



Kilkenny County Council

**KILKENNY COUNTY DEVELOPMENT  
PLAN 2008-2014**

**VARIATION NO. 2 CORE STRATEGY**

Screening for Strategic Environmental Assessment

Forward Planning  
May 2011

## **1 INTRODUCTION**

Kilkenny County Council intends to make a variation entitled "Variation No. 2, Core Strategy" to the Kilkenny County Development Plan 2008-2014 under the Planning and Development Act 2000 (as amended). The purpose of this report is to consider whether Variation No. 2 requires Strategic Environmental Assessment (SEA).

## **2 OBJECTIVES OF THE VARIATION**

Section 7 of the Planning and Development (Amendment) Act 2010, sets out that the written statement of a County Development Plan (CDP) must contain a Core Strategy which shows that the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the National Spatial Strategy and Regional Planning Guidelines. A planning authority shall prepare a core strategy not later than one year after the making of the Regional Planning Guidelines and shall accordingly vary the development plan. The Regional Planning Guidelines for the South East Region were adopted on the 26<sup>th</sup> July 2010 and this variation provides for the inclusion of the core strategy in the Development Plan.

The variation includes text and a set of maps illustrating the core strategy at county level and its impact on a number of settlements.

At present, Kilkenny contains zoned land in 18 Local Area Plans and in the Kilkenny City & Environs Development Plan. As of June 2010, the total amount of zoning for residential use equalled approximately 870 hectares. (This included zoned land in 6 LAPs which are now expired.)

To accommodate the projected population expansion, the South Eastern Regional Planning Guidelines determined that in the order of 254 hectares of zoned land would be required in Kilkenny over the period 2010-2016. Therefore the core strategy will necessitate a significant level of phasing of development land, in order to meet the objectives of the Regional Planning Guidelines. The Regional Planning Guidelines have divided the county allocation between the gateway (Waterford environs in Co. Kilkenny), the hub (Kilkenny city) and the remainder.

As part of this core strategy, a total of fifteen Local Area Plans (Ballyhale, Ballyragget, Bennettsbridge, Freshford, Goresbridge, Inistioge, Kells, Kilmacow, Knocktopher, Mooncoin, Mullinavat, New Ross Environs, Slieverue, Stoneyford and Urlingford) will be affected.

Of these fifteen, six Local Area Plans have expired (Ballyhale, Ballyragget, Inistioge, Knocktopher, Mooncoin and Urlingford). These will be incorporated into the County Development Plan. These settlements will no longer be subject to zoning maps, but a tight settlement boundary will be delineated around the built-up area. An objective will be inserted in Chapter 3 of the Development Plan to encourage development appropriate to the scale and character of the settlement within this boundary.

The remaining nine Local Area Plans (Bennettsbridge, Freshford, Goresbridge, Kells, Kilmacow, Mullinavat, Slieverue, Stoneyford and New Ross Environs) will be revised, and in every case, an amount of land currently zoned for residential development will be phased for future development. Land identified as Phase 2 will not be permitted to be developed during the lifetime of the plan. A statement will be inserted in Chapter 3 of the CDP to this effect. The revised zoning map included in the CDP will then take precedence over the LAP zoning map. Also, even though the LAPs may expire prior to 2014, the zoning map as contained in the CDP will be in place until 2014.

A further five LAPs (Callan, Castlecomer, Ferrybank/Belview, Graiguenamanagh and Thomastown) will be revised following on from the adoption of the core strategy. Four existing LAPs will not be affected in any way. Woodstock LAP contains no residentially zoned

land and the recently adopted LAPs for Fiddown, Piltown and Gowran were drafted taking account of the Regional Planning Guidelines.

The City & Environs Development plan will also be revised to take account of the City's core strategy. The amount of zoned land will be reduced through phasing. The SEA screening for the Variation to the Kilkenny City Development Plan has been undertaken separately.

