

# APPROPRIATE ASSESSMENT CONCLUSION STATEMENT

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FOR THE

## PORTLAOISE LOCAL AREA PLAN 2024-2030

for: Laois County Council



by: CAAS Ltd.



DECEMBER 2024

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# Section 1 Introduction and Background

## 1.1 Introduction

This is the Appropriate Assessment (AA) Conclusion Statement for the Portlaoise Local Area Plan 2024-2030. The obligation to undertake AA derives from Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC as transposed into Irish legislation by, inter alia, the Planning and Development Act 2000, as amended. AA is a focused and detailed impact assessment of the implications of a strategic action (such as a plan or programme) or project, alone and in combination with other strategic actions and projects, on the integrity of any European Site in view of its conservation objectives. This AA Conclusion Statement should be read in conjunction with the Plan and associated documents including the AA Natura Impact Report (NIR).

## 1.2 Legislative Requirements in relation to AA

In carrying out the AA for the Plan, the Planning and Development Act 2000, as amended, requires, inter alia, that the Council considers the matters arrayed in the first column on Table 1.1 below. The second column identifies how these issues have been addressed.

**Table 1.1 Matters taken into account by the AA**

Matter specified by the Regulations	How addressed by AA
(a) the Natura Impact Report	An AA NIR accompanies this AA Conclusion Statement and the Plan.
(b) any supplemental information furnished in relation to any such report	This AA Conclusion Statement accompanies the NIR that provides additional detail on European Sites.
(c) if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Report	Submissions made during the Plan preparation/AA process were taken into account when preparing the final Consolidated AA NIR and finalising the AA.
(d) any information or advice obtained by the public authority	
(e) if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project	Proposed Material Alterations were screened for the need to undertake Stage 2 AA (Stage 2 AA was not required for the Alterations).
(f) any other relevant information	

In addition to the above, the Regulations require that the Council makes available for inspection a determination regarding the outcome of the assessment with respect to whether or not the Plan would adversely affect the integrity of a European site (a copy of this determination is provided at Appendix I).

## 1.3 AA Conclusion Statement

Non-Statutory AA guidance (Department of Environment, Heritage and Local Government, 2009) states that (Section 4.14) it *"is recommended that planning authorities include a clear and discrete AA Conclusion Statement as a distinct section in the written statement of the plan separate to the SEA statement."* This guidance recommends that the following issues are addressed by the AA Conclusion Statement:

- Summary of how the findings of the AA were factored into the Plan (see Section 2);
- Reasons for choosing the Plan as adopted, in the light of other reasonable alternatives considered as part of the AA process (see Section 3);
- A declaration that the Plan as adopted will not have an adverse effect on the integrity of European Sites (provided at Appendix I); and
- The NIR (the AA NIR is accompanied by this AA Conclusion Statement and has informed the AA Determination – see Appendix I).

Furthermore, as stated in the Draft "Development Plans Guidelines for Planning Authorities" (Department of Housing, Local Government and Heritage, 2021):

*"...There is a similar requirement to publish a determination relating to the AA that may have been undertaken. Under Article 6.3 of the Habitats Directive the determination (often termed an 'AA Conclusion Statement') must state as to whether or not the Draft Plan would adversely affect the integrity of a European site. However as stated in Section 3.5, this determination must have been made prior to the adoption of the Draft Plan."*

This AA Conclusion Statement addresses the above issues, including the signed AA Determination included at Appendix I.

## Section 2 How the findings of the AA were factored into the Plan

This section outlines measures that have been incorporated into the Plan and associated existing Laois County Development Plan 2021-2027, in order to mitigate against potential significant effects on European sites as identified through the AA.

These mitigation measures have been designed to ensure that there will be no effects on the ecological integrity of any European site resulting from the implementation of the Plan. The mitigation measures that are most relevant to the protection of European sites resulting from the potential sources and pathways effects by the AA are identified in Table 2.1 below.

