

APPROPRIATE ASSESSMENT SCREENING
IN LINE WITH THE REQUIREMENTS OF
ARTICLE 6(3) OF THE EU HABITATS DIRECTIVE

PROPOSED VARIATIONS TO
GOWRAN DRAFT LOCAL AREA PLAN 2010-2016

KILKENNY COUNTY COUNCIL
DATE: 27.9.2010



Table of Contents

- Section 1 Introduction and Terms of Reference**
- Section 2 Screening**
- Section 3 Conclusion**

Section 1 Introduction and Terms of Reference

1.1 Introduction

In accordance with Section 20 (3)(e) of the Planning and Development Act, 2000 (as amended) Kilkenny County Council is proposing a number of variations to the Gowran Draft Local Plan. These variations have arisen following the Elected Members review of the *Manager's Report on Submissions received* under Section 20(3)(c) of the Planning and Development Act, 2000 (as amended).

As part of the process of preparing a Draft Local Area Plan (LAP) for Gowran, Kilkenny County Council considered whether to carry out Appropriate Assessment (AA) on the plan and determined that an Appropriate Assessment was not required. This determination was made in May 2010.

This is an appropriate assessment screening of the Proposed Variations to the Gowran Draft Local Area Plan (LAP) 2010 in accordance with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and in line with the Guidance for Planning Authorities entitled "*Appropriate Assessment of Plans and Projects in Ireland*" as published by the Department of the Environment, Heritage and Local Government in December 2009. The Draft Plan, including the Proposed Variations, will be screened in its entirety, and this is hereinafter referred to as "The Plan".

The 1992 Habitats Directive requires member states to designate areas of their territory containing a representative sample of important habitats and species. These areas are known as Natura 2000 sites, and they include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Article 6(3) and (4) require that an Appropriate Assessment be carried out for these sites where projects, plans or proposals are likely to have an effect.

Article 6(3) of the Habitats Directive states:

'any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.'

Article 6(4) states:

'if, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of economic or social nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial

consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest'.

1.2 Methodology

The methodology as set out in *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (December 2009) has been followed.

In accordance with this guidance, the following four steps have been used to produce this screening statement:

Step 1: Description of Plan and plan area characteristics

Step 2: Identification of Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives. (This has not changed from the screening of the Draft Plan)

Step 3: Assessment of Likely Effects

Step 4: Screening conclusion and statement

Section 2 Screening

Step 1: Description of Plan and plan area characteristics

The Plan (LAP) will provide for the proper and sustainable development of the town of Gowran in east Co. Kilkenny for a six year period from 2010-2016 and will replace the current 2003 LAP. A context map for Gowran is included as Map A. The Census recorded a population of 487 people in Gowran in 2006.

The area covered by the LAP is approximately 75 hectares with the bulk of this land to be zoned for mixed use (residential, industrial, commercial and community facilities) and 12 hectares zoned for open space. This Plan reduces the amount of land available for development from the existing (2003) LAP. In the 2003 LAP a total of 27 hectares were zoned for residential use. Of this, 15 hectares were greenfield land, the remainder comprised the existing built-up area of Gowran. Of the 15 greenfield hectares, just over 8 hectares were developed during the lifetime of this plan. Therefore a total of 7 hectares of greenfield residential zoned land remained from the 2003 Plan. In the Plan, one hectare is to be zoned for Residential Phase 1 and 6 hectares are zoned for Phase 2 (i.e. beyond the lifetime of this Plan). A copy of the Proposed Variations zoning map is included as Map B.

In addition, the limited capacity of the Gowran-Goresbridge-Paulstown water supply scheme is acknowledged, and this reduces the development potential of the area. A policy is included in the Plan stating that:

Policy IN4 Significant additional development will not be permitted to connect to the public water supply until such time as the Water Scheme is upgraded.

This Plan therefore reduces the potential for development significantly from that provided for in the 2003 LAP.

