



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Local Development Plan 2030 Habitats Regulations Assessment Report (HRA)

March 2023

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Non-Technical Summary

Habitats Regulations Assessment

Regulation 43 of the Habitats Regulations, requires an appropriate assessment to be undertaken of plans and projects which are likely to have a significant effect on an international site in Northern Ireland or Ireland, either alone or in combination with other plans or projects. This is known as Habitats Regulations Assessment (HRA) and provides for assessment of the implications of a land use plan for international sites in view of their conservation objectives. For this report international sites include Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites.

This HRA Report is prepared in support of the Plan Strategy for Fermanagh and Omagh District Local Development Plan (LDP). It records the assessment of the Plan Strategy and its potential impacts on international sites.

Overview of the Plan Strategy Habitats Regulations Assessment

A draft HRA was first undertaken in 2018 in support of the draft Plan Strategy and an addendum HRA dated 2020 followed. The addendum addressed representations, including those regarding the draft HRA, received during the public consultation exercise held between 26 October and 21 December 2018, and the Council's response to them. This is the final HRA which is being published following the independent examination and the receipt by the Council of a direction from the Department for Infrastructure under the Planning Act (Northern Ireland) 2011. This assesses the plan strategy as directed to be modified in the direction from the Department for Infrastructure. It takes account of the views of the Planning Appeals Commission expressed in the independent examination report. It takes account of up-to-date information.

Overview of the Plan Strategy

The Plan Strategy provides a plan-led policy framework for making day-to-day decisions to help Fermanagh and Omagh District Council (the Council) deliver sustainable development for employment, homes and infrastructure in a high-quality environment across the Council area. It sets out how the area will change and grow until 2030. The nature of the Plan Strategy is that it has the potential to have a significant effect on some international sites, therefore the Council is undertaking a HRA in its role as a competent authority to ensure the legal requirements of the Habitats Regulations are fully met.

International Sites Overview

A total of 65 international sites that have a confirmed or theoretical connection to the plan area were identified. On a precautionary basis, all sites within 10km of the plan area were considered. On further review it was found that 53 of these sites might be affected by the Plan Strategy. A total of 39 sites are partly or wholly within the Council area or immediately adjacent to the plan area boundary. Appendix 4, Maps 1 to 3 illustrate these sites in relation to the Council area.

Screening of the Plan

All of the Plan Strategy proposals were reviewed in Section 4, from the Vision and Strategic Objectives, Spatial Growth Strategy, through the strategies and operational policies for Development and Design, People and Places, Economy, Environment, Infrastructure, Monitoring and Review and Appendices. Following the screening of the Plan Strategy it concluded that, in the absence of mitigation, there is potential for likely significant effects to arise from 76 development plan policies, in addition 11 plans or projects were identified for consideration of in combination effects. These were all screened-in for appropriate assessment.

Appropriate Assessment

Those policies and plans or projects screened-in were assessed in Section 5. It was found that measures were incorporated which can be considered to be mitigation to avoid the Plan Strategy having adverse effects on the integrity of international sites.

Consultation

Consultation on the draft HRA and addendums to the SA, EQIA and RNIA commenced on 3rd February 2023. The documentation was available on the Council's website and an advertisement was placed in the Belfast Gazette. Letters and emails were sent to statutory undertakers, statutory consultees, neighbouring Councils including those in the Republic of Ireland and those individual/agents who had previously engaged with the LDP process through either making a representation or having asked to be kept up to date on the process. Further advertisement occurred in the following week, commencing 6th February within the four local papers. This was further supplemented by posts on the Council's social media to increase the general public awareness of the consultation.

A number of representations were received and these were considered as part of this final HRA. Details of representations and consideration are set out in the consultation report.

Conclusions of the HRA

On the basis of the analysis set out below, the Council can conclude the Plan Strategy (with the modifications set out in the direction made by the Department for Infrastructure) will not adversely affect the integrity of any international sites, either alone or in combination with other plans and projects.

List of Abbreviations

ACMD	Areas of Constraint on Minerals Development
AoHSV	Areas of High Scenic Value
AONB	Area of Outstanding Natural Beauty
ASSI	Area of Special Scientific Interest
CEMP	Construction Environmental Management Plan
CJEU	Court of Justice of the European Union
CMS	Construction Method Statement
DEFRA	Department for Environment, Food and Rural Affairs
EC	European Commission
FAP	Fermanagh Area Plan
FCS	Favorable Conservation Status
HRA	Habitats Regulations Assessment
JNCC	Joint Nature Conservation Committee
LDP	Local Development Plan
LPP	Local Policies Plan
NA	Not Applicable
NIEA	Northern Ireland Environment Agency
NIW	Northern Ireland Water
NPWS	National Parks and Wildlife Service
NSN	National Site Network
OAP	Omagh Area Plan
POP	Preferred Options Paper
ROI	Republic of Ireland
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCA	Special Countryside Area
SEA	Strategic Environmental assessment
SES	Shared Environmental Service
SPA	Special Protection Area
SPPS	Strategic Planning Policy Statement
WR&SR	Water Resource & Supply Resilience Plan

1 Introduction

Local Development Plan 2030

The Plan Strategy for Fermanagh and Omagh Local development Plan (LDP) sets out how the area will change and grow over the period up to 2030. It provides:

- a vision for Fermanagh and Omagh towards the end of the plan period;
- a set of objectives to deliver the vision;
- a strategy for the growth of the area - how much development should be provided, where it should go and where it shouldn't go;
- a suite of strategic planning policies and detailed policies to guide development; and
- details of how the Plan Strategy will be monitored.

The LDP shares the Council's Community Plan and Corporate Plan Vision:

Our Vision is of a welcoming, shared and inclusive Fermanagh and Omagh district, where people and places are healthy, safe, connected and prosperous, and where our outstanding natural, built and cultural heritage is cherished and sustainably managed.

The Plan Strategy is the first of two development plan documents which will comprise the LDP. The Plan Strategy provides a plan-led policy framework for making day-to-day decisions to help Fermanagh and Omagh district Council (herein referred to as 'the Council' or 'Council area') deliver sustainable development including future housing, employment, retail and infrastructure provision across the district.

The Plan Strategy is the first document in a two-stage process, the second being the Local Policies Plan. Together these will constitute the Council's new Local Development Plan (LDP). The purpose of the LDP is to inform the general public, statutory authorities, developers and other interested parties of the policy framework and land use proposals that will guide development decisions within the District.

The Plan Strategy follows the publication of the Preferred Options Paper (POP) in October 2016. In preparing it the Council has taken account of the representations received on the POP, further inputs from key consultees, stakeholders and, in particular, the elected Councillors through Member Workshops and Planning Committee meetings.

The LDP will provide a plan framework to support the economic, social and environmental needs of the District in line with regional strategies and policies, providing for the delivery of sustainable development. It is intended to provide a 'plan-led' framework for rational and consistent decision-making by the public, private and community sectors and those affected by development proposals; in particular, it will be the primary document against which the Council will assess and decide on planning applications. It will also deliver the spatial aspects of the Council's Community Plan.

Structure of the Plan Strategy

The Plan Strategy is presented in three parts as detailed in Part One 1.4 and summarised as follows. Part One presents the legal and policy context; profile of the District; and the process of plan preparation. It sets out the vision and objectives, the spatial growth strategy and strategic policies. Following the Direction from the Department for Infrastructure a number of policies and an appendix have been deleted from the Plan Strategy which resulted in the renumbering of some policies and appendices.

Part Two contains all the proposed development management policies grouped under five themes under which policy groups are presented.

- Development and Design
- People and Places

- Housing in Settlements
 - Housing in the Countryside
 - Community Facilities
 - Open Space, Sport and Recreation
 - Rural Community Areas
- Economy
 - Industry and Business
 - Town Centres and Retailing
 - Tourism
 - Minerals Development
- Environment
 - Historic Environment
 - Natural Environment
 - Landscape
- Infrastructure
 - Flood Risk Management
 - Renewable Energy
 - Transportation
 - Public Utilities
 - Waste Management

For each theme or policy group the Context and Justification is set out first followed by the development management policies. Every policy is followed by a section of Policy Clarification. Key site requirements will be provided for any sites allocated within the Local Policies Plan (LPP) (e.g. for housing, industrial or business, town centre/opportunity sites).

Some of the policy groups include a strategy. The Open Space Strategy identifies how open space will be protected, provided, planned and designed to maximise the benefits it provides. The Town Centres and Retail Strategy adopts a town centre first approach for retail and other main town centres uses. This is to support and sustain vibrant town centres while also recognising that retail facilities in the villages and at local level can complement the main town centres and be important to local communities. The Tourism Strategy aims to sustain and increase the number of visitors to the area. The priority for location of new accommodation and facilities is in the main towns followed by tourism hubs. Outside these locations tourism development must be appropriately sited and designed, and all development must safeguard our tourism assets from inappropriate development.

Part Two also sets out how the plan will be monitored and reviewed. Finally, Part Three comprises all the appendices including the Council's Landscape Wind Energy Strategy; and other areas of guidance which forms part of the Plan.

Overview of Fermanagh and Omagh District Council area

The Council area has a population of approximately 117000¹ people and covers 3,000 km². It borders four counties in the Republic of Ireland, namely Donegal, Cavan, Monaghan and Leitrim, as well as bordering two local authority districts - Derry City and Strabane, and Mid Ulster. The two main towns of Enniskillen and Omagh are recognised as hubs in the Regional Development Strategy.

Existing Plans and Local Policies Plan

Once both documents of the LDP are adopted, they will replace the current Fermanagh Area plan 2007 and Omagh Area plan 2002. The LDP recognises the need for transitional arrangements during plan preparation and these are detailed in 2.14 of Part One of the Plan Strategy. This LDP Plan Strategy contains a number of policies which are based on spatial designations. Appendix 9 shows

¹ [Registrar General Annual Report 2020 Population and Migration | Northern Ireland Statistics and Research Agency \(nisra.gov.uk\)](https://www.nisra.gov.uk/)

relationship between existing designations in the Fermanagh Area plan 2007 and Omagh Area plan 2002 and proposed designations in the Plan Strategy.

The LPP will set out the Council's local policies with site specific proposals for the development and use of land within the Council area and contain designations and zonings to deliver the vision and plan objectives. Another draft HRA will be prepared to assess the potential impacts of the draft LPP on international sites. The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 state that the old Development Plans will cease to have effect on adoption of the new LDP at LPP stage.

Requirement for HRA

The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), commonly referred to as the Habitats Regulations, implemented the requirements of the Habitats² and Birds Directives³. Regulation 43 of the Habitats Regulations requires an appropriate assessment to be undertaken of plans and projects which are likely to have a significant effect on an international site in Northern Ireland, either alone or in combination with other plans or projects. This is known as Habitats Regulations Assessment (HRA) and provides for assessment of the implications of a land use plan for international sites in view of their conservation objectives. Regulation 64B applies the assessment provisions to land use plans as defined in the Planning Act (Northern Ireland) 2011. International sites include Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. This final HRA Report is prepared in support of the Plan Strategy, it records the assessment of the Plan Strategy and its potential impacts on international sites.

Approach to HRA

The overall approach for this HRA has been developed in accordance with the Habitats Regulations. The HRA follows the guidance set out in the Habitats Regulations Assessment Handbook⁴ (the HRA Handbook) and is also informed by the reference material in Appendix 1. Current subscribers to the Handbook include the Department of Agriculture, the Environment and Rural Affairs (DAERA) which represents the Statutory Nature Conservation Body for Northern Ireland. The approach is detailed in Appendix 2 of this report where case law relevant to HRA for plans is also referred to.

Step 1: Deciding whether a plan should be subject to HRA

The European Commission (EC) Guidance (referenced in Appendix 1) does not specify the scope of a plan which should be subject to the Directive and related transposing legislation but it does state that the key consideration is whether it is likely to have a significant effect. The HRA Handbook F.3. recommends reviewing proposals against a number of questions. These may lead to plans being exempted, eliminated or excluded from the need for HRA. The Plan Strategy does not directly relate to the management of any international site therefore it cannot be exempted from the requirement of the Habitats Regulations. The Plan Strategy is part of the LDP and clearly represents a strategic and local development plan. The requirement for planning permission to be determined in light of the relevant land use plan, necessarily means that LDPs have considerable influence on development decisions and that, as such, they must be subject to HRA in their own right. The outcome of this step is that the Plan Strategy requires HRA as a strategic and local development plan.

The nature of the Plan Strategy is that it has the potential to have a significant effect on the selection features of some international sites therefore we are undertaking a HRA in our role as a competent authority. Shared Environmental Service (SES) based in Mid and East Antrim Borough Council provides support to Fermanagh and Omagh District Council on HRAs for plans and projects. SES has therefore,

² Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

³ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version)

⁴ Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, February 2019 edition UK: DTA Publications Ltd.

in conjunction with the Council, prepared this HRA for the Plan Strategy to ensure the legal requirements of the Habitats Regulations are fully met.

In preparing this HRA opportunities to strengthen the Plan Strategy were identified and have already been incorporated in the policies and supporting text. Examples include adding text in the Context and Justification or the Policy Clarification to highlight the potential for impacts on international sites.

This version of the HRA is being published following the independent examination and the receipt by the Council of a direction from the Department for Infrastructure under the Planning Act (Northern Ireland) 2011. This assesses the Plan Strategy as directed to be modified in the direction from the Department for Infrastructure. It takes account of the views of the Planning Appeals Commission expressed in the independent examination report. It takes account of up to date information.

Context for HRA

Appendix 2 explains that the requirement for planning permission to be determined in light of the relevant land use plan, necessarily means that LDPs have considerable influence on development decisions and that, as such, must be subject to HRA in their own right. Many policies represent a continuation of a previous policy, however each was considered on its own merits in the assessment. Many of the proposals affect multiple locations or locations which have not been defined at Plan Strategy.

Previous Plans

Extant plans will continue to have effect until the next stage i.e. LPP. This is set out in the transitional arrangements in The Planning (Local Development Plan) Regulations (Northern Ireland) 2015⁵. LDP Appendix 8 of the Plan Strategy shows the relationship between existing designations in the Fermanagh Area plan 2007 and Omagh Area plan 2002 and proposed designations in the Plan Strategy. Under the transitional arrangements applications submitted following the adoption of the LDP Plan Strategy, will be assessed against that document and those designations retained from the extant statutory Plan for the area. This means that some spatial designations in the extant plans will continue to have effect until the next stage, LPP. In preparing the LPP proposed zonings will be reviewed and key site requirements identified where appropriate.

Other Regulations

An assumption is made that existing regulations and legislation that are independent of planning are implemented and enforced by the relevant authority. Relevant examples are the Water (Northern Ireland) Order 1999, Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006, Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013 and the Drainage (Northern Ireland) Order 1973, all as amended.

Consideration of Mitigation

A ruling of the Court of Justice of the European Union (CJEU) in 2018 known as '*People over Wind*' clarified how mitigation should be assessed through HRAs as detailed in Appendix 2. In light of this, measures envisaged to avoid or prevent what might otherwise have been adverse effects on the integrity of international sites are not taken into account in Stage 1 and instead will be assessed at Stage 2 appropriate assessment. Stage 1 Assessment does consider essential features and characteristics of the plan and takes account of regional and strategic context and other regulatory controls that will apply to development under the plan.

HRA at other Stages of Plan Making and Development Management

The LPP will be subject to HRA, at which stage revised or new zonings and local policies will be assessed. The need for HRA will also be considered for individual projects at the development management stage and assessment carried out where required.

⁵ <http://www.legislation.gov.uk/nisr/2015/62/schedule/made>

Climate Change

It is acknowledged that increased levels of development that will arise from the plan have the potential to add to anthropogenic drivers of climate change. However, the causes of climate change are global and much of the action required must take place at national and international levels as well as at the local level. The conservation objectives for SPAs do not refer to climate change. Those for SACs address climate change as follows: *'Northern Ireland faces changes to its climate over the next century. Indications are that we will face hotter, drier summers, warmer winters and more frequent extreme weather events.'* The action recommended is *'When developing SAC management plans, the likely future impacts of climate change should be considered and appropriate changes made.'* Therefore, while climate change is acknowledged, specific measures have not been addressed in the conservation objectives.

2 Identification of international sites potentially affected

'Long-list' of international sites

Step 2a: 'Long-list' of international sites that should be considered in the HRA

International sites that are connected with the Council area were firstly identified. These include sites within or immediately adjacent to the Council area; with an ecological connection such as a hydrological link; those within 10 km; and those that are connected by infrastructure. Ecological connection includes pathways through rivers or marine waters and functionally linked land for site selection features. All sites within 10 km of the Council area were included to consider potential impacts of aerial emissions. Infrastructural connectivity is related to the potential linkage of sites to the Council area by infrastructure services such as water abstraction or wastewater discharges which are discussed further in Section 3. The outcome is a 'long-list' of 65 sites that are in or potentially connected to the Council area. 40 of these are in Northern Ireland and 25 in Ireland. Appendix 4, Maps 1 to 3 illustrate these sites in relation to the Council area.

Table 1 Sites Connected with Council Area

Site Name	Connection with Council Area			
	Within or Adjacent	Ecological	By Infrastructure	Within 10km
Black Bog Ramsar	•	•		
Black Bog SAC	•	•		
Cladagh (Swanlinbar) River SAC	•	•	•	
Cranny Bogs SAC	•	•		
Cuilcagh Mountain Ramsar	•	•	•	
Cuilcagh Mountain SAC	•	•	•	
Deroran Bog SAC	•	•		
Fairy Water Bogs Ramsar	•	•		•
Fairy Water Bogs SAC	•	•		•
Fardrum and Roosky Turloughs Ramsar	•	•		
Fardrum and Roosky Turloughs SAC	•	•		
Largalinn SAC	•	•		
Lough Foyle Ramsar		•		
Lough Foyle SPA		•		
Lough Melvin SAC	•	•	•	
Lough Neagh and Lough Beg Ramsar		•		
Lough Neagh and Lough Beg SPA		•		
Magheraveely Marl Loughs Ramsar	•	•		
Magheraveely Marl Loughs SAC	•	•		
Monawilkin SAC	•	•		
Moninea Bog SAC	•	•		
Owenkillew River SAC	•	•	•	•
Pettigo Plateau Ramsar	•	•		
Pettigo Plateau SAC	•	•		
Pettigo Plateau SPA	•	•		
River Faughan and Tributaries SAC				•
River Foyle and Tributaries SAC		•	•	
River Roe and Tributaries SAC				•
Slieve Beagh Ramsar	•	•		•
Slieve Beagh SAC	•	•		•
Slieve Beagh-Mullaghfad-Lisnaskea SPA	•	•		•
Teal Lough proposed Ramsar				•

Teal Lough SAC				•
Tonnagh Beg Bog SAC	•	•		
Tully Bog SAC	•	•		
Upper Ballinderry River SAC	•	•		•
Upper Lough Erne Ramsar	•	•	•	
Upper Lough Erne SAC	•	•	•	
Upper Lough Erne SPA	•	•	•	
West Fermanagh Scarplands SAC	•	•		
Arroo Mountain SAC (Ire)				•
Ballintra SAC (Ire)				•
Boleybrack Mountain SAC (Ire)				•
Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Ire)				
Corratirrim SAC (Ire)	•	•		•
Cuilcagh-Anierin Uplands SAC (Ire)	•	•	•	•
Donegal Bay (Murvagh) SAC (Ire)				•
Donegal Bay SPA (Ire)				•
Dunmuckrum Turloughs SAC (Ire)				•
Dunragh Loughs/ Pettigo Plateau SAC (Ire)				•
Durnesh Lough SAC (Ire)		•		
Durnesh Lough SPA (Ire)		•		
Kilroosky Lough Cluster SAC (Ire)	•	•		•
Lough Derg (Donegal) SPA (Ire)				•
Lough Gill SAC (Ire)				•
Lough Golagh and Breesy Hill SAC (Ire)	•	•		•
Lough Melvin SAC (Ire)	•	•		•
Lough Nageage SAC (Ire)		•		•
Lough Oughter and Associated Loughs SAC (Ire)	•	•		•
Lough Oughter Complex SPA (Ire)	•	•		•
Pettigo Plateau Nature Reserve SPA (Ire)				•
River Finn SAC (Ire)		•		
Slieve Beagh SPA (Ire)	•	•		•
Sligo/Leitrim Uplands SPA (Ire)				•
Tamur Bog SAC (Ire)	•	•		•

Step 3: Gathering information about the international sites

Information for each site identified at Step 2a was compiled on selection features, conservation objectives, conservation status, potential threats to site integrity from planning related development and location relative to the plan area and any plan designations. This is presented in Appendix 3 with the conservation objectives for each site provided as separate Annex A

'Short-list' of international sites

Step 2b: 'Short-list' of sites that should be considered in the HRA

Taking account of the information gathered in Step 3, and the 'long-list' of sites identified at Step 2a, a further scan was carried out to determine the effects that could potentially affect international sites as a result of the plan. This step is recorded in Appendix 3, Table A.3.1. No further sites were identified through the scan in A3.1.

The information about the international sites in Appendix 3 was then examined to determine whether the connectivity with the plan area is such that there could be a realistic risk to their selection features. As a result of this step it was found that, while there are theoretical pathways to 65

international sites, it is not conceivable that the Plan Strategy could undermine the conservation objectives for 12 sites, 6 in Northern Ireland and 6 in Ireland. These sites are therefore eliminated from further consideration due to separation distance and absence of a viable pathway for effects as detailed in Appendix 3, Table A3.1. This results in a list of 53 sites to be further assessed, 34 in Northern Ireland and 19 in Ireland.

The outcome is summarised in Table 2 which records the potential mechanisms through which impacts could affect the 53 international sites listed. The potential effects are as follows and are discussed in Section 3:

- Direct Impacts
- Aquatic Environment
- Marine Environment
- Mobile Species
- Recreational Pressure
- Growth – Water Supply
- Growth – Wastewater
- Growth – Aerial Emissions
- Aerial Emissions (other)
- Disturbance (other)
- Introduced Species

Step 4: Discretionary discussions on the method and scope of the appraisal

The Statutory Nature Conservation Body for sites in Northern Ireland is represented by the Northern Ireland Environment Agency (NIEA). NIEA has published Conservation Objectives for SACs and SPAs and further information that NIEA may hold about international sites which is not in the public domain was requested. NIEA provided a spreadsheet on Condition of Features in Areas of Special Scientific Interest (ASSIs) and international sites in 2017 and provided updates where available in October 2019. NIEA was invited to comment on the draft HRA during the draft Plan Strategy consultation period and its representations have informed this assessment. The Statutory Nature Conservation Body for sites in Ireland is represented by the National Parks and Wildlife Service who hold published Conservation Objectives for SACs and SPAs, which have been taken into account.