**Table 2.1 Measures that will protect European sites and their sustaining resources integrated into the Plan<sup>1</sup>**

Sources and/or pathways for adverse effects <sup>2</sup>	Respective Plan Development Objectives / Mitigation Measure(s)
Alignment with County Development Plan	Subsection 1.1 Background: It is a specific provision of this Plan to ensure that all of the provisions from the Laois County Development Plan 2021-2027 identified in the SEA Environmental Report and AA Natura Impact Report that accompany this Plan shall be complied with throughout the implementation of this Plan.
Natural Heritage and Biodiversity	<p><b>CMO 19:</b> Ensure biodiversity assets are appropriately managed and safeguarded from potential adverse effects from development</p> <p><b>NH P6:</b> Adopt a pro-active and systematic good practice approach to tree management with the aim of promoting good tree health, condition, diversity, public amenity</p> <p><b>NH P7:</b> Make Tree Preservation Orders as appropriate included for reasons of ecology and character value using "Amenity Trees and Woodlands – a Guide to their Management in Ireland" published by the Tree Council of Ireland</p> <p><b>NH P8:</b> Support the town in a garden concept through appropriate landscaping and tree planting in the planning and development of urban spaces, streets, roads and infrastructure projects</p> <p><b>NH P9:</b> Protect Natural Heritage Areas (NHAs) from developments that would adversely affect their special interests</p> <p><b>NH P10:</b> Promote a no net loss of biodiversity approach through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure</p> <p><b>NH P11:</b> Protect Special Areas of Conservation (SACs) from developments that would adversely affect their qualifying interests and conservation objectives</p> <p><b>NH O1:</b> Identify, protect and conserve natural heritage sites, nationally designated conservation sites and non-designated sites in co-operation and consultation with the relevant statutory authorities</p> <p><b>NH O3:</b> Require the preservation and maintenance of suitable mature trees, hedgerows and natural heritage features in new developments</p> <p><b>NH O4:</b> Seek to preserve, protect and maintain trees of special amenity, conservation or landscape value</p> <p><b>NH O5:</b> Carry out and require the planting of native trees, hedgerows and vegetation in all new developments</p> <p><b>NH O8:</b> Identify, protect, conserve and enhance wherever possible, wildlife habitats, stepping stones, corridors and features</p> <p><b>NH O14:</b> Protect ancient and species rich hedgerows throughout the town</p> <p><b>NH O15:</b> Protect trees, groups of trees and hedgerows which act as wildlife corridors in accordance with Article 10 of the EU Habitats Directive</p>
Peatlands, wetlands and surface water courses	<p><b>KI O9:</b> Maintain, improve and enhance the environmental and ecological quality of surface waters and groundwater in accordance with the National River Basin Management Plan for Ireland 2018-2021 (DHPLG) and associated Programme of Measures</p> <p><b>NH O11:</b> Maintain riverbank vegetation along watercourses and ensure protection of a 10ms riparian buffer zone on Greenfield sites and maintain free from development</p>
Water services, groundwater and water quality	<p><b>CMO 7:</b> Require the use of SuDS in accordance with the Greater Dublin Regional Code of Practice for Drainage Works for new developments (including extensions)</p> <p><b>KI P1:</b> Protect both ground and surface water resources and to work with Irish Water to develop and implement Water Safety Plans to protect sources of public water supply and their contributing catchment</p>

<sup>1</sup> Note that non-material changes to individual Plan provisions referenced in this report may be updated during the finalisation of the Plan, including numbering, formatting and graphic design.

<sup>2</sup> The measures generally benefit multiple environmental components i.e., a measure providing for the protection of water could beneficially impact upon the protection of biodiversity, flora and fauna, for example. All of the measures included in this table would benefit the protection of European sites.

