negative impacts on the broader biodiversity however is not of direct concern to the Natura 2000 network.

e. Transportation requirements**Land use zoning objectives:**

No significant impacts anticipated.

Location specific policy and objectives:

No significant impacts anticipated.

f. Other

Policy provision within the proposed Plan for the targeted population increase and enhanced recreational access could have the effect of giving rise to increased recreational use of natural assets including areas designated as Natura 2000 sites.

4.2.3 Describe any likely changes to the Natura 2000 network arising as a result of:**a) Reduction of habitat area**

The Proposed Local Area Plan does not involve any direct land take within the designated boundaries of Natura 2000 sites, however, increased abstraction from Lough Owel has the potential to reduce the benthic habitat of the *Chara spp.* for which the sites are designated as SAC's, along with potential impacts on various other species dependent on or vulnerable to water level fluctuations.

b) Habitat or Species Fragmentation

Nothing contained in the proposed Local Area Plan is considered to represent a significant impact on the Natura 2000 Network arising from Habitat or Species Fragmentation.

c) Disturbance and disruption of key species

No issues of potential direct disturbance of key species is anticipated from the adoption and implementation of the policies proposed in the Proposed Local Area Plan, however, the lowering of levels on a seasonal or permanent basis arising from increased abstraction may lead to disturbance and disruption of *Chara Spp.* in particular with knock on impacts on the ecosystem habitats and species associated with these limestone/marl lakes. (FL3 fossit)

d) Reduction in species density

No specific issues of reduction in species density beyond that which is set out elsewhere in this report is anticipated.

e) Changes in key indicators of conservation value (water analysis, etc.)

Mullingar is located in the Shannon River Basin District. As part of the requirement of the Water Framework Directive, Westmeath County Council is required to meet the environmental objectives of the River Basin Management Plans.

It is an objective for all waters to achieve at least good water quality status within prescribed timeframes which in some cases is 2021. Full implementation of the River Basin Management Plan Measures, including those relating to the coordination with planning policy, would have the effect of positive impacts on the relevant key indicators. The water quality target objectives are based on the surface water regulations.

Regulation 42(21)f in the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) requires Westmeath County Council to take account of Appropriate Assessments for other consents, ie. licenses for WWTP's. Potential impacts of discharges from Mullingar wastewater treatment plant with and without additional loading that would arise on implementation of the Mullingar LAP have been factored in the Natura Impact Statement of December 2010 relating the Mullingar Sewerage Improvement Scheme.

The River Basin Management Plans refer to the operation of the 2000-2010 Planning and Development Acts and the linkages between Planning, Water Services and Environment section in Local Authorities as basic measures towards the achievement of the objectives of River Basin Management Plans. The importance of the Local Area Plan and spatial policy in the achievement of the River Basin Management Plans is set out in *“River Basin Management Planning, A practical Guide for Public Authorities June 2008”*.

Policies and objectives of the 2014-2020 Draft Westmeath County Development Plan and in the Proposed Local Area Plan for Mullingar are considered to offer some protection to the Natura 2000 network, however, the use of mitigation in policy in this manner is not considered to be straight forward. European Guidance states that mitigation can only be considered at stage two or a Natura Impact Report which is carried out following a screening determination that negative impacts cannot be ruled out. (see section 177U and V of PDA 2000-2011).

f) Climate change

The purpose of the Proposed Local Area Plan for Mullingar is to ensure that the future spatial development of Mullingar is based on a plan led approach towards sustainable development.

4.2.4 Describe any likely impacts on the Natura 2000 Network as a whole in terms of:

a) Interference with the key relationships that define the structure of the sites

The principle concern regarding impacts on implementation of the proposed policy and objectives of the proposed Local Area Plan for Mullingar, on the key relationships that define the structure of the Natura 2000 network in Westmeath and beyond relate to potential qualitative and quantitative impacts on Lough Owel.

The policy and objectives of the proposed Local Area Plan for Mullingar, on implementation, have potential to result in a deterioration in water quality by exceeding safe abstraction limits on Lough Owel in order to supply water to the extent of development provided for. These impacts would be most severe in drought conditions.

b) Interference with key relationships that define the function of the sites

As set out in point (a) above, it is considered that there is potential for interference with the key relationships that define the function of these Natura 2000 sites.