Table 2 Potential Effects on International Sites

	Direct Impacts	Aquatic Environment	Marine Environment	Mobile Species	Recreational Pressure	Growth – Water Supply	Growth – Wastewater	Growth – Aerial Emissions	Aerial Emissions (other)	Disturbance (other)	Introduced Species
Black Bog Ramsar	•	•							•		•
Black Bog SAC	•	•						•	•		•
Cladagh (Swanlinbar) River SAC	•	•		•				•	•		•
Cranny Bogs SAC	•	•						•	•		•
Cuilcagh Mountain Ramsar	•	•		•	•			•	•		•
Cuilcagh Mountain SAC	•	•			•			•	•		•
Deroran Bog SAC	•	•						•	•		•
Fairy Water Bogs Ramsar	•	•						•	•		•
Fairy Water Bogs SAC	•	•						•	•		•
Fardrum and Roosky Turloughs Ramsar	•	•						•	•		•
Fardrum and Roosky Turloughs SAC	•	•						•	•		•
Largalanny SAC	•							•	•		•
Lough Melvin SAC	•	•		•	•		•	•	•		•
Magheraveely Marl Loughs Ramsar	•	•		•				•	•		•
Magheraveely Marl Loughs SAC	•	•		•				•	•		•
Monawilkin SAC	•							•	•		•
Moninea Bog SAC	•	•						•	•		•
Owenkillew River SAC	•	•		•			•	•	•		•
Pettigo Plateau Ramsar	•	•						•	•		•
Pettigo Plateau SAC	•	•						•	•		•
Pettigo Plateau SPA	•	•		•				•	•		•
River Foyle and Tributaries SAC		•		•		•	•	•	•		•
Slieve Beagh Ramsar	•	•						•	•		•
Slieve Beagh SAC	•	•						•	•		•
Slieve Beagh-Mullaghfad-Lisnaskea SPA	•	•		•				•	•		•
Teal Lough proposed Ramsar								•	•		
Teal Lough SAC								•	•		
Tonnagh Beg Bog SAC	•	•						•	•		•
Tully Bog SAC	•	•						•	•		•
Upper Ballinderry River SAC	•	•		•				•	•		•
Upper Lough Erne Ramsar	•	•		•	•		•	•	•		•
Upper Lough Erne SAC	•	•		•	•		•	•	•		•
Upper Lough Erne SPA	•	•		•	•		•	•	•		•
West Fermanagh Scarplands SAC	•	•						•	•		•
Arroo Mountain SAC (Ire)								•	•		
Ballintra SAC (Ire)								•	•		
Boleybrack Mountain SAC (Ire)								•	•		
Corratirrim SAC (Ire)								•	•		•
Cuilcagh-Anierin Uplands SAC (Ire)	•	•			•			•	•		•

	Direct Impacts	Aquatic Environment	Marine Environment	Mobile Species	Recreational Pressure	Growth – Water Supply	Growth – Wastewater	Growth – Aerial Emissions	Aerial Emissions (other)	Disturbance (other)	Introduced Species
Donegal Bay SPA (Ire)		•	•	•	•		•	•	•		
Dunmuckrum Turloughs SAC (Ire)								•	•		
Dunragh Loughs/ Pettigo Plateau SAC (Ire)		•						•	•		
Kilroosky Lough Cluster SAC (Ire)	•	•		•				•	•		•
Lough Derg (Donegal) SPA (Ire)				•				•	•		
Lough Golagh and Breesy Hill SAC (Ire)	•	•		•				•	•		•
Lough Melvin SAC (Ire)	•	•		•	•		•	•	•		•
Lough Nageage SAC (Ire)				•				•	•		
Lough Oughter and Associated Loughs SAC (Ire)	•	•		•	•			•	•		•
Lough Oughter Complex SPA (Ire)	•	•		•	•			•	•		•
Pettigo Plateau Nature Reserve SPA (Ire)				•	•			•	•		
Slieve Beagh SPA (Ire)	•	•		•	•			•	•		•
Sligo/Leitrim Uplands SPA (Ire)				•				•	•		
Tamur Bog SAC (Ire)	•	•		•				•	•		•

3 Potential Impacts of Development

The scanning and site selection table A.3.1, Appendix 3, has identified the potential mechanisms through which the Plan might exert an influence over international sites. These are summarised in Section 2, Table 2 which identifies the sites that could be affected by each impact. This section discusses the potential for each of these effects to arise from the Plan Strategy and informs Sections 4 and 5. The Council Area does not have a marine coastline or tidal zone therefore there cannot be any effects on coastal processes on the Atlantic coast.

Direct Effects

All sites within the plan area are potentially vulnerable to direct impacts. These can lead to degradation or loss of habitat or direct effects on species. There are 22 international sites wholly within the LDP area. These range from a number of raised bog sites, small turloughs and marl lakes to the much larger Lough Melvin (NI) and Upper Lough Erne. Upland sites including Pettigo Plateaus, West Fermanagh Scarplands and Cuilcagh Mountain are found within and on the borders of Co. Fermanagh. The only river SAC entirely within the Plan Area is Cladagh (Swanlinbar) River.

A number of sites are partially within the plan area and also vulnerable to direct effects. These are Fairywater Bogs SAC & Ramsar site, three components of which are in the Plan Area, Upper Ballinderry and Owenkillew River SACs and a portion of Slieve Beagh SAC and Ramsar site and Slieve Beagh-Mullaghfad-Lisnaskea SPA.

Some sites in Ireland are adjacent to the Plan Area aligning with designations in the Plan Area and forming part of the same ecological unit. These are Tamur Bog SAC and Lough Golagh and Breezy Hill SAC which adjoin Pettigo Plateau SAC; Cuilcagh – Anierin Uplands SAC adjoining Cuilcagh Mountain SAC; Slieve Beagh SPA adjoining the SPA, SAC and Ramsar site in NI; and the cross border water bodies: Lough Melvin (Ire), Lough Oughter and Associated Loughs SAC and Kilroosky Lough Cluster SAC.

Direct effects on international sites will be considered in screening the Plan Strategy in Section 4 and will also be considered at LPP when reviewing or allocating zoned land.

Effects upon the aquatic and marine environment

This covers direct impacts upon the aquatic or marine environment from contamination of surface water or changes in flow regime or hydrology. Such effects are generally limited to proposals in close proximity to an international site. Indirect impacts from water supply or disposal of wastewater are considered separately below. A number of freshwater, wetland and marine sites are within, adjacent to or hydrologically linked to the plan area.

There is potential for impacts on the aquatic environment of many sites. These include the lakes within or adjacent to the Plan Area, the rivers to which there is a hydrological connection and wetland sites where part of the hydrological unit is in the Plan Area. Maps 5 & 6 illustrate the major catchments and river sub-basins within and downstream of the Council area. There is also a hydrological pathway to one marine site, Donegal Bay SPA, which extends to the River Erne impoundment at Ballyshannon, 7 km downstream of the Plan Area.

Water pollution causes deterioration of (or failure to improve) water quality, due to direct runoff of pollutants including fuel, chemicals and sediments from development during construction or operation. Development on brownfield sites may lead to risk of release of contaminants which needs to be assessed and, where necessary, remediation carried out.

Many of the main land uses in the LDP are already zoned and are committed, including Housing and Economic Development Land. The LDP will identify, through a criterion-based approach, Phase 1 and Phase 2 sites within the Local Policies Plan. Land zoned for housing will remain as shown within the FAP and the OAP until the adoption of the LPP. The Council, within the remaining plan period, will

strategically allocate and manage housing to provide for 2,608 new homes by 2030 across a range of housing types and tenures. In most of our settlements, the number of existing commitments is sufficient to meet the housing requirement up to 2030 and even beyond.

Housing land is distributed within the settlement hierarchy. An element of housing in the countryside is also allowed for, to sustain the rural area in accordance with the Strategic Planning Policy Statement (SPPS). The LDP Plan Strategy comprises 80 settlements comprising Enniskillen and Omagh, 5 Local Towns, 29 Villages and 44 Small Settlements. Housing growth will be focused at the two main towns, with a proportion of new development directed to the local towns, villages and small settlements to support rural housing needs, local services and facilities and the rural economy. A proportion of new development is also allocated in order to sustain rural communities living in the open countryside with a small proportion allocated to small settlements.

All of the settlements designated as main towns, local towns, villages and small settlements throughout the Plan Area are within the Erne or Foyle catchments with the exception of Garrison which is within the Lough Melvin / Sligo Bay & Drowse catchment. There may be pathways from undeveloped housing land during construction and operation for pollutant release to these catchments. There are no settlements in the small sections of the Fermanagh and Omagh District Council area that are within the Lough Neagh catchment.

The Plan Strategy will make allocations of circa 90 hectares of industry and business land within the Council area. This will include new and carried forward undeveloped zoned industry and business land. The total allocation of industry and business land will be distributed between the two main towns and five local towns which are all within the Erne and Foyle catchments. Land zoned for Industry will remain as shown within the FAP and OAP until the adoption of the LPP. The scale, extent and location of all employment opportunity areas will be confirmed at the Local Policies Plan (LPP) Stage. As for industry and business, there may be hydrological pathways from undeveloped Economic Land to the Erne and Foyle catchments.

Effects upon the aquatic and marine environment will be considered in screening the Plan Strategy in Section 4 and will also be considered at LPP when reviewing or allocating zoned land.

Effects on mobile species

Most animal species range beyond the international sites for which they are selection features. Land which is outside the boundary of a designated site but provides functional support for those selection features is referred to as functionally linked land. Potentially development can affect such functionally linked land or the selection features utilising it.

Otter are listed as selection features for several sites and may utilise functionally linked habitat for many kilometres beyond the site. Other mobile species that may occur in the Council area include hen harrier a qualifying feature for Slieve Beagh. Whooper swan are listed for Upper Lough Erne and a number of areas of improved grassland to the east of Upper Lough Erne have been identified as functionally linked land used for feeding and roosting. Whooper swan together with great crested grebe and wigeon are listed for the connected Lough Oughter Complex SPA (Ire) to the south of Upper Lough Erne. It is considered unlikely that the development in the plan area could affect selection features of Donegal Bay, Lough Derg, Pettigo Plateau or Sligo/Leitrim Uplands SPAs due to habitat requirements of those features and the distance from the plan area.

Ramsar site criteria also refer to some mobile species for example Cuilcagh Ramsar site is noted as one of the most important upland breeding sites in Northern Ireland for golden plover *Pluvialis apricaria*, and also records the presence of merlin *Falco columbarius* and that the bog is occasionally used for feeding by Greenland white-fronted geese *Anser albifrons flavirostris*.

The Upper Lough Erne Ramsar criteria include whiskered bat *Myotis mystacinus*, shoveler *Anas clypeata*, pochard *Aythya farina* and brook lamprey *Lampetra planeri*. Rare or vulnerable invertebrate

species include white-clawed crayfish *Austropotamobius pallipes*. The site regularly supports substantial numbers of individuals from particular groups of waterfowl which are indicative of wetland values, productivity and diversity. Wintering wildfowl species which occur in at least nationally important numbers include great crested grebe *Podiceps cristatus*, cormorant *Phalacrocorax carbo*, whooper swan *Cygnus cygnus*, mute swan *Anser olor*, tufted duck *Aythya fuligula*, wigeon *Anas penelope*, teal *Anas crecca*, goldeneye *Bucephala clangula*, coot *Fulica atra* and mallard *Anas platyrhynchos*; Criterion 6 - Regularly supports internationally important numbers of wintering Whooper Swan *Cygnus cygnus*. The birds using the site form the core of a population of birds which use both the site and the extensive improved agricultural grassland surrounding the areas.

Flight paths for whooper swan and other wildfowl could potentially be disrupted by development such as wind turbines and overhead electricity lines. These potential impacts are assessed under RE01 Renewable and Low Carbon Energy Development and PU02 Overhead Electricity Lines.

Atlantic salmon is a mobile species which breeds in freshwater and migrates to sea to grow and mature to adults. They are present throughout the Foyle catchment migrating through the Foyle estuary upstream to spawning locations which include tributaries upstream of the designated sites and within the Plan Area. Salmon require cool, clean water and spawning gravels and a diverse range of habitat features such as pools to rest in and can be impacted by changes in water quality, quantity, alteration of natural river morphology and pollution. Atlantic salmon are a selection feature of Lough Melvin SAC and Owenkillew River which are in the plan area. They are also a selection feature of River Foyle and Tributaries SAC which is downstream of the plan area however the plan area contains functionally linked land in the form of spawning and nursery habitat and waters through which salmon migrate.

Effects on mobile species will be considered in screening the Plan Strategy in Section 4. Functionally linked land or pathways that may be used by mobile species will also be a consideration at LPP when reviewing or allocating any zoned land.

Effects of recreational pressure

This impact mechanism is directly related to general increases in housing development and associated increases in recreational pressure from new residents moving into an area. It may also arise where there are specific proposals to focus recreational development. Recreation has the potential to have a significant effect if it is intensified to a degree that it causes erosion, habitat damage or persistent disturbance, or if the water sports season is extended to when wintering birds are present.

The LDP Plan Strategy is to provide enough land to accommodate and facilitate the provision of approximately 2,608 dwellings and 4875 jobs. The 2018 based projections suggest population growth of 3000 or 2.5% over the next decade which is below the NI average. The resident population projected to be approximately 120,000 by 2030, and this increase is not sufficient to create pressure on any sites outside the council area. The increase in housing will not lead to substantial increased pressures on the majority of sites within the council area.

Tourism development can increase pressures on sites leading to habitat damage and/or disturbance of species. There are opportunities for recreation within several of the international sites identified. Angling and watersports are popular on Upper Lough Erne and angling on Lough Melvin. Way marked trails are found in some sites, for example parts of the shore of Upper Lough Erne, Slieve Beagh SPA/SAC and Ramsar site and Cuilcagh Mountain SAC and Ramsar site which are within the Cuilcagh Lakelands Geopark. In Omagh there are a number of established footpaths along the Strule River which is a tributary of the River Foyle. Other types of recreation include canoeing the 50 km Lough Erne Canoe Trail stretches and other water based recreation such as power boating. Most of the raised bogs are inaccessible.

The tourism economy makes an important contribution in the Council area. Tourism expenditure per head is typically above many other Council areas. Specific tourist attractions include Cuilcagh

boardwalk which led to direct habitat damage in Cuilcagh SAC and Ramsar site. The boardwalk, which was built to protect the environmentally sensitive peat bog from erosion, became more popular than anticipated, with an estimated 20 fold increase in visitors between 2015 and 2017 leading to damage to SAC habitats. This is being addressed through closure of access across the mountain top and restoration of habitat.

Effects of recreational pressure on international sites will be considered in screening the Plan Strategy in Section 4 and will be a consideration at LPP when reviewing or allocating zoned land.

Effects of development growth

This impact mechanism is directly related to general increases in housing and economic development and associated increases in demand for water and treatment of wastewater from new residents or businesses moving into an area or expansion of existing businesses. The LDP Plan Strategy is to provide enough land to accommodate and facilitate the provision of approximately 2,608 dwellings and to make allocations of circa 90 hectares of industry and business land within the Council area in support of business and industry and to help facilitate the provision of new jobs.

Water Supply

Within the Fermanagh and Omagh district it is the responsibility of NI Water to ensure that a safe supply of drinking water for the population is maintained. This is supplied through six water treatment works. Four sources of water supply are within the River Foyle catchment served by Glenhordial, Loughmacrory, Lough Bradan and Derg water treatment works. The other water treatment works, Killyhevin and Belleek take water from the Erne catchment many kilometres downstream of the Upper Lough Erne designations and they are located such that they cannot have an effect on international sites. NI Water has confirmed that water supply will be sufficient for the life of the plan. Any development that requires non-mains water could have a localised effect and will require an abstraction licence which will be subject to HRA.

NI Water published a Water Resource & Supply Resilience Plan (WR&SR Plan) in April 2021. This Plan shows how the company will manage and develop water resources to make sure there is enough water to meet future supply needs. The WR & SR Plan takes into account changes in population, housing, water usage and incorporates any predicted changes to our climate. This includes how water supplies will be maintained during critical periods such as severe winters, drought and also includes a drought plan. The WR & SR Plan acknowledges the need to take account of adopted and emerging Local Development Plans to ensure it complies with the area's aims, objectives and long term vision in terms of growth, constraints and opportunities.

A Habitats Regulations Assessment was carried out to consider the potential of the options contained within the WR & SR Plan and the Drought Plan to significantly affect internationally important nature conservation sites (SACs, SPAs and Ramsar sites), either alone or in combination with other plans and projects. This concluded an absence of adverse effects.

In light of the sufficiency of the water supply to the Council area over the plan period and the HRA of the NIW WR&SR Plan, effects that might undermine the conservation objectives of any international site can be excluded.

Waste Water Treatment

Wastewater Treatment Works discharge to a number of designated areas. This is reflected in those sites for which there are hydrological connections. All planning applications that indicate mains sewage treatment are referred to NI Water to confirm whether capacity exists. Section 3.5 of Part 2 of the Plan Strategy acknowledges the need for '*sufficient infrastructure to support the development (e.g. water and sewerage)*' in selecting sites for new housing.

NIW (March 2022) identified that the following Wastewater Treatment Works are at or near their capacity in the Plan Area:

- Castle Archdale Country Park
- Florencecourt/Drumlaghy
- Irvinestown
- Belleek (Fermanagh)
- Beragh
- Drumquin
- Ederney
- Gortin (Tyrone)
- Seskinore
- Newtownbutler
- Garrison
- Knockmoyle
- Lough Macrory
- Monea
- Mountfield
- Teemore

In addition it advised that wastewater network capacity issues are emerging in the following catchments:

- Enniskillen
- Omagh
- Carrickmore
- Dromore (Tyrone)
- Fintona
- Irvinestown
- Lisnaskea
- Ballinamallard Drummurry
- Belleek
- Derrygonnelly
- Ederney
- Lisbellaw
- Altamuskin
- Castle Archdale Country Park

Where a potential development cannot connect to the mains sewerage network, or where NI Water has indicated that consented capacity at the receiving works is limited or restricted, or there are network constraints, then a project will not be able to proceed unless it satisfies operational policy PU04. This states:

‘Development proposals will only be permitted for development relying on non-mains sewerage, where the applicant can demonstrate through the submission of sufficient information on the means of sewerage, that this will not create or add to a pollution problem.

Non-mains sewerage will only be permitted in those areas identified as having a pollution risk in exceptional circumstances where appropriate mitigation measures have been identified.’

This means that, should there be credible evidence of a real risk to any international sites, then the applicant will have to provide sufficient information to assess whether the development could have a likely significant effect and whether that can be mitigated by a suitable wastewater treatment solution. The policy clarification states that the Council’s preferred option for non-mains sewage is a Package Sewage Treatment plant.

The Water Utility Regulation Group of DAERA regulates sewage discharges and is also a competent authority under the Habitats Regulations. Every consent granted outlines the required quality and quantity of the discharge into the water environment and takes into account the requirements of relevant regulations.

In light of the NIW capacity constraints in the District, it is considered that the demand for wastewater treatment arising as a result of the level of growth enabled by the Plan Strategy could result in such pressures that could undermine conservation objectives of international sites. Potential impacts of waste water will also be a consideration at LPP when reviewing or allocating any zoned land.

Aerial emissions (traffic)

Housing and economic development tends to be linked with increased traffic and emissions from traffic have been shown to be linked to impacts on vegetation within 200m of the road edge. Beyond

200m significant vegetation level effects associated with traffic emissions (including deposition) have not been observed in scientific studies.

Effects of aerial emissions from traffic on international sites will be considered in screening the Plan Strategy in Section 4 and will also be a consideration at LPP when reviewing or allocating any zoned land.

Aerial Emissions (Other)

Deposition of aerial pollutants can damage habitats and species through toxic effects and nutrient enrichment. Nitrogen deposition is identified as a threat for many international sites. Livestock production and associated landspreading of manure, slurry or litter, is a significant source of nitrogen deposition, particularly in the form of ammonia. For the purposes of screening for this HRA sites within 10km have been considered. The current advice from DAERA is that all livestock developments within 7.5km of an international site should be modelled for ammonia distribution. Policy IB06 Agricultural and Forestry Development applies to livestock development.

Potential effects of aerial emissions from agriculture on international sites will be considered in screening the Plan Strategy in Section 4 and will also be a consideration at LPP when reviewing or allocating any zoned land.

Disturbance (Other)

Noise, light or activity during construction and operation can have adverse impacts on sensitive species and mammals and birds in particular. Salmon passage can also be affected by vibration from piling or lighting. Such disturbance from construction or additional built development can occur within or adjacent to international sites or functionally linked land. It may create barrier effects to species; result in changes in species breeding, roosting, commuting and foraging behaviour; or increase predation. Construction can be planned to avoid causing disturbance at critical times and development can be designed or located to avoid disturbance to sensitive species during operation.

Potential effects of disturbance on international sites will be considered in screening the Plan Strategy in Section 4 and will also be a consideration at LPP when reviewing or allocating any zoned land.

Introduced Species

New development has the potential to introduce invasive or non-native species or cause their spread to other sites. The introduction of invasive species, non-native, competitive or predatory species can adversely affect habitats and species. Watercourses are prone to the spread of invasive species such as giant hogweed and Himalayan balsam which are easily transferred by water if released as a result of development. Invasive species may also be transported to new sites by machinery. Lough Erne saw the introduction of Zebra mussels in the mid-1990s which have had a major impact on its ecology. Crayfish plague is present in the Erne catchment and can lead to mortality of white clawed crayfish, a selection feature of a number of international sites. Development that extends navigable waters or which introduces new boating may also increase the potential for spread of invasive species or waterborne diseases of protected species to waters where they are not currently present. Introduced species such as *Rhododendron ponticum* which is highly invasive on peatlands can displace habitats for which a site has been designated.

Potential effects of introduced species on international sites will be considered in screening the Plan Strategy in Section 4 and will also be a consideration at LPP when reviewing or allocating any zoned land.

4 Screening Plan Strategy for Likely Significant Effects

Overview of screening

Step 5: Screening the proposed plan for likely significant effects

The approach to screening the proposals is detailed in Appendix 2. All of the Plan Strategy proposals were reviewed, from Part One containing the Vision and Objectives, the Spatial Growth Strategy and Strategic policies; through the strategies and development management policies for Development and Design, People and Places, Economy, Environment and Infrastructure and Monitoring and Review in Part Two; to Part Three which comprises all the appendices including the Council's Wind Energy Strategy; and other areas of guidance which forms part of the Plan. Appendix 5 presents the full review of the Plan Strategy. The outcome of the screening of proposals and policies is summarised below and informed by the findings of Section 3 above.