Sources and/or pathways for adverse effects <sup>2</sup>	Respective Plan Development Objectives / Mitigation Measure(s)
	<p><b>KI P2:</b> Work with Irish Water on developing and upgrading the water supply schemes so as to ensure an adequate, resilient, sustainable and economic supply of piped water</p> <p><b>KI P3:</b> Work with Irish Water on upgrading the wastewater treatment plant in line with the projected future growth of the settlement of Portlaoise</p> <p><b>KI P5:</b> Assess all applications in the context of available and sufficient public infrastructural facilities, the protection of Surface Water and Groundwater Resources</p> <p><b>KI O4:</b> Facilitate Irish Water in the maintenance, expansion and upgrading of wastewater disposal and water supply infrastructure</p> <p><b>KI O5:</b> Ensure a good quality of life, through maintaining and improving waste water treatment and water supplies and to minimise the adverse impacts of development on the environment, through policies for the management of wastes and emissions</p> <p><b>KI O7:</b> Protect both ground and surface water resources and to work with Irish Water to develop and implement Water Safety Plans to protect sources of public water supply and their contributing catchments</p> <p><b>KI O8:</b> Require all new developments to include proposals for Sustainable Drainage Systems</p> <p><b>KI O9:</b> Maintain, improve and enhance the environmental and ecological quality of surface waters and groundwater in accordance with the National River Basin Management Plan for Ireland 2018-2021 (DHPLG) and associated Programme of Measures</p> <p><b>KI O10:</b> Ensure developments will not adversely impact on the status of waterbodies in accordance with the Water Framework Directive and National River Basin Management Plan for Ireland 2018-2021 (DHPLG)</p>
Tourism	<p><b>BH P1:</b> Ensure heritage assets that are the focus for tourism development are appropriately managed and their special interest conserved from potential adverse effects from visitors or development in general and that best practice standards in relation for the environmental management of tourism enterprises are adhered to</p>
Built environment	<p><b>CMO 2:</b> Achieve more compact growth by promoting the development of infill and brownfield/regeneration sites and the re-use of underutilised land including upper floors within and close to the existing built-up footprint in preference to edge of centre locations thereby encouraging a shift towards sustainable travel modes</p> <p><b>CMO 4:</b> Support energy-efficient building design and Green Roof technology particularly on apartment, commercial, leisure and educational buildings</p> <p><b>CMO 5:</b> Support enhancement of flood resilience of buildings and promote the use of permeable surfaces to decrease run-off rates</p> <p><b>CMO 11:</b> Support construction of green routes/cycleways/pedestrian routes throughout the town</p> <p><b>H O5:</b> To encourage appropriate housing development on infill and brownfield sites subject to preservation of existing residential amenity, the provision of a high quality design respecting the established character, density and layout, compliance with all traffic safety, quantitative and qualitative standards of the Laois County Development Plan 2021 - 2027</p>
Invasive species	<p><b>NH O12:</b> Facilitate the work of agencies including Laois County Council redressing the issue of terrestrial and aquatic invasive species</p> <p>The appropriate management and restriction of invasive species within the Plan area is also provided for by adherence to the policies and objectives of the current Laois County Development Plan 2021-2027 via Subsection 1.1 Background:</p> <p>It is a specific provision of this Plan to ensure that all of the provisions from the Laois County Development Plan 2021-2027 identified in the SEA Environmental Report and AA Natura Impact Report that accompany this Plan shall be complied with throughout the implementation of this Plan.</p> <p>This statement therefore renders any development or project resulting from the implementation of this Plan subject to compliance with policy objectives BNH 5 and DM HS 19(4) of the current Laois County Development Plan 2021-2027, surrounding the management of invasive species in the context of European sites.</p>
Water abstraction	<p><b>CMO 8:</b> Support rainwater harvesting and grey-water recycling schemes that seek to decrease abstraction of potable surface water resources, thus reducing water stress during periods of low rainfall</p> <p>Subsection 1.1 Background:</p> <p>It is a specific provision of this Plan to ensure that all of the provisions from the Laois County Development Plan 2021-2027 identified in the SEA Environmental Report and AA Natura Impact Report that accompany this Plan shall be complied with throughout the implementation of this Plan.</p>
Flood Risk Management	<p><b>CMO 5:</b> Support enhancement of flood resilience of buildings and promote the use of permeable surfaces to decrease run-off rates</p> <p><b>CMO 6:</b> Protect and enhance the towns floodplains subject to flooding as "green infrastructure" where appropriate and subject to compliance with the Habitats Directive</p>
Light, air & noise pollution	<p><b>NH P5:</b> Protect environmental quality in Portlaoise through the implementation of European, National and Regional policy and legislation relating to air quality, greenhouse gases, climate change, light pollution, noise pollution and waste management</p> <p><b>NH O10:</b> Protect environmental quality and implement site appropriate mitigation measures with respect to air quality, greenhouse gases, climate change, light pollution, noise pollution and waste management</p>
Climate	<p><b>CCP 1:</b> Support the implementation of International and National objectives on climate action including the Climate Action and Low Carbon Development Acts (and any amending legislation), the 'Climate Action Plan 2021' (and any updated Plans) and ensure that Laois County Councils Climate Change Action Plan and County Development Plan are suitably aligned</p>

