

Appropriate Assessment Screening Report

CONCERNING HOUSING SUPPLY TARGET METHODOLOGY FOR DEVELOPMENT PLANNING- GUIDELINES FOR PLANNING AUTHORITIES ISSUED UNDER SECTION 28 OF THE PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED).

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.

17th 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 Guidelines for Planning Authorities issued under Section 28 of the Planning and Development Act, 2000 (as amended) on *Housing Supply Target Methodology for Development Planning (December 2020)*.

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

National Policy Objective 36 of the National Planning Framework (NPF) confirms the importance of an integrated approach to population and housing in the planning system and sets an administrative requirement for these Guidelines:

“New statutory guidelines, supported by wider methodologies and data sources, will be put in place under Section 28 of the Planning and Development Act to improve the evidence base, effectiveness and consistency of the planning process for housing provision at regional, metropolitan and local authority levels. This will be supported by the provision of standardised requirements by regulation for the recording of planning and housing data by the local authorities in order to provide a consistent and robust evidence base for housing policy formulation.”

In accordance with National Policy Objective (NPO) No. 37 of the NPF, each planning authority will be required to undertake a Housing Need Demand Assessment (HNDA) as part of its housing strategy. The purpose of these guidelines is to present the methodology to bridge the strategic national and regional population projections (contained within the NPF and RSEs, which have undergone Appropriate Assessment) to the HNDA in each local authority development plan.

3.0 Identification of European Sites within the potential zone of influence of development associated with the proposed Guidelines.

The proposed Guidelines have a national scale of application. 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. Whilst the Guidelines present the methodology for the calculation of housing demand targets, these are not criteria or rules that can be linked to effects on European sites by identifying where and how housing development will take place within each local authority area. This will be influenced by the AA of development plans which will take place at the lower level in the land-use planning hierarchy.

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

The Guidelines themselves aim to provide a linkage between the NPF and RSEs population projections (which have undergone AA) and the consideration of housing demand targets in the preparation of development plans.

Whilst the Guidelines presents the methodology relating to projected demand for new household for individual local authorities, the specific numbers relating to housing demand will be incorporated into the review and preparation of the next Development Plan for each local authority. Strategic

environmental 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.

Conservation objectives can be accessed on www.npws.ie and have been considered as part of the screening process but for the purposes of brevity these have not been reproduced.

4.0 Consideration of any likely significant effects on European sites.

Guidance from Ireland¹ and the European Commission² has suggested that the following criteria relating 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 Guidelines, it is not possible

¹ 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

² 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

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

to predict if such impacts will occur due to the lack of geographic specificity about the locations and patterns of housing development. Housing demand targets 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 Guidelines. 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 Guidelines.

Therefore when considered in isolation and in the context of the assessments that have been undertaken of the NPF and the RSEs, the proposed Guidelines 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 Guidelines will manifest itself in the overall delivery of housing to meet project demands in each local authority area. The Guidelines 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 Guidelines 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 Guidelines itself.

Conclusions

The purpose of this Report is to present the results of screening the proposed Guidelines for Planning Authorities issued under Section 28 of the Planning and Development Act, 2000 (as amended) on *Housing Supply Target Methodology for Development Planning (December 2020)*. The objective of screening is to determine if the proposed Guidelines are 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 Guidelines 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 that there is no possibility that the proposed Guidelines 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 Guidelines 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 Guidelines 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 Guidelines, 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.