PART 1

Screening Contextual Chapters

These chapters, 1.0 Introduction, 2.0 Legal Status and Policy Context, 3.0 Preparation Process, Consultation and Assessments and 4.0 Spatial Portrait of the Fermanagh and Omagh District introduce the plan and present the profile of Council area and the regional and local policy context. They are administrative text and do not direct development therefore they are not subject to further assessment. It is worth noting that Part One Chapter 1, 1.5 emphasises that all relevant parts of the plan and policies must be considered.

The whole plan must be taken into account when assessing development proposals. This includes the vision, spatial strategy, policies, proposals and all associated supplementary guidance. Certain policies or plan proposals cannot be 'cherry-picked' and used in isolation; all relevant parts of the plan must be considered.

Vision and Strategic Objectives Chapter 5.0

The Vision is an overall aspiration for the Plan Area. Delivery of the Vision is through the social, economic and environmental objectives; the spatial growth strategy; the strategic policies and topic based strategies and the policies.

The Strategic Objectives all represent general policy statements, which state a direction without details of how they will be delivered. Some Plan Objectives are possible or likely drivers of potential effects. Examples are some of the Economic Strategic Objectives to deliver jobs, and enable development of tourism, renewable energy and minerals resources and the Social Strategic Objective to deliver new homes. For all these objectives the implications can be assessed under related policies. The assessment is therefore undertaken through the consideration of related policies.

SP01 - Furthering Sustainable Development

This is a general statement of objectives which is also an environmentally protective measure. It is caveated that development that causes harm to important features is not allowed for under this policy. No further screening is required.

6.0 The Spatial Growth Strategy Chapter 6.0

The Growth Strategy is a general statement of objectives to sustainably deliver new homes and jobs. It focuses development on Enniskillen and Omagh while sustaining the role of the local towns of Carrickmore, Dromore, Fintona, Irvinestown and Lisnaskea as important local service centres. It allows for development appropriate to the scale and character of villages and small settlements and rural development which is sensitive to the environment and safeguards natural and built heritage.

The implications of growth have been discussed in Section 3 and are also assessed under the development management policies, as summarised below and detailed in Appendix 5 therefore no further assessment is required. The assessment is therefore undertaken through the consideration of related policies and looked at elsewhere.

SP02 - Settlement

This is a general statement of policy. It focuses most housing/industry and business/retail in main and local towns. It recognises that environmental and infrastructural constraints are likely to limit capacity for such development in smaller settlements. No new settlements have been designated. Further assessment is not required.

SP03 – Strategic Allocation and Management of Housing Supply

The strategy aims to deliver at least 4,300 new homes by 2030. Taking into account completions since 2015, this leaves a balance of 2,608 of the 4,300 new homes provision by 2030. Phase 1 sites will be identified to meet any remaining housing need over the plan period once committed housing sites with extant planning permission or sites which are under development have been taken into account and will also be a consideration at LPP when reviewing or allocating any zoned land. Housing policy areas may be identified for villages and small settlements at LPP which will be subject to HRA. Although unlikely during the plan period the potential for phase 2 or reserve sites has not been ruled out. Section 3.5 of Part 2 of the Plan Strategy acknowledges the need for ‘sufficient infrastructure to support the development (e.g. water and sewerage)’ in selecting sites for new housing.

This policy enables development and has potential to generate pathways of effects on international sites. This policy has been screened-in for further assessment.

SP04 - Strategic Allocation of Land for Industry and Business

This strategy plans for the creation of 4,875 jobs by 2030. The anticipated need over the plan period is for 90 ha across the Council area which is 0.03% of the district’s land area. It is intended to retain zoned land which is not subject to constraints such as flood risk and to allocate additional land in Omagh and Lisnaskea. It is a possible driver of potential effects, for example if infrastructure is inadequate there could be potential for impacts on water quality during operation. This policy has been screened-in for further assessment.

PART 2

Development Management Policies

Development and Design

Some of these policies relate to the visual impact, design and integration of development and can have no likely significant effect. DE01, DE06, DE07 and DE08 have been screened-out from further assessment.

Policies DE02, DE03, DE04 and DE05 have potential to generate pathways for effects and may have a likely significant effect on an international site. These policies are screened-in for further assessment.

PEOPLE AND PLACES

Housing in Settlements

Policy HOU03 is a general policy statement which will not impact on international sites and has been screened-out from further assessment. Others e.g. HOU01, HOU02, HOU04, HOU05, HOU06 and HOU07 do not constrain development, as such development has potential to generate pathways for effects and these policies may have a likely significant effect on an international site. These policies are screened-in for further assessment.

Housing in the Countryside

This group of policies is for the management of sustainable development in the countryside. Development in the countryside may be in close proximity to international sites or supporting habitat. Such development may not have access to mains sewage disposal and therefore generally requires on site treatment. PU04 places the onus on the applicant to *'...demonstrate through the submission of sufficient information on the means of sewerage, that this will not create or add to a pollution problem.'* As the policies enable development there is potential to generate pathways of effects on international sites. This group of policies have all been screened-in for further assessment.

Community Facilities

CF01 retains, where possible, existing and allows for new community facilities which will be focussed largely in settlements. As a policy which permits development it may have a likely significant effect on international sites and has been screened-in for further assessment.

Open Space, Sport and Recreation

The Open Space Strategy includes an objective 'ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of conserving, protecting and enhancing the natural and historic environment and helps to sustain and enhance biodiversity.' The strategy highlights 'It is particularly important to consider the environmental impact of development proposals for outdoor recreation in the countryside, including lough shores, such as the potential impact on our valuable landscapes or habitats.' This is a general statement of objectives and no further assessment is required.

OSR01 is intended to be a protective measure which will not lead to development or change. OSR05 protects future potential for restoration of the Ulster Canal but does not propose such development. Given the constraints on development these policies cannot undermine the conservation objectives of any international sites and further assessment is not required.

OSR03 supports water-based development where criteria are met. Upper Lough Erne is popular for boating and other recreation and site selection features could be vulnerable to a proliferation of access points and intensification of recreation. Policies OSR02, OSR03, OSR04 and OSR06 all enable development which may have a likely significant effect on international sites and have been screened-in for further assessment.

Rural Community Areas

This is a policy listing general criteria for testing the acceptability of proposals, however it allows for small scale rural development in limited circumstances which have potential to generate pathways for effects on International sites. This policy have been screened-in for further assessment.

ECONOMY

Industry and Business

IB02 and IB03 protect zoned land and constrain incompatible development and as such will not affect any international site and do not require further consideration.

IB01 supports development proposal for industry and business which met the criteria. IB04 enables rural development in situations or locations defined by policy, largely for small scale development however allows for a major industrial proposal which requires a countryside location provided that it can be demonstrated that it would significantly contribute to the regional economy. IB05 enables limited re-use/adaptation for farm diversification while IB06 enables agricultural development which could include development that increases ammonia emissions that may have an adverse effect on European sites. The policy specifies that 'development proposals for intensive farming or animal husbandry must demonstrate that it does not result in any significant adverse environmental effects.' This might be construed to be mitigation as it addresses an impact known to affect international sites. Policies IB01, IB04, IB05 and IB06 have been screened-in and will be considered further through appropriate assessment.

Town Centres and Retail

TCR01, TCR02, TCR03, TCR04 and TCR05 all enable development and have potential to generate pathways for effects on international sites. These policies have been screened-in for further assessment.

Tourism

TOU01 is a protective policy to avoid adverse effects on tourism assets and does not in itself enable tourism development. Tourism assets may include the natural environment and the policy will not undermine the conservation objectives of any international sites.

TOU02 to TOU04 enable tourism development in specified circumstances focussing development in settlements or at tourism hubs. The scale of some development under these policies has the potential for significant effects on international sites both directly and indirectly through enabling and promoting recreation beyond the development site. These policies have been screened-in for further assessment.

Minerals Development

MIN01 is a policy listing general criteria for testing the acceptability of proposals which enables minerals development with a caveat to protect the natural environment. It also provides for areas of constraint on minerals development (ACMDs) which constrain minerals extraction to protect our most valuable resources and special landscapes including international sites. The policy prohibits commercial peat extraction. The policy includes 'The Council will support proposals for minerals development where it is demonstrated that they do not have an unacceptable adverse impact upon:- a) the natural environment; d) the water environment. MIN01 policy clarificatory text explains: 'Where applicable, measures designed to prevent pollution of rivers, lakes, reservoirs, watercourses and ground water should be included in applications for mineral extraction and processing plant, including settlement ponds'.

MIN02 is also covered in MIN01 but more detail is provided here including, in the policy clarification, 'However, any opportunities for enhancing biodiversity, local environment, European sites and ecological value of the site, the setting of historic assets or community recreation and access should be considered.'

MIN03 generally prevents development that would sterilise the opportunity for mineral extraction, however it does allow for development and further consideration is required.

MIN04 policy prohibits unconventional hydrocarbon extraction until there is evidence of no adverse environmental impacts. 'The Council will not permit exploitation of unconventional hydrocarbon extraction until it is proved that there would be no adverse effects on the environment or public health.' It does allow for exploration that requires planning permission to be considered under the terms of MIN01.

The MIN01, MIN03, MIN02 and MIN04 policies will be considered further through appropriate assessment.

ENVIRONMENT

Historic Environment

HE01, HE02, HE03, HE04, HE05, HE06, HE07 and HE08 do enable development and have potential to generate pathways for effects on international sites. These policies have been screened-in for further assessment.

Natural Environment

NE02 is protective of species and habitats irrespective of spatial designations. NE03 is protective policy for local biodiversity and is unlikely to lead to impacts on international sites or selection features. NE02 and NE03 may, in some circumstances, provide added protection for international sites, these policies do not require further assessment.

NE01 applies to all development under the LDP and reinforces the requirements of the Habitats Regulations. This policy is intended to avoid or reduce harmful effects on international sites and will be considered further through appropriate assessment.

Landscape

LO1, LO2 and LO3 support protection of the visual amenity of landscape, designation areas by aiming to manage new development that can restore or improve the quality and visual amenity of the landscape and areas. They constrain development in Sperrin AONB, Special Countryside Areas and Areas of High Scenic Value (AoHSV) to protect the quality and character of their landscapes. However, the policies do enable new development and have potential to generate pathways for effects on international sites. These policies have been screened-in for further assessment.

INFRASTRUCTURE

Flood Risk Management

FLD04 is a general statements of policy which cannot have any effect on an international site and does not require further assessment.

FLD01, FLD02, FLD03 and FLD06 enable development and have potential to generate pathways for effects on International sites. These policies have been screened-in for further assessment.

FLD05 is primarily a safeguarding policy, however it allows for a maximum length of culverting of up to 10m. There is potential for culverting to result in habitat loss or to create a barrier to migration of salmon or otter. The policy and policy clarification specify that culverting will only be permitted in limited circumstances and that impacts on ecological integrity and biodiversity are considerations. The policy has potential to generate pathways for effects on international sites and has been screened-in for further assessment.

Renewable Energy

The Council aims to support a diverse range of renewable energy development whilst at the same time taking into consideration environmental, landscape, visual and amenity impacts. RE01 is a policy listing general criteria for testing the acceptability of proposals. It includes protective criteria for biodiversity, nature conservation, local natural resources, such as air quality or water quality and quantity and active peatland. These measures might be construed to be mitigation as they specifically address impacts known to affect international sites. Therefore it will be considered further through appropriate assessment.

Transportation

The Plan Strategy seeks to support proposals for transportation which improve travel times, alleviate congestion and improve safety as well as providing more sustainable modes of transport including buses, walking and cycling.

TR01, TR02, TR03, TR04, TR05 and TR06 all enable development and have potential to generate pathways of effects on international sites. These policies have been screened-in for further assessment.

Public Utilities

This policy group provides for telecommunications and energy infrastructure. It also includes one relating to non-mains sewerage. Policy PU01, PU02 and PU03 list general criteria for testing the acceptability of proposals and constrain where telecommunications and electricity infrastructure development is permitted, each includes a protective environmental criterion. PU04 is a general environmental / safeguarding protection policy which will apply to all development which relies on non-mains sewerage. It places the onus on the applicant to *'...demonstrate through the submission of sufficient information on the means of sewerage, that this will not create or add to a pollution problem.'* This will be an important measure for ensuring that development in the countryside, or in

settlements where there is inadequate WWTW treatment or network capacity, does not contribute to a deterioration in water quality.

However, as the policies enable development they have potential to generate pathways of effects on international sites and have been screened-in for further assessment.

The policy caveats for PU01, PU02, PU03 and PU04 might be construed to be mitigation given the extent of international sites in the District and the uncertainty about the location, scale and nature of the development that might be proposed under the policies, therefore they will be considered further through appropriate assessment.

Waste Management

WM03 controls development in the vicinity of waste management facilities. WM01 includes protective environmental criteria and also applies to WM02 and WM04, the caveats in WM01, might be construed to be mitigation. As the policies enable development they have potential to generate pathways of effects on international sites and have all been screened-in for further assessment.

7.0 Monitoring and Review

Chapter 7 contains administrative text setting out monitoring arrangements. The proposed indicators to be measured and reported on in the Annual Monitoring Report are listed and further detail on each provided. The data for indicator 10, Number of access points created along the shores of loughs, will help inform assessment of cumulative impacts on Upper Lough Erne and Lough Melvin. Indicator 20, New development affecting, (Local, National and European) designated sites; areas of Protected Species and their habitats; Other Habitats and Species or Features of Natural Heritage importance will provide an overview of international sites however, as condition is only monitored by NIEA on a six yearly cycle, it will not be protective of international sites.

Appendices

Appendices 1 to 5 provide further detail to inform how the development management policies will be implemented. They represent guidance listing general criteria for testing the acceptability of proposals which does not need to be assessed further.

Appendix 6, the Landscape Wind Energy Strategy for Fermanagh and Omagh district Council, primarily relates to landscape and visual amenity with some consideration of residential amenity. Further consideration was given to this strategy and addressed in the HRA Addendum dated 2020 which concluded 'that this appendix is based on landscape considerations rather than all environmental issues', as such further consideration at appropriate assessment is not required.

Appendix 7 is guidance which details the legislation and policy which informs how planning agreements, developer contributions, community benefits and financial guarantees can be used to control or facilitate development. Appendix 8 is guidance advising where designations have been superseded and how prior designations in the Fermanagh Area Plan and Omagh Area plan will apply in advance of the Local Policies Plan. These appendices do not need to be assessed further.

Outcome of screening

All policies which have been screened-out at this stage are assigned to a screening category which allows them to be recognised as unlikely to have a significant effect, either alone or in combination.

Those policies and the appendix screened-in as identified in Table 3 are all included on the basis of their effects 'alone' in the absence of mitigation, Category I, and are brought forward to appropriate assessment.

Table 3 Policies screened-in as having a likely significant effect and requiring further assessment

PART ONE
6.0 The Spatial Growth Strategy
SP03 - Strategic Allocation and Management of Housing Supply in our Settlements
SP04 - Strategic Allocation of Land for Industry and Business
PART TWO
2.0 Development and Design
DE02 - Design Quality
DE03 – Sustaining Rural Communities
DE04 - Integration and Design of Development in the Countryside
DE05 - Rural Character
3.0 People and Places
HOU01 - Housing in Settlements and Windfall Sites
HOU02 - Protection of Land Zoned for Housing
HOU04 - Traveller Accommodation
HOU05 - Shaping Our Houses and Homes
HOU06 - Public Open Space in New Residential Developments
HOU07 - Conversion and Change of Use of Existing Building to Self-Contained Flats
HOU08 - Rural Replacement Dwellings
HOU09 - Replacement of Other Rural Buildings
HOU10 - Redevelopment of a former site for dwelling
HOU11 - Dwelling on a Farm Business
HOU12 - Dwelling in association with the keeping and breeding of horses for commercial purposes
HOU13 - Rounding Off and Infilling
HOU14 - Dwelling to serve an existing Non-agricultural business
HOU15 - Personal and Domestic Circumstances
HOU16 - Affordable Housing in the Countryside
HOU17 - Residential Caravans and Mobile Homes
CF01 - Community Facilities
OSR02 - Intensive Sports Facilities
OSR03 - Protection of Lough Shores
OSR04 - Development Adjacent to a Main River
OSR06 - The Floodlighting of Sports and Outdoor Recreational Facilities
RCA01 - Rural Community Areas
4.0 Economy
IB01 - Industry and Business Development in Settlements
IB04 - Industry and Business Development in the Countryside
IB05 - Farm Diversification
IB06 - Agricultural and Forestry Development
TCR01 – Town Centres
TCR02 – Primary Retail Frontage
TCR03 - Local Neighbourhood Centres
TCR04 - Villages and Small Settlements
TCR05 - Petrol Filling Stations

TOU02 - Tourism Development
TOU03 - New Build Hotel, Guest House and Tourist Hostel outside Settlement Boundaries
TOU04 - Holiday Parks, Touring Caravan and Camping Sites
MIN01 - Minerals Development
MIN02 - Restoration and Aftercare
MIN03 - Mineral Safeguarding Areas
MIN04 - Unconventional Hydrocarbon Extraction
5.0 Environment
HE01 - Archaeology
HE02 - Listed Buildings and their Settings
HE03 - Conservation Areas
HE04 - Areas of Townscape Character (ATCs) and Areas of Village Character (AVCs)
HE05 - Historic Parks, Gardens and Demesnes
HE06 - Local Landscape Policy Areas (LLPAs)
HE07 - Enabling Development
HE08 - Change of Use, Conversion or Re-use of an Unlisted Locally Important Building or Vernacular building
NE01 - Nature Conservation
LO1 - Development within the Sperrin Area of Outstanding Natural Beauty
LO2 - Special Countryside Areas
LO3 - Areas of High Scenic Value (AoHSV)
6.0 Infrastructure
FLD01 - Development in Floodplains
FLD02 - Development affected by Surface Water Flooding outside Floodplains
FLD03 - Sustainable Drainage Systems (SuDS)
FLD05 - Artificial Modification of Watercourses
FLD06 - Development in Proximity to Controlled Reservoirs
RE01 - Renewable and Low Carbon Energy Generation
TR01 - Land Use and Transport
TR02 - Car Parks and Service Provision
TR03 - Provision of Park and Ride and Park and Share car parks
TR04 – Protected Routes
TR05 - Safeguarding New Transport Schemes
TR06 - Disused Transport Routes
PU01 - Telecommunications
PU02 - Overhead Electricity Lines
PU03 - Accommodating Future Broadband and other Public Services
PU04 - Development Relying on Non-Mains Sewerage
WM01 - Waste Management Facilities
WM02 - Waste Water Treatment Works
WM03 – Development in the vicinity of waste management facilities
WM04 - Facilities for Recycling of Construction, Demolition and Extraction Waste

Consideration of in combination assessment with other plans and projects in screening

Consideration must be given to any cumulative effects of proposals during plan preparation. These include potential cumulative effects from the plan with in combination effects with other relevant plans and projects.

The plans and projects identified below are likely to give rise to developments causing effects that could combine or interact with those of the Plan Strategy and will be considered further as part of the appropriate assessment in Section 5.

- Regional Development Strategy 2035
- Strategic Planning Policy Statement
- Cavan County Development Plan 2022-2028
- County Donegal Development Plan 2024-2030
- Derry City and Strabane District Council Local Development 2032 Plan draft Plan Strategy
- Leitrim County Development Plan 2023-2029
- Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy
- Monaghan County Development Plan 2019-2025
- A5 Western Transport Corridor (A5WTC)
- Enniskillen Southern Bypass
- Dalradian Gold

5 Appropriate Assessment

Step 6: The Appropriate Assessment

Following the screening of plan proposals, as summarised in Table 3, it has been found that there is potential for likely significant effects to arise from 76 development plan policies and supplementary information in one appendix as identified in Table 3. In combination effects are also assessed.

Protective Measures in the Plan Strategy

The Council, in its assessment of each development proposal, will determine which policies and criteria apply to that proposal, all relevant parts of the plan must be considered.

Part One Section 1.5 states *'The whole plan must be taken into account when assessing development proposals. This includes the vision, spatial strategy, policies, proposals and all associated supplementary guidance. Certain policies or plan proposals cannot be 'cherry-picked' and used in isolation; all relevant parts of the plan must be considered.'*

The Natural Environment chapter includes policies NE01. Policy NE01 Nature Conservation, reiterates the legislative requirements of the Habitats Regulations in relation to international sites as follows:

Policy NE01 - Nature Conservation

a) Internationally Important Sites

The Council will only support development that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on an existing or proposed SPA, existing or candidate SAC, Sites of Community Importance, or a listed or proposed RAMSAR site.

Where a development proposal is likely to have a significant effect (either alone or in combination) or a reasonable scientific doubt remains, the Council shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions or a planning agreement.

A development proposal which could adversely affect the integrity of an international site may only be permitted in exceptional circumstances and where:

- (i) there are no alternative solutions; and*
- (ii) the proposed development is required for imperative reasons of overriding public interest; and*
- (iii) compensatory measures are agreed and fully secured through conditions or a planning agreement.*

For most policies the fact that all relevant parts of the plan, including NE01, must also apply is sufficient. This ensures that site selection features are a consideration when a proposal is being developed and reduces the potential for tensions between NE01 and other development management policies.

Mitigation measures

The consideration of measures intended to avoid or reduce the harmful effects of a plan on an international site has been progressed to Stage 2 appropriate assessment. The first step in this appropriate assessment is to assess or incorporate mitigation measures which might be relied upon to avoid any adverse effects to the integrity of the international sites potentially affected. For this

plan it was found that case-specific policy caveats which have been incorporated will provide sufficient mitigation to ensure policies cannot undermine the conservation objectives of any international site.

This section therefore considers the policies identified in Table 3 above in light of potential mitigation measures which have been incorporated into the plan. With the approach in Appendix 2, Step 6 in mind the policies as grouped within their relevant chapter which were identified as having a likely significant effect were considered further below. All policies considered to have potential to generate pathways for effects have been screened-in for further assessment, policies which could give rise to an elevated risk of significant effects are discussed in greater detail.

The Spatial Growth Strategy

SP03 policy states 'A criteria-based approach to selecting sites for each phase will be undertaken. The selection criteria will take account of several factors including; Accessibility Analysis; the prioritisation of brownfield land within the Urban Footprint; the ability to deliver affordable housing where a need exists; topography; flooding and other constraints to development including waste water network and treatment capacity. Sites will only be allocated where it can be shown that they can accommodate at least 10 dwellings.'