Sources and/or pathways for adverse effects <sup>2</sup>	Respective Plan Development Objectives / Mitigation Measure(s)
	<p><b>CMO 4:</b> Support energy-efficient building design and Green Roof technology particularly on apartment, commercial, leisure and educational buildings</p> <p><b>TM 010:</b> Significantly reduce carbon emissions through traffic related interventions at James Fintan Lalor / Lyster Square</p> <p><b>NH P5:</b> Protect environmental quality in Portlaoise through the implementation of European, National and Regional policy and legislation relating to air quality, greenhouse gases, climate change, light pollution, noise pollution and waste management</p> <p><b>NH 010:</b> Protect environmental quality and implement site appropriate mitigation measures with respect to air quality, greenhouse gases, climate change, light pollution, noise pollution and waste management</p>
Renewable Energy	<p><b>KI P6:</b> Promote public awareness and involvement in water conservation measures by households, businesses and industries and supports the implementation of Energy Efficiency solutions in Water and Waste Water Systems</p> <p><b>KI P7:</b> Promote and encourage the harvesting of rainwater to meet non-potable water needs</p>
Green / Blue Infrastructure	<p><b>BH P1:</b> Ensure heritage assets that are the focus for tourism development are appropriately managed and their special interest conserved from potential adverse effects from visitors or development in general and that best practice standards in relation for the environmental management of tourism enterprises are adhered to</p>
Waste Management	<p><b>TCR P9:</b> Ensure all new developments have adequate refuse storage facilities</p> <p><b>NH P5:</b> Protect environmental quality in Portlaoise through the implementation of European, National and Regional policy and legislation relating to air quality, greenhouse gases, climate change, light pollution, noise pollution and waste management</p> <p><b>NH 010:</b> Protect environmental quality and implement site appropriate mitigation measures with respect to air quality, greenhouse gases, climate change, light pollution, noise pollution and waste management</p>

## Section 3 Consideration of Alternatives

This section summarises the alternatives considered for the Plan during the preparation process. These alternatives have been incorporated into the Plan having regard to both:

1. The environmental effects (including those related to ecology and European sites) which are identified by the SEA (informed by the AA) and are summarised below; and
2. Planning - including social and economic - effects that also were considered by the Council.

### 3.1 Limitations in Available Alternatives

The Plan is required to be prepared by the existing, already in force, Laois County Development Plan 2021-2027 and the Planning and Development Act 2000 (as amended), which specifies various types of objectives that must be provided for by the Plan. The alternatives available for the Plan are significantly limited by the provisions of higher-level planning objectives, including those of the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region and the County Plan. These documents set out various requirements for the content of the Plan including on topics such as land use zoning.

### 3.2 Alternatives Already Considered

The preparation of the Laois County Development Plan and associated SEA process already considered various different types of alternatives, including those relating to population allocations, land use zoning and densities. The selected alternatives for the County Development Plan sets requirements for lower tier planning in the County and have been integrated into the Local Area Plan, as appropriate.

### 3.3 Local Transport Plan Alternatives

- **Local Transport Plan Alternative 1:** Inform the Plan with a Local Transport Plan, which focuses on delivering travel solutions that support moving people from the private car to more sustainable modes.
- **Local Transport Plan Alternative 2:** Do not inform the Plan with a Local Transport Plan, which focuses on delivering travel solutions that support moving people from the private car to more sustainable modes, relying solely on existing provisions, including those included as part of the County Development Plan.

Informing the Plan with a Local Transport Plan, which focuses on delivering travel solutions that support moving people from the private car to more sustainable modes, (**Area Based Transport Assessment Alternative 1**) would provide a more coordinated and more orderly provision of transport infrastructure and services, with delivery of projects, and associated benefit with respect to sustainable mobility and compact development, more likely. This approach would be more likely to improve the potential for meeting important objectives relating to emissions and energy use. Potentially adverse impacts on environmental components including ecology and water would need to be adequately mitigated at project level.