4.2.5 Provide indicators of significance as a result of the identification of effects set out above in terms of:

a) Loss

Water level monitoring, at water abstractions, along with modelling of the water bodies and assessment of the conditions of the Benthic habitats would be an indicator of the significance of effects.

b) Fragmentation

No issues of potential fragmentation have been identified in the assessment of policies and objectives proposed in the proposed Local Area Plan for Mullingar.

c) Disruption

Details of historic water level fluctuations along with modelling of the scenario of increased demand arising on implementation of the policies and objectives of the Proposed Local Area Plan and County Development Plan, combined with a survey of the Benthic habitat including *Chara Spp.* beds in

Lough Owel and Lough Ennell would provide an indication of the significance of potential effects on these Natura 2000 sites.

d) Disturbance

Survey of *Chara Spp.* beds and other indicators in Lough Owel and Lough Ennell

e) Change to key elements of the site (water quality etc.)

Monitoring and characterisation carried out in accordance with Surface Water Regulations and River Basin Management Plans along with monitoring of levels in Lough Owel and Lough Ennell, shall be an indicator of significance.

Monitoring of phosphorous concentrations in the sediment of Lough Ennell would provide a good indicator of significance of impacts of nutrient enrichment and potential for potentially rapid shifts in ecosystem quality.

f) Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.

Flow dynamics, abstraction rate and recharge rate for Lough Owel are unknown.

The current/historic condition of the *Chara* beds in Lough Owel are unknown some recent survey work carried out of *Chara* Beds in Lough Ennell.

Phosphorous levels in the lake sediments are unknown

The distribution of the various *Chara spp.* and the sensitivities of those and associated species and habitats to periodic or more permanent level reduction is unknown.

The impact on nesting birds and other sensitivities that may arise in riparian zone through increased fluctuations in water level arising from increased abstraction from Lough Owel are unknown.

The scale or magnitude of impacts on Lough Ennell from current and projected loading of existing Wastewater infrastructure and assimilative capacity to the extent proposed in policy and objectives of the proposed plan is unknown.

5 FINDING OF SIGNIFICANT EFFECTS REPORT

5.1 Name of Plan

5.1.1 Name of project or plan

Proposed Local Area Plan for Mullingar

5.1.2 Name and location of Natura 2000 sites

Refer to Section 2 of this report.

5.1.3 Description of the plan or project

The Proposed Local Area Plan for Mullingar has been prepared arising from the obligations and in accordance with the Planning and Development Act 2000 as amended.

The Proposed Local Area Plan is described in the introduction as follows:

The Plan will provide for and manage the physical, economic and social development of the town in a sustainable manner, in the interests of the overall common good, whilst protecting and enhancing the cultural and environmental assets of Mullingar.

5.1.4 Is the Plan directly connected with or necessary to the management of the site (provide details)?

The Plan is not directly connected with or necessary to the Management of Natura 2000 sites.

5.1.5 Are there other projects or plans that together with the project or plan being assessed could affect the Network (provide details)?

The, Proposed Local Area Plan for Mullingar forms part of a planning policy hierarchy and as such, Draft Westmeath County Development Plan 2014-2020, National Spatial Strategy and the Regional Planning Guidelines set higher level policy with regard to population targets and spatial distribution.

No Habitats Assessment or Strategic Environmental Assessment was carried out in the course of considering the National Spatial Strategy.

The Habitats Directive Report of the current Midlands Regional Planning Guidelines states that the detailed consideration of the settlement strategy, which it prescribes, is best carried out at a lower tier plan such as County Development Plan. The main environmental objectives of these higher tier plans, policies and strategies are to protect and to maintain a sustainable environment.

The Draft Westmeath County Development Plan 2014-2020, was subject to AA, concerns were raised regarding Lough Owel as set out above, specific concerns were not raised therein regarding Lough Ennell although the issue of upstream discharges from other waste water treatment plants were raised.