Step 2: Identification of Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.

There is one candidate Special Area of Conservation (cSAC) in the vicinity of Gowran, the River Barrow and River Nore, site code 002162. Map A shows the location of this cSAC in relation to Gowran. The Nore lies to the west, approximately 8km from Gowran, and the Barrow lies to the east, at approximately 5 km distance to the nearest point at Goresbridge. There are no other cSACs within 15 km of the plan area. It is considered that no other cSAC will be affected by the plan.

The River Barrow and Nore site has been designated due to the alluvial wet woodlands and petrifying springs priority habitats on Annex I of the E.U. Habitats Directive. The site is also selected for old oak woodlands, floating river vegetation, estuary, tidal mudflats, Salicornia mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs, all habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive – Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, Vertigo moulinsiana and the plant Killarney Fern.

The main threats to the site and current damaging activities include high inputs of nutrients into the river system from agricultural run-off and several sewage plants, overgrazing within the woodland areas, and invasion by non-native species, for example Cherry Laurel and Rhododendron (*Rhododendron ponticum*). The water quality of the site remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II animal species listed above. Good quality is dependent on controlling fertilisation of the grasslands, particularly along the Nore. It also requires that sewage be properly treated before discharge.

The effect of the Gowran Waste Water Treatment Plant (WWTP) was examined in an *Appropriate Assessment of Biological Impacts of Gowran WWTP on Special Area of Conservation 002162*, Sweeney (May 2009). This found that the relevant conservation objective pertaining to the discharge to Gowran WWTP is to avoid impacts from high BOD, suspended solids and nutrients by proper treatment of the effluent before discharge to the river.

As the plan area does not contain a cSAC, the only possible impact is on the water quality of the cSAC downstream, and therefore for this plan, this is also the relevant conservation objective.

The full site synopsis of the cSAC may be accessed on the National Parks and Wildlife Service's website at

<http://www.npws.ie/en/ProtectedSites/SpecialAreasofConservationSACs/Kilkenny/>

There is no Conservation Management Plan available for this site. The NPWS have published a number of Species Action Plans including one for the Killarney Fern, which has been identified in the River Barrow and Nore cSAC. An Otter Threat Response Plan was also published, and otters are included in this cSAC also.

A Draft Nore Sub-basin Management Plan for the Freshwater Pearl Mussel was published in March 2009.

Step 3: Assessment of Likely Effects

This is assessed by using available information and data, through a literature survey and consultation with relevant stakeholders. This is followed by a determination of whether there is a risk that effects identified could be significant. All potential impacts are identified including those that are direct, indirect and cumulative.

This screening matrix follows the template provided in Annex II of the EU methodology.

Assessment Criteria

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 sites.

It is not expected that the proposed Local Area Plan of itself will cause any significant negative impacts on the River Barrow and Nore cSAC. The only possible impact would be on the water quality of the site, due to the site's location downstream of the plan area. This impact could be caused by increased development, and associated intensification of the treatment plant which discharges into the Gowran River.

Gowran is served by a public wastewater collection system and associated treatment works that provides full secondary treatment with nutrient (nitrogen and phosphorus) reduction, produces treated effluent to the standards set out in the Urban Wastewater Treatment Regulations, and finally discharges to the River Gowran which flows adjacent to the works. The treatment works is designed to treat a wastewater load equivalent to that which would arise from a population of 1,600 persons (the Population Equivalent, or "PE", Design Loading). There is spare capacity in this system at present.

The Gowran scheme was highlighted in blue in the EPA report *Urban Waste Water Discharges in Ireland for Population Equivalents Greater than 500 Persons – A Report for the Years 2006 and 2007*. Blue is used in the case of plants under 2,000 p.e. discharging to freshwater or estuarine water and plants under 10,000 p.e discharging to coastal waters that have been deemed by the EPA to have treatment that is not appropriate based on the effluent results and/or have taken less than the recommended numbers of samples. The plant was upgraded in 2009.

