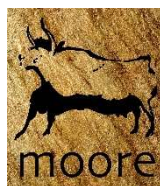


# Report for the purposes of Appropriate Assessment Screening

## Hepburn Court Residential Development

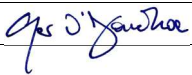
Prepared by: Moore Group – Environmental Services

14 March 2022



On behalf of Laois County Council

<b>Project Proponent</b>	Laois County Council
<b>Project</b>	Hepburn Court Residential Development
<b>Title</b>	Report for the purposes of Appropriate Assessment Screening Hepburn Court Residential Development

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<b>Moore Archaeological and Environmental Services Limited</b>			

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## Appendix A – Finding of No Significant Effects Report

## Abbreviations

AA	Appropriate Assessment
EEC	European Economic Community
EPA	Environmental Protection Agency
EU	European Union
GIS	Geographical Information System
LAP	Local Area Plan
NHA	Natural Heritage Area
NIS	Natura Impact Statement
NPWS	National Parks and Wildlife Service
OSI	Ordnance Survey Ireland
pNHA	proposed Natural Heritage Area
SAC	Special Area of Conservation
SPA	Special Protection Area
SuDS	Sustainable Drainage System
WFD	Water Framework Directive

# 1. Introduction

## 1.1. General Introduction

This report for the purposes of Appropriate Assessment (AA) Screening has been prepared to support a Planning Application for the Proposed Development (described in Section 3 below). This report contains information required for the competent authority to undertake screening for Appropriate Assessment (AA) on the potential construction and operation of a Residential Development at Hepburn Court, Portlaoise, Co. Laois (hereafter referred to as the Proposed Development) ) to determine whether it is likely individually or in combination with other plans and projects to have a significant effect on any European sites, in light of best scientific knowledge.

Having regard to the provisions of the Planning and Development Act 2000 – 2021 (the “Planning Acts”) (section 177U), the purpose of a screening exercise under section 177U of the PDA 2000 is to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with another plan or project is likely to have a significant effect on a European site.

If it cannot be *excluded* on the basis of objective information that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site then it is necessary to carry out a Stage 2 appropriate assessment under section 177V of the Planning Acts.

When screening the project, there are two possible outcomes:

- the project poses no potential for a likely significant effect and as such requires no further assessment; and
- the project has potential to have likely significant effect (or this is uncertain) unless mitigation measures are applied, and therefore an AA of the project is necessary.

This report has been prepared by Moore Group - Environmental Services to enable Laois County Council to carry out AA screening in relation to the Proposed Development. The report was compiled by Ger O'Donohoe (B.Sc. Applied Aquatic Sciences (GMIT, 1993) & M.Sc. Environmental Sciences (TCD, 1999)) who has 27 years' experience in environmental impact assessment and has completed numerous Appropriate Assessment Screening Reports and Natura Impact Statements on terrestrial and aquatic habitats for various development types.

## 1.2. Legislative Background - The Habitats and Birds Directives

Article 6 of the Habitats Directive is transposed into Irish Law inter alia by the Part XAB of the Planning Acts (section 177U and 177V) govern the requirement to carry out appropriate assessment screening and appropriate assessment, where required, per Section 1.1 above.

The Habitats Directive (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora) is the main legislative instrument for the protection and conservation of biodiversity in the European Union (EU). Under the Habitats Directive, Member States are obliged to designate Special Areas of Conservation (SACs) which contain habitats or species considered important for protection and conservation in a EU context.

The Birds Directive (Council Directive 2009/147/EC on the conservation of wild birds), transposed into Irish law by the Bird and Natural Habitats Regulations 2011, as amended, is concerned with the long-term protection and management of all wild bird species and their habitats in the EU. Among other things, the Birds Directive requires that Special Protection Areas (SPAs) be established to protect migratory species and species which are rare, vulnerable, in danger of extinction, or otherwise require special attention.

SACs designated under the Habitats Directive and SPAs, designated under the Birds Directive, form a pan-European network of protected sites known as Natura 2000. The Habitats Directive sets out a unified system for the protection and management of SACs and SPAs. These sites are also referred to as European sites.

Articles 6(3) and 6(4) of the Habitats Directive set out the requirement for an assessment of proposed plans and projects likely to have a significant effect on Natura 2000 sites.

