

## Appropriate Assessment Screening Report

### CONCERNING CIRCULAR TO CITY AND COUNTY COUNCILS, AN BORD PLEANÁLA, OFFICE OF THE PLANNING REGULATOR AND THE HOUSING AGENCY RE. STRUCTURAL HOUSING DEMAND IN IRELAND AND HOUSING SUPPLY TARGETS

To inform screening for Appropriate Assessment under Article 42(2) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended.

17<sup>th</sup> December 2020

#### 1.0 Introduction

Appropriate Assessment (AA) is a process required under Article 6(3) of the EU Habitats Directive. It is transposed in Ireland by the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended, and by Part XAB of the Planning and Development Act 2000, as amended.

All plans and projects that either individually or in combination with other plans, are likely to have a significant effect on any site in the Natura 2000 network (“a European site”), require an appropriate assessment of these effects to determine if they will adversely affect the integrity of these sites.

The screening process scrutinises the plan or project to determine if there are likely significant effects either individually or in combination with other plans, on any site in the Natura 2000 network. These sites include those designated as Special Areas of Conservation or Special Protection Areas. This Screening Report reports the outcome of this analysis of the proposed Circular to City and County Councils, An Bord Pleanála, Office of the Planning Regulator and the Housing Agency Re. *Structural Housing Demand in Ireland and Housing Supply Targets (December 2020)*.

This analysis was applied to the draft documents provided to us on the 8<sup>th</sup> December 2020 and final draft versions on the 16<sup>th</sup> December 2020.

The guidance which has been taken into account during the screening process includes the following:

- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat’s Directive 92/43/EEC (EC Environment Directorate-General, 2019);
- 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 Interest, Compensatory Measures, Overall Coherence. Opinion of the European Commission (European Commission, January 2007).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 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).

## **2.0 Overview and purpose of the proposed Circular.**

The purpose of the Circular is to clarify and expand upon the implications of the publication of the results of the Economic and Social Research Institute's (ESRI) research into structural housing demand in Ireland to 2040. The findings of the ESRI work were published as a research paper on Structural Housing Demand at County Level on 14th December 2020. The Circular provides a context of the content of the report.

As stated in the Circular, *"The ESRI research provides a robust, up-to-date and independently developed housing demand projection, to inform policy and investment with regard to housing at national and local levels. The ESRI projection model and paper are now the definitive source of information for Government, in the context of regular and often divergent estimates of housing demand from various sources."*

The Circular also states *"The ESRI work provides a consistent national methodology for translating the population targets set out in the National Planning Framework (NPF) and the three Regional Spatial and Economic Strategies (RSEs), into projected demand for new households."* It is acknowledged that the NPF and the three RSEs have undergone Appropriate Assessment and therefore the likely significant effects of these population targets on European Sites have already been assessed. As stated in the Circular, in the context of increasing housing supply, the importance of an early period of accelerated growth is highlighted in the NPF. In particular, the section on 'Housing Demand' (page 94 in the NPF) envisages an increase in new housing output to up to 35,000 homes per annum in the years to 2027, to address the deficit that had built up in the preceding years, and that this would be subject to monitoring and review. Since the NPF was published in 2018, there have been three further years where supply has been constrained relative to demand, exacerbated by the setback arising from the Covid-19 pandemic. As implementation of NPF monitoring, the ESRI work provides a detailed review of housing demand at local authority level, which enables housing supply targets within the overall parameters of the NPF.

## **3.0 Identification of European Sites within the potential zone of influence of development associated with the proposed Circular.**

The proposed Circular have a national scale of application but also provide suggested housing demand targets relating to each local authority. It is up to each local authority to determine where and how these demand targets can be met and it is at that stage (the review and preparation of the city or county development plan –over several cycles of plan-making) that any likelihood of significant effects on European sites would become evident.

The process of screening for appropriate assessment focuses on any interaction between the conservation objectives and the effects of implementing the Circular. Since the Circular lacks sufficient

clarity and geographic specificity to allow any clear linkage to likely significant effects on European sites, the discussion of the likelihood of any significant effects has been taken at a high-level.

Conservation objectives can be accessed on [www.npws.ie](http://www.npws.ie) and have been considered as part of the screening process but for the purposes of brevity these have not be reproduced.