Table 2.1 below summarises the approach to the development framework for all LAPs. Map A illustrates the settlements which will be affected by this Variation.

**Table 2.1: Effect of Variation on Local Area Plans in Co. Kilkenny**

1	Ballyhale	19th July 2004	Expired – incorporate into the CDP
2	Ballyragget	19th July 2004	Expired – incorporate into the CDP
3	Bennettsbridge	20 <sup>th</sup> July 2009	Revise zoning map
4	Freshford	17th October 2005	Revise zoning map
5	Goresbridge	17th October 2005	Revise zoning map
6	Inistioge	19th July 2004	Expired – incorporate into the CDP
7	Kells	17th October 2005	Revise zoning map
8	Kilmacow	21 <sup>st</sup> December 2009	Revise zoning map
9	Knocktopher	19th July 2004	Expired – incorporate into the CDP
10	Mooncoin	20th October 2003	Expired – incorporate into the CDP
11	Mullinavat	16th October 2006	Revise zoning map
12	New Ross	17th October 2005	Revise zoning map
13	Slieverue	16th October 2006	Revise zoning map
14	Stoneyford	16th October 2006	Revise zoning map
15	Urlingford	19th July 2004	Expired – incorporate into the CDP
<b>Not included in this variation</b>			
1	Callan	16 <sup>th</sup> February 2009	To be revised following adoption of Variation
2	Castlecomer	16 <sup>th</sup> February 2009	To be revised following adoption of Variation
3	Fiddown	17 <sup>th</sup> January 2011	Keep as adopted
4	Gowran	20th December 2010	Keep as adopted
5	Graiguenamanagh	16th February 2009	To be revised following adoption of Variation
6	Piltown	17th January 2011	Keep as adopted
7	Thomastown	16th February 2009	To be revised following adoption of Variation
8	Woodstock	10th November 2008	No residential zoned land
9	Ferrybank/Belview	16th March 2009	To be revised following adoption of Variation

#### Population

The preferred population projection for the County (Central Scenario) as set out in Chapter 2 of the 2008 Development Plan provided for a population of 111,005 in 2020. The RPGs project a figure of 111,903 for the County in 2022, therefore the projected population of the county is revised slightly downwards in this Variation.

#### Housing and Retail Strategies

The Housing and Retail Strategies as included in the 2008 Development Plans will be revised as necessary to ensure that the population targets of the Core Strategy for the county and city

are taken into account. As outlined, the revised population targets are less than the population projected for these strategies in 2008, therefore this revision will involve a reduction in the level of development envisaged. The cumulative effects of the Variation, which includes the Core Strategy and any consequent revisions to the Development Plan, are assessed here.

### 3 MANDATORY REQUIREMENTS

Under SI No. 346 of 2004, Planning & Development (Strategic Environmental Assessment) Regulations 2004, where a Planning Authority proposes to make a variation of a development plan under Section 13 of the Planning and Development Acts 2000-2010, it shall, before giving notice under section 13(2), consider whether or not the proposed variation would be likely to have significant effects on the environment, taking into account relevant criteria set out in Schedule 2A. Section 4 below sets out the required report pursuant to Article 13K of the 2004 regulations.

### 4 ASSESSMENT OF LIKELY SIGNIFICANT ENVIRONMENTAL EFFECTS

#### Criteria for determining the likely significant environmental impacts (Schedule 2(A) of SEA Regulations 2004)

#### 4.1 CHARACTERISTICS OF THE PLAN (Variation)

- i. The degree, to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.

This variation will establish a revised land use framework for a number of LAPs. It therefore sets a framework for the sustainable development of County Kilkenny. The variation will form part of the County Development Plan and will comply with the South Eastern Regional Planning Guidelines and other relevant guidelines.

The variation introduces a core strategy for Co. Kilkenny that provides a positive framework for guiding private development and public investment and provides a means (via policies and objectives) to influence future development to create a sustainable environment.