Article 6(3) establishes the requirement to screen all plans and projects and to carry out an appropriate assessment if required (Appropriate Assessment (AA)). Article 6(4) establishes requirements in cases of imperative reasons of overriding public interest:

**Article 6(3):** *“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to an appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*

## 2. Methodology

The Commission’s methodological guidance (EC, 2002, 2018, 2021 see Section 2.1 below) promotes a four-stage process to complete the AA and outlines the issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

Stages 1 and 2 deal with the main requirements for assessment under Article 6(3). Stage 3 may be part of Article 6(3) or may be a necessary precursor to Stage 4. Stage 4 is the main derogation step of Article 6(4).

**Stage 1 Screening:** This stage examines the likely effects of a project either alone or in combination with other projects upon a Natura 2000 site and considers whether it can be objectively concluded that these effects will not be significant. In order to screen out a project, it must be excluded, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European site.

**Stage 2 Appropriate Assessment:** In this stage, there is a consideration of the impact of the project with a view to ascertain whether there will be any adverse effect on the integrity of the Natura 2000 site either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are predicted impacts, an assessment of the potential mitigation of those impacts is considered.

**Stage 3 Assessment of Alternative Solutions:** This stage examines alternative ways of implementing the project that, where possible, avoid any adverse impacts on the integrity of the Natura 2000 site.

**Stage 4 Assessment where no alternative solutions exist and where adverse impacts remain:** Where imperative reasons of overriding public interest (IROPI) exist, an assessment to consider whether compensatory measures will or will not effectively offset the damage to the sites will be necessary.

To ensure that the Proposed Development complies fully with the requirements of Article 6 of the Habitats Directive and all relevant Irish transposing legislation, Moore Group compiled this report to enable Laois County Council to carry out AA screening in relation to the Proposed Development to determine whether the Proposed Development, individually or in combination with another plan or project will have a significant effect on a Natura 2000 site.

## 2.1. Guidance

This report has been compiled in accordance with guidance contained in the following documents:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010 rev.).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPWS 1/10 & PSSP 2/10.
- 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 (European Commission Environment Directorate-General, 2001); hereafter referred to as the EC Article 6 Guidance Document.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (EC Environment Directorate-General, 2000); hereafter referred to as MN2000.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (EC, 2018).

- Guidance document on the strict protection of animal species of Community interest under the Habitats Directive (EC, 2021).
- Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2021).
- Office of the Planning Regulator (OPR) Practice Note PN01 Appropriate Assessment Screening for Development Management (OPR, 2021).

## 2.2. Data Sources

Sources of information that were used to collect data on the Natura 2000 network of sites, and the environment within which they are located, are listed below:

- The following mapping and Geographical Information Systems (GIS) data sources, as required:
  - National Parks & Wildlife (NPWS) protected site boundary data;
  - Ordnance Survey of Ireland (OSI) mapping and aerial photography;
  - OSI/Environmental Protection Agency (EPA) rivers and streams, and catchments;
  - Open Street Maps;
  - Digital Elevation Model over Europe (EU-DEM);
  - Google Earth and Bing aerial photography 1995-2022;
- Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service (NPWS) from [www.npws.ie](http://www.npws.ie) including:
  - Natura 2000 - Standard Data Form;
  - Conservation Objectives;
  - Site Synopses;
- National Biodiversity Data Centre records;
  - Online database of rare, threatened and protected species;
  - Publicly accessible biodiversity datasets.
- Status of EU Protected Habitats in Ireland. (National Parks & Wildlife Service, 2019); and
- Relevant Development Plans;
  - Laois County Development Plan 2017-2023

## 3. Description of the Proposed Development

The proposed development will consist of the construction of 54 houses which will be a Part 8 Planning application on behalf of the Council.

Figure 1 shows the Proposed Development location and Figure 2 shows a detailed view of the Proposed Development boundary on recent aerial photography. Figure 3 shows the layout of the Proposed Development.









Figure 2. Showing the Proposed Development boundary on recent aerial photography.





Figure 3. Plan of the Proposed Development.

## 4. Identification of Natura 2000 Sites

### 4.1. Description of Natura Sites Potentially Affected

The Department of Housing, Planning and Local Government (previously DoEHLG)'s Guidance on Appropriate Assessment (2009) recommends an assessment of European sites within a Zone of Influence (ZoI) of 15km. However, this distance is a guidance only and a zone of influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the ZoI should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km).