All development in Westmeath is subject to the policies and objectives contained in the County development plan. Mitigation was designed at stage 2 of the assessment of the Draft County Development Plan in order to address the concerns set out regarding the environmental carrying capacity of Lough Owel and of the potential for downstream impacts to Natura 2000 sites from waste water treatment plants in general.

All spatial policy in surrounding Counties and at Regional level has the potential to impact on the Natura 2000 network in combination with the proposed varied County Development Plan insofar as they set out the extent to which human activities impact upon water resources, on which much of the Natura 2000 network depend. Each of these existing and future County Development Plans have been or shall be subject to AA and as such potential impacts shall in each case be acknowledged and appropriately resolved.

5.1.6 Are the effects identified likely to have a significant effect

The determination of these very important questions are dealt with in Section 2.3 of the document “Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities”. It states that significance must be determined in light of, amongst other things, the characteristics and specific environmental conditions of the site concerned. These Guidelines go on to state that if a plan or project is likely to undermine any of the sites’ conservation objectives, it must be considered likely to have significant effect on that site.

The likelihood of the policy or objective being implemented is not for consideration as the assessment is of the policy or objective on implementation, the likelihood of the impact with implementation is of concern.

The water abstraction from Lough Owel has been identified as threats to the conservation status of the Natura 2000 sites as this is stated in the Site Synopsis. This threat is considered both likely and significant in the context of the target population set out in the Core Strategy.

The potential for the proposed Plan, on implementation to impact on the nutrient status of Lough Ennell has not been specifically dealt with in previous assessments, however the issue has been considered in the general sense in the Appropriate Assessment of the Westmeath County Development Plan and the Natura Impact Statement in relation to the Mullingar Sewerage Improvement Scheme, which addressed capacity, existing and future loadings.

The threats to the conservation status of Lough Owel set out above have also been highlighted in the SEA Environmental Report of the Draft County Development Plan and in the assessments of recent proposed Variations to the 2008-2014 County Development Plan and were resolved by plan level mitigation designed at Stage 2 of the relevant AA.

Section 2.3 of the NPWS guidance concludes with a paragraph of text in bold as follows:

“The requirement is not to prove what the impacts and effects will be, but rather to establish beyond reasonable scientific doubt that adverse effects on site integrity will not result.”

Section 4.4 of the EU Guidance Document titled “Managing Natura 2000 Sites, the provisions of Article 6 of the Habitats directive 92/43/EEC”, deals with the terms “significant effect” and “likely to have...” in the context of Article 6. Section 3.1.5 of “Assessment of plans and projects significantly affecting Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC” also deals with assessment of significance. Both of the documents support the conclusion that further assessment is required in these cases.

5.2 The Assessment of no Significant Effects

5.2.1 Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 Network

In view of the best scientific knowledge, it can not be determined that, on implementation, the following elements of the Proposed Local Area Plan for Mullingar shall not adversely affect the integrity of the Natura 2000 network of sites:

Quantitative aspects of population targets and the land use policy and objectives to facilitate them by virtue of water resource requirements

Quantitative aspects of population targets and the land use policy and objectives to facilitate them by virtue of the assimilative capacity of the river Brosna and Lough Ennell.

However by virtue of the policy and objectives of the Draft Westmeath County Development Plan and Proposed Mullingar Local Area Plan, specifically the text of objective O-WT6 section 6.10 and policy P-WST4, in the Proposed Mullingar Local Area Plan it is considered to be addressed by means of policy mitigation.

5.2.2 Explain why these affects are considered significant

The site synopsis for Lough Owel clearly states increased abstraction as a threat to the conservation objectives of the European Sites.

The Proposed Local Area Plan under consideration proposes increased abstraction by virtue of target population increases an associated land use zoning objectives. In the absence of further data, it must be concluded that there is potential for impact.

The Inspectors Report for the Waste Water Discharge Authorisation of Nov 2008 and subsequent license conditions arising express concerns with regard to the assimilative capacity of the river Brosna and the vulnerability of Lough Ennell Natura 2000 sites. NPWS documentation relating to Lough Ennell Natura sites highlight concerns regarding nutrient enrichment. The Natura Impact Statement for the Mullingar Sewerage Improvement Scheme December 2010 has been examined and the conclusions of this report in relation to impact upon habitats have been noted.