An application for a discharge license for the Gowran Waste Water Treatment Plant was submitted to the EPA in February 2009, ref. KK-WWDL-194. As part of the application process, an Appropriate Assessment of impacts was carried out by Ecologist, Pascal Sweeney in May 2009. Biological water quality assessment indicated a slight drop in biological water quality from two sampling points, upstream and downstream of the WWTP outfall. The plant has been upgraded since this AA was carried out.

As the LAP is reducing the amount of land available for development from that proposed in the 2003 LAP, it is considered that the proposed plan will not cause any negative impacts to the site. Any planning applications for development granted under this Plan will be assessed to ensure that the treatment plant can absorb the increased load with no negative effects on water quality. One application has already been approved under the previous plan, 06/1387 for 14 dwellings. The treatment plant now has sufficient capacity to treat the wastewater arising from this.

No other projects or plans are proposed that may have likely effects in combination with this plan.

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 sites by virtue of:

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

The plan itself does not propose any construction measures and therefore there are no direct impacts on the cSAC. The plan area is located 5 km from the cSAC, and as discussed above the main indirect impact would be on the water quality of the Natura 2000 site, due to intensification of usage of the treatment plant. However, the plant has now been upgraded and can absorb the potential increase envisaged by this Draft Plan.

An ecological survey of Gowran was carried out by Roger Goodwillie as part of the 2003 Local Area Plan. This identified four areas of interest, one of which was the Gowran Valley woodland (Area 1). This area was highlighted for the presence of wet woodland. In the 2003 Local Area Plan this area was zoned for open space, with the area to the north zoned for residential development. A planning application (03/1523) for 39 units was granted on a site in this area, currently known as the Bradóg Way estate, which allowed for residential development in the northern part and open space in the open space zone. This permission also included fill to the east of the site. Conditions were applied to the permission in relation to landscaping to mitigate the effects on the wet woodland, and these conditions have not been complied with. The Enforcement section is currently investigating in relation to completion of outstanding works.

As part of this plan, a habitats assessment has been carried out by Mieke Muyllaert & Associates and Mary Tubridy & Associates. This confirmed the wet woodland along the Gowran River as a habitat of national importance.

Policies for nature conservation outside of designated areas are found in Section 8.2.3 of the County Development Plan, policies H13-17.

- H13 Identify, in co-operation with the relevant statutory authorities and other relevant groups, sites of local nature conservation interest, not otherwise protected by legislation.
- H14 To protect and enhance wildlife habitats and landscape features which form part of habitat networks, such as river corridors and associated habitats.
- H15 To ensure that any development in or near sites of local conservation interest will minimise any significant adverse impact on the features for which the site has been designated.
- H16 Minimise the loss of habitats and features of the wider countryside (hedgerows, ponds, streams, wetlands, trees etc) through the planning process, which are not within designated sites.
- H17 Where the loss of habitats and features of the wider countryside is unavoidable as part of a development, to ensure that appropriate mitigation and/or compensation measures are put in place, to conserve and enhance biodiversity and landscape character.

These policies will also apply in the Plan, in addition, policies and objectives have been included as follows for the protection of identified habitats:

Policy H1 To ensure that any development in or near sites of local conservation interest, as identified in Table 3 of Appendix 2 (of the Draft Plan), will minimise any significant adverse impact on the features for which the site has been designated.

Policy H2 Applicants shall demonstrate that there will be no adverse impacts on the ecological integrity of sites of high local ecological value identified in this plan from developments on adjacent sites.

Obj. H3: To protect and where possible, enhance the habitat of the Gowran River, and its associated ecological corridors and habitats, as identified as GR1 on Map 2: Natural Heritage (of the Draft Plan). An ecological impact assessment will be required in order to assess the impact of any development which could potentially affect this area; this should include a survey of protected species where appropriate. Where a proposal is deemed likely to have a significant effect on the Gowran River, it shall be subject to an appropriate assessment.