The Zone of Influence may be determined by considering the Proposed Development's potential connectivity with European sites, in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

The potential for source pathway receptor connectivity is firstly identified through GIS interrogation and detailed information is then provided on sites with connectivity. European sites that are located within a potential Zone of Influence of the Proposed Development are listed in Table 1 and presented in Figure 4 below. Spatial boundary data on the Natura 2000 network was extracted from the NPWS website ([www.npws.ie](http://www.npws.ie)) on 14 March 2022. This data was interrogated using GIS analysis to provide mapping, distances, locations and pathways to all sites of conservation concern including pNHAs, NHA and European sites

*Table 1 European Sites located within the potential Zone of Influence<sup>1</sup> of the Proposed Development.*

Site Code	Site name	Distance (km) <sup>2</sup>
000412	Slieve Bloom Mountains SAC	9.24
002141	Mountmellick SAC	9.72
002162	River Barrow and River Nore SAC	6.94
004160	Slieve Bloom Mountains SPA	6.98

<sup>1</sup> All European sites potentially connected irrespective of the nature or scale of the Proposed Development.

<sup>2</sup> Distances indicated are the closest geographical distance between the Proposed Development and the European site boundary, as made available by the NPWS.

The nearest European sites to the Proposed Development are associated with the River Barrow and include the River Barrow and River Nore SAC (Site Code 002162), which is located c.7km to the northwest.

There are no water courses on site and there is no connectivity to any European sites.

The Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the European sites in the vicinity of the Proposed Development are provided in Table 2 below.