By virtue of the policies and objectives of the Draft Westmeath County Development Plan and Proposed Mullingar Local Area Plan, specifically the text of objective O-WT6 section 6.10 and policy P-WST4, in the Proposed Mullingar Local Area Plan it is considered to be addressed by means of policy mitigation.

5.2.3 List of Agencies to be consulted: Provide contact names and telephone numbers or e-mail addresses

1. Department of Arts, Heritage and the Gaeltacht

The Manager, Development Applications Unit, Department of Arts, Heritage and the Gaeltacht, Newtown Road, Wexford, Co. Wexford. manager_dau@environ.ie Tel. 053 911 7381

2. Dept. of Communications, Energy and Natural Resources

Mr. Gerry Clerkin, Co-ordination Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan, Co. Cavan, Tel. 01 678 3071. gerry.clerkin@dcmnr.gov.ie

5.2.4 Response to consultation

A response to the Draft AA scoping was received from the Department of Arts Heritage and the Gaeltacht, as follows:

The Department recommends that the new Plan contain policies and objectives on the following:

1. Adherence to the requirements of the Habitats Directive
2. It should be a policy of Westmeath County Council to consult with the National Parks and Wildlife Service through this Department in regard to all small, medium and large developments proposed by Westmeath County Council which have any implications for conservation or the environment, particularly those close to or within proposed Natural Heritage Areas, Special Areas of Conservation, Special Protection Areas, Nature Reserves.
3. Protection of water and air quality.
4. Encouraging the enforcement of legislation- Air, Water, Noise, Waste and Litter Acts, the Planning and Development Acts including the new Planning and Development (Amendment) (No.2) Regulations 2011 and the European Communities (Agricultural Environmental Impact Assessment) Regulations 2011 which requires planning permission and screening for EIA, is required for reclamation or damage to wetlands of 0.1 hectare or greater.
5. Protection of lake, river and canals from over abstraction of water. In particular any further planned development of the town should be subject to the outcome of the proposed detailed report on abstraction capacity limits taking account of conservation objectives of Lough Owel, as outlined on page 18 of SEA and on outcome of Natura Impact screening.
6. Protection of floodplains.
7. Reduction of light pollution and appropriate use of lighting to reduce the impact on bats
8. Protection of hedgerows, trees, earthen banks, and stone walls and wetlands.
9. Ensuring badger sett surveys are carried out before developments proceed on green field sites.
10. Consultation with NPWS of this Department in regard to any roofing works proposed for buildings including protected structures within the town. These buildings support common swift (*Apus apus*) nest sites. These can easily be lost during renovation/ demolition works.
11. Protection of riparian zones and retention of wildlife corridors through out the town
12. Retention of habitats within developments including hedgerows.
13. Use of native trees and shrubs of local provenance especially in natural and semi natural areas.
14. Enhancement of town parks and public spaces to increase biodiversity and encourage wildlife.
15. Enhancement of public buildings including County Buildings for biodiversity and incorporation of biodiversity within buildings generally.
16. Protection of the semi-natural habitats areas along the Dublin-Sligo rail line and on the old Mullingar to Athlone rail line.
17. The appropriate siting of electric power lines, overhead cables and wind turbines, in order to protect areas of high biodiversity and important bird flight lines.
18. To control the spread and appropriate management of invasive species.
19. Protection of all statutory and proposed Natural Heritage Areas, Special Areas of Conservation, Special Protection Areas, Nature Reserves and protected flora and fauna.
20. Avoidance and discouragement of the unnecessary destruction of vegetation including trimming of hedgerows during the period 1st of March to 31st of August.
21. Adherence to the actions outlined in the proposed Local Biodiversity Action Plan when completed.