#### **4.0 Consideration of any likely significant effects on European sites.**

Guidance from Ireland<sup>1</sup> and the European Commission<sup>2</sup> has suggested that the following criteria treating to the nature of the proposal may be used in helping to determine if a proposal is likely to have significant effects. These include:

- size and scale; disturbance).
- land-take;
- distance from the Natura 2000 site or key features of the site;
- resource requirements (water abstraction etc.);
- emissions (disposal to land, water or air);
- excavation requirements; (potential loss of area).
- transportation requirements;
- duration of construction, operation, decommissioning, etc.;
- Other.

Irish guidance (DEHLG, 2010) gives examples of effects that are likely to be significant include the following:

- Any impact on an Annex I habitat
- Causing reduction in the area of the habitat or Natura 2000 site
- Causing direct or indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site
- Causing serious or ongoing disturbance to species or habitats for which the Natura 2000 site is selected (e.g. increased noise, illumination and human activity)
- Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site
- Interfering with mitigation measures put in place for other plans or projects

These criteria are particularly suited to screening individual projects or where there is clarity on the geographic location and nature of the receiving environment, as detail on the receiving environment will be available for analyses. However, in the current case of the proposed Circular, it is not possible to

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<sup>1</sup> Department of the Environment, Heritage and Local Government (DEHLG, (2010) Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities.

[https://www.npws.ie/sites/default/files/publications/pdf/NPWS\\_2009\\_AA\\_Guidance.pdf](https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf)

<sup>2</sup> European Commission (2001) 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

[https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf)

European Commission (2019) Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

[https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/EN\\_art\\_6\\_guide\\_jun\\_2019.pdf](https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/EN_art_6_guide_jun_2019.pdf)

predict if such impacts will occur due to the lack of geographic specificity about the locations and patterns of housing development. Whilst the Circular presents suggested projected demand for new household for individual local authorities, housing demand will be incorporated into the review and preparation of the next Development Plan for each local authority. Appropriate assessment will be undertaken at that stage and address any likely significant effects of meeting this demand in specific geographic areas over the period of the plan. Therefore it is not possible to provide responses to the specific European Commission's criteria at the level of the Circular. As previously stated, likely significant effects on European sites as a result of house construction and increasing residential population have already been assessed as part of the AA of NPF and RSEs and it is not necessary to duplicate this assessment in the context of the Circular.

Therefore when considered in isolation and in the context of the assessments that have been undertaken of the NPF and the RSEs, the proposed Circular and its implications for housing development, is not considered to pose any likely significant effects on European sites.

### **5.0 Consideration of in-combination effects.**

The proposed Circular will manifest itself in the overall delivery of housing to meet project demands in each local authority area. The Circular has no effect on where and when these targets will be delivered within the lifetime of each development plan. Development plans for these areas have undergone their own appropriate assessment and therefore it is reasonable to assume that there will be no likelihood of in-combination effects as all policies and objectives relating to housing developments will have been tested by the AA process. Other relevant plans and programmes that may provide support for housing development proposals that may overlap with the scope of application of the proposed Circular may include:

- River Basin Management Plans;
- Regional Waste Management Plans;
- National Planning Framework;
- National Development Plan

There is no risk of any combination with any of the strategies listed in the plans above due to the absence of likelihood of significant effects on European sites from the proposed Circular itself.

### **Conclusions**

The purpose of this Report is to present the results of screening the proposed Circular to City and County Councils, An Bord Pleanála, Office of the Planning Regulator and the Housing Agency Re. *Structural Housing Demand in Ireland and Housing Supply Targets (December 2020)*. The objective of screening is to determine if the proposed Circular is likely to have significant effects on European sites.

Following an analysis and evaluation of the relevant information, including in particular, the nature of the changes that could occur as a result of the Circular and their potential relationship with European sites that could result, as well as considering other plans and projects, and applying the precautionary principle, this report recommends that there is no possibility that the proposed Circular would be likely to have any significant effects on any European sites.

The principle reasons for this conclusion included: the lack of geographic specificity in the nature of the Circular and the fact that the scale of the proposed delivery of housing targets has already been assessed in the NPF and the RSEs and therefore the Circular would be implemented in the context of these previous assessments.

The Minister for Housing, Local Government and Heritage will rely on this report and its recommendation (as well as any other relevant information) to determine if AA is required or not, in terms of whether the proposed Circular, individually or in combination with other plans or projects, will have a significant effect on any European sites.

This report, as well as the AA screening determination by the Minister, will be available for public display at the Department and on its website.