Not informing the Plan with a Local Transport Plan, which focuses on delivering travel solutions that support moving people from the private car to more sustainable modes, (**Area Based Transport Assessment Alternative 2**) would provide a less coordinated and less orderly provision of transport infrastructure and services, with delivery of projects, and associated benefit with respect to sustainable mobility and compact development, less likely. This approach would be less likely to improve the potential for meeting important objectives relating to emissions and energy use. Potentially adverse impacts arising from more coherently planned transport developments on environmental components, including ecology and water, could be mitigated at both LAP and project level.

Selected Local Transport Plan Alternative for the Plan: Alternative 1



### 3.4 Transport Infrastructure Alternatives

In integrating provisions relating to the provision of transport infrastructure into the Plan, the following alternatives were considered:

- **Transport Infrastructure Alternative 1:** Provide new transport infrastructure with all additional environmental mitigation left to be defined until project level.
- **Transport Infrastructure Alternative 2:** Provide new transport infrastructure, subject to environmental constraints, including those related to habitats and potential impacts such as disturbance from lighting – includes minimising river crossings, avoiding sensitive habitats, not increasing barriers to flood waters and sustainable design and construction techniques.

Under **Transport Infrastructure Alternative 1**, new transport infrastructure would be considered subject to environmental constraints, including those related to habitats and potential impacts (e.g. disturbance from lighting). This would include minimising river crossings, avoiding sensitive habitats, not increasing barriers to flood waters and sustainable design and construction techniques. By focusing on mitigation at both plan and project levels, Alternative 1 would offer the most certainty for environmental protection and management and would be more likely to result in important individual projects (relating to sustainable mobility and emissions/energy objectives) receiving permission.

Under **Transport Infrastructure Alternative 2**, all additional environmental mitigation would be left to be defined in the future, at project level. This would offer the least certainty for environmental protection and management and would be more likely to result in important individual projects (relating to sustainable mobility and emissions objectives) not been given permission.

Selected Transport Infrastructure Alternative for the Plan: Alternative 1

### 3.5 Ecosystem Services Approach Alternatives

The importance of fulfilling natural capital<sup>3</sup> and ecosystem<sup>4</sup> service obligations has increasingly emerged in recent years. An Ecosystems Services Approach would provide a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. An Ecosystems Services Approach would include the integration of ecological considerations at a local level across the Plan area.

- **Ecosystem Services Approach Alternative 1:** A Plan that follows an Ecosystems Services Approach to a greater degree.
- **Ecosystem Services Approach Alternative 2:** A Plan that that does not follow, or follows to a lesser degree, an Ecosystems Services Approach.

**Ecosystem Services Approach Alternative 1** would integrate a strategy throughout the Plan for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. Principles that would be integrated throughout the Plan, in a coordinated and comprehensive manner, would include:

- Consideration of natural systems - by using knowledge of interactions in nature and how ecosystems function;
- Taking into account of the services that ecosystems provide - including those that underpin social and economic well-being, such as flood and climate regulation or recreation, culture and quality of life; and
- Involving people - those who benefit from the ecosystem services and those managing them need to be involved in decisions that affect them.

This would mean that there would be:

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<sup>3</sup> Renewable and non-renewable resources (e.g. plants, animals, air, water, soils, minerals).

<sup>4</sup> Ecosystems are multifunctional communities of living organisms interacting with each other and their environment. Ecosystems provide a series of services for human well-being (ecosystem services) either directly or indirectly contributing towards human wellbeing.

- An increased likelihood in the extent, magnitude and frequency of positive effects occurring with regard to natural capital and ecosystem service issues, such as the management of air quality, noise pollution, light pollution, pollination, flood risk, water bodies and river basins and natural resources supporting energy production and recreation; and
- A decreased likelihood in the extent, magnitude and frequency of adverse effects on natural capital and ecosystem services.

**Ecosystem Services Approach Alternative 2** would not integrate a strategy throughout the Plan for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way.