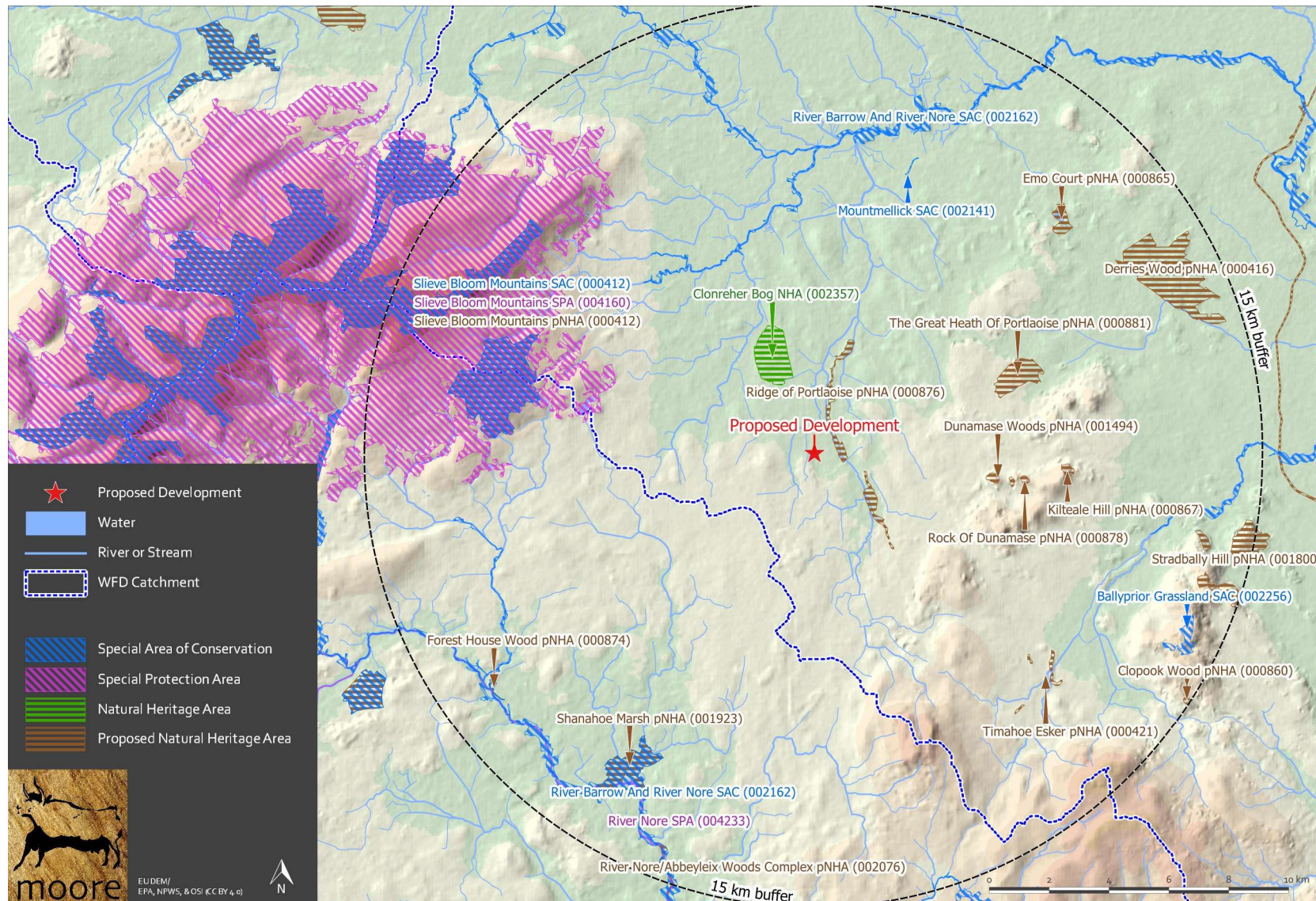


Figure 4. Showing European sites and NHAs/pNHAs within the wider Potential Zone of Influence of the Proposed Development.

*Table 2 Identification of relevant European sites using Source-Pathway-Receptor model and compilation of information QIs and conservation objectives.*

European site name & Site code	Location Relative to the Proposed Development Site	Connectivity – Source-Pathway-Receptor	Considered further in Screening – Y/N
<b>Slieve Bloom Mountains SAC (000412)</b>  [4010] Northern Atlantic wet heaths with <i>Erica tetralix</i>  [7130] Blanket bogs (* if active bog)  [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> )  <a href="https://npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000412.pdf">https://npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000412.pdf</a>	9.24km to the west of the Proposed Development	No There are no pathways or connectivity to the habitats or species of this site.	N
<b>Mountmellick SAC (002141)</b>  [1016] Desmoulin's Whorl Snail ( <i>Vertigo moulinsiana</i> )  <a href="https://npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002141.pdf">https://npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002141.pdf</a>	9.72km to the north of the Proposed Development	No There are no pathways or connectivity to the habitats or species of this site.	N
<b>River Barrow and River Nore SAC (002162)</b>  22 Qualifying Interests  including a Priority Habitat- [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> ); [7220] Petrifying springs with tufa formation ( <i>Cratoneurion</i> );  <a href="https://npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002162.pdf">https://npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002162.pdf</a>	6.94km to the northwest of the Proposed Development	No There are no pathways or connectivity to the habitats or species of this site.	N
<b>Slieve Bloom Mountains SPA (004160)</b>  [A082] Hen Harrier ( <i>Circus cyaneus</i> )  <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004160.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004160.pdf</a>	9.24km to the west of the Proposed Development	No Due to distance and the lack of any relevant ex-situ factors of significance to these species or habitat.	N

#### 4.2. Ecological Network Supporting Natura 2000 Sites

An analysis of the proposed Natural Heritage Areas (pNHA) and designated Natural Heritage Areas (NHA) in terms of their role in supporting the species using Natura 2000 sites was undertaken. It was assumed that these supporting roles mainly related to mobile fauna such as mammals and birds which may use pNHAs and NHAs as “stepping stones” between Natura 2000 sites.

Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account during the preparation of this AA Screening report .

There are no other areas of conservation concern that would be affected by the Proposed Development.

The NHAs and pNHAs identified in Figure 4 are located outside the Zone of Influence. There are no areas of supporting habitat that will be affected by the Proposed Development.

## 5. Identification of Potential Impacts & Assessment of Significance

The Proposed Development is not directly connected with or necessary to the management of the sites considered in the assessment and therefore potential impacts must be identified and considered.

### 5.1. Assessment of Likely Significant Effects

There is no connectivity to any European sites within or outside the guideline 15km potential Zone of Influence.

The consideration of all potential direct and indirect impacts that may result in significant effects on the conservation objectives of a European site, taking into account the size and scale of the Proposed Development are presented in Table 3.