The total amount of zoning in Co. Kilkenny at present, for residential, or for a mix of residential and other uses, equals approximately 780 hectares. This amount now needs to be reduced significantly to correspond, as far as practicable, to the Regional Planning Guidelines allocation of 254 hectares. The allocations from the Regional Planning Guidelines are illustrated below.

**Table 4.1: Total amount of zoned land**

Area	(Area in hectares)	
	Existing level of zoning	Regional Planning Guidelines allocation
Kilkenny city (hub)	224	48
Waterford City Environs (Co. Kilkenny) – Ferrybank/Belview LAP	172	27
Co. Kilkenny (excluding. Kilkenny city and W'ford Environs)	473	179
<b>Total land zoned</b>	<b>869</b>	<b>254</b>

The core strategy includes maps for 15 settlements in County Kilkenny. For six of these (Ballyhale, Ballyragget, Knocktopher, Inistioge, Mooncoin and Urlingford), a settlement boundary will be drawn around the settlement, and a general policy governing development will apply within this boundary. This policy will be inserted in Chapter 3.

- **Policy PS16:** *To encourage development within the settlement boundary in order to support, strengthen and expand the service base of Ballyhale, Ballyragget, Inistioge, Knocktopher, Mooncoin and Urlingford, allowing development appropriate to the scale and character of these settlements whilst protecting their natural and built heritage.*

The remaining nine LAPs will be subject to revised zoning maps. For each settlement, the amount of zoning available for residential development is reduced from that zoned in the previous plan through a phasing scheme. Any land identified as Phase 2 will not be available for development during the lifetime of the plan, and this is stated in PS17 as follows:

**PS 17** *To encourage development on Phase 1 lands and prohibit development of Phase 2 lands in the settlements of Freshford, Goresbridge, Kells, Mullinavat, Slieverue, Stoneyford, Bennettsbridge and Kilmacow during the lifetime of the County Development Plan.*

Therefore the potential level of development is substantially reduced from that proposed under previous plans.

- ii. The degree to which the plan influences other plans, including those in a hierarchy.

This proposed Variation is intended to bring the objectives of the Development Plan into alignment with the South Eastern Regional Planning Guidelines. In its making, the Variation has regard to other relevant planning and environmental policy and legislation including European Union directives, Ministerial guidelines and other national and regional plans and policies. This Variation alters a total of nine Local Area Plans by directly amending their zoning maps. Where any provision of a Local Area Plan conflicts with the provisions of the development plan as varied, the provision of the local area plan shall cease to have any effect.

This variation also includes the revision of six expired Local Area Plans and includes them in the Development Plan as Settlement Plans.

The variation will also lead to the revision of a further five Local Area Plans at a subsequent stage. The process of amending those five LAPs will include a separate SEA screening exercise at a later date.

- iii. The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development.

The Variation will be made pursuant to the provisions of the Planning and Development Acts 2000-2010 Section 13; as such the plan seeks to achieve development in a sustainable manner in line with the settlement structure as set out by the National Spatial Strategy and Regional Planning Guidelines.

- iv. Environmental problems relevant to the plan.

There are no strategically significant environmental problems identified in relation to the Variation.

A brief overview of any environmental issues pertaining to the Variation is detailed below. For each issue, the existing relevant policies from the CDP are included and any amendment to the existing policies is clearly outlined.

## 1 Water

### 1a. Water Framework Directive

This Directive establishes a framework for the protection of all waters including rivers, lakes, estuaries, coastal waters, groundwater, canals and other artificial bodies for the benefit of everyone. Good ecological and chemical status for all waters must be achieved by 2015 with no deterioration in existing status in the meantime. The South Eastern River Basin Management Plan (*Water Matters*) 2009-2015 was published in 2010.

Section 9.10.3.1 of the CDP sets out the policies (IE53-57) in relation to the Water Framework Directive.