As has been the case over previous plan periods, many natural capital and ecosystem service issues would be integrated into individual Plan Policy Objectives and into decision making at lower tiers of plan preparation and development management. However, this approach would be less coordinated and comprehensive than would be the case under an Ecosystems Services Approach.

This would mean that there would be:

- A decreased likelihood in the extent, magnitude and frequency of positive effects occurring with regard to natural capital and ecosystem service issues; and
- An increased likelihood in the extent, magnitude and frequency of adverse effects on natural capital and ecosystem services.

Selected Ecosystem Services Approach Alternative for the Plan: Alternative 1

### 3.6 Built Heritage Alternatives

- **Built Heritage Alternative 1:** A Plan that adds detailed, local-level provisions to the existing planning framework relating to the conservation of built heritage.
- **Built Heritage Alternative 2:** A Plan that does not add detailed, local-level provisions to the existing planning framework relating to the conservation of built heritage, relying solely on existing provisions, including those included as part of the County Development Plan.

A Plan that adds detailed, local-level provisions to the existing planning framework relating to the conservation of built heritage (**Built Heritage Alternative 1**) would further contribute the protection of existing heritage that is already contributed towards by the existing planning framework. By integrating heritage considerations into the Plan, Alternative 1 would be most likely to ensure that new development respects the historic grain of the built environment and archaeology that currently exists.

A Plan that does not add detailed, local-level provisions to the existing planning framework relating to the conservation of built heritage, relying solely on existing provisions, including those included as part of the County Development Plan (**Built Heritage Alternative 2**) would not further contribute the protection of existing heritage that is already contributed towards by the existing planning framework. By not integrating heritage considerations into the Plan, Alternative 2 would be least likely to ensure that new development respects the historic grain of the built environment and archaeology that currently exists.

Selected Built Heritage Alternative for the Plan: Alternative 1

### 3.7 Approach to Opportunity Sites Alternatives

Land use zoning objectives, which provide for a wide range of potential uses, for the Plan area are set out in the Laois County Development Plan. Alternatives under this heading relate to Opportunity Sites across the Plan area.

- **Approach to Opportunity Sites Alternative 1:** Do not include specific guidance for future planning applications at Opportunity Sites; development would be market-led and would seek to comply with relevant planning provisions in the absence of additional guidance.
- **Approach to Opportunity Sites Alternative 2:** Include specific guidance for future planning applications at Opportunity Sites, but which allow for flexibility in areas such as final design, layout and uses.
- **Approach to Opportunity Sites Alternative 3:** Include Opportunity Sites that would outline criteria (which would not allow for flexibility in areas such as design, layout and uses) for future planning applications at Opportunity Sites.

A Local Area Plan for Portlaoise would help to direct incompatible development away from the most sensitive areas in the County and beyond and to focus on directing compact, sustainable development within and adjacent to the existing built-up footprint of Portlaoise. Development of areas within and adjacent to the existing built-up footprint of Portlaoise, which is generally more robust, better serviced and better connected than other lands elsewhere in the County and beyond, would contribute towards environmental protection and sustainable development, including climate mitigation and adaptation. Compact development would be accompanied by placemaking initiatives to enable Portlaoise to become a more desirable place to live – so it can sustainably accommodate new residents and maintain and improve services to existing and future communities.

Not including specific guidance for future planning applications at Opportunity Sites (**Approach to Opportunity Sites Alternative 1**) would reduce the likelihood of sustainable development. Development would be market-led and would seek to comply with relevant planning provisions in the absence of additional guidance. The sustainable development of the Plan area would be less likely than under Alternative 2.

By including specific guidance for Opportunity Sites while, at the same time, allowing for flexibility in areas such as final design, layout and uses, for future planning applications at Opportunity Sites, **Alternative 2** would increase the likelihood of sustainable development.

Including Opportunity Sites that would outline criteria (which would not allow for flexibility in areas such as design, layout and uses) for future planning applications at Opportunity Sites (**Approach to Opportunity Sites Alternative 3**) would increase the potential to hinder compliance with rigid criteria in the longer term, in a context of evolving market needs and planning requirements.