*Table 3 Assessment of Likely Significant Effects.*

<b>Identification of all potential direct and indirect impacts that may result in significant effects on the conservation objectives of a European site, taking into account the size and scale of the project.</b>	
<b>Impacts:</b>	<b>Significance of Impacts:</b>
<b>Construction phase e.g.</b>  Vegetation clearance  Demolition  Surface water runoff from soil excavation/infill/landscaping (including borrow pits)  Dust, noise, vibration  Lighting disturbance	No  The Proposed Development site is located within the boundary of the suburban area of Portlaoise, which is a brownfield site.  There are no direct pathways or connectivity to the habitats or species of any European site.  There are no predicted emissions to air, water or the environment during the construction or operational phases that would result in significant effects.



<p>Impact on groundwater/dewatering</p> <p>Storage of excavated/construction materials</p> <p>Access to site</p> <p>Pests</p>	
<p><b>Operational phase e.g.</b></p> <p>Direct emission to air and water</p> <p>Surface water runoff containing contaminant or sediment</p> <p>Lighting disturbance</p> <p>Noise/vibration</p> <p>Changes to water/groundwater due to drainage or abstraction</p> <p>Presence of people, vehicles and activities</p> <p>Physical presence of structures (e.g. collision risks)</p> <p>Potential for accidents or incidents</p>	<p>All foul and surface water runoff, once the facility is operational, will be contained on site and discharged to urban drainage systems.</p> <p>There is no real likelihood of any significant effects on European Sites in the wider catchment area.</p> <p>The facility is located at a distance of removal such that there will be no disturbance to qualifying interest species in any European sites.</p> <p>There are no predicted emissions to air, water or the environment during the construction or operational phases that would result in significant effects.</p>
<p><b>Describe any likely changes to the European site:</b></p>	
<p><b>Examples of the type of changes to give consideration to include:</b></p> <p>Reduction or fragmentation of habitat area</p> <p>Disturbance to QI species</p> <p>Habitat or species fragmentation</p> <p>Reduction or fragmentation in species density</p> <p>Changes in key indicators of conservation status value (water quality etc.)</p> <p>Changes to areas of sensitivity or threats to QI</p> <p>Interference with the key relationships that define the structure or ecological function of the site</p> <p>Climate change</p>	<p>None.</p> <p>The Proposed Development site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI habitats or species directly or ex-situ.</p>

Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
No	No

On the basis of the information supplied, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

It may be concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

## 5.2. Assessment of Potential In-Combination Effects

In-combination effects are changes in the environment that result from numerous human-induced, small-scale alterations. In-combination effects can be thought of as occurring through two main pathways: first, through persistent additions or losses of the same materials or resource, and second, through the compounding effects as a result of the coming together of two or more effects.

As part of the Screening for an Appropriate Assessment, in addition to the Proposed Development, other relevant plans and projects in the area must also be considered at this stage. This step aims to identify at this early stage any possible significant in-combination effects of the Proposed Development with other such plans and projects on European sites.

A review of the National Planning Application Database was undertaken. The first stage of this review confirmed that there were no data gaps in the area where the Proposed Development is located. The database was then queried for developments granted planning permission within 500m of the Proposed Development within the last three years, these are presented in Table 4 below.

*Table 4. Planning applications granted permission in the vicinity of the Proposed Development.*

Planning Ref.	Description of development	Comments
19139	construct sunroom, storage shed, replace existing timber boundary fences with new concrete block boundary walls and all associated site works	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.