Obj. H4 To protect and where possible, enhance the habitat of GR2 as identified on Map 2: Natural Heritage (of the Draft Plan). An ecological impact assessment will be required in order to assess the impact of any future development within this area.

Obj. H5 To require details for the retention and integration of hedgerows of high value as identified on Map 2, in all development proposals to ensure that the ecological integrity and connectivity of the hedgerow is protected during and after construction.

Policy H6: To protect existing woodlands, trees and hedgerows (as shown on Map 2: Natural Heritage (of the Draft Plan)) which are of amenity or biodiversity value and/or contribute to landscape character, and to ensure that proper provision is made for their protection and management, when undertaking, approving or authorising development.

In addition to this, the Plan has been formulated with regard to the 'The Planning System and Flood Risk Management Guidelines' (November 2009). In line with the Guidelines, a staged approach has been adopted to the appraisal and assessment of flood risk.

Stage 1 – Flood Risk Identification

Stage 1 of this appraisal is Flood Risk Identification which includes a review of existing information and identifies if there are any flooding or surface water management issues in the plan area which may warrant further investigation. A review of existing Office of Public Works (OPW) and local information was carried out. According to the OPW National Flood Hazard Mapping, there are no recorded flood events within a 2.5 km radius of Gowran. Rivers in flood deposit soils. They are referred to as Alluvial Soils and are located on floodplains. These have been identified and mapped by the Geological Survey of Ireland. The presence of these soils is a good indicator of or potentially an indicator of flood-prone areas. The alluvial soils map was consulted and this shows the presence of alluvial soils to the west of Castle Ellis bridge.

From local information, three sites which have experienced flooding have been identified. These are shown on Figure 2.1 of the Draft Local Area Plan. The first is the field north of the river which contains the Bastionfort well. This site forms part of the floodplain of the river and the Ordnance Survey six inch map (2nd edition) of the area indicates that it is liable to flooding.

The Flood Risk Management Guidelines recommend a Sequential Approach for taking account of flood risk. The sequential approach works by guiding development away from areas that have been identified through a flood risk assessment as being at risk from flooding. In accordance with this approach, this site is zoned for Agriculture. In this regard, the avoidance principle of the sequential approach has been met.

Two other locations which have experienced flooding are the Bradóg Way housing development and also on the Rockfield Road to the north of the town. At Rockfield, flooding occurs on the road at the soccer pitch entrance. This occurs when the amount of rainfall exceeds the infiltration capacity of the ground to absorb it. This excess water flows overland and ponds in the lowest point in the road.

At Bradóg Way, the Ordnance Survey six inch map (2nd edition) of the area indicates that the strip of land closest to the river forms part of the floodplain and was liable to flooding. The issue of flooding was examined during the planning application process for Bradóg Way and the finished floor levels of the houses nearest the river were set to a level where it was unlikely that flooding would affect.

Flooding has occurred on the site on the hard surfaced parking/road area, nearest the river, and also in the front gardens of the houses facing the river. There has also been flooding in some of the back gardens.

As these two areas lie within the development boundary, and could be potentially affected by development taking place under this LAP, the process will move onto Stage 2.

Stage 2 – Initial Flood Risk Assessment (FRA)

The purpose of the initial FRA is to ensure that all relevant flood risk issues are assessed in relation to the decisions to be made. It also ensures that potential conflicts between flood risk and development are addressed to the appropriate level of detail.

At Rockfield, the ponding of water on the road can be addressed through carrying out improvement works under the Roadworks programme. This will be carried out in such a manner to ensure that ponding does not occur.

A preliminary examination of the flooding at Bradóg Way was been carried out and the indication is that it is caused by a lack of capacity in the existing storm water pipeline running through the estate to the river. It will be necessary to ensure that no additional surface water is channelled through the storm water system here. The issue of flooding at Bradóg Way will be investigated, and appropriate remedies will be pursued by the Council. Addressing the surface water capacity issues, and ensuring no additional surface water enters the network, will prevent the recurrence of flooding.