5.3 Data Collected To Carry Out the Assessment

5.3.1 Who carried out the Assessment?

Westmeath County Council

5.3.2 Sources of Data

Environmental Report for the SEA for Proposed Local Area Plan for Mullingar
 Environmental report for the SEA for Draft Westmeath County Development Plan 2014-2020.
 Westmeath County Development Plan 2008 – 2014
 Shannon and Eastern River Basin Management Plans.
 Lough Owel Site Synopsis. NPWS
 Lough Ennell Site Synopsis. NPWS
 Inspectors report on a waste water discharge licence application from Westmeath County Council for Mullingar Agglomeration 03/11/2008
 Waste Water Discharge License for Mullingar Town and environs. Issued 18/11/2008
 Evidence to An Bord Pleanála Oral Hearing on PI25.PW3001. (Lough Ree Abstraction)
 Eastern River Basin district Project , Abstractions – National POM/ Standards Study Revised risk Assessment Methodology for Surface Water Abstractions from Lakes, Jan 2009 Final. Report.
 Habitats Assessment Report on River Basin Management Plans
 Draft River Basin Management Plans, National Summary of programme of measures. December 2008
 River Basin Management planning, A practical Guide for Public Authorities June 2008.
 EPA Licensing process for Waste Water Discharge Authorisations for Waste Water treatment Plants (www.epa.ie)
 Responses to requests for information from competent sections within Westmeath Co Co.
 Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service including:
 — Natura 2000 network Data Forms
 — Online database of rare, threatened and protected species
 — Publicly accessible biodiversity datasets.
 Information on biodiversity data in the area available from www.biodiversityireland.ie
 Information on water quality in the area available from www.epa.ie
 Information on the River Basin Districts from www.wfdireland.ie
 Information on soils, geology and hydrogeology in the area available from www.gsi.ie
 Relevant Development Plans and Local Area Plans in neighbouring areas.
Water Quality Survey of Lough Derravaragh (2011), Aquatic Services Unit, Environmental Research Institute.
Water Quality Survey of Lough Owel (January – December 2011), Aquatic Services Unit, Environmental Research Institute.
Water Quality Survey of Lough Ennell its feeder streams and Mullingar Sewage Treatment Plant (2011), Aquatic Services Unit, Environmental Research Institute.
NRA National Secondary Roads Needs Study, Network Options Needs study. (2011), RPS.

5.3.3 Level of assessment completed

Desktop study.

5.3.4 Where can the full results of the assessment be assessed and viewed?

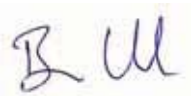
This screening report is on display with the proposed Local Area Plan for Mullingar .

5.4 Overall Conclusions

This Screening Report for the Appropriate Assessment of the proposed Local Area Plan for Mullingar has been conducted in accordance with the “Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC”.

In view of the best scientific knowledge it can be determined that on implementation, the proposed Plan, with particular reference to section 3.2 of this Report, and to O-WT6, section 6.10 and policy P-WST4 of the proposed LAP, the population targets and zoning objectives, therein shall not adversely affect the integrity of the Natura 2000 network of sites.

This Screening Report concludes consideration of the proposed Local Area Plan for Mullingar and determines that the requirements for further consideration has been screened out.

A handwritten signature in blue ink, appearing to read 'B Kehoe', is positioned above a horizontal line.

Barry Kehoe,
Director of Planning

6. Determination in accordance with section 20 (3)f of the Planning and Development Act 2000 as amended, for the Material Amendments to the Proposed Mullingar Local Area Plan 2014-2020.

In accordance with the Stage 1 Natura Impact Report published with the Proposed Mullingar Local Area Plan the amendments are determined to not require any further Assessment with regard to Appropriate Assessment, by virtue of the conclusion of that report:

This Screening Report for the Appropriate Assessment of the proposed Local Area Plan for Mullingar has been conducted in accordance with the “Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC”.

In view of the best scientific knowledge it can be determined that on implementation, the proposed plan, with particular reference to section 3.2 of [this report](#), and to O-WT6, section 6.10 and policy P-WST4 of the proposed LAP, the population targets and zoning objectives, therein shall not adversely affect the integrity of the Natura 2000 network of sites.

This screening report concludes consideration of the proposed Local Area Plan for Mullingar and determines that the requirements for further consideration has been screened out.