Planning Ref.	Description of development	Comments
19359	retain 1) extension to rear of dwelling house, 2) amendments to elevations, 3). shed and all associated site works	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
19389	construct a 48 Unit Residential Development consisting of 6 no. 2 storey semi detached 4 bedroom houses, 3 no. 2 storey detached 4 bedroom houses, 1 no. two storey detached 3 bedroom house, 2 no. two storey end of terrace 3 bedroom houses, 2 no. two storey mid-terrace 3 bedroom houses and 14 no. two storey semi detached 3 bedroom houses. The proposed development also includes 2 no. two storey apartment blocks containing 8 no. 2 bedroom apartments and 1 no. three storey apartment block containing 12 no. 2 bedroom apartments, The proposed development will be accessed from the existing public roadway (R445) to the South of the site. The proposed development will also include estate roads, footpaths, public open space, foul and surface water drainage, landscaping and all associated infrastructure works and services on 1.446 ha at the Mountrath Rd (former Midland Dairies Site)	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
19580	construct a 90 bed 3 storey nursing home in two phases. Phase one comprising of ground and first floor 60 bed in total development and phase two third floor development comprising of 30 beds. Construct 52 no. dwellings comprising of apartments and houses as follows: 2 no. 2 1/2 storey maisonette apartment blocks containing 4 no. 1 bedroom apartments and 4 no. 2 bedroom apartments per block (16 no. in total); 36 no. two storey dwellings in 9 no. blocks, consisting of 2 no. semi-detached 2 bedroom dwellings, 18 no. mid-terrace 2 bedroom dwellings and 16 no. end of terrace 3 bedroom dwellings; together with proposed boundary treatments, landscaping, bins stores, bike shelter, car parking, signage, drainage connections, vehicular access from existing R941 road, and all associated site development works	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
20272	demolish existing domestic garage incorporating boiler room (22m <sup>2</sup> ) and the construction of a domestic extension consisting of extended kitchen and en suite bathroom, new entrance porch and living room and a standalone garden structure (replacement boiler room and store) in the combined floor area of 45m <sup>2</sup> to the north side of our dwelling	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
19660	to construct 12 no. 2-storey semi-detached dwellings (totaling 1,277.64sq m Gross Floor Area), all at this site of approximately 0.3 hectares (site of previously permitted development under Laois County Council Plan. Reg. Ref. No. 08/1435 which has expired) in the townland of Clonroosk at Clonroosk Abbey, Clonroosk Link Road, Portlaoise, Co. Laois. The proposed development will consist of 12 no. three bedroom semi-detached dwellings of 106.47sq.m each all with associated vehicular parking (2 no. dwelling totaling 24 no. car parking spaces); rooftop photovoltaic solar panel arrays, boundary treatments, hard and soft landscaping, private open	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.

Planning Ref.	Description of development	Comments
	spaces, services, and all other ancillary and associated site development works above and below ground level. Vehicular and pedestrian access to each dwelling will be via individual entrances from the Clonroosk Abbey internal road and footpath network currently being completed under Permitted Development Laois County Council Plan Reg Ref. No 17/222.	
20312	change use of previously granted permission for consulting rooms / first floor apartment to domestic dwelling, which will necessitate demolition of existing external stairway, new extension to side, minor changes to fenestration and internal layout, new domestic garage, new entrance wall and gates	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
20334	retention permission for a fuel shed and stone garden structure	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
20579	the construction of a single storey extension to the existing kitchen/dining area at the south west of the existing house. the demolition of the south west side of the existing kitchen wall and the installation of an RSJ above opening, the proposed extension will have a window each end to match existing and 4 no velux roof lights. A new ground floor W/C with door in new partition wall is proposed to be installed in the existing utility room at the rear of the house. Existing rear door to garden will be replaced with a new window to match existing . The two existing kitchen windows will be removed and replaced with an A rated glass sliding door and all ancillary works	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
20635	retain 1) existing shed and 2) existing games room/study	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.

The Laois County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same zone of impact of the Proposed Development site would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way any, in-combination impacts with Plans or Projects for the proposed development area and surrounding townlands in which the proposed development site is located, would be avoided.

The listed developments have been granted permission in most cases with conditions relating to sustainable development by the consenting authority in compliance with the relevant Local Authority Development Plan and in compliance with the Local Authority requirement for regard to the Habitats Directive. The development cannot have received planning permission without having met the consenting authority requirement in this

regard. There are no predicted in-combination effects given that it is predicted that the Proposed Development will have no effect on any European site.

There are no predicted in-combination effects given that the reasons discussed in the 'Comments' column of Table 4 above and given that the Proposed Development is unlikely to have any adverse effects on any European sites.

Any new applications for the Proposed Development area will be assessed on a case by case basis *initially* by Laois County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

## 6. Conclusion

There are no predicted effects on any European sites given:

- The distance between the Proposed Development and any European Sites;
- The lack of connectivity between the Proposed Development and any hydrological pathways; there are no watercourses within the Proposed Development boundary and there is no connectivity between the Proposed Development site and any watercourses that lead to the River Boyne;
- The Proposed Development is to be connected to the existing public sewer network for the treatment of wastewater.
- There are no predicted emissions to air, water or the environment during the construction or operational phases that would result in significant effects.

It has been objectively concluded by Moore Group Environmental Services that:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage.

It can be *excluded*, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European site.

An appropriate assessment is not, therefore, required.

A finding of no significant effects report is presented in Appendix A in accordance with the EU Commission's methodological guidance (European Commission, 2002).