- IE53 To actively participate in the implementation of the Water Framework Directive
- IE54 To jointly with other local authorities and the relevant Public Authorities, participate and co-operate in the South Eastern River Basin District Management Project
- IE55 To implement the South Eastern River Basin Management Plan
- IE56 To increase public awareness of water quality issues and the measures required to protect and where required, improve the quality of all waters
- IE57 To take account of the findings of the National Programs of Measures Studies being developed for the River Basin Management Plans

Policies in relation to water quality in general are also set out in Section 9.10.3 (Policies IE58-64).

- IE58 Ensure the sustainable and economic provision of an adequate supply of good quality water for industrial, domestic and other beneficial uses, including the propagation of healthy fish stocks.
- IE59 Implement its adopted Water Quality Management Plans in order to prevent pollution and to ensure that beneficial uses of the waters e.g. industrial, domestic and agricultural abstraction, fishing and recreation, are protected.
- IE60 Ensure the protection of sources of potable water and will continue the process of monitoring the quality of water resources.
- IE61 Prevent industrial water pollution by ensuring that development is appropriately located, by seeking effluent reduction and 'clean production' where feasible, by requiring that waste water treatment facilities are adequate, and that effluents are treated and discharged in a satisfactory manner.
- IE62 Prevent pollution of water by means of development management and enforcement measures.
- IE63 Implement the measures quoted under the Water Quality Standards Reports for Phosphorous and Dangerous Substances Regulations.
- IE64 To implement the Water Quality Management Plans for the Barrow, Nore and Suir Rivers pending adoption of the South East River Basin Management Plan

These policies will not be affected by this variation.

### 1b Drinking Water/Water Supply

#### Capacity

There are a number of constraints with existing water supply schemes serving the settlements included in this variation. The table below summarises the details of the schemes serving each of these settlements.

**Table 4.2 Details of water supply in settlements covered by Variation 2**

Settlement	Scheme Name	Comment	Proposal under variation
Ballyhale	Bennettsbridge Regional WSS	At capacity	No zoning
Ballyragget	Ballyragget WSS	Capacity exists	No zoning
Bennettsbridge	Bennettsbridge Regional WSS	At capacity	Revised zoning and phasing
Freshford	Kilkenny city (Troyswood) Regional WSS	Limited spare capacity	Revised zoning and phasing
Goresbridge	Gowran Goresbridge Paulstown	Supply volumes are inadequate to meet any further development.	Revised zoning and phasing
Inistioge	Inistioge WS	Limited additional capacity	No zoning
Kells	Bennettsbridge Regional WSS	At capacity	Revised zoning and phasing
Kilmacow	Mooncoin Regional WSS	Capacity exists	Revised zoning and phasing
Knocktopher	Bennettsbridge Regional WSS	At capacity	No zoning
Mooncoin	Mooncoin Regional WSS	Capacity exists	No zoning
Mullinavat	Mooncoin Regional WSS	Capacity exists	Revised zoning and phasing
New Ross (Environs)	New Ross WSS (Wexford County Council)	Capacity exists	Revised zoning and phasing
Slieverue	Mooncoin Regional WSS	Capacity exists	Revised zoning and phasing
Stoneyford	Bennettsbridge Regional WSS	At capacity	Revised zoning and phasing
Urlingford	Urlingford - Johnstown Water Supply Scheme	At capacity	No zoning

#### Future requirements

As stated under point (i) above, the objective of this Variation is to bring the County Development Plan, and subsequently, a number of Local Area Plans, into line with the Regional Planning Guidelines. This will entail a reduction in the amount of land available for development in each settlement. The extent of the remaining zoned land available will very much depend on the water services available.

#### Quality

A report on *The Provision and Quality of Drinking Water in Ireland – A Report for the Years 2007-2008* (Office of Environment Enforcement EPA, 2009)<sup>1</sup> contains detail on water quality in County Kilkenny. Of the 15 settlements included in this variation, there are currently 9 public water supplies operated by Kilkenny County Council on the Remedial Action List (RAL) of public water supplies. Two supplies in Kilkenny County were added to the RAL in 2008 while none were removed. The following are the proposed actions for each of these schemes.