As mitigation measures have been identified to ensure firstly that any development taking place will not exacerbate the existing problems and secondly which will prevent the recurrence of flooding, it is not considered necessary to proceed to Stage 3, Detailed Flood Risk Assessment.

Policies are included as follows:

Policy IN9 To maintain the River Gowran free from inappropriate development and to discourage its culverting or realignment

Policy IN10 To ensure that no additional surface water drainage is permitted through the existing pipeline running through Bradóg Way

Policy IN11 Any development proposal on or adjacent to the floodplain shall be subject to a detailed flood risk assessment.

Obj. IN12 To address the flooding at Rockfield through the Roadworks programme

Obj. IN13 To address the flooding issues at Bradóg Way and to pursue appropriate remedies, to prevent the recurrence of flooding

The benefits of wet woodlands in flood prevention are acknowledged in the Plan, and policies will be included for the protection of the wet woodland habitat adjacent to the Gowran River as outlined above (see Policies H1, H2 and Objective H3).

Therefore, there is limited chance of the LAP inflicting a significant negative impact on the Gowran River, which in turn means there is a remote chance of the LAP causing an indirect negative impact to the River Barrow and Nore cSAC.

Describe any likely changes to the sites arising as a result of:

- reduction of habitat area;
- disturbance to key species;
- habitat or species fragmentation;
- reduction in species density;
- changes in key indicators of conservation value (water quality etc.);
- climate change.

As the LAP is not expected to cause any potential impact on the cSAC, it will cause no changes to the site. More specifically, there will be no reduction in habitat area; no disturbance of key species, habitat or species fragmentation; no reduction in species density; no changes in key indicators of conservation value and no climate change

brought about to the River Barrow and Nore cSAC as a result of the Gowran Local Area Plan.

Describe any likely impacts on the Natura 2000 sites as a whole in terms of:

- interference with the key relationships that define the structure of the site;
- interference with key relationships that define the function of the site;

No projects giving rise to significant, adverse interference with key relationships that define the structure or function of Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

Provide indicators of significance as a result of the identification of effects set out above in terms of:

- loss;
Not applicable.
- fragmentation;
Not applicable.
- disruption;
Not applicable.
- disturbance;
Not applicable.
- change to key elements of the sites (e.g. water quality etc.);
Not applicable.

Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.

As detailed above, there is potential for an indirect impact on a Natura 2000 site as the Gowran River flows into the River Barrow cSAC, which means that there is potential for any developments in close proximity to that river to impact on the cSAC downstream. However, no land is zoned for development (other than open space) adjoining the river. Therefore the element of the plan which will have a possible effect is water quality resulting from an intensification of the treatment plant, which discharges to the river, and as discussed, the treatment plant now has the capacity to deal adequately with any potential addition to the load envisaged by this plan.

It is therefore considered that there will be no significant impact on a Natura 2000 site or its conservation objectives as a result of the implementation of the Gowran LAP.

Step 4: Screening conclusion

The assessment of the likely significant effects includes consultation with the specified environmental authority which is;

- The National Parks and Wildlife Service (NPWS) of the Department of the Environment, Heritage and Local Government (DoEHLG)

Section 3 Conclusion

This screening process was carried out to ascertain if the Plan was likely to have significant effects on a Natura 2000 site. If this were the case then it would be necessary to carry out Appropriate Assessment. The Plan has been formulated to ensure that developments and effects arising from permissions based upon this Plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of any Natura 2000 sites.

Following the review of the plan in accordance with the Guidance for Planning Authorities entitled "*Appropriate Assessment of Plans and Projects in Ireland*", this screening has established that the Plan poses no risk of a significant effect and as such requires no further appropriate assessment.