## 7. References

Department of the Environment, Heritage and Local Government (2010) Guidance on Appropriate Assessment of Plans and Projects in Ireland (as amended February 2010).

European Commission (2000) Managing Natura 2000 sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

European Commission Environment DG (2002) 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. European Commission, Brussels.

European Commission (2007) Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC: Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interests, compensatory measures, overall coherence and opinion of the Commission. European Commission, Brussels.

European Commission (2018) Managing Natura 2000 sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

NPWS (2019) The Status of EU Protected Habitats and Species in Ireland. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin.

NPWS (2021) National Parks and Wildlife Service Metadata available online at <https://www.npws.ie/maps-and-data>

Office-of-the-Planning-Regulator (2021) Appropriate Assessment Screening for Development Management OPR Practice Note PN01. March 2021

# Appendix A

## FINDING OF NO SIGNIFICANT EFFECTS REPORT

### Finding no significant effects report matrix

#### Name of project or plan

Hepburn Court Residential Development

#### Name and location of the Natura 2000 site(s)

The nearest European sites to the Proposed Development are associated with the River Barrow and include the River Barrow and River Nore SAC (Site Code 002162), which is located just over 7km to the northwest.

There are no surface water features onsite and no hydrological pathways to offsite surface water bodies.

There is no connectivity to any other European sites within or outside the potential zone of influence.

#### Description of the project or plan

The proposed development will consist of the construction of 54 houses which will be a Part 8 Planning application on behalf of the Council.

#### Is the project or plan directly connected with or necessary to the management of the site(s)

No

#### Are there other projects or plans that together with the projects or plan being assessed could affect the site

A review of the National Planning Application Database was undertaken. The first stage of this review confirmed that there were no data gaps in the area where the Proposed Development is located. The database was then queried for developments granted planning permission within 500m of the Proposed Development within the last three years, these are presented in the Table below.

#### *Planning applications granted permission in the vicinity of the Proposed Development.*

Planning Ref.	Description of development	Comments
19139	construct sunroom, storage shed, replace existing timber boundary fences with new concrete block boundary walls and all associated site works	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
19359	retain 1) extension to rear of dwelling house, 2) amendments to elevations, 3). shed and all associated site works	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
19389	construct a 48 Unit Residential Development consisting of 6 no. 2 storey semi detached 4 bedroom houses, 3 no. 2 storey detached 4 bedroom houses, 1 no. two storey detached 3 bedroom house, 2 no. two storey end of terrace 3 bedroom houses, 2 no. two storey mid-terrace 3 bedroom houses and 14 no. two storey semi detached 3 bedroom houses. The proposed development also includes 2 no. two storey apartment blocks containing 8 no. 2 bedroom apartments and 1 no. three storey apartment block containing 12 no. 2 bedroom apartments, The	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.

Planning Ref.	Description of development	Comments
	proposed development will be accessed from the existing public roadway (R445) to the South of the site. The proposed development will also include estate roads, footpaths, public open space, foul and surface water drainage, landscaping and all associated infrastructure works and services on 1.446 ha at the Mountrath Rd (former Midland Dairies Site)	
19580	construct a 90 bed 3 storey nursing home in two phases. Phase one comprising of ground and first floor 60 bed in total development and phase two third floor development comprising of 30 beds. Construct 52 no. dwellings comprising of apartments and houses as follows: 2 no. 2 1/2 storey maisonette apartment blocks containing 4 no. 1 bedroom apartments and 4 no. 2 bedroom apartments per block (16 no. in total); 36 no. two storey dwellings in 9 no. blocks, consisting of 2 no. semi-detached 2 bedroom dwellings, 18 no. mid-terrace 2 bedroom dwellings and 16 no. end of terrace 3 bedroom dwellings; together with proposed boundary treatments, landscaping, bins stores, bike shelter, car parking, signage, drainage connections, vehicular access from existing R941 road, and all associated site development works	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
20272	demolish existing domestic garage incorporating boiler room (22m2) and the construction of a domestic extension consisting of extended kitchen and en suite bathroom, new entrance porch and living room and a standalone garden structure (replacement boiler room and store) in the combined floor area of 45m2 to the north side of our dwelling	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
19660	to construct 12 no. 2-storey semi-detached dwellings (totaling 1,277.64sq m Gross Floor Area), all at this site of approximately 0.3 hectares (site of previously permitted development under Laois County Council Plan. Reg. Ref. No. 08/1435 which has expired) in the townland of Clonroosk at Clonroosk Abbey, Clonroosk Link Road, Portlaoise, Co. Laois. The proposed development will consist of 12 no. three bedroom semi-detached dwellings of 106.47sq.m each all with associated vehicular parking (2 no. dwelling totaling 24 no. car parking spaces); rooftop photovoltaic solar panel arrays, boundary treatments, hard and soft landscaping, private open spaces, services, and all other ancillary and associated site development works above and below ground level. Vehicular and pedestrian access to each dwelling will be via individual entrances from the Clonroosk Abbey internal road and footpath network currently being completed under Permitted Development Laois County Council Plan Reg Ref. No 17/222.	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
20312	change use of previously granted permission for consulting rooms / first floor apartment to domestic dwelling, which will necessitate demolition of existing external stairway, new extension to side, minor changes to fenestration and internal layout, new domestic garage, new entrance wall and gates	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
20334	retention permission for a fuel shed and stone garden structure	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
20579	the construction of a single storey extension to the existing kitchen/dining area at the south west of the existing house. the	Having regard to the distance factor, existing foul drainage infrastructure and



Planning Ref.	Description of development	Comments
	demolition of the south west side of the existing kitchen wall and the installation of an RSJ above opening, the proposed extension will have a window each end to match existing and 4 no velux roof lights. A new ground floor W/C with door in new partition wall is proposed to be installed in the existing utility room at the rear of the house. Existing rear door to garden will be replaced with a new window to match existing . The two existing kitchen windows will be removed and replaced with an A rated glass sliding door and all ancillary works	absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.
20635	retain 1) existing shed and 2) existing games room/study	Having regard to the distance factor, existing foul drainage infrastructure and absence of a directly connecting water course, no materially negative impacts any European site arising from the proposed development are anticipated.

The Laois County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same zone of impact of the Proposed Development site would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way any, in-combination impacts with Plans or Projects for the proposed development area and surrounding townlands in which the proposed development site is located, would be avoided.

The listed developments have been granted permission in most cases with conditions relating to sustainable development by the consenting authority in compliance with the relevant Local Authority Development Plan and in compliance with the Local Authority requirement for regard to the Habitats Directive. The development cannot have received planning permission without having met the consenting authority requirement in this regard. There are no predicted in-combination effects given that it is predicted that the Proposed Development will have no effect on any European site.

There are no predicted in-combination effects given that the reasons discussed in the 'Comments' column of the Table above and given that the Proposed Development is unlikely to have any adverse effects on any European sites.

Any new applications for the Proposed Development area will be assessed on a case by case basis *initially* by Laois County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

## ***THE ASSESSMENT OF SIGNIFICANCE OF EFFECTS***

**Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.**

There is no connectivity to any European sites within or outside the potential zone of influence.

**Explain why these effects are not considered significant.**

There are no predicted effects on any European sites given:

- The distance between the Proposed Development and any European Sites;
- The Proposed Development is to be connected to the existing public sewer network for the treatment of wastewater.
- There are no predicted emissions to air, water or the environment during the construction or operational phases that would result in significant effects.

**List of agencies consulted: provide contact name and telephone or e-mail address**

The requirement for Appropriate Assessment Screening was determined by Laois CC.

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**Response to consultation**

N/A.

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## ***DATA COLLECTED TO CARRY OUT THE ASSESSMENT***

**Who carried out the assessment**

Moore Group Environmental Services.

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**Sources of data**

NPWS database of designated sites at [www.npws.ie](http://www.npws.ie)

National Biodiversity Data Centre database <http://maps.biodiversityireland.ie>

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**Level of assessment completed**

Desktop Assessment

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**Where can the full results of the assessment be accessed and viewed**

Laois County Council Planning web portal.

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## ***OVERALL CONCLUSIONS***

There are no predicted effects on any European sites given:

- The distance between the Proposed Development and any European Sites;
- The Proposed Development is to be connected to the existing public sewer network for the treatment of wastewater.
- There are no predicted emissions to air, water or the environment during the construction or operational phases that would result in significant effects.

It has been objectively concluded by Moore Group Environmental Services that:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage.

It can be *excluded*, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European site.

An appropriate assessment is not, therefore, required.