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[http://www.epa.ie/downloads/pubs/water/drinking/Final%20DW%20Report%202007%20\(2\).pdf](http://www.epa.ie/downloads/pubs/water/drinking/Final%20DW%20Report%202007%20(2).pdf)

**Table 4.3 Details of actions proposed for schemes on Remedial Action List**

<b>Scheme</b>	<b>Population served</b>	<b>Primary reason for inclusion on the Remedial Action List</b>	<b>Proposed Action</b>
Ballyragget WS	1,103	Elevated levels of Nitrate above the standard in the Drinking Water Regulations	Source protection measures put in place and problem resolved. Awaiting formal removal from RAL.
Bennettsbridge Regional WS	3,500	Failed to meet E.coli standard as reported in the Drinking Water Report and needs investigation and improvement if necessary to ensure that the root cause of the problem has been rectified.	All action points now complete. Awaiting confirmation tests.
Gowran/Goresbridge/Paulstown	2,000	Inadequate treatment for cryptosporidium	UV treatment being installed. Expected to be commissioned Q2, 2011
Inistioge WS	986	Elevated levels of THM's above the current standard in the Drinking Water Regulations	Well drilled and in production. Problem currently resolved. Awaiting further test results to ensure solution is long term and scheme can be removed from RAL.
Kilkenny City (Troyswood) WS	11,521	Excessive levels of aluminium in the treated water	Improvements implemented at treatment plant. Problem resolved. Awaiting further tests before removal from RAL.
Mooncoin Regional WS	7,148	Excessive levels of aluminium in the treated water	Problem resolved. Scheme removed from RAL.

Policies in relation to the quality of drinking water are listed in Section 9.10 of the CDP, IE65-68.

- IE65 Implement the capital programme outlined in the Provision of Water and Wastewater Infrastructure in Kilkenny City and County, March 2007.
- IE66 Extend water supplies to meet the expanding domestic, commercial and industrial needs of the County.
- IE67 Improve the provision of services in those areas where deficiencies exist at present.
- IE68 Encourage the economic use of existing service.

#### Leakage

- The CDP contains a policy for water conservation and the elimination of leakages, policy IE69: Conserve valuable water supplies by eliminating leakages and through raising public awareness of the need for water conservation.

A Water Conservation Project is underway across the county at present. This commenced in March 2009 and is scheduled to become a permanent element in the operation of all water supply schemes. The first stage of this project divided the water supply schemes into different zones and installed meters. The second stage is active leakage control, which

includes detecting and repairing leaks. The continuation of second stage works will become a permanent feature of the management of the county's water networks. The third stage includes for the replacement of sections of sub-standard mains, where abnormally high levels of leakage or high mains burst frequencies are recorded.

#### 1(c) Waste Water Treatment

There are a number of constraints with the existing Waste water treatment plants serving the settlements as set out below.

**Table 4.4 Details of waste water treatment plant in settlements covered by Variation 2**

Settlement	WWTP Type	Design P.E. (Population Equivalent)	Current load P.E. (Population Equivalent)	Comment on upgrade	Proposal under variation
Ballyhale	Secondary	400	500	WWTP due to be upgraded end of 2012 (shared plant with Knocktopher)	No zoning
Ballyragget	Secondary	1,920	950	Capacity available	No zoning
Bennettsbridge	Primary	600	1,425	Overloaded. Upgrade post 2013 & funding dependant.	Revised zoning and phasing
Freshford	Primary	400	1,000	Overloaded. Upgrade planned 2012 – funding dependant	Revised zoning and phasing
Goresbridge	Primary	400	500	Overloaded. Upgrade funding dependant.	Revised zoning and phasing
Inistioge	Primary	400	700	Overloaded. Upgrade funding dependant.	No zoning
Kells	Secondary	350	600	Overloaded. No immediate plans for upgrade.	Revised zoning and phasing
Kilmacow	Secondary	2500	1300	New plant. Capacity available.	Revised zoning and phasing
Knocktopher	Secondary	400	500	WWTP due to be upgraded end of 2012 (shared plant with Ballyhale)	No zoning
Mooncoin	Secondary	2800	1325	Capacity available	No zoning
Mullinavat	Primary	280	520	Overloaded. Upgrade post 2013 & funding dependant.	Revised zoning and phasing
New Ross (Environs)	Secondary	1900	200	New plant in Co. Wexford. Design PE represents capacity reserved for Kilkenny County Council. Capacity available	Revised zoning and phasing
Slieverue (Belview WWTP)	Secondary	19,500	5,100	New Waterford City plant at Belview. Design PE represents capacity reserved for Kilkenny County Council for Waterford City Environs and Slieverue. Capacity available.	Revised zoning and phasing
Stoneyford	Secondary	500	930	Overloaded. Upgrade funding dependant.	Revised zoning and phasing
Urlingford	Secondary	1,500	2,150	Overloaded. Upgrade 2012.	No zoning

Source: Information from Kilkenny County Council Water Services as at March 9<sup>th</sup>, 2011

The EPA report *Urban Waste Water Discharges in Ireland for Population Equivalents Greater than 500 Persons – A Report for the Years 2006 and 2007* sets out which plants have treatment that is not appropriate based on the effluent results and/or have taken less than the recommended numbers of samples.

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. Two plants, Ballyragget and Stoneyford were highlighted in blue for both 2006 and 2007. Red is used to highlight the treatment plants that did not meet the overall requirements of the Urban Waste Water Treatment Regulations 2001, and Mooncoin was highlighted in red in 2007.

The issues at all three of these plants have been rectified since 2007 and according to the annual returns to the EPA, the final effluent quality is now good.

#### Future requirements

As stated under point (i) above, the objective of this Variation is to bring the County Development Plan, and subsequently, a number of Local Area Plans, into line with the Regional Planning Guidelines. This will entail a reduction in the amount of land available for development in each settlement. The extent and level of the remaining zoned land availability will very much depend on the water services available. Of the fifteen settlements being addressed by this variation, nine will retain zoning. The capacity in water services for all settlements is summarised below.

**Table 4.5 Summary of water services in settlements covered by Variation 2**

Settlement	Water supply capacity	Waste water capacity	Proposal under variation
Ballyhale	At capacity	WWTP due to be upgraded end of 2012 (shared plant with Knocktopher)	No zoning
Ballyragget	Capacity exists	Capacity available	No zoning
Bennettsbridge	At capacity	Overloaded. Upgrade post 2013 & funding dependant.	Revised zoning and phasing
Freshford	Limited spare capacity	Overloaded. Upgrade planned 2012 – funding dependant	Revised zoning and phasing
Goresbridge	Supply volumes are inadequate to meet any further development.	Overloaded. Upgrade funding dependant.	Revised zoning and phasing
Inistioge	Limited additional capacity	Overloaded. Upgrade funding dependant.	No zoning
Kells	At capacity	Overloaded. No immediate plans for upgrade.	Revised zoning and phasing
Kilmacow	Capacity exists	New plant. Capacity available.	Revised zoning and phasing
Knocktopher	At capacity	WWTP due to be upgraded end of 2012 (shared plant with Ballyhale)	No zoning
Mooncoin	Capacity exists	Capacity available	No zoning
Mullinavat	Capacity exists	Overloaded. Upgrade post 2013 & funding dependant.	Revised zoning and phasing
New Ross (Environs)	Capacity exists	New plant in Co. Wexford. Design PE represents capacity reserved for Kilkenny County Council. Capacity available	Revised zoning and phasing
Slieverue	Capacity exists	New Waterford City plant at Belview. Design PE represents capacity reserved for Kilkenny County Council for Waterford City Environs and Slieverue. Capacity available.	Revised zoning and phasing
Stoneyford	At capacity	Overloaded. Upgrade funding dependant.	Revised zoning and phasing
Urlingford	At capacity	Overloaded. Upgrade 2012.	No zoning

As can be seen, six settlements (Bennettsbridge, Freshford, Goresbridge, Kells, Mullinavat and Stoneyford) do not have spare capacity available in both water supply and waste water treatment services. For these six settlements, this variation will reduce the level of land available for development, and a policy will be inserted in Chapter 3 to state that:

- *Policy PS 22 Any significant additional development in Bennettsbridge, Freshford, Goresbridge, Kells, Mullinavat and Stoneyford will not be permitted pending the upgrade of the necessary water services infrastructure.*

#### 1(d) Groundwater Protection

The Geological Survey of Ireland has completed a Groundwater Protection Scheme for County Kilkenny. Policies are set out in relation to this in the CDP, Policies IE51-52.

- IE51 Ensure that septic tanks and proprietary treatment systems, or other waste water treatment and storage systems, where required as part of a development, comply with relevant guidelines and that they are employed where site conditions are appropriate.
- IE52 Have regard to the Groundwater Protection Scheme in decision-making on the location, nature and control of developments and activities in order to protect groundwater.

Policies in relation to the promotion of waste water treatment are set out in IE71-75.

- IE71 Extend waste water treatment to meet the expanding domestic commercial and industrial needs of the County.
- IE72 Improve the provision of treatment services in those areas where deficiencies exist at present.
- IE73 Encourage the economic use of existing treatment service.
- IE74 Meet in full the requirements of the E.U. Urban Waste Water Treatment Directive.
- IE75 Ensure that arrangements for the treatment and disposal of effluent from all forms of development are sustainable and meet environmentally acceptable standards.

These will not be affected by this Variation.

#### 2 Flood Prevention and Management

A Strategic Flood Risk Assessment has been carried out for this Variation and is attached as Appendix 1.

No other significant environmental problems are identified in relation to the proposed Variation.

- v. The relevance of the plan for the implementation of European Union legislation on the environment (e.g. plans linked to waste management or water protection).

Issues relating to EU legislation on the environment are addressed in the CDP as outlined above and this variation will ensure the continued implementation of these objectives.

#### 4.2 CHARACTERISTICS OF THE EFFECTS AND OF THE AREA LIKELY TO BE AFFECTED

- (i) The probability, duration, frequency and reversibility of the effects.

The development of lands in the county would result in impacts on environmental resources. However, given that this Variation proposes a significant reduction in the amount of land available for development, and also as outlined, given that any development will be subject to sufficient capacity in water services, it is considered that there will be no significant negative effects from the implementation of this variation.

However, with regards to positive effects, it is considered that the probability of these occurring is high.

The County has experienced significant growth over the last few years. In 2002 the population of the county was 80,339, and this had grown to 87,558 in 2006<sup>2</sup>. A key challenge for settlements in Kilkenny is ensuring that the settlement is sufficiently serviced in terms of sewerage facilities, water supply, drainage, roads infrastructure, community facilities and amenities and can accommodate local development needs in an orderly and sustainable manner, whilst protecting the character of the settlement.

The Variation implements the objectives of the Regional Planning Guidelines and contains policies and objectives to ensure this challenge is met in accordance with the recommendations of the DoEHLG Guidelines on Sustainable Residential Development in Urban Areas (2009). The variation is therefore anticipated to have a positive effect in relation to sustainable residential development.

It is expected that the effects will be permanent, until such time that any new policies and/or objectives are identified in a revised CDP. The County Development Plan review will commence in 2012.

- (ii) The cumulative nature of the effects.

No cumulative negative effects are anticipated given that the Variation will focus on the principles of sustainable development