Policy SP04 indicates that the plan will make allocations of circa 90 hectares of industry and business land within the Council area. In consideration of the strategic allocation of land for industry and business it is stated 'the 90 hectares represents a generous supply of land which offers flexibility and a choice of sites at different locations and of different sizes.'

As all relevant parts of the plan must be considered, including policy NE01 these policies cannot undermine the conservation objectives of any international sites. No further policy amendments are required to The Spatial Growth Strategy Policies.

Development and Design

Policies DE02, DE03, DE04 and DE05 have potential to generate pathways for effects.

As all relevant parts of the plan must be considered, including policy NE01 these policies cannot undermine the conservation objectives of any international sites. No further policy amendments are required to the Development and Design Policies.

People and Places

The HOU, CF, OSR and RCA policies identified in Table 3 have potential to generate pathways for effects.

The context and justification for the policies states 'Sites selected for new housing development will also reflect a range of other issues and policies, for example, the need to provide high-quality open space and green and blue infrastructure, the need to protect, conserve and enhance our historic and natural environment, selecting the most accessible sites and ensuring that there is sufficient infrastructure to support the development (e.g. water and sewerage).'

Policy OSR03 will only support water-based development proposals where *'there is no adverse impact on the natural environment, including biodiversity and landscape character.'* The policy clarification highlights that *'The site selection features for designated sites could be impacted directly by development or indirectly through the proliferation of access points and increase in recreation.'*

In view of the policy caveats, constraints on development, clarification and policy NE01 these policies cannot undermine the conservation objectives of any international sites. No further policy amendments are required to the People and Places Policies

Economy

The IB, TCR, TOU and MIN policies identified in Table 3 have potential to generate pathways for effects.

IB06 enables agricultural development which could include development that increases ammonia emissions that may have an adverse effect on international sites. There is potential for impacts on any site within 7.5 km of a project or landspreading locations for litter, slurry or manure from such locations and sites beyond the plan area in other NI Council areas and in Ireland have been screened in on this basis.

Deposition of aerial pollutants can damage habitats and species through toxic effects and nutrient enrichment. Nitrogen deposition is identified as a threat for many international sites. Habitats such as peatlands, wetlands and woodlands containing lichens and bryophytes are particularly sensitive to the effects of ammonia. The majority of Northern Ireland's designated sites are exceeding their critical levels, the concentration at which environmental damage occurs, for ammonia. Livestock production and associated landspreading of manure, slurry or litter, is a significant source of nitrogen deposition, particularly in the form of ammonia. Increased or more intensive agricultural activities may further exacerbate this pressure.

The policy specifies that *'development proposals for intensive farming or animal husbandry must demonstrate that it does not result in any significant adverse environmental effects, particularly through increased ammonia emissions.'* This ensures that the need to consider adverse environmental effects of intensive farming or animal husbandry is clear.

MIN01 enables minerals development with a caveat to protect the natural environment. It also provides for areas of constraint on minerals development (ACMDs) which constrain minerals extraction to protect our most valuable resources and special landscapes including international sites.

All international sites are designated as ACMDs on the Main Proposals Maps and this significantly constrains development in these areas. MIN01 policy also prohibits commercial peat extraction in the plan area. While minerals development is significantly constrained in international sites there are exceptions that could enable direct effects on designated sites within the plan area. There is potential for effects from run off of sediment on aquatic habitats in designated sites or functionally linked land to which there is a hydrological pathway.

The policy includes 'The Council will support proposals for minerals development where it is demonstrated that they do not have an unacceptable adverse impact upon:-

- i) the natural environment;
- iv) the water environment;'

The policy clarification 4.75 highlights that measures to prevent pollution should be included in applications. 'Where applicable, measures designed to prevent pollution of rivers, lakes, reservoirs, watercourses and ground water should be included in applications for mineral extraction and processing plant, including settlement ponds.' This ensures that sites sensitive to the effects of minerals development are highlighted and that the need to consider adverse environmental effects is clear.

MIN02 is also covered in MIN01 but more detail is provided here including, in the PC, *'However, any opportunities for enhancing biodiversity, local environment, European sites and ecological value of the site, the setting of historic assets or community recreation and access should be considered.'*

MIN03 states, *'Access to mineral resources can be prevented or restricted (sterilised) by non-mineral development and the process of 'mineral safeguarding' ensures that this does not occur unnecessarily when planning applications are determined'.*

MIN04 policy prohibits unconventional hydrocarbon extraction until there is evidence of no adverse environmental impacts, *'The Council will not permit exploitation of unconventional hydrocarbon extraction until it is proved that there would be no adverse effects on the environment or public health.'* It does allow for exploration that requires planning permission to be considered under the terms of MIN01. The act of exploration is generally small scale and short duration however it

potentially could affect sites directly or via hydrological pathways. The reference to MIN01 ensures that sites sensitive to the effects of minerals development are highlighted and that the need to consider adverse environmental effects is clear.

As all relevant parts of the plan must be considered and in view of constraints on development, policy caveats and policy NE01 these policies cannot undermine the conservation objectives of any international sites. No further policy amendments are required to the Economy Policies.

Environment

HE01, HE02, HE03, HE04, HE05, HE06, HE07 and HE08 all enable development and have potential to generate pathways for effects on international sites.

Policy NE01 is intended to avoid or reduce harmful effects on international sites. NE01 applies to all development under the LDP, it is considered the policy faithfully reflects the legislative requirements of the Habitats Directive.

The LO policies could be considered as environmental/site safeguarding policies due to their nature and constraints, however they do enable development and therefore have potential to generate pathways for effects on international sites.

As all relevant parts of the plan must be considered and in view of policy NE01 these policies cannot undermine the conservation objectives of any international sites. No further policy amendments are required to the Environment Policies.

Infrastructure

The FLD, RE, TR, PU and WM policies identified in Table 3 have potential to generate pathways for effects.

The Council aims to support a diverse range of renewable energy development whilst at the same time taking into consideration environmental, landscape, visual and amenity impacts. The policy clarification states that RE01 applies to 'all renewable and low carbon energy sources which include wind, sun (solar energy), moving water (hydropower), heat extracted from air, ground and water (including geothermal energy) and biomass (wood, biodegradable waste and energy crops such as use in an Anaerobic digester).'

The potential impacts of renewable energy development depend on the generation method, scale and location and may arise during construction, operation and restoration. There are therefore potential direct impacts on international sites within the plan area in the event that any renewables are permitted within their boundaries. Hydropower has the potential to impede passage of species or to alter flows to make habitat less favourable. There may also be potential for effects to international sites or functionally linked land hydrologically connected to and downstream of renewable projects. This can be due to release of sediment during construction or unintended landslides or bog bursts. Finally there is potential for impacts on birds as selection features of SPAs or selection criteria of Ramsar sites from wind turbines, particularly in wind farms, or overhead power lines. This may be due to displacement from disturbance during construction or operation or to collision risk.

The policy includes caveats for all renewables development. Development will only be permitted 'where it can be demonstrated that there will be no unacceptable adverse impact upon: ...biodiversity, nature conservation or built heritage interests; local natural resources, such as air quality or water quality and quantity; ...active peatland'.

In addition, for wind energy, 'all proposals for wind energy development including single turbines and wind farms, extensions and repowering will be required to comply with the Fermanagh and Omagh Landscape Wind Energy Strategy (Appendix 6).

The policy clarification states '*Renewable energy production can have direct or indirect impacts on a European or Ramsar designated site. For example, wind energy proposals can have an impact on supporting habitat for birds such as hen harrier; anaerobic digestion may be a source of ammonia;*

hydro power may lead to changes to flows of watercourses through abstraction. Therefore, the impacts of renewable energy proposals on designated sites will also be a priority consideration and proposals will require particular scrutiny through Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) where applicable.'

As all relevant parts of the plan must be considered and in view of constraints on development, policy caveats and policy NE01 these policies cannot undermine the conservation objectives of any international sites. No further policy amendments are required to the Infrastructure Policies.

Step 7: Amending the plan until there would be no adverse effects on site integrity

Integrity test taking account of mitigation measures

Having identified potential case specific policy restrictions and caveats in respect of aspects of the Plan which were identified as having a likely significant effect, it is now necessary to apply the integrity test, taking account of these mitigation measures. Following incorporation of the mitigation measures identified above the re-screening of the elements of the Plan which are affected by the mitigation measures is set out in Table 4 below.

Table 4 Applying the integrity test following incorporation of mitigation measures

Policy	Recommended Mitigation Measures	Integrity Test Conclusion
6.0 The Spatial Growth Strategy SP03 – Strategic Allocation and Management of Housing Supply in our Settlements SP04 - Strategic Allocation of Land for Industry and Business	No further policy amendments are required.	All relevant parts of the plan must be considered and in view of constraints on development, policy caveats and policy NE01 these policies cannot undermine the conservation objectives of any international sites.
2.0 Development and Design DE02 - Design Quality DE03 – Sustaining Rural Communities DE04 - Integration and Design of Development in the Countryside DE05 - Rural Character	No further policy amendments are required.	All relevant parts of the plan must be considered and in view of constraints on development, policy caveats and policy NE01 these policies cannot undermine the conservation objectives of any international sites.
3.0 People and Places HOU01 – Housing in Settlements and Windfall Sites HOU02 - Protection of Land Zoned for Housing HOU04 - Traveller Accommodation HOU05 - Shaping Our Houses and Homes HOU06 – Public Open Space in New Residential Developments HOU07 – Conversion and Change of Use of Existing Building to Self-Contained Flats HOU08 – Rural Replacement Dwellings HOU09 – Replacement of Other Rural Buildings HOU10 – Redevelopment of a former site for dwelling HOU11 - Dwelling on a Farm Business HOU12 - Dwelling in association with the keeping and breeding of horses for commercial purposes HOU13 – Rounding Off and Infilling HOU14 – Dwelling to serve an existing Non-agricultural business HOU15 – Personal and Domestic Circumstances HOU16 - Affordable Housing in the Countryside HOU17 – Residential Caravans and Mobile Homes CF01 - Community Facilities OSR02 - Intensive Sports Facilities OSR03 - Protection of Lough Shores	No further policy amendments are required.	All relevant parts of the plan must be considered and in view of constraints on development, policy caveats and policy NE01 these policies cannot undermine the conservation objectives of any international sites.

Policy	Recommended Mitigation Measures	Integrity Test Conclusion
OSR04 - Development Adjacent to a Main River OSR06 - The Floodlighting of Sports and Outdoor Recreational Facilities RCA01 – Rural Community Areas		
4.0 Economy IB01 - Industry and Business Development in Settlements IB04 - Industry and Business Development in the Countryside IB05 – Farm Diversification IB06 – Agricultural and Forestry Development TCR01 – Town Centres TCR02 – Primary Retail Frontage TCR03 – Local Neighbourhood Centres TCR04 - Villages and Small Settlements TCR05 – Petrol Filling Stations TOU02 - Tourism Development TOU03 - New Build Hotel, Guest House and Tourist Hostel outside Settlement Boundaries TOU04 - Holiday Parks, Touring Caravan and Camping Sites MIN01 - Minerals Development MIN02 - Restoration and Aftercare MIN03 - Mineral Safeguarding Areas MIN04 - Unconventional Hydrocarbon Extraction	No further policy amendments are required.	All relevant parts of the plan must be considered and in view of constraints on development, policy caveats and policy NE01 these policies cannot undermine the conservation objectives of any international sites.
5.0 Environment HE01 – Archaeology HE02 - Listed Buildings and their Settings HE03 - Conservation Areas HE04 - Areas of Townscape Character (ATCs) and Areas of Village Character (AVCs) HE05 - Historic Parks, Gardens and Demesnes HE06 - Local Landscape Policy Areas (LLPAs) HE07 – Enabling Development HE08 – Change of Use, Conversion or Re-use of an Unlisted Locally Important Building or Vernacular building NE01 - Nature Conservation LO1- Development within the Sperrin Area of Outstanding Natural Beauty LO2 - Special Countryside Areas LO3 - Areas of High Scenic Value (AoHSV)	No further policy amendments are required.	All relevant parts of the plan must be considered and in view of constraints on development, policy caveats and policy NE01 these policies cannot undermine the conservation objectives of any international sites.
6.0 Infrastructure		

Policy	Recommended Mitigation Measures	Integrity Test Conclusion
FLD01 – Development in Floodplains FLD02 – Development affected by Surface Water Flooding outside Floodplains FLD 03 – Sustainable Drainage Systems (SuDS) FLD05 - Artificial Modification of Watercourses FLD06 - Development in Proximity to Controlled Reservoirs RE01 - Renewable and Low Carbon Energy Generation TR01 – Land Use and Transport TR02 - Car Parks and Service Provisions TR03 – Provision of Park and Ride and Park and Share Car Parks TR04 – Protected Routes TR05 – Safeguarding New Transport Schemes TR06 - Disused Transport Routes PU01 – Telecommunications PU02 - Overhead Electricity Lines PU03 - Accommodating Future Broadband and other Public Services PU04 –Development Relying on Non-Mains Sewerage WM01 – Waste Management Facilities WM02 – Waste Water Treatment Works WM03 – Development in the vicinity of waste management facilities WM04 – Facilities for Recycling of Construction, Demolition and Extraction Waste	No further policy amendments are required.	All relevant parts of the plan must be considered and in view of constraints on development, policy caveats and policy NE01 these policies cannot undermine the conservation objectives of any international sites.

It was found that there are protective measures and overarching policies in the Plan Strategy that will ensure that development causing an adverse effect on site integrity cannot be approved. It will be important that HRAs for individual developments also consider in combination effects before planning permission is granted.

The Policy Clarification for NE01 is explicit that a development proposal will be subject to appropriate assessment where it is 'likely to have a significant effect on a SAC, SPA or Ramsar site (either alone or in combination with effects from other plans or projects)'. Policy NE01 therefore ensures that any development approved under the plan will have to demonstrate compliance with the 'in combination' provisions of the Habitats Regulations. There is therefore no risk of a residual effect at this Plan Strategy HRA stage, which might act in combination with other plans and projects as identified in Table 5.

On the basis of the underlying reasoning supporting Principle 6 of Section C.8.1 of the HRA Handbook, reliance on Policy NE01 provides the basis upon which effects which might act in combination with other plans and projects including those considered below can be ruled out.

Table 5 Plan or Project Identified for consideration of in combination effects

Plan or Project	Possible significant effects from plan or project	Is there a risk of in combination effects	Possible significant effects in combination
Regional	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	The RDS has been subject to AA and mitigation measures recommended. It is not considered that there is potential for in-combination effects to arise, however in the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No, The mitigation measures contained within individual plans prioritise the avoidance of effects where possible and provide measures to minimise effects. In combination effects from projects which arise from implementation of the RDS will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against policy NE01 which will require Appropriate Assessment.
Regional Development Strategy 2035			
Strategic Planning Policy Statement	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	The SPPS has been subject to SEA. No significant adverse environmental effects were identified and mitigation was not required, therefore it is not considered that there is potential for in-combination effects to arise.	No. No significant adverse effects were identified from the SPSS in the absence of mitigation measures. In combination effects from projects which arise from implementation of the SPPS will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against policy NE01 which will require Appropriate Assessment.
County			

Plan or Project	Possible significant effects from plan or project	Is there a risk of in combination effects	Possible significant effects in combination
Cavan County Development Plan 2022-2028	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	These Neighbouring Council Plans have been subject to SA and AA which incorporates robust mitigation measures into the plan itself to avoid effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No. The mitigation measures contained within the projects prioritise the avoidance of effects and provide measures to minimise effects. In combination effects from projects which arise from the implementation of these plans will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against policy NE01 which will require Appropriate Assessment.
County Donegal Development Plan 2024-2030	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	These Neighbouring Council Plans have been subject to SA and AA which incorporates robust mitigation measures into the plan itself to avoid effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No. The mitigation measures contained within the projects prioritise the avoidance of effects and provide measures to minimise effects. In combination effects from projects which arise from the implementation of these plans will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against policy NE01 which will require Appropriate Assessment.
Derry City and Strabane District Council Local Development Plan 2032 draft Plan Strategy	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	These Neighbouring Council Plans have been subject to SA and AA which incorporates robust mitigation measures into the plan itself to avoid effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No. The mitigation measures contained within the projects prioritise the avoidance of effects and provide measures to minimise effects. In combination effects from projects which arise from the implementation of these plans will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against policy NE01 which will require Appropriate Assessment.
Leitrim County Development Plan 2023-2029	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	These Neighbouring Council Plans have been subject to SA and AA which incorporates robust mitigation measures into the plan itself to avoid effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No. The mitigation measures contained within the projects prioritise the avoidance of effects and provide measures to minimise effects. In combination effects from projects which arise from the implementation of these plans will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against policy NE01 which will require Appropriate Assessment.

Plan or Project	Possible significant effects from plan or project	Is there a risk of in combination effects	Possible significant effects in combination
Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	These Neighbouring Council Plans have been subject to SA and AA which incorporates robust mitigation measures into the plan itself to avoid effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No. The mitigation measures contained within the projects prioritise the avoidance of effects and provide measures to minimise effects. In combination effects from projects which arise from the implementation of these plans will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against policy NE01 which will require Appropriate Assessment.
Monaghan County Development Plan 2019-2025	Potential in-combination effects may arise where there is a requirement to provide for new infrastructure or where new development occurs, such effects may include: • Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.	These Neighbouring Council Plans have been subject to SA and AA which incorporates robust mitigation measures into the plan itself to avoid effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No. The mitigation measures contained within the projects prioritise the avoidance of effects and provide measures to minimise effects. In combination effects from projects which arise from the implementation of these plans will not be significant, especially when viewed in light of the mitigation in the Plan Strategy against policy NE01 which will require Appropriate Assessment.
Local	Potential in-combination effects may arise from this project on Tully Bog SAC located with the Council area, such effects may include: deterioration on habitat from airborne pollutants and alterations to the SAC hydrological regime.	This project is currently subject to a public enquiry and has had an AA undertaken which recommends robust mitigation measures for the project to minimise effects. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.	No. This project is subject to HRA and should a robust AA conclude no adverse effects and that the decision-maker is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, then there can be no in combination effects with the Plan Strategy, especially when viewed in light of the mitigation in the Plan Strategy against policy NE01 which will require Appropriate Assessment.
A5 Western Transport Corridor (A5WTC)			
A4 Enniskillen Southern Bypass	<p>The Stage 1 (Screening) Assessment concluded that the scheme had potential to effect otter as a qualifying mobile feature of three European sites in proximity of the project.</p> <p>In light of the Appropriate Assessment process undertaken and the information presented within the scheme's HRA Report, the Department (as the Competent Authority) is content that the construction and operation of the A4 Enniskillen Southern Bypass Scheme would not, by itself or in combination with other plans or projects, adversely affect the integrity of Upper Lough Erne SAC, Upper Lough Erne Ramsar site, Upper Lough Erne SPA, Fardrum and Roosky Turloughs SAC, Fardrum and Roosky Turloughs Ramsar site, Cladagh (Swanlinbar) River or any</p>	<p>The Infrastructure Minister confirmed on 11 May 2021 her intention to proceed with the Enniskillen Southern Bypass scheme and make the statutory orders, having considered all of the environmental information and responses to the consultation of the scheme and the draft orders. The Departmental Statement was also published at this stage.</p> <p>£2million has been approved to progress advance site works which includes site clearance, fencing and NIE diversionary works.</p> <p>Progression to procurement and construction will be subject to the availability of future funding, however there is confidence that the Scheme will be completed within the Plan period.</p>	No. This project is subject to HRA and should a robust AA conclude no adverse effects and that the decision-maker is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, then there can be no in combination effects with the Plan Strategy, especially when viewed in light of the mitigation in the Plan Strategy against policy NE01 which will require Appropriate Assessment.

Plan or Project	Possible significant effects from plan or project	Is there a risk of in combination effects	Possible significant effects in combination
	<p>other Natura 2000 site, or its ability to meet its conservation objectives, and no reasonable scientific doubt remains as to the absence of such effects.</p> <p><i>(This conclusion remains dependent on the mitigation measures specified for otter being incorporated into the Construction Environmental Management Plan (CEMP).)</i></p>		
Dalradian Gold	<p>Potential in-combination effects may arise from this project on international sites. Such effects may include: Disturbance to habitats/species; • Species mortality; • Alterations to water quality and/or water movement; • Release of contaminated material (soils, runoff); and • Introduction or spread of invasive species.</p>	<p>All project elements will require a HRA to be undertaken. In the absence of mitigation or appropriate consideration of potential adverse effects upon European Sites, adverse in-combination effects may occur and cannot be excluded.</p>	<p>No. All project elements will be subject to HRA and should a robust AA conclude no adverse effects and that the decision-maker is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, then there can be no in combination effects with the Plan Strategy, especially when viewed in light of the mitigation in the Plan Strategy against policy NE01 which will require Appropriate Assessment.</p>

6 Conclusions

Outcome of HRA

Step 8: Preparing the HRA Record

The Plan Strategy has been subject to screening under the Habitats Regulations. All proposals and policies have been considered in respect of the potential for likely significant effects upon any international site, either alone or in combination with other plans and projects. For all these objectives the implications can be assessed under related policies. The assessment is therefore undertaken through the consideration of related policies.

Following the initial screening exercise, 76 policies were identified as having a likely significant effect in the absence of mitigation. Mitigation measures, in the form of suggested case-specific policy caveats, were incorporated in respect of these policies and reviewed as part of an appropriate assessment. The rationale for these is set out in Section 5 and they are summarised in Table 4.

On the basis of the analysis set out above, the Council can conclude that the Plan Strategy (with the modifications set out in the direction made by the Department for Infrastructure) will not adversely affect the integrity of any international sites, either alone or in combination with other plans and projects.

The Local Policies Plan (LPP) is the second stage of the LDP and will identify settlement limits, zonings and detailed boundaries of environmental designations and, where appropriate, introduce local policies or key site requirements for these zonings and designations. Another draft HRA will be prepared to assess the potential impacts of the draft LPP on international sites. The information about international sites in Appendix 3, which will be updated, will be important as a starting point for the HRA at LPP. Following independent examination of the draft LPP that HRA will be finalised and adopted by the Council and published alongside the adopted LPP.

Glossary

Adverse effect on site integrity	An effect on the qualifying features of an international site which would undermine the achievement of the conservation objectives for that site and which would have a negative effect on the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitats, complex of habitats and / or the levels of populations of the species for which the site is or will be designated.
Competent Authority	For the purposes of the Habitats Regulations the expression 'competent authority' includes government departments, district councils and statutory undertakers, and any trustees, commissioners, board or other persons who, as a public body and not for their own profit, act under any statutory provision for the improvement of any place or the production or supply of any commodity or service.
Cumulative Impact	A number of developments in a locality or a continuous activity over time that together may have an increased impact on the environment.
De Minimis	Having no appreciable effect.
European sites	Refers to SAC and SPA sites already designated at the time of EU exit as well as any new SAC and SPA sites brought forward under the appropriate regulations after the end of the transition period.
Global Status	The global status is an expert judgement of the overall value of the international site for the conservation of the relevant Annex I habitat. Sites have been graded A, B or C.
Habitats Regulations	The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).
In combination effect	Refers to effects that may be likely significant effects when considered in combination with effects from other plans or projects.
International sites	Collective term that includes European SACs, SPAs, SACs, pSPAs, SCIs and Ramsar sites (the latter is a wider international designation).
Likely significant effect	An effect that cannot be ruled out on the basis of objective information. Likely in this context means there is a risk or possibility that an effect will be significant. An effect is significant if it would undermine an international site's conservation objectives.
Mitigation measures	Measures to avoid, cancel or reduce the effects of a plan or project on an international site.
National Site Network	Sites designated to protect special habitats or species of international importance, as listed in The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), to ensure 'the conservation of a wide range of rare, threatened or endemic animal and plant species.'
Natura 2000 (N2K)	The European network of special areas of conservation and special protection areas under the Wild Birds Directive, provided for by Article 3(1) of the Habitats Directive. Sites in Ireland are part of the Natura 2000 network.
Ramsar site	Site listed under the Convention on Wetlands of International Importance adopted at Ramsar, Iran in 1971. As a matter of policy these sites are treated in the same way as European sites.
Special Areas of Conservation (SACs)	Refers to sites already designated at the time of EU exit and new sites designated under the amended Regulations.
Special Protection Area (SPA)	Refers to sites already classified at the time of EU exit and new sites classified under the amended Regulations.

The Directives Refers to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) as applied to the UK prior to EU Exit. These Directives are referred to as the Habitats Directive and the Birds Directive respectively and together are called 'The Directives' for the purposes of this report.

Appendix 1: References & Evidence Sources

In the absence of specific Northern Ireland guidance on carrying out Habitats Regulations Assessment for plans and programmes reference has been made to other sources of guidance and relevant documents including those listed below. Site specific references and sources of evidence are detailed in Appendix 3.

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 (2001), European Commission Environment DG.

DAERA (2015 – 2017) Conservation Objectives (*Online*) Available at <https://www.daera-ni.gov.uk/landing-pages/protected-areas> (Accessed December 2021)

DAERA (2019) Data Layers for designated and proposed European and Ramsar sites Available at <https://www.daera-ni.gov.uk/articles/download-digital-datasets> (Accessed December 2021)

DAERA (2020). Guidance explaining The Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019. December 2020 (version 1).

Habitats Regulations Appraisal of Plans Guidance for Plan-Making Bodies in Scotland Version 3.0, (2015) Scottish Natural Heritage (Initially Prepared by David Tyldesley and Associates)

Joint Nature Conservation Committee (JNCC) (Dates vary) Information Sheet on Ramsar Wetlands (RIS). (*Online*) Available at <http://jncc.defra.gov.uk/page-1393> (Accessed December 2021)

JNCC (Dates vary) Standard data forms generated from the Natura 2000 Database submitted to the European Commission. (*Online*) Available at <http://jncc.defra.gov.uk/page-161> (Accessed December 2021)

NI Water (2021) Water Resource and Supply Resilience Plan [waterresourcesupplyresilienceplan-mainreport](#) (Accessed Feb 2023)

Spatial NI (2017) Data Layers for Local Government boundaries (*Online*) Available at <https://www.spatialni.gov.uk/> (Accessed December 2021)

Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, January 2022 edition UK: DTA Publications Ltd

Appendix 2: The Approach to Habitats Regulations Assessment for Plans

Introduction

This appendix sets out the approach to carrying out Habitats Regulations Assessments for Local Development Plans (LDPs) in Northern Ireland in the context of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It is informed by Tyldesley, D., and Chapman, C., (2013) the Habitats Regulations Assessment Handbook (HRA Handbook) which is regularly updated to reflect case law and has been amended in the light of EU Exit. The HRA Handbook is aimed at statutory bodies, local authorities, and other ‘competent authorities’. It is a definitive source of detailed guidance that is regularly updated for good practice and monitored by a barrister specialising in environmental law and the Habitats Regulations in particular. In places reference is made to relevant sections of the HRA Handbook where more detail can be found and, at times, extracts of the HRA Handbook are quoted.

The context for HRA is set out firstly. This is followed by an overview of how HRA applies to plans and the consideration of mitigation. Finally the stages and steps for the HRA process, as applied to Local Development Plans in Northern Ireland, are detailed. HRA is an iterative process carried out in parallel with plan preparation. The HRA will be modified in light of the independent examination and any amendments to the draft Plan Strategy. The record of the HRA will be completed and published with the adopted plan (Plan Strategy or Local Policies Plan).

The Habitats Regulations

The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), commonly referred to as the Habitats Regulations, implemented the requirements of the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version). These Directives are referred to as the Habitats Directive and the Birds Directive respectively and together are called the Directives for the purposes of this report.

The overall aim of the Directives is to maintain or restore the favourable conservation status of habitats and species of community interest. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are designated to afford protection to habitats and species listed in the Habitats and Birds Directives. These designations form a suite of sites that, in Europe, form a network of ecologically important sites called ‘Natura 2000 Sites’. Since the UK’s exit from the European Union SACs and SPAs in Northern Ireland no longer form part of the Natura 2000 network. They are still referred to as European sites however they are now collectively referred to as the National Site Network (NNS) (Department for Agriculture, Environment and Rural Affairs (DAERA), 2020).

The most recent amendment to the Habitats Regulations is the enactment of the Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 following the UK’s departure from the European Union. These Regulations simply amended the existing Habitats Regulations to make them operable in a UK context at the end of the transition period in. The requirement to undertake Habitat Regulations Assessments (HRAs) for assessing the impact of plans on European Sites remains the same.

For the purposes of the Habitats Regulations the expression ‘competent authority’ is construed in accordance with Regulation 5. Competent authorities include government departments, district councils and statutory undertakers, and any trustees, commissioners, board or other persons who, as a public body and not for their own profit, act under any statutory provision for the improvement of any place or the production or supply of any commodity or service. Councils as planning authorities are competent authorities. Regulation 43 (1) of the Habitats Regulations requires competent authorities to make an appropriate assessment of plans and projects which are likely to have a

significant effect on an international site in Northern Ireland, either alone or in combination with other plans or projects. For this report international sites include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), proposed SPAs and Ramsar sites.

Applying HRA to Local Development Plans

LDPs are prepared under the provisions of the Planning Act (Northern Ireland) 2011 (the Planning Act) and the Planning (Local Development Plan) Regulations (NI) 2015. The Planning Act requires the LDP to be produced in two stages – the first being the Plan Strategy, followed upon adoption, by the Local Policies Plan.

The approach to HRA for a plan differs to that for a project. In the case of projects the precise location of development is known and more detailed information is generally available, or can be obtained about construction, operation and other stages of the development thus enabling full assessment.

By comparison, a Plan Strategy is a strategic level plan setting out a framework for development but generally lacking detail of where and when developers will bring forward development. This will not be known until after the plan has been published. Therefore the approach to HRA for LDPs differs to that for projects. The plan does however steer how and where projects may be brought forward.

The assessment of strategic plans can present a challenge in terms of deciding what effects may come about as a result of the plan and which cannot occur due to other strategic and regulatory requirements with which the LDP and development management decisions must comply. The view could be taken that, given that a policy is included to meet the requirements of the Strategic Planning Policy Statement (SPPS), and that all planning applications must comply with the Habitats Regulations, then the Plan Strategy cannot result in an adverse effect on the integrity of any international site. However, this argument has been rejected by the Courts who have ruled⁶ that the requirement for planning permission to be determined in light of the relevant land use plan, necessarily means that those plans have considerable influence on development decisions and that, as such, land use plans must be subject to HRA in their own right. As a result, to terminate the HRA on this basis would not only be contrary to case law but it would also miss the opportunity to draw attention to the extent of international sites in, or connected to, the Council area and to inform land use planning in such a way as to minimise the regulatory burden of compliance with the Regulations at the later project HRA stage.

There are a number of pieces of case law that clarify how the Directives, and therefore the Habitats Regulations, should be interpreted as applying to plans. UK courts will take into account rulings from the European Court of Justice made up to the point of the UK's exit from the EU. The key points are summarised here, these are detailed in the Habitats Regulations Handbook and the relevant section of Handbook content is referenced accordingly (e.g. F.x.x or C.x etc.).

EC v UK⁷ detailed in F.10.1.5.

- A. Land use plans can potentially have significant effects on European sites, despite the subsequent need for planning permission at 'project' level stage.
- B. Assessment of land use plans must therefore be secured under the provisions of the Habitats Directive.
- C. The assessment of plans has to be tailored to the stage of plan making.
- D. The assessment should be 'to the extent possible based on the basis of the precision of the plan'.

⁶ Refer para 55 in EC v UK Case C-6/04 (2005)

⁷ Case C-6/04: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland judgment of the Court 20 October 2005.

Feeney⁸ (UK High Court) F.10.1. reinforced this.

- ‘Each appropriate assessment must be commensurate to the relative precision of the plans at any particular stage and no more. There does have to be an appropriate assessment at the Core Strategy stage, but such an assessment cannot do more than the level of detail of the strategy at that stage permits.’

Boggis⁹ Court of Appeal & EC v UK C.7.5.2.

The implications for HRA of plans are that the HRA should be proportionate to the level of detail. There should be “*credible evidence that there was a real, rather than a hypothetical, risk*”

- The plan has weight as planning applications must be determined in accordance with the development plan (unless material considerations indicate otherwise).
- HRA should concentrate on aspects of the plan that could, realistically, be likely to have a significant effect.
- A likely significant effect should not be assumed for:
 - policies and proposals that are no more than general policy statements or which express a general aspiration or intent;
 - policies which generate no more than theoretical risks, or vague or hypothetical effects; or
 - policies or proposals for which meaningful assessment can be made at this stage, where no particular significant effect on any particular international site can actually be identified.
- Reliance should not simply be placed on a general international site protection policy as this does not address potential tensions or conflicts in the plan between site protection and policies or proposals which could significantly affect international sites.
- Tensions in the plan must be resolved in favour of protecting the international sites from harm.
- Policies or proposals with a high potential for significant adverse effects on international sites should be removed or subject to mitigation measures.

Assessing and applying mitigation measures

CJEU Case C323/17 (People over Wind & Sweetman)¹⁰ C.5, F7.1

On 12 April 2018, the Court of Justice of the European Union (CJEU) issued a judgment, *Case C323/17 (People over Wind & Sweetman)*, which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures, referred to in the judgment as measures which are intended to avoid or reduce effects, should be assessed within the framework of an appropriate assessment. It is therefore no longer permissible to take account of measures intended to avoid or reduce the harmful effects of a plan or project on an international site at the Stage 1 test of likely significance.

In light of this Stage 1 Assessment does consider essential features and characteristics of the plan; it also takes account of regional and strategic context and other regulatory controls that will apply to development under the plan. However, measures envisaged to avoid or prevent what might otherwise have been adverse effects on the integrity of international sites are not taken into account in Stage 1 and instead are assessed at Stage 2 appropriate assessment.

⁸ Sean Feeney v Oxford City Council and the Secretary of State CLG para 92 of the judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin

⁹ Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

¹⁰ Case C-323/17 Request for a preliminary ruling, *People Over Wind* and Peter Sweetman v Coillte Teoranta, 12th April 2018

The consideration of mitigation differs between projects and plans, although for both cases it is not appropriate to take account of mitigation measures which might be incorporated into the plan at the screening stage. The first step in appropriate assessment is therefore to seek to incorporate mitigation measures which might be relied upon to avoid any adverse effects to the integrity of the international site.

Feeney v Oxford City Council¹¹ F10.1.

Case law has established that it is acceptable in principle to include policies within a Local Plan which are conditional upon certain conditions being met.

Abbotskerswell v Teignbridge (2014)¹² F10.1.

In this case the High Court specifically endorsed an approach which potentially relies upon matters being finalised after the adoption of the plan. The competent authority must however be satisfied that the measures can be delivered in practice.

This is captured in the HRA Handbook F.10.1 (emphasis added):

'Because the integrity test incorporates the application of the precautionary principle as a matter of law, and because plan assessments are, by their nature, less precise than project assessments, it is important for the assessment process to eliminate the prospect of adverse effects on site integrity in so far as that is possible at the level of specificity inherent in the nature and purpose of the particular plan.'

F.10.1.2 of the Handbook refers to mitigation measures which might be relied upon to show that there would be no adverse effects on site integrity. Examples are provided as follows:

'mitigation measures that may be introduced during or after the 'appropriate assessment' stage may be:

- a) Case-specific policy restrictions;*
- b) Case-specific policy caveats;*
- c) Prescribing how adverse effects on site integrity will be avoided by mitigation measures in a lower level or more detailed plan, to be confirmed by a more detailed Habitats Regulations Assessment at that level;*
- d) Deleting aspects of the plan that will probably fail the tests of the Directive at project application stage;*
- e) Ensuring that there are no proposals that could adversely affect the integrity of a European site that if retained in the plan may lead to a case for the proposal to be permitted, using the incorporation in the plan as the imperative reason of overriding public interest in its favour, because the plan relies on it being, or assumes that it will be, implemented;*

To be an appropriate restriction or caveat (in (a) or (b) above), enabling the plan-making body to ascertain no adverse effect on the integrity of a European site, the restriction must be:

- case-specific;*
- explicit; and*
- added to the policy and not merely added to the explanatory text or commentary, or not merely inserted into the implementation or monitoring chapters.'*

Co-ordination with other Habitats Regulations Assessments

¹¹ Sean Feeney v Oxford City Council and the Secretary of State CLG para 92 of the judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin

¹² Abbotskerswell Parish Council v Teignbridge District Council [2014] EWHC 4166 (Admin)

The Habitats Regulations provides for co-ordination between competent authorities at Regulation 47. While Regulation 47 does not strictly apply to HRA for Local Development Plans it does establish the principle that a competent authority can place weight on a HRA carried out by another competent authority. This is subject to the proviso that the competent authority should be satisfied that the earlier HRA was robust and has not become outdated by further information or developments. No guidance has been issued by DAERA as allowed for under 47(3). The Department for Environment, Food and Rural Affairs (DEFRA) published guidance in 2012 to meet the equivalent regulation for England however that was withdrawn in March 2021 and the guidance is now incorporated in Habitats regulations assessments: protecting a European site. Department for Environment, Food & Rural Affairs, Natural England, Welsh Government, and Natural Resources Wales. Published 24 February 2021.

The application and implications of the former DEFRA and updated guidance has been considered in detail within Part C.12 of the HRA Handbook. Therefore, it is accepted as good practice that consideration may be given to HRAs carried out by other competent authorities where they are applicable to development to be brought forward under the LDP.

HRA the Stages and Steps - Overview

HRA is normally described in four stages:

- Stage 1: Screening for likely significant effects;
- Stage 2: Appropriate Assessment and the Integrity Test;
- Stage 3: Alternative Solutions; and
- Stage 4: Imperative reasons of overriding public interest and compensatory measures.

The approach to HRA for LDPs in Northern Ireland is described through 11 Steps across Stages 1 and 2. These steps are not named as such in the HRA Handbook however the section which applies to each step is referenced and Figure A.1.1 illustrates each step in the HRA process.

Stage 1 involves firstly deciding whether a plan or project should be subject to HRA (Step 1). Steps 2, identifying international sites, and 3, gathering information about those sites, help to identify the international sites which the plan may affect and compile information about those sites. Step 4 allows for discretionary discussion with the Statutory Nature Conservation Body and other stakeholders. The final step of Stage 1 is the preliminary screening of the plan to determine which elements of it are likely to have a significant effect on an international site and identify the sites that may be affected.

Stage 2 is referred to as 'appropriate assessment' and assesses the implications of the plan or project for international sites in view of the sites' conservation objectives. A plan can only proceed if it can be ascertained that it will not adversely affect the integrity of an international site, either alone or in combination with other projects or plans.

If Stage 2 Appropriate Assessment finds that there would be an adverse effect on site integrity then alternative solutions which are financially, legally and technically feasible need to be considered further in Stage 3. Alternative solutions are already considered in preparation of many plans, for example through the Preferred Options Paper for Local Development Plans and in carrying out Strategic Environmental Assessment which requires consideration of reasonable alternatives. Compliance with regional policies and strategies also means that environmental effects will have been taken into account. It is therefore rare for HRAs for LDPs to progress beyond Stage 2.

Stage 4 applies in the event that there is an imperative reason of public interest which overrides the risk and harm to sites, and priority features where appropriate. It provides for compensatory measures to protect the overall coherence of the National Site Network / Natura 2000 network to be identified, delivery detailed and the government notified. As already noted it is rare for HRAs for LDPs to progress beyond Stage 2. Stage 3 and 4 are not therefore detailed further in this approach.

Stage 1: Screening Plan for Likely Significant Effects

Step 1: Deciding whether a plan should be subject to Habitats Regulations Assessment

This involves considering the nature of the plan and its individual proposals to determine whether there is a requirement to carry out a Habitats Regulations Assessment (HRA) and is further detailed in HRA Handbook F.2. and F.3.

The following questions help determine whether the document being reviewed is a plan in the context of the Regulations.

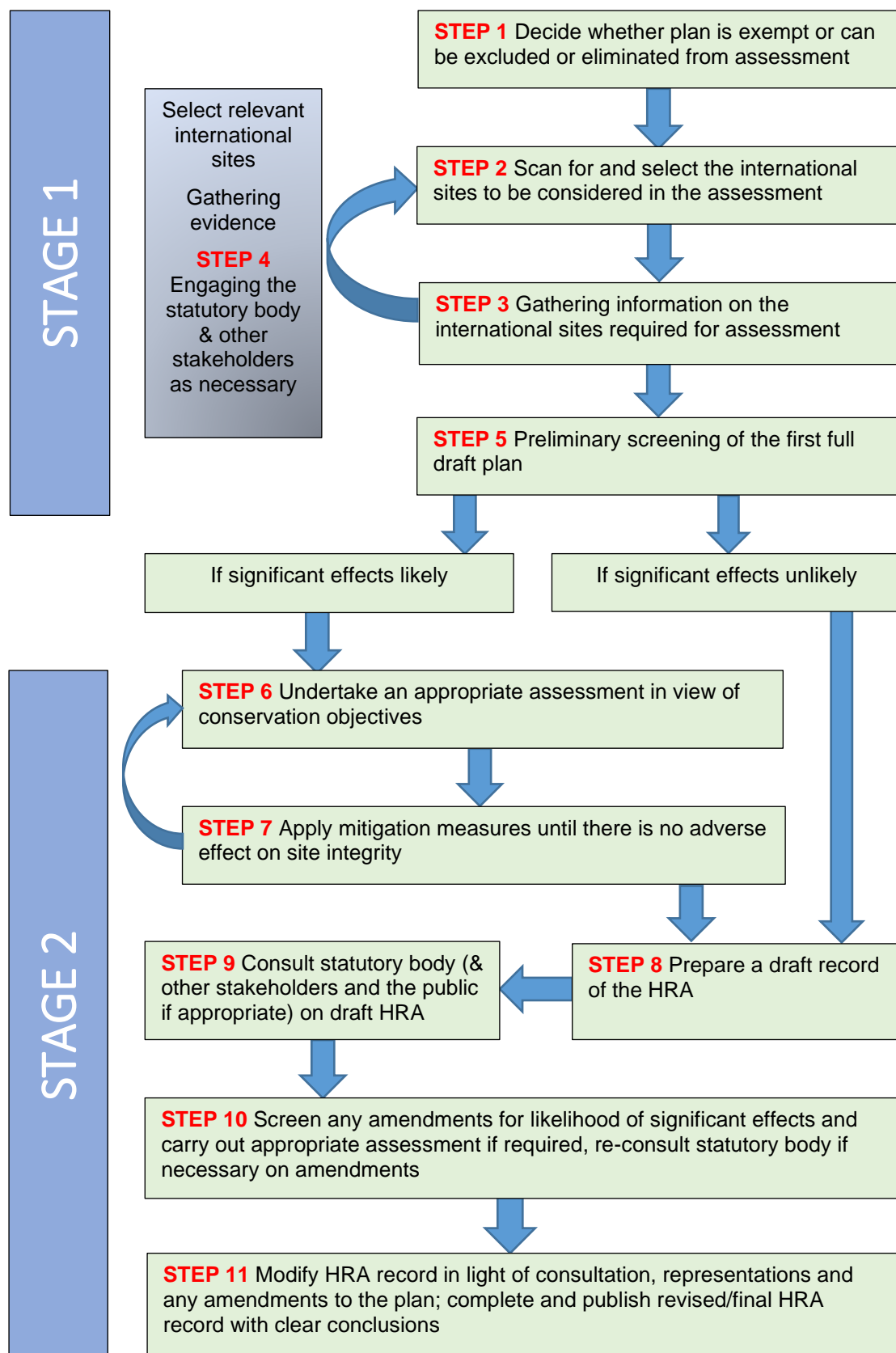
- Is the whole of the plan directly connected with or necessary to the management of an international site for nature conservation purposes?
- Is the plan a strategic development plan, local development plan, supplementary guidance?
- Is the plan a general statement of policy showing only the general political will or intention of the plan making body, and no effect on any particular international site can reasonably be predicted?
- Does the plan contain a programme, or policies, or proposals which could affect one or more particular international sites?

Step 1 is recorded in Section 1 of this report. If it is found that the plan is not subject to HRA then the outcome is recorded and it is not necessary to progress beyond this step. In practice an LDP is a plan in the context of the Regulations and subject to HRA.

Step 2: Scanning and selecting international sites potentially affected

This step follows the scan-collate-consider-select procedure set out in the HRA Handbook Figure F.4.3 and is carried out in parallel with Step 3. Step 2a is the scanning stage; Step 3 collates information; Step 2b involves considering the information and selecting the relevant sites that may be affected.

Figure A.1.1 Steps in the Habitats Regulations Assessment Process



Step 2a: 'Long-list' of sites with potential connection to plan area

International sites that are within the plan area, within a zone of influence beyond the plan area or connected to the plan area through ecology or infrastructure are identified. This is detailed in the HRA Handbook F.4 and presented in Section 2. Information is collected about this 'long-list' of sites in Step 3 and presented in Appendix 3.

Step 2b: 'Short-list' of sites that should be considered in the HRA

Taking account of the information gathered in Step 3 and the 'long-list' of sites identified at Step 2a a further scan is carried out to determine the effects that could potentially affect international sites as a result of the plan. This is carried out using the Scanning and Site Selection List in Figure F.4.4. of the HRA Handbook. As this takes account of the site selection features, pathways to sites and conservation objectives this is likely to find that some of the sites on the long-list can be eliminated from further assessment as there is no conceivable effect or their conservation objective could not be undermined. This step could potentially identify some sites that were overlooked at Step 2a.

This step is recorded in Appendix 3, Table A.3.1. Any sites that are eliminated as a result of this step are listed in Table A.3.2. The outcome is summarised in Section 2, Table 2.

Step 3: Gathering information about the international sites

This step is carried out in parallel with and informs Step 2. Information for each site on the long-list identified at Step 2a is compiled to include selection features, conservation objectives, conservation status, potential threats to site integrity from planning related development and location relative to the plan area and any plan designations. This is detailed in the HRA Handbook F.4 and presented in Appendix 3.

Step 4: Discretionary discussions on the method and scope of the appraisal

The Statutory Nature Conservation Body, represented by the Department of Agriculture, the Environment and Rural Affairs (DAERA), may be consulted informally to ensure that the information at Step 3 is up to date and reflects known issues for the international sites. This provides the opportunity to invite comment on the scope of the HRA and potential in combination considerations.

Step 5: Screening the proposed plan for likely significant effects

This step is detailed in the HRA Handbook F.6 Part A and F.7 advises how the outcome should be recorded. The screening of the whole plan is presented in Appendix 5 and the outcome summarised in Section 4 of the HRA. The HRA Handbook also presents principles, with reference to case law and government guidance, which inform screening and the interpretation of terms used; some relevant extracts are:

'As a result of European case law in Waddenzee, irrespective of the normal English meaning of 'likely', in this statutory context a 'likely significant effect' is a possible significant effect; one whose occurrence cannot be excluded on the basis of objective information. In this context it is permissible to ask whether a plan or project 'may have a significant effect'...(principle 3)'

'A significant effect is any effect that would undermine the conservation objectives for a European site... (principle 4)'

'An effect which would not be significant can properly be described ~~as~~ as 'insignificant effect'; or a 'de Minimis effect'; or a 'trivial effect'; or as having 'no appreciable effect'; but it is important to bear in mind that, in this context, all the terms are synonymous and are being used to describe effects which would not undermine the conservation objectives'....(principle 8)'

'Objective', in this context, means clear verifiable fact rather than subjective opinion. It will not normally be sufficient for an applicant merely to assert that the plan or project will not have an adverse effect on a site, nor will it be appropriate for a competent authority to rely on reassurances based on supposition or speculation. On the other hand, there should be credible

evidence to show that there is a real rather than a hypothetical risk of effects that could undermine the site's conservation objectives. Any serious possibility of a risk that the conservation objectives might be undermined should trigger an 'appropriate assessment' (principle 11).'

Plan Strategies are set in the context of a vision and objectives which indicate the outcomes intended to be achieved through the plan. How these should be considered is set out in Sections F.6.2.2 and F.6.2.3 of the HRA Handbook as follows:

'...it is possible that the goals and objectives are the drivers for the possibility of a significant effect on a European site, but in most cases, it will be subsequent, more detailed policies or proposals that would have such implications, rather than the general goals or objectives. In most cases the general goals and objectives will be screened out, either because they will have no effect at all, or because they are general statements which are too vague to have a significant effect on a particular site. Even if they are the driver of the potential effect, it is likely that the plan will contain a more specific policy or proposal that would be the better target for assessment.'

The 'screening categories' in Part F of the HRA Handbook are used to provide a consistent and transparent approach to the screening process. The following categories are used to assess whether an overall plan and its individual proposals require HRA. They are explained in detail in the section of the HRA Handbook referenced.

- A. General statement of policy / general aspiration (screened out). F.6.3.1
- B. Policy listing general criteria for testing the acceptability / sustainability of proposals (screened out). F.6.3.2
- C. Proposal referred to but not proposed by the plan (screened out). F.6.3.3
- D. General plan-wide environmental protection / site safeguarding / threshold policies (screened out). F.6.3.4
- E. Policies or proposals which steer change in such a way as to protect international sites from adverse effects (screened out). F.6.3.5
- F. Policy that cannot lead to development or other change (screened out). F.6.3.6
- G. Policy or proposal that could not have any conceivable effect on a site (screened out). F.6.3.7
- H. Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects) (screened out). F.6.3.8
- I. Policy or proposal which may have a likely significant effect on a site alone (screened in) F.6.3.9
- J. Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in combination F.6.3.10
- K. Policy or proposal unlikely to have a significant effect either alone or in combination (screened out after the in combination test). F.6.3.11
- L. Policy or proposal which might be likely to have a significant effect in combination (screened in after the in combination test). F.6.3.11
- M. Bespoke area, site or case-specific policies or proposals intended to avoid or reduce harmful effects on an international site (screened in) F.6.3.12

In some cases more than one category may apply. Where it is the case that part of a policy is in one category e.g. B. 'policy listing general criteria', whereas another part is in another category e.g. H. 'cannot undermine the conservation objectives' then both categories are listed e.g. B/H. Where part of a policy is screened in then this part will be further assessed.

Consideration must be given to any cumulative effects of proposals during plan preparation as detailed in HRA Handbook F.6.3.11. These include potential cumulative effects within the plan and in combination effects with other relevant plans and projects. For those proposals falling under

categories A to H there is no likely significant effect alone and cannot be any effect in combination. Those under category I are deemed to have a likely significant effect alone and will be progressed to appropriate assessment therefore in combination assessment is not required at Stage 1. Those policies or proposals falling under category J do need to be assessed further to determine whether they fall into K or L when considered in combination.

If there are likely significant effects, either alone or in combination, then the sites and features which may be affected and potential impacts are summarised in preparation for Stage 2.

Stage 2: Appropriate Assessment and the Integrity Test

Step 6: The appropriate assessment

The summary from Step 5 is the starting point for the appropriate assessment. Step 6 assesses whether any likely significant effect could lead to an adverse effect on site integrity for each site. This is set out in the HRA Handbook F.6. PART B and in F.9.

Where it is found that there could be an adverse effect for any site then measures are identified to remove any potential for adverse effects as described above. Measures considered at appropriate assessment must be subject to 'a full and precise analysis of the measures capable of avoiding or reducing any significant effects'. These measures may include case-specific policy restrictions or caveats, adding mitigation in a further plan that will deliver the current plan, removing proposals that could have an adverse effect on site integrity, specific mitigation plans or a large scale mitigation strategy which includes measures to mitigate adverse effects of the current plan.

In considering in combination assessment at appropriate assessment principle 4 of C.8.1 in Section C.8 'The in combination assessment' of the HRA Handbook reads as follows:

'In deciding the required scope of an appropriate assessment one must always keep firmly in mind that the underlying purpose of Article 6(3) of the Habitats Directive is to ensure (subject to the operation of Article 6(4)) that a plan or project is authorised only to the extent that it will not, either alone or in combination with other plans or projects, adversely affect the integrity of the European site; the key purpose.

European Commission guidance and case law establishes that the underlying intention of the in-combination provision is to take account of cumulative effects. An appropriate assessment need not be extended further than is necessary to fulfil the key purpose.'

Principle 6 of Section C.8.1 of the HRA Handbook states that, following an appropriate assessment:

'...if on assessment alone it is ascertained that the subject plan or project will in fact have no effect at all on the European site, an adverse effect in combination is ruled out and no further assessment is required. The plan or project may be authorised.'

Step 7: Amending the plan until there would be no adverse effects on site integrity

Any mitigation identified in Step 6 is incorporated in the plan. This is further detailed in the HRA Handbook F.11 and presented in Section 5. In the case of a draft HRA, if the mitigation is not already included in the DPS, it should be incorporated before the Plan Strategy is finalised and adopted.

Step 8: Preparing the HRA Record

This is a report which records the HRA and supporting evidence and comprises this report with clear conclusions as set out in Section 6.

Step 9: Consultation

If the HRA is concluded at Stage 1 the HRA Report with a Statement of Finding of No Likely Significant Effects is published. Consultation is not required on this Stage 1 Test of Likely Significance in these circumstances however it is recommended that the record is published as a supporting document for the plan. If the draft plan is subject to consultation a draft Stage 1 HRA Report may be included in the

consultation with a note that it will be updated to take account of any changes in the proposals or international sites before the plan is finalised.

If the HRA progresses to Stage 2 then the Statutory Nature Conservation Body (SNCB) must be invited to make representations. It is recommended that the SNCB is consulted on a draft Stage 2 HRA Report (also known as an appropriate assessment). NIEA is the SNCB for international sites in Northern Ireland and National Parks and Wildlife Service is the SNCB for international sites in Ireland. Other stakeholders such as managers of international sites should be consulted where appropriate. Public consultation is not required on the draft Stage 2 HRA Report however it may be included as a supporting document for any public consultation on the draft plan and comment on it invited. It should be stated that the HRA will be updated to take account of any changes in the proposals or international sites before the plan is finalised.

Step 10: Proposed modifications

Modifications to a plan may come about as a result of consultation, independent examination or the outcome of the HRA and the approach to their consideration is set out in F.12 of the HRA Handbook. Representations by DAERA and other consultees are recorded with a note on if and how they have been addressed in the HRA. Further mitigation identified through Step 9, or as a result of a revised HRA in light of modifications to the plan, is incorporated in the plan. Steps 6 - 8 are updated to reflect any additional mitigation and adverse effects reviewed.

Step 11: Modifying and completing the appraisal record

If it is found that there are no adverse effects on site integrity then the HRA may be concluded and a Stage 2 HRA Appropriate Assessment Report published to include a Record of No Adverse Effect on the Integrity of any international site under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Appendix 3: Site information

An overview of the information to be presented for each site is firstly provided. This is followed by a record of Step 2b: 'Short-list' of sites that should be considered in the HRA. Information for each site identified in the 'long-list' in Section 2, Step 2a follows. This details selection features, conservation objectives, conservation status, potential threats to site integrity from planning related development and location relative to the plan area and any plan designations. This has informed the current HRA and will also provide baseline information for the HRA to be carried out for the LPP. The site information is grouped as below with the conservation objectives for each site provided as separate Annex A.

Report	Sites Included
Black Bog SAC and Ramsar	Black Bog Ramsar
	Black Bog SAC
Cladagh (Swanlinbar) River SAC	Cladagh (Swanlinbar) River SAC
Cranny Bogs SAC	Cranny Bogs SAC
Cuilcagh Mountain SAC & Ramsar	Cuilcagh Mountain Ramsar
	Cuilcagh Mountain SAC
Deroran Bog SAC	Deroran Bog SAC
Fairy Water Bogs SAC & Ramsar	Fairy Water Bogs Ramsar
	Fairy Water Bogs SAC
Fardrum and Roosky Turloughs SAC & Ramsar	Fardrum and Roosky Turloughs Ramsar
	Fardrum and Roosky Turloughs SAC
Largalunny SAC	Largalunny SAC
Lough Foyle SPA & Ramsar	Lough Foyle Ramsar
	Lough Foyle SPA
Lough Melvin SAC	Lough Melvin SAC
Lough Neagh and Lough Beg SPA & Ramsar	Lough Neagh and Lough Beg Ramsar
	Lough Neagh and Lough Beg SPA
Magheraveely Marl Loughs SAC & Ramsar	Magheraveely Marl Loughs Ramsar
	Magheraveely Marl Loughs SAC
Monawilkin SAC	Monawilkin SAC
Moninea Bog SAC	Moninea Bog SAC
Owenkillev River SAC	Owenkillev River SAC
Pettigo Plateau SAC, SPA & Ramsar	Pettigo Plateau Ramsar
	Pettigo Plateau SAC
	Pettigo Plateau SPA
River Faughan and Tributaries SAC	River Faughan and Tributaries SAC
River Foyle and Tributaries SAC	River Foyle and Tributaries SAC
River Roe and Tributaries SAC	River Roe and Tributaries SAC
Slieve Beagh SAC & Ramsar	Slieve Beagh Ramsar

	Slieve Beagh SAC
Slieve Beagh-Mullaghfad-Lisnaskea SPA	Slieve Beagh-Mullaghfad-Lisnaskea SPA
Teal Lough proposed SAC & Ramsar	Teal Lough proposed Ramsar
	Teal Lough SAC
Tonnagh Beg Bog SAC	Tonnagh Beg Bog SAC
Tully Bog SAC	Tully Bog SAC
Upper Ballinderry River SAC	Upper Ballinderry River SAC
Upper Lough Erne SAC	Upper Lough Erne SAC
Upper Lough Erne Ramsar	Upper Lough Erne Ramsar
Upper Lough Erne SPA	Upper Lough Erne SPA
West Fermanagh Scarplands SAC	West Fermanagh Scarplands SAC
Arroo Mountain SAC (Ire)	Arroo Mountain SAC (Ire)
Ballintra SAC (Ire)	Ballintra SAC (Ire)
Boleybrack Mountain SAC (Ire)	Boleybrack Mountain SAC (Ire)
Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Ire)	Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Ire)
Corratirrim SAC (Ire)	Corratirrim SAC (Ire)
Cuilcagh-Anierin Uplands SAC (Ire)	Cuilcagh-Anierin Uplands SAC (Ire)
Donegal Bay (Murvagh) SAC (Ire) & Donegal Bay SPA (Ire)	Donegal Bay (Murvagh) SAC (Ire)
	Donegal Bay SPA (Ire)
Dunmuckrum Turloughs SAC (Ire)	Dunmuckrum Turloughs SAC (Ire)
Dunragh Loughs/ Pettigo Plateau SAC (Ire) & Pettigo Plateau Nature Reserve SPA (Ire)	Dunragh Loughs/ Pettigo Plateau SAC (Ire)
	Pettigo Plateau Nature Reserve SPA (Ire)
Durnesh Lough SAC & SPA (Ire)	Durnesh Lough SAC (Ire)
	Durnesh Lough SPA (Ire)
Kilroosky Lough Cluster SAC (Ire)	Kilroosky Lough Cluster SAC (Ire)
Lough Derg (Donegal) SPA (Ire)	Lough Derg (Donegal) SPA (Ire)
Lough Gill SAC (Ire)	Lough Gill SAC (Ire)
Lough Golagh and Breesy Hill SAC (Ire)	Lough Golagh and Breesy Hill SAC (Ire)
Lough Melvin SAC (Ire)	Lough Melvin SAC (Ire)
Lough Nageage SAC (Ire)	Lough Nageage SAC (Ire)
Lough Oughter and Associated Loughs SAC (Ire) & Lough Oughter Complex SPA (Ire)	Lough Oughter and Associated Loughs SAC (Ire)
	Lough Oughter Complex SPA (Ire)
River Finn SAC (Ire)	River Finn SAC (Ire)
Slieve Beagh SPA (Ire)	Slieve Beagh SPA (Ire)

Sligo/Leitrim Uplands SPA (Ire)	Sligo/Leitrim Uplands SPA (Ire)
Tamur Bog SAC (Ire)	Tamur Bog SAC (Ire)

Introduction to Site Information

Conservation Objectives

The 2019 Regulations establish management objectives for the national site network. These are called the network objectives however the term European Site Conservation Objectives is being retained and will retain its previous meaning.

The UK Government and devolved administrations (Wales, Northern Ireland and Scotland) will cooperate to manage, and where necessary, adapt the network to contribute towards meeting the network objectives. Any references in the Habitats Regulations to meeting the 'requirements of the Directives' includes achieving the network objectives. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status (FCS); and
- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The national site network sites have a role to play in achieving these overall objectives as the most important core sites for these species and habitats. Each site must therefore be managed in a way that ensures it contributes as effectively as possible to helping the species and habitats for which it has been designated reach a favourable conservation status. DAERA has commissioned management plans for many international sites. Those that are available will be taken into account when this HRA is finalised.

To ensure that each national site network site contributes fully to reaching the overall target of FCS, it is important to set clear conservation objectives for each individual site. These define the desired state for each of the species and habitat types for which the site was designated. Conservation objectives are not published for Ramsar sites therefore the conservation objectives for the associated SAC & SPA were referred to.

Conservation Objectives have a role in:

- Conservation planning and management by guiding management to maintain habitats and species in, or restore them to, favourable condition;
- Assessing plans and projects in light of the site's conservation objectives; and
- Monitoring and reporting by providing the basis for assessing the condition of a feature, the factors that affect it and the actions required.

Favourable Condition is defined as *'the target condition for an interest feature in terms of the abundance, distribution and/or quality of that feature within the site'*. The most recent condition assessment for site selection features was referred to where available in preparing this report. Sites in Ireland remain part of the Natura 2000 network and are protected and managed by Ireland as an EU Member State in accordance with Article 6 of the Habitats Directive.

Sources of information Northern Ireland sites

The appropriate assessments draw on or refer to source documents as detailed below. Digital maps for all sites can be viewed on the DAERA Natural Environment Map Viewer¹³ or downloaded from its digital datasets web page¹⁴. Maps are also provided in Appendix 4 to illustrate the relationship between the plan area and international sites. Additional, site specific, sources of information are listed for each site.

¹³ DAERA (2018) 'Natural Environment Map Viewer' Available at: <https://www.daera-ni.gov.uk/services/natural-environment-map-viewer>

¹⁴ DAERA (2018) 'Download Digital Datasets' Available at <https://www.daera-ni.gov.uk/articles/download-digital-datasets> (accessed 23/01/2019).

Special Areas of Conservation

An overview of each SAC can be found on the JNCC website at its section on UK Protected Sites¹⁵. Under 'General Site Character' there is a link to the standard data form for that SAC. Further detail is provided on this website about the Annex I habitats and Annex II species that are a primary reason for selection of the site. It also explains why the site is important and provides a link to information about that habitat in the UK context. Further information for each SAC can be found online through the DAERA Protected Areas page¹⁶. On each site page the link to guidance and literature allows the reasons for designation, conservation objectives and site map to be accessed.

Special Protection Areas

A link to the standard data form for each SPA can be found on the JNCC website at its section on UK protected sites. Further information for each site can be found through the DAERA Protected Areas page. On each site page the link to guidance and literature allows the SPA citation document and Conservation Objectives to be accessed.

Ramsar sites

A link to the Information Sheet on Ramsar Wetlands (RIS) for each Ramsar site can be found on the JNCC UK Protected Sites page. Further information for each site can be found through the DAERA Protected Areas page¹⁷. On the DAERA site page the link to guidance and literature allows the Ramsar site citation document and map to be accessed.

Condition Assessment

DAERA has compiled and made available a spreadsheet, 'Condition of Features in ASSIs and N2Ks'. This details the most recent condition assessment for features, usually with an explanation of the reason why a feature is in unfavourable condition. This spreadsheet was referred to in compiling site information. DAERA also provided unpublished condition assessment reports for some individual sites and some site selection features such as otter.

Sources of Information Ireland sites

The background information for appropriate assessment draws on or refers to source documents as detailed below. Digital maps for all sites can be downloaded from the NPWS website at their Designated Site Data web page¹⁸.

Special Protection Areas Ireland

An overview of Ireland's SPA network can be found on the NPWS website at the page on Special Protection Areas¹⁹. On this page, there are links to SPA boundary data and a statutory list of SPAs where further information on the SPA citation document, conservation interests and operations or activities requiring consent can be found. Links to individual web pages for each SPA, which include their Natura 2000 standard data form, are found on the NPWS website page on Conservation Objectives²⁰.

Condition Assessment Ireland

Condition Assessment information for designated sites is provided from the NPWS website at its Conservation Objectives page. A list of SACs and SPAs is provided with links to site conservation

¹⁵ <http://jncc.defra.gov.uk/page-1458>

¹⁶ <https://www.daera-ni.gov.uk/landing-pages/protected-areas>

¹⁷ <https://www.daera-ni.gov.uk/landing-pages/protected-areas>

¹⁸ NPWS (2018) 'Designated site data' <https://www.npws.ie/maps-and-data/designated-site-data> (accessed November 2019)

¹⁹ NPWS (2018) 'Special Protection Areas (SPA)' <https://www.npws.ie/protected-sites/spa> (accessed November 2019)

²⁰ <https://www.npws.ie/protected-sites/conservation-management-planning/conservation-objectives>

objectives, Natura 2000 data forms and site synopsis information. For some of these sites, Conservation Objectives Supporting Documents are also provided and include condition information.

Step 2b: 'Short-list' of sites that should be considered in the HRA

Taking account of the 'long-list' of sites identified in Section 2, the discussion of potential impacts of development in Section 3 and the site information in this Appendix, a further scan was carried out to determine the effects that could potentially affect international sites as a result of the plan. This was carried out using the Scanning and Site Selection List in Figure F.4.4. of the HRA Handbook as described in Appendix 2.

Table A.3.1 Scanning and site selection list for sites that could potentially be affected by the plan

Extract from The Habitats Regulations Assessment Handbook, www.dtapublications.co.uk © DTA Publications Limited (November 2018) all rights reserved. This work is registered with the UK Copyright Service

Types of plan	Sites to scan for and check	Names of sites selected
1. All plans (terrestrial, coastal and marine)	Sites within the geographic area covered by or intended to be relevant to the plan	Black Bog Ramsar Black Bog SAC Cladagh (Swanlinbar) River SAC Cranny Bogs SAC Cuilcagh Mountain Ramsar Cuilcagh Mountain SAC Deroran Bog SAC Fairy Water Bogs Ramsar Fairy Water Bogs SAC Fardrum and Roosky Turloughs Ramsar Fardrum and Roosky Turloughs SAC Largalunny SAC Lough Melvin SAC Magheraveely Marl Loughs Ramsar Magheraveely Marl Loughs SAC Monawilkin SAC Moninea Bog SAC Owenkillew River SAC Pettigo Plateau Ramsar Pettigo Plateau SAC Pettigo Plateau SPA Slieve Beagh Ramsar Slieve Beagh SAC Slieve Beagh-Mullaghfad-Lisnaskea SPA Tonnagh Beg Bog SAC Tully Bog SAC Upper Ballinderry River SAC Upper Lough Erne Ramsar Upper Lough Erne SAC Upper Lough Erne SPA West Fermanagh Scarplands SAC
2. Plans that could affect the aquatic environment	Sites upstream or downstream of the plan area in the case of river or estuary sites	Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Ire) Donegal Bay (Murvagh) SAC (Ire) Donegal Bay SPA (Ire) Kilroosky Lough Cluster SAC (Ire) Lough Melvin SAC (Ire) Lough Oughter and Associated Loughs SAC (Ire) Lough Oughter Complex SPA (Ire)

Types of plan	Sites to scan for and check	Names of sites selected
	Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area	Lough Neagh and Lough Beg Ramsar Lough Neagh and Lough Beg SPA River Foyle and Tributaries SAC Cuilcagh-Anierin Uplands SAC (Ire) Kilroosky Lough Cluster SAC (Ire) Lough Golagh and Breesy Hill SAC (Ire) Lough Melvin SAC (Ire) Lough Oughter and Associated Loughs SAC (Ire) Lough Oughter Complex SPA (Ire) Slieve Beagh SPA (Ire) Tamur Bog SAC (Ire)
3. Plans that could affect the marine environment	Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the sea bed, or marine species	Lough Foyle Ramsar Lough Foyle SPA Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Ire) Donegal Bay (Murvagh) SAC (Ire) Donegal Bay SPA (Ire)
4. Plans that could affect the coast	Sites in the same coastal 'cell', or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes	None - the plan area does not have a marine coastline.
5. Plans that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected	Cladagh (Swanlinbar) River SAC Lough Foyle Ramsar Lough Foyle SPA Lough Melvin SAC Lough Neagh and Lough Beg Ramsar Lough Neagh and Lough Beg SPA Magheraveely Marl Loughs Ramsar Magheraveely Marl Loughs SAC Owenkillew River SAC Pettigo Plateau SPA River Foyle and Tributaries SAC Slieve Beagh-Mullaghfad-Lisnaskea SPA Upper Ballinderry River SAC Upper Lough Erne Ramsar Upper Lough Erne SAC Upper Lough Erne SPA Donegal Bay (Murvagh) SAC (Ire) Donegal Bay SPA (Ire) Durnesh Lough SPA (Ire) Kilroosky Lough Cluster SAC (Ire) Lough Derg (Donegal) SPA (Ire) Lough Melvin SAC (Ire) Lough Oughter and Associated Loughs SAC (Ire) Lough Oughter Complex SPA (Ire) Pettigo Plateau Nature Reserve SPA (Ire) River Finn SAC (Ire) Slieve Beagh SPA (Ire) Sligo/Leitrim Uplands SPA (Ire)

Types of plan	Sites to scan for and check	Names of sites selected
6. Plans that could increase recreational pressure on international sites potentially vulnerable or sensitive to such pressure	Such international sites in the plan area	Cuilcagh Mountain Ramsar Cuilcagh Mountain SAC Lough Melvin SAC Upper Lough Erne Ramsar Upper Lough Erne SAC Upper Lough Erne SPA
	Such international sites within an agreed zone of influence or other reasonable and evidence-based travel distance of the plan area boundaries that may be affected by local recreational or other visitor pressure from within the plan area	Cuilcagh-Anierin Uplands SAC (Ire) Lough Melvin SAC (Ire) Lough Oughter and Associated Loughs SAC (Ire) Lough Oughter Complex SPA (Ire)
	Such international sites within an agreed zone of influence or other evidence-based longer travel distance of the plan area, which are major (regional or national) visitor attractions such as international sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations	None - plan will not increase population such that it could increase pressure on more distant sites.
7. Plans that would increase the amount of development	Sites in the plan area or beyond that are used for, or could be affected by, water abstraction irrespective of distance from the plan area	None - evidence has been provided that there is sufficient water supply for the plan period therefore there cannot be pressures from water abstraction.
	Sites used for, or could be affected by, discharge of effluent from waste water treatment works or other waste management streams serving the plan area, irrespective of distance from the plan area	Cladagh (Swanlinbar) River SAC Lough Foyle Ramsar Lough Foyle SPA Lough Melvin SAC Owenkillew River SAC River Foyle and Tributaries SAC Upper Lough Erne Ramsar Upper Lough Erne SAC Upper Lough Erne SPA Lough Melvin SAC (Ire)
	Sites that could be affected by the provision of new or extended transport or other infrastructure	River Foyle and Tributaries SAC Tully Bog SAC Upper Lough Erne Ramsar Upper Lough Erne SAC Upper Lough Erne SPA
	Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic	Tully Bog SAC

Types of plan	Sites to scan for and check	Names of sites selected
8. Plans for linear developments or infrastructure	Sites within a specified distance from the centre line of the proposed route (or alternative routes), the distance may be varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body	None - this is not a plan for linear development or infrastructure.
9. Plans that introduce new activities or new uses into the marine, coastal or terrestrial environment	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the plan	None - no such 'new' uses introduced by the Plan Strategy.
10. Plans that could change the nature, area, extent, intensity, density, timing or scale of existing activities or uses	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the changes to existing activities proposed by the plan	None - recreational uses covered at 6 above.
11. Plans that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil	Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the plan	All short listed sites on Table 2.
12. Plans that could change the quantity, volume, timing, rate, or other characteristics of biological resources harvested, extracted or consumed	Sites whose qualifying features include the biological resources which the plan may affect, or whose qualifying features depend on the biological resources which the plan may affect, for example as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption	Not applicable to land use plans
13. Plans that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed	Sites whose qualifying features rely on the non- biological resources which the plan may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption	None - the plan does not drive development that uses physical resources relied on by qualifying features. Commercial peat cutting will not be permitted.

Types of plan	Sites to scan for and check	Names of sites selected
14. Plans which could introduce or increase, or alter the timing, nature or location of disturbance to species	Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the plan	Cladagh (Swanlinbar) River SAC Lough Melvin SAC Magheraveely Marl Loughs Ramsar Magheraveely Marl Loughs SAC Owenkillew River SAC Pettigo Plateau SPA River Foyle and Tributaries SAC Slieve Beagh-Mullaghfad-Lisnaskea SPA Upper Ballinderry River SAC Upper Lough Erne Ramsar Upper Lough Erne SAC Upper Lough Erne SPA Kilroosky Lough Cluster SAC (Ire) Lough Melvin SAC (Ire) Lough Oughter and Associated Loughs SAC (Ire) Lough Oughter Complex SPA (Ire) Pettigo Plateau Nature Reserve SPA (Ire) Slieve Beagh SPA (Ire)
15. Plans which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the plan	Cladagh (Swanlinbar) River SAC Lough Melvin SAC Owenkillew River SAC Upper Lough Erne Ramsar Upper Lough Erne SAC Upper Lough Erne SPA
16. Plans which could introduce or increase a potential cause of mortality of species	Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased mortality that could be brought about by the plan	None - direct impacts are considered at 1 above.

Sites considered but eliminated

No further sites were identified through the scan recorded in Table A3.1. The information about the international sites was then examined to determine whether the connectivity with the plan area is such that there could be a realistic risk to their selection features. As a result of this step it was found that, while there are theoretical pathways to 65 international sites, it is not conceivable that the Plan Strategy could undermine the conservation objectives for 12 sites, 6 in Northern Ireland and 6 in Ireland as there is no conceivable pathway for an effect or their conservation objectives could not be undermined. These sites are therefore eliminated from further consideration due to separation distance and absence of a viable pathway for effects as detailed in Table A3.1. This results in a list of 53 sites to be further assessed, 34 in Northern Ireland and 19 in Ireland.

Table A.3.2 Sites Eliminated from Further Assessment

Site	Elimination Reason
Lough Foyle Ramsar	There is a theoretical hydrological pathway to Lough Foyle SPA and Ramsar site via the River Strule however the separation distance of over 50 km is such that there cannot be a conceivable effect on any selection features. Likewise there is a distant hydrological connection to Lough Neagh and Lough Beg SPA and Ramsar site with a very small proportion of the catchments of the Moyola, Ballinderry and Blackwater rivers within the plan area. The separation distance however is such that there cannot be a conceivable effect on any selection features. These sites have whooper swan as a qualifying species and other bird species as part of a waterbird assemblage. Birds from these populations could stop in the plan area on migration. As the plan does not include any land use zonings which would be prejudicial to designated sites or functionally linked land for whooper swans or mobile species from these sites, they can reasonably be excluded.
Lough Foyle SPA	
Lough Neagh and Lough Beg Ramsar	
Lough Neagh and Lough Beg SPA	
River Faughan and Tributaries SAC	The Plan Area is within 10 km of the headwaters of the River Roe and Tributaries SAC and the River Faughan and Tributaries SAC however it is more than 7.5 km from these sites, separated from them by the Sperrin Mountains and there is no hydrological pathway therefore there cannot be any conceivable effect on their selection features.
River Roe and Tributaries SAC	
Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Ire)	There is a theoretical hydrological pathway to Donegal Bay (Murvagh) SAC and Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC via the River Erne which is impounded at Ballyshannon and across over 10 km of marine waters. There is also a potential pathway to these sites through Lough Melvin and via the Drowes River and Donegal Bay however the separation distance is approximately 25 and 15 km from these sites. There cannot be any impact on any terrestrial site selection features for these SACs and the separation distance via marine waters means that there cannot be any impact on intertidal or other marine features.
Donegal Bay (Murvagh) SAC (Ire)	
Durnesh Lough SAC (Ire)	Durnesh Lough SAC and SPA are 11 km from the plan area. Theoretically there is a hydrological connection of 22km through the Erne River and Donegal Bay but there cannot be any impact on its selection features through this pathway. These sites have whooper swan and Greenland white-fronted goose as qualifying species. Birds from these populations could forage in the plan area. As the plan does not include any new designated land uses at this stage of the LDP that could impact on designated sites or functionally linked land for these species effects on mobile species from these sites, they can reasonably be excluded.
Durnesh Lough SPA (Ire)	
Lough Gill SAC (Ire)	The closest point of Lough Gill SAC is the Owenmore River 8 km south west of the plan area. This is beyond the distance where there could be conceivable effects from aerial pollution. There is no hydrological pathway from the plan area for any effects.
River Finn SAC (Ire)	The closest point to the River Finn SAC is 15km and there is no direct pathway from the plan area to the SAC. There is however a distant pathway via the Rivers Strule and Mourne to the lower reaches of the SAC below Strabane. Given the separation distance from the plan area and that the river is tidal and large downstream of the confluence there cannot be a conceivable effect on salmon or otter from the plan.

Appendix 4: Maps

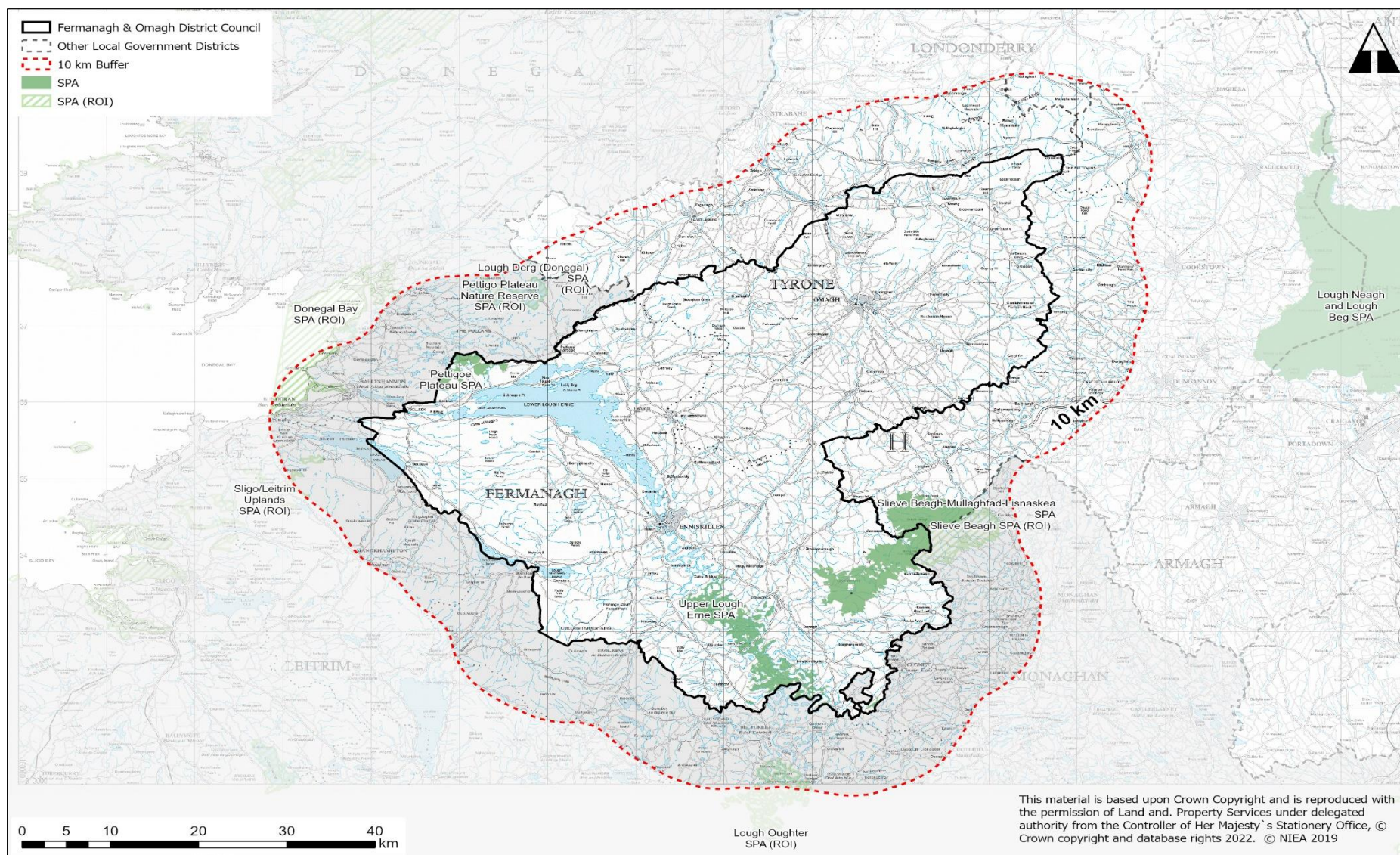
Map 1: SPAs in relation to Fermanagh and Omagh District Council Area

Map 2: SACs in relation to Fermanagh and Omagh District Council Area

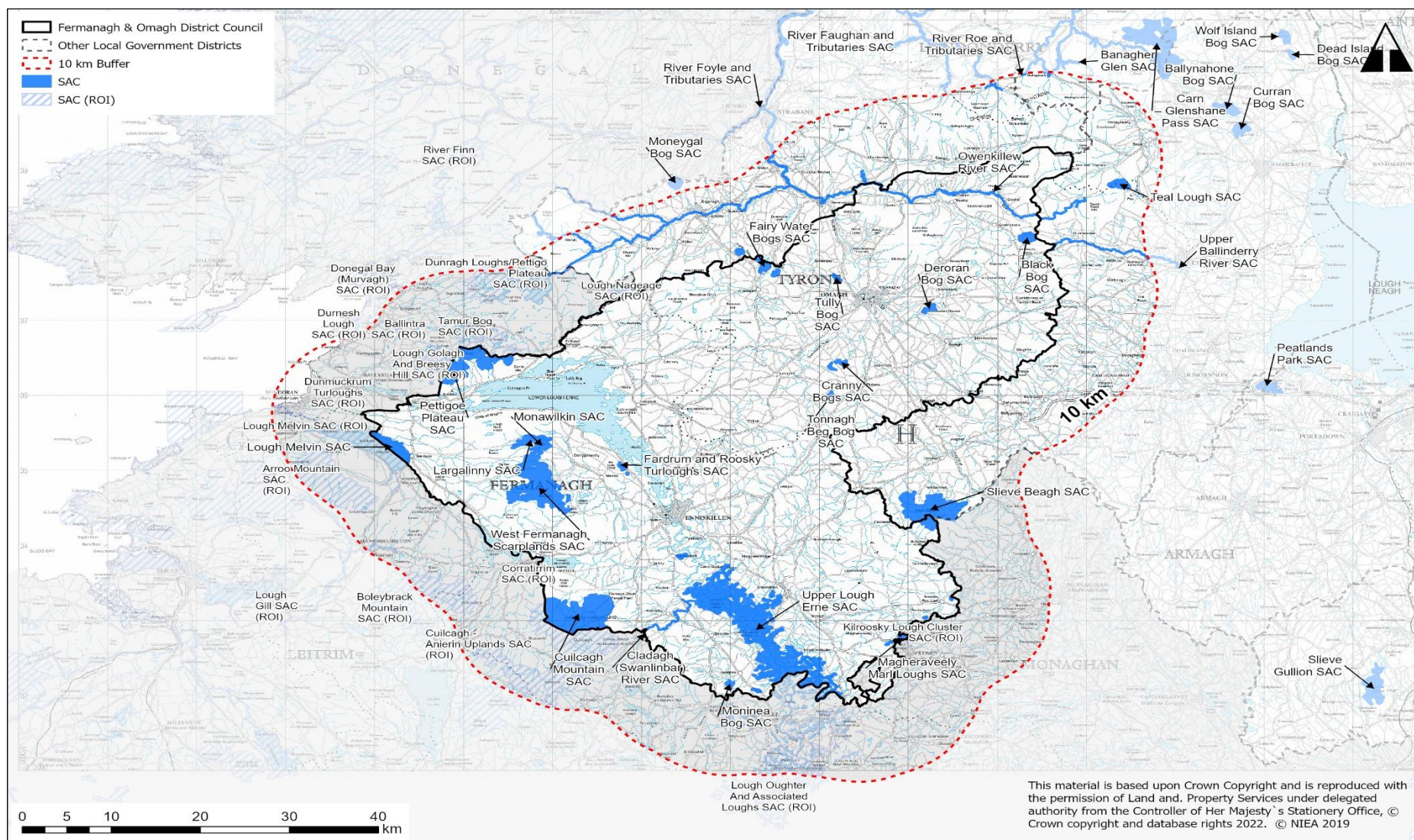
Map 3: Ramsar Sites in relation to Fermanagh and Omagh District Council Area

Map 4: Major Catchments within the Fermanagh and Omagh District Council Area

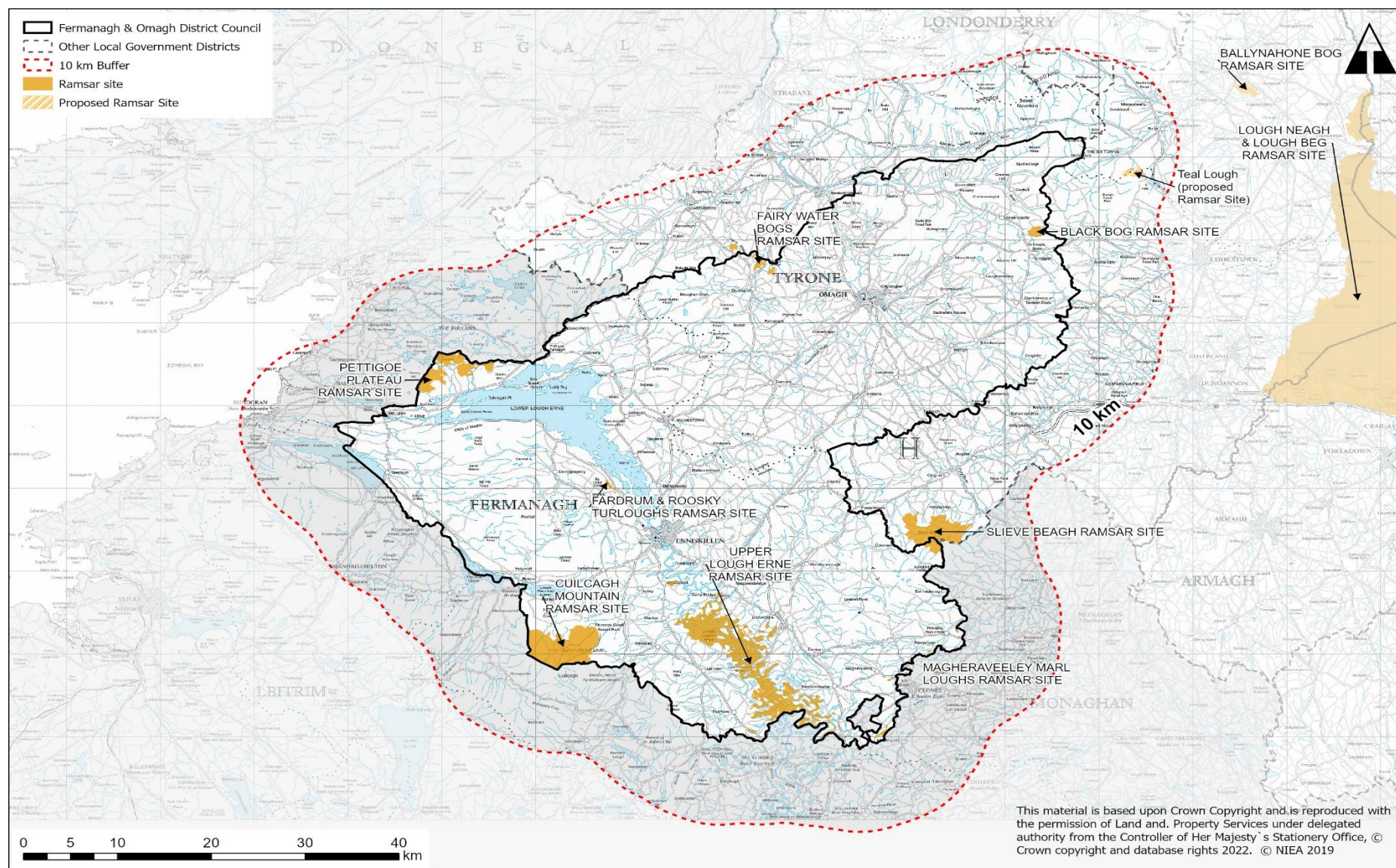
Map 1: SPAs in relation to Fermanagh and Omagh District Council Area



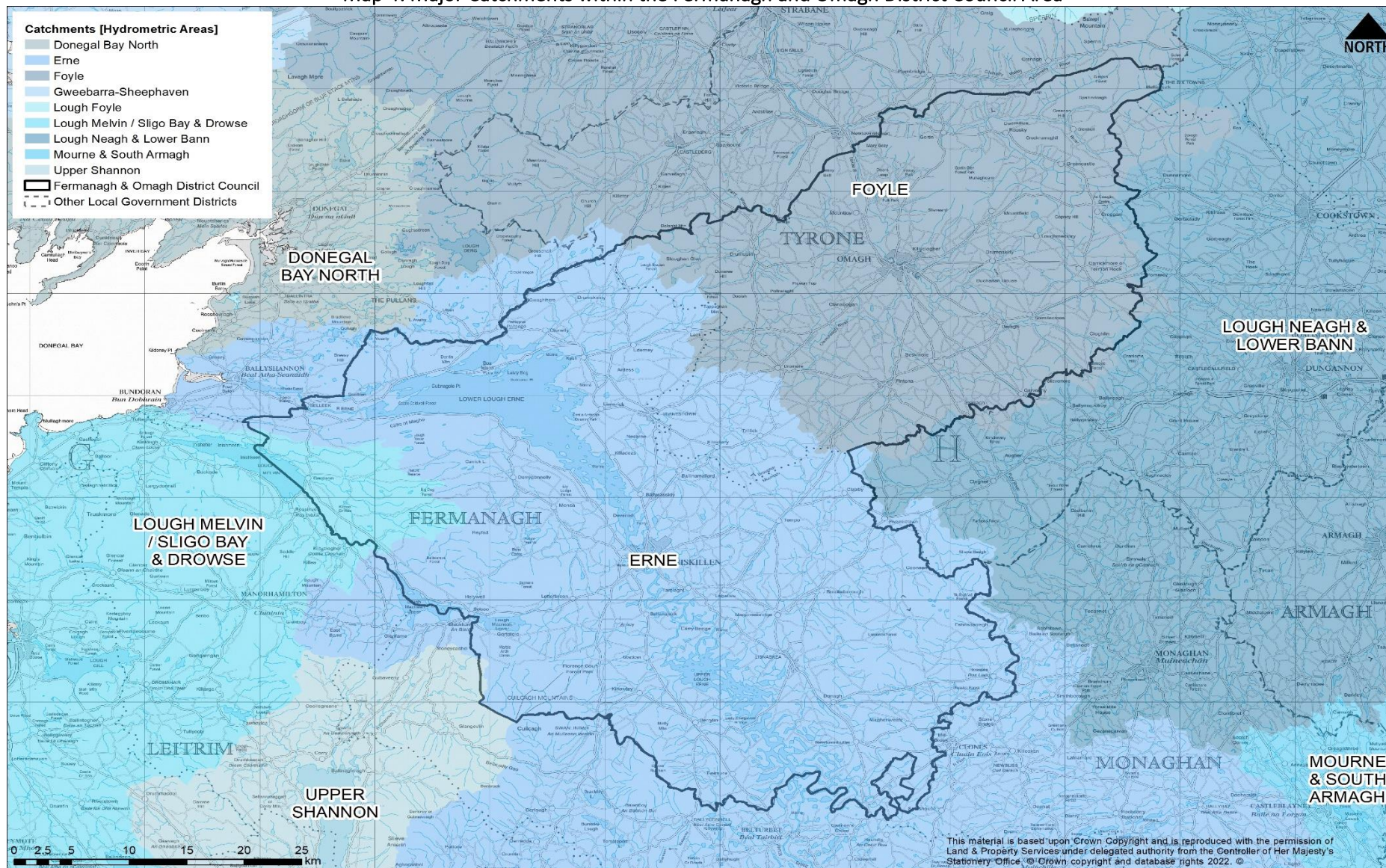
Map 2: SACs in relation to Fermanagh and Omagh District Council Area



Map 3: Ramsar Sites in relation to Fermanagh and Omagh District Council Area



Map 4: Major Catchments within the Fermanagh and Omagh District Council Area



Appendix 5: Review of Plan Strategy Proposals and Policies

The following categories are used to assess whether an overall plan and its individual proposals require HRA as described in Appendix 2. These are taken from Part F of the HRA Handbook where they are explained in detail in the sections referenced. In some cases more than one category may apply.

- A. General statement of policy / general aspiration (screened out). F.6.3.1
- B. Policy listing general criteria for testing the acceptability / sustainability of proposals (screened out). F.6.3.2
- C. Proposal referred to but not proposed by the plan (screened out). F.6.3.3
- D. General plan-wide environmental protection / site safeguarding / threshold policies (screened out). F.6.3.4
- E. Policies or proposals which steer change in such a way as to protect international sites from adverse effects (screened out). F.6.3.5
- F. Policy that cannot lead to development or other change (screened out). F.6.3.6
- G. Policy or proposal that could not have any conceivable effect on a site (screened out). F.6.3.7
- H. Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects) (screened out). F.6.3.8
- I. Policy or proposal which may have a likely significant effect on a site alone (screened in) F.6.3.9
- J. Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in combination F.6.3.10
- K. Policy or proposal unlikely to have a significant effect either alone or in combination (screened out after the in combination test). F.6.3.11
- L. Policy or proposal which might be likely to have a significant effect in combination (screened in after the in combination test). F.6.3.11
- M. Bespoke area, site or case-specific policies or proposals intended to avoid or reduce harmful effects on an international site (screened in) F.6.3.12

Fermanagh and Omagh - LDP Plan Strategy 2030 – Screening of Plan Strategy Proposals and Policies

Plan Proposal	Criteria	Screening	Screening Comment
PART ONE			
1.0 Introduction	NA	Out	Administrative text - introduces plan and its preparation
2.0 Legal Status and Policy Context	NA	Out	Administrative text - policy context
3.0 Preparation Process, Consultation and Assessments	NA	Out	Administrative text - introduces plan and its preparation
4.0 Spatial Portrait of the Fermanagh and Omagh District	NA	Out	Administrative text - profile of Council area
5.0 The Council's Vision and Strategic Objectives	A	Out	General statement of objectives.
Vision	A	Out	General statement of objectives.
Strategic Objectives - Social			
1. Develop the roles of Enniskillen and Omagh as economic, transportation and cultural hubs providing the main focus for new housing, employment, shops, leisure activities, public administrative and community services including health and education.	A	Out	General statement of objectives.
2. Protect and sustain the role of local towns and villages so that they act as local centres for shops and community services meeting the daily needs of their rural hinterlands.	A	Out	General statement of objectives.

Plan Proposal	Criteria	Screening	Screening Comment
3. Provide for vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable development.	A	Out	General statement of objectives.
4. Provide for 4,300 new homes by 2030 across a range of housing types and tenures capable of meeting the needs of all sections of the community at locations accessible to existing and new community (including education) services, employment, leisure and recreational facilities.	A	Out	General statement of objectives.
5. Facilitate the development of new social, community and recreational services at locations accessible to existing communities and new housing developments, through a variety of modes of transportation e.g. public, active and community.	A	Out	General statement of objectives.
6. Provide for environments that are safe, healthy and connected and which enhance opportunities for shared space for all.	A	Out	General statement of objectives.
Strategic Objectives - Economic			
7. Promote sustainable economic development and growth by facilitating the creation of 4,875 new jobs by 2030 and providing a sufficient supply of economic development land through a range and choice of sites, taking into account accessibility by public transport and active travel modes.	A	Out	General statement of objectives.

Plan Proposal	Criteria	Screening	Screening Comment
8. Promote inward investment, diversify the local economy, assist with economic regeneration and physical renewal, and help generate skilled, well paid employment opportunities and improve employability in the most deprived areas.	A	Out	General statement of objectives.
9. Recognise and accommodate the micro business base including rural entrepreneurship, self-employment and home working	A	Out	General statement of objectives.
10. Support the provision of an accessible, integrated, safe and sustainable transport network and locate development to improve accessibility by public transport, cycling and walking, help reduce car dependency and the impact of traffic on local communities and the environment.	A	Out	General statement of objectives.
11. Improve digital connectivity which both meets the needs of business and private households whilst reducing the need to travel.	A	Out	General statement of objectives.
12. Develop the Council area as a destination for quality leisure visits and sustainable tourism by enabling the provision of new, as well as enhancement of existing tourism infrastructure in appropriate locations.	A	Out	General statement of objectives.

Plan Proposal	Criteria	Screening	Screening Comment
Strategic Objectives - Environmental			
13. Conserve, sustain and enhance the area's environmental qualities, local distinctiveness including special landscapes, and sites of environmental importance in terms of biodiversity, wildlife and habitats, local landscape character, townscape, traditional settlement patterns, and historic environment.	A	Out	General statement of objectives.
14. Follow the principles of sustainability and high quality design standards in all developments to assist with meeting Climate Change targets and place-making.	A	Out	General statement of objectives.
15. Sustainably manage and safeguard where appropriate our natural resources including minerals and water, protecting the environment and providing sustainable services including effective and sustainable waste management to meet population needs.	A	Out	General statement of objectives.
16. Support renewables infrastructure whilst affording protection to the environment including impacts on landscapes from wind energy developments.	A	Out	General statement of objectives.
17. Prevent inappropriate new development in areas known to be at risk of flooding or that may increase the flood risk elsewhere and put in place measures to assist in flood risk management.	A	Out	General statement of objectives.

Plan Proposal	Criteria	Screening	Screening Comment
18. Protect and enhance the local green infrastructure network such as open space and green wildlife corridors whilst contributing to the enhancement of community health and well-being.	A	Out	General statement of objectives.
Strategic Policies			
SP01 - Furthering Sustainable Development	A/E	Out	General statement of objectives.
6.0 The Spatial Growth Strategy			
SP02 - Settlement	A	Out	This is a general statement of policy setting out the settlement hierarchy within the Plan, appropriate to the role and function of each settlement.
SP03 – Strategic Allocation and Management of Housing Supply in our Settlements	I	In	This policy may have a likely significant effect on international sites.
SP04 - Strategic Allocation of Land for Industry and Business	I	In	This policy may have a likely significant effect on international sites.
PART TWO			
1.0 Introduction	NA	Out	Administrative text - introduces purpose of the plan.
2.0 Development and Design			
Development and Design - Context and Justification	A	Out	General aspiration.
DE01 - General Amenity Requirements	B/G	Out	This is a policy listing general criteria for testing the acceptability of proposals to avoid adverse effects on amenity and residential amenity. In itself, it cannot have any effect on an international site.

Plan Proposal	Criteria	Screening	Screening Comment
DE02 - Design Quality	I	In	This policy may have a likely significant effect on international sites.
DE03 – Sustaining Rural Communities	I	In	This policy may have a likely significant effect on international sites.
DE04 - Integration and Design of Development in the Countryside	I	In	This policy may have a likely significant effect on international sites.
DE05 - Rural Character	I	In	This policy may have a likely significant effect on international sites.
DE06 - The Setting of Settlements	A	Out	General statement of policy which relates to visual impact of development in relation to settlements.
DE07 - Advertisements	B/G	Out	This is a policy listing general criteria for testing the acceptability of proposals. It cannot affect any international sites.
DE08 – Advertisements and the Historic Environment	B/G	Out	This is a policy listing general criteria for testing the acceptability of proposals. It cannot affect any international sites.
3.0 People and Places			
Housing in Settlements - Context and Justification	A	Out	General aspiration.
HOU01 – Housing in Settlements and Windfall Sites Main and Local Towns	I	In	This policy may have a likely significant effect on international sites.
HOU02 - Protection of Land Zoned for Housing	I	In	This policy may have a likely significant effect on international sites.
HOU03 - Affordable Housing in Settlements	A	Out	This is a general statement of policy.
HOU04 - Traveller Accommodation	I	In	This policy may have a likely significant effect on international sites.

Plan Proposal	Criteria	Screening	Screening Comment
HOU05 - Shaping Our Houses and Homes	I	In	This policy may have a likely significant effect on international sites.
HOU06 – Public Open Space in New Residential Developments	I	In	This policy may have a likely significant effect on international sites.
HOU07 – Conversion and Change of Use of Existing Building to Self-Contained Flats	I	In	This policy may have a likely significant effect on international sites.
Housing in the Countryside - Context and Justification	A	Out	General aspiration.
HOU08 – Rural Replacement Dwellings	I	In	This policy may have a likely significant effect on international sites.
HOU09 – Replacement of Other Rural Buildings	I	In	This policy may have a likely significant effect on international sites.
HOU10 – Redevelopment of a former site for dwelling	I	In	This policy may have a likely significant effect on international sites.
HOU11 - Dwelling on a Farm Business	I	In	This policy may have a likely significant effect on international sites.
HOU12 - Dwelling in association with the keeping and breeding of horses for commercial purposes	I	In	This policy may have a likely significant effect on international sites.
HOU13 – Rounding Off and Infilling	I	In	This policy may have a likely significant effect on international sites.
HOU14 – Dwelling to serve an existing Non-agricultural business	I	In	This policy may have a likely significant effect on international sites.
HOU15 – Personal and Domestic Circumstances	I	In	This policy may have a likely significant effect on international sites.

Plan Proposal	Criteria	Screening	Screening Comment
HOU16 - Affordable Housing in the Countryside	I	In	This policy may have a likely significant effect on international sites.
HOU17 – Residential Caravans and Mobile Homes	I	In	This policy may have a likely significant effect on international sites.
Community Facilities - Context and Justification	A	Out	General aspiration.
CF01 - Community Facilities	I	In	This policy may have a likely significant effect on international sites.
Open Space, Sport and Recreation - Context and Justification	A	Out	General aspiration.
Open Space Strategy	A	Out	General statement of objectives.
OSR01 - Protection of Open Space	D/F	Out	This policy is a general plan-wide environmental / site safeguarding policy. It also constrains change of use therefore, in itself, it cannot lead to development or other change.
OSR02 - Intensive Sports Facilities	I	In	This policy may have a likely significant effect on international sites.
OSR03 - Protection of Lough Shores	I	In	This policy may have a likely significant effect on international sites.
OSR04 - Development Adjacent to a Main River	I	In	This policy may have a likely significant effect on international sites.
OSR05 - Safeguarding of the Ulster Canal	F	Out	In itself this policy will not allow any development that could impact on designated sites. It protects future potential for restoration of the Ulster Canal but does not propose such development.

Plan Proposal	Criteria	Screening	Screening Comment
OSR06 - The Floodlighting of Sports and Outdoor Recreational Facilities	I	In	This policy may have a likely significant effect on international sites.
Rural Community Areas - Context and Justification	A	Out	General aspiration.
RCA01 – Rural Community Areas	I	In	This policy may have a likely significant effect on international sites.
4.0 Economy			
Industry and Business - Context and Justification	A	Out	General aspiration.
IB01 - Industry and Business Development in Settlements	I	In	This policy may have a likely significant effect on international sites.
IB02 - Loss of Industry and Business Uses	B	Out	This is a policy listing general criteria for testing the acceptability of proposals. It constrains alternative uses on zoned or other land. In itself it cannot affect any international sites.
IB03 - Development incompatible with Industrial and Business Uses	B/G	Out	Policy constrains incompatible development and does not promote additional development. In itself it cannot affect any international sites.
IB04 - Industry and Business Development in the Countryside	I	In	This policy may have a likely significant effect on international sites.
IB05 – Farm Diversification	I	In	This policy may have a likely significant effect on international sites.
IB06 – Agricultural and Forestry Development	I	In	This policy may have a likely significant effect on international sites.
Town Centres and Retailing - Context and Justification	A	Out	General aspiration.

Plan Proposal	Criteria	Screening	Screening Comment
Town Centres and Retail Strategy	A	Out	General aspiration.
TCR01 – Town Centres	I	In	This policy may have a likely significant effect on international sites.
TCR02 – Primary Retail Frontage	I	In	This policy may have a likely significant effect on international sites.
TCR03 – Local Neighbourhood Centres	I	In	This policy may have a likely significant effect on international sites.
TCR04 - Villages and Small Settlements	I	In	This policy may have a likely significant effect on international sites.
TCR05 – Petrol Filling Stations	I	In	This policy may have a likely significant effect on international sites.
Tourism - Context and Justification	A	Out	General aspiration.
The Tourism Strategy	A	Out	General statement of objectives.
TOU01 - Protection of Tourism Assets and Tourism Development	D	Out	This policy is a general plan-wide safeguarding policy.
TOU02 - Tourism Development	I	In	This policy may have a likely significant effect on international sites.
TOU03 - New Build Hotel, Guest House and Tourist Hostel outside Settlement Boundaries	I	In	This policy may have a likely significant effect on international sites.
TOU04 - Holiday Parks, Touring Caravan and Camping Sites	I	In	This policy may have a likely significant effect on international sites.
Minerals Development - Context and Justification	A	Out	General aspiration.

Plan Proposal	Criteria	Screening	Screening Comment
MIN01 - Minerals Development	I	In	This policy may have a likely significant effect on international sites.
MIN02 - Restoration and Aftercare	I	In	This policy may have a likely significant effect on international sites.
MIN03 - Mineral Safeguarding Areas	I	In	This policy may have a likely significant effect on international sites.
MIN04 - Unconventional Hydrocarbon Extraction	I	In	This policy may have a likely significant effect on international sites.
5.0 Environment			
Historic Environment - Context and Justification	A	Out	General aspiration.
HE01 – Archaeology	I	In	This policy may have a likely significant effect on international sites.
HE02 – Listed Buildings and their Settings	I	In	This policy may have a likely significant effect on international sites.
HE03 – Conservation Areas	I	In	This policy may have a likely significant effect on international sites.
HE04 – Areas of Townscape Character (ATCs) and Areas of Village Character (AVCs)	I	In	This policy may have a likely significant effect on international sites.
HE05 – Historic Parks, Gardens and Demesnes	I	In	This policy may have a likely significant effect on international sites.
HE06 – Local Landscape Policy Areas (LLPAs)	I	In	This policy may have a likely significant effect on international sites.

Plan Proposal	Criteria	Screening	Screening Comment
HE07 – Enabling Development	I	In	This policy may have a likely significant effect on international sites.
HE08 – Change of Use, Conversion or Re-use of an Unlisted Locally Important Building or Vernacular building	I	In	This policy may have a likely significant effect on international sites.
Natural Environment - Context and Justification	A	Out	General aspiration.
NE01 - Nature Conservation	M	In	This policy is intended to avoid or reduce harmful effects on international sites. NE01 applies to all development under the LDP.
NE02 – Protected Species and their Habitats	D	Out	This policy is a general plan-wide environmental / site safeguarding policy. Affords additional protection to some site selection features such as whooper swan.
NE03 – Other Habitats, Species or Features of Natural Heritage Importance	D	Out	This policy is a general plan-wide environmental / site safeguarding policy. May afford protection to supporting habitat for site selection features.
Landscape - Context and Justification	A	Out	General aspiration.
L01 – Development within the Sperrin Area of Outstanding Natural Beauty	I	In	This policy may have a likely significant effect on international sites.
L02 – Special Countryside Areas	I	In	This policy may have a likely significant effect on international sites.
L03 – Areas of High Scenic Value (AoHSV)	I	In	This policy may have a likely significant effect on international sites.
6.0 Infrastructure			
Flood Risk Management - Context and Justification	A	Out	General aspiration.

Plan Proposal	Criteria	Screening	Screening Comment
FLD01 - Development in Floodplains	I	In	This policy may have a likely significant effect on international sites.
FLD02 - Development affected by Surface Water Flooding outside Floodplains	I	In	This policy may have a likely significant effect on international sites.
FLD03 - Sustainable Drainage Systems (SuDS)	I	In	This policy may have a likely significant effect on international sites.
FLD04 - Protection of Flood Defences and Drainage Infrastructure	A	Out	This is a general statement of policy which cannot have any effect on an international site.
FLD05 - Artificial Modification of Watercourses	I	In	This policy may have a likely significant effect on international sites.
FLD06 - Development in Proximity to Controlled Reservoirs	I	In	This policy may have a likely significant effect on international sites.
Renewable Energy - Context and Justification	A	Out	General aspiration.
RE01 - Renewable and Low Carbon Energy Generation	I	In	This policy may have a likely significant effect on international sites.
Transportation - Context and Justification	A	Out	General aspiration.
TR01 – Land Use and Transport	I	In	This policy may have a likely significant effect on international sites.
TR02 – Car Parks and Service Provision	I	In	This policy may have a likely significant effect on international sites.
TR03 – Provision of Park and Ride and Park and Share car parks	I	In	This policy may have a likely significant effect on international sites.

Plan Proposal	Criteria	Screening	Screening Comment
TR04 – Protected Routes	I	In	This policy may have a likely significant effect on international sites.
TR05 – Safeguarding New Transport Schemes	I	In	This policy may have a likely significant effect on international sites.
TR06 – Disused Transport Routes	I	In	This policy may have a likely significant effect on international sites.
Public Utilities - Context and Justification	A	Out	General aspiration.
PU01 - Telecommunications	I	In	This policy may have a likely significant effect on international sites.
PU02 - Overhead Electricity Lines	I	In	This policy may have a likely significant effect on international sites.
PU03 - Accommodating Future Broadband and other Public Services	I	In	This policy may have a likely significant effect on international sites.
PU04 –Development Relying on Non-Mains Sewerage	I	In	This policy may have a likely significant effect on international sites.
Waste Management - Context and Justification	A	Out	General aspiration.
WM01 – Waste Management Facilities	I	In	This policy may have a likely significant effect on international sites.
WM02 – Waste Water Treatment Works	I	In	This policy may have a likely significant effect on international sites.
WM03 – Development in the vicinity of waste management facilities	I	In	This policy may have a likely significant effect on international sites.

Plan Proposal	Criteria	Screening	Screening Comment
WM04 – Facilities for Recycling of Construction, Demolition and Extraction Waste	I	In	This policy may have a likely significant effect on international sites.
7.0 Monitoring and Review	NA	Out	Administrative text setting out monitoring arrangements and proposed indicators.
PART THREE			
Appendix 1: Guidance for different Categories of Outdoor Advertisements	B	Out	This is guidance listing general criteria for testing the acceptability of proposals.
Appendix 2: Guidance for Residential Extension and Alterations	B	Out	This is guidance listing general criteria for testing the acceptability of proposals.
Appendix 3: Guidance on what constitutes a Vernacular building	B	Out	This is guidance defining vernacular buildings
Appendix 4: Landscape design Considerations for Holiday Parks and Touring Caravan Sites	B	Out	This is guidance listing general criteria for testing the acceptability of proposals.
Appendix 5: Requirements of a Drainage Assessment (DA) and Flood Risk Assessment (FRA)	B	Out	This is guidance listing supporting information where Drainage Assessment or Flood Risk Assessments are required.
Appendix 6: The Landscape Wind Energy Strategy for Fermanagh and Omagh district Council	B	Out	This is guidance listing general criteria for testing the acceptability of proposals.
Appendix 7: Planning Agreements, Developer Contributions, Community Benefits and Financial Guarantees	NA	Out	Administrative text - details the legislation and policy which informs these mechanisms to control or facilitate development.
Appendix 8: Relationship between existing designations in the Fermanagh Area Plan 2007 and Omagh Area plan 2002 and proposed designations in the Plan Strategy.	NA	Out	This is guidance advising how prior designations in the Fermanagh Area Plan and Omagh Area plan will apply in advance of the Local Policies Plan.

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