Selected Approach to Opportunity Sites Alternative for the Plan: Alternative 2

# Appendix I: Final AA Determination

## Appropriate Assessment Determination

under  
Section 177V of the Planning and Development Act 2000, as amended,  
for the

### Portlaoise Local Area Plan 2024-2030

In order to comply with the requirements of Section 177V of the Planning and Development Act 2000, as amended, and pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would affect the integrity of any European site(s), this Appropriate Assessment determination is being made by Laois County Council relating to the potential for the Portlaoise Local Area Plan 2024-2030 that is being adopted<sup>1</sup> to have effects on the integrity of European sites.

In carrying out this Appropriate Assessment (AA), the Council is taking into account the matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including the following:

- The Natura Impact Report prepared for the Draft Plan (January 2024);
- AA Screening of Proposed Material Alterations (September 2024);
- The Consolidated Natura Impact Report (December 2024);
- Written submissions made during the Plan preparation process; and
- Ongoing advice on AA from the Council's agents.

As part of the AA, it was identified that the Plan may, if unmitigated, have likely significant effects on 1 (no.) European site. Plan elements that could present sources with pathways for likely significant effects to European sites are:

- The Plan's provisions, including those relating to climate change, town centre revitalisation, placemaking, housing, economic development, transport and movement and community services development, which introduce sources for potential effects through construction phase such as habitat loss, light pollution, disturbance effects and hydrological interactions through surface hydrological connectivity and/or shared groundwater sources;
- Loading pressures from the operational phase of developments – these sources could result in habitat loss/fragmentation, light pollution, disturbance effects and interactions with water quality (surface and/or groundwater); and
- Increases in visitor numbers to ecologically sensitive areas during the operational phase of developments which have potential to introduce sources for significant effects, such as recreational and tourism developments.

The undersigned, having carefully considered the information referred to above agrees with and adopts the reasoning and conclusions presented and determines that:

- Implementation of the Plan to be adopted would have had the potential to result in adverse effects to the integrity of European sites, if unmitigated.
- The risks to the safeguarding and integrity of the Qualifying Interests, Special Conservation Interests and Conservation Objectives of the European sites have been addressed by the inclusion of mitigation measures into the Plan that will prioritise the avoidance of effects in the first place and mitigate against the identified potential adverse effects on the integrity of European sites where these cannot be avoided. In addition, all lower-level plans and projects arising through the implementation of the Plan will themselves be subject to AA/screening for AA when further details of design and location are known.
- In-combination effects from interactions with other plans and projects are considered and the mitigation measures incorporated into the Plan are seen to be robust to ensure that there will be no

<sup>1</sup> Incorporating: the Draft Plan; all and any alterations; and all and any further modifications considered by the AA process. Note that non-material changes to individual Plan provisions referenced in this report may be updated during the finalisation of the Plan, including numbering, formatting and graphic design.

adverse effect on the integrity of any European site as a result of the implementation of the Plan, either alone or in-combination with other plans/projects.

- Having incorporated mitigation measures<sup>2</sup> into the Plan, it has been demonstrated that the Plan to be adopted is not foreseen to give rise to any adverse effect on the integrity of any designated European site, alone or in combination with other plans or projects<sup>3</sup>. This demonstration has been made in view of the Conservation Objectives of the habitats and/or species, for which these sites have been designated.

Signed:



Name:

MICHAEL RAINERY

Date:

16<sup>th</sup> December 2024

Signatory:



Date:

16<sup>th</sup> December 2024

<sup>2</sup> As identified by the following reference numbers in the Consolidated Natura Impact Report: Subsection 1.1 Background, BH P1, CCP 1, CMO 2, CMO 4, CMO 5, CMO 6, CMO 7, CMO 8, CMO 11, CMO 19, H 05, KI 04, KI 05, KI 07, KI 08, KI 09, KI 010, KI P1, KI P2, KI P3, KI P5, KI P6, KI P7, NH P5, NH P6, NH P7, NH P8, NH P9, NH P10, NH P11, NH O1, NH O3, NH O4, NH O5, NH O8, NH O10, NH O11, NH O12, NH O14, NH O15, TCR P9 and TM O10.

Note that non-material changes to individual Plan provisions referenced in this determination and described in the Consolidated Natura Impact Report may be updated during the finalisation of the Plan, including numbering, formatting and graphic design.

<sup>3</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.