



**HABITATS DIRECTIVE ASSESSMENT
NATURA IMPACT REPORT
CONCLUDING STATEMENT
FOR**

**VARIATION NO.1 TO THE KERRY COUNTY
DEVELOPMENT PLAN
2022-2028**

Environmental Assessment Unit
Kerry County Council
County Buildings
Rathass, Co. Kerry

July 2025

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1. Introduction

A Habitats Directive Assessment / Natura Impact Report (NIR) was undertaken for the proposed first variation to the Kerry County Development Plan (CDP) in February 2025. Following on from this, a NIR addendum report was prepared in June 2025, which took into account the proposed material alterations and submissions / observations received. Pursuant to Section 13 of the Planning and Development Act 2000 (as Amended), Kerry County Council, adopted Variation No. 1 of the Kerry County Development Plan 2022-2028 in July 2025.

Variation No. 1 relates to the incorporation into the development plan of a Tralee Municipal District Settlements' Plan and an overall County Level Settlements Plan Introduction, which replaces the Tralee Town Development Plan as contained in Volume 2 (Town Development Plans) of the Kerry County Development Plan 2022-2028 and the Tralee Municipal District Local Area Plan 2018-2024. The Settlement Plan for Tralee is informed and accompanied by a Local Transport Plan. For the purposes of this report the variation is referred to as the 'plan'.

The responsibility for carrying out the Appropriate Assessment of the plan lies with Kerry County Council, as competent authority for same. The purpose of the Natura Impact Report (NIR) is to outline and record the assessment process which has been applied as part of the Appropriate Assessment for the plan under Article 6(3) of the EU Habitats Directive [92/43/EEC] as transposed through Part XAB of the Planning and Development Act 2000, as amended. An NIR is defined under section 177T of the Planning and Development Act 2000, as amended: 177T.— (1) In this Part— (a) A Natura impact report means a statement for the purposes of Article 6 of the Habitats Directive, of the implications of a Land use plan, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites. The NIR therefore records the AA carried out up to and including the adoption of the plan.

In preparing the NIR, a multi-stage approach has been taken. The purpose of this staged approach has been to align the AA process with the requirements of the Strategic Environmental Assessment (SEA) Directive [2001/42/EC] process which is also required to support the development of the plan. These processes run in parallel and together have informed and shaped the development of the plan.

AA was undertaken at the draft and material alteration stages of the plan making process. Potential for significant effects and impacts resulting from in combination effects was assessed at every stage of the

assessment process. All Appropriate Assessment related recommendations have been incorporated into the adopted plan. These are documented in the NIR reports prepared at the proposed variation and material alteration stages of the variation / plan making process.

This report should be read in conjunction with the NIR prepared at Draft Plan Stage and the subsequent NIR Addendum Report prepared at the Material Alterations stage of the plan making process. This document should also be read in conjunction with the Kerry CDP 2022-2028, as varied.

This report contains an Appropriate Assessment Conclusion Statement, which is the last stage of the appropriate assessment process for the variation.

2. Habitats Directive Appropriate Assessment

A Habitats Directive Assessment / Natura Impact Report was undertaken for the proposed variation in February 2025, supplemented by an addendum to same prepared in June 2025, which considered submissions and observations received as well as proposed material alterations and amendments to the draft variation.

The European sites listed in Tables 2.1 and 2.2, which include all European sites located within or downstream of the settlements located in the plan area, were screened in for Stage two Appropriate Assessment. It was concluded that the plan potentially facilitates development projects and activities in sensitive locations within, near and or upstream/downstream of these European sites, which unmitigated has potential to significantly affect same. No viable or realistic pathway (ecological, hydrological or otherwise) for impact on other European sites exists and potential for significant effect on same was conclusively ruled out.

Table 2-1 Special Areas of Conservation screened in for Appropriate Assessment

Special Areas of Conservation
<ul style="list-style-type: none">• Akeragh, Banna And Barrow Harbour, 000332• Tralee Bay And Magharees Peninsula, West To Cloghane, 002070• Ballyseedy Wood, 002112• Slieve Mish Mountains, 002185

Table 2-2 Special Protected Areas screened in for Appropriate Assessment

Special Protected Areas
<ul style="list-style-type: none">• Tralee Bay Complex SPA, 004188• Akeragh, Banna and Barrow Harbour SPA 004079), 004188

Following on from this, the NIR concluded that subject to securing the mitigation detailed in the NIR, the plan was not likely to adversely affect the integrity of any Natura 2000 European Site, either alone or in combination with other plans or projects. The mitigation measures outlined in the NIR addendum report included adjustment to 'The SPA' settlement boundaries so as to avoid overlap with either the 'Tralee Bay and Magharees Peninsula, West to Cloghane' SAC or the 'Tralee Bay Complex' SPA and the inclusion of text and or mapping alterations so as to buffer development from these European Sites and to retain / maintain an area of coastal open space at this location.

It is noted that all of the mitigation measures set out in the NIR and in the NIR addendum report, were incorporated into the adopted variation.

Proposed material alterations - Chief Executive's Report – July 2025

The recommendations for Material Amendments 1-13, 15-16, 18-46 and 48-58 were previously assessed as part of the Natura Impact Report and addendum report. Potential for significant effects and adverse impacts were ruled out with certainty. The recommendations outlined for Material Alterations 14 and 17 are considered to be minor in nature, from a Habitats Directive Assessment point of view, and have no potential to significantly effect or adversely impact any European site, as no pathway for impact exists.

It is considered that the modifications set out in the CE report relating to Material Alteration 47 are consistent with the mitigation measures set out in S5.3.1 and S5.3.2 (option a) of the NIR addendum report dated June 2025. Therefore, it is considered that the variation has adequately addressed these matters. Accordingly, it is considered potential for significant effects or adverse impacts on European sites can be ruled out with certainty.

It is noted that the Section 51 committee recommended that the proposed Variation No. 1 of the Kerry County Development Plan 2022-2028 be made subject to the modifications as included in the Proposed Material Alterations Chief Executive's Report.

Overall, and for the reasons set out above, it is considered that the proposed Variation No 1 to the Kerry CDP 2022-2028, which has been modified in accordance with the recommendations contained within the CE report on the proposed material alterations, is not likely to adversely affect the integrity of any European (Natura 2000) Site, either alone or in combination with other plans or projects.

Nevertheless, it should be noted that mitigation measures outlined do not remove the legal obligation to carry out Appropriate Assessment at the project level where required by the provisions of the Habitats Directive or by the implementing legislation in Ireland.

3. Appropriate Assessment Conclusion Statement

Appropriate Assessment Conclusion Statement

It is determined that Variation No 1 to the Kerry CDP 2022-2028, is not likely to adversely affect the integrity of any European (Natura 2000) Site, either alone or in combination with other plans or projects.

Reasons for conclusion

It is considered that the Appropriate Assessment Natura Impact Reports prepared by the Environmental Assessment Unit, contains a fair and reasonable assessment of potential impacts of the variation / plan on European sites. That assessment is adopted as the assessment of Kerry County Council.

It is noted that all mitigation measures and recommendations made in the Natura Impact Reports have been suitably incorporated into the variation. Policies and objectives contained within the plan will either not lead to development, are intended to protect conserve or enhance the natural environment, will positively steer development and pressure away from Natura 2000 sites and associated sensitive areas, positively make provision to ensure that implementation will not have a significant effect or an adverse effect on the integrity of a Natura 2000 site, and or have been formulated using a caveat or conditional approach requiring, where necessary, a case by case Environmental Assessment / Habitats Directive Assessment. Therefore, there is no viable or realistic pathway for adverse impact on Natura 2000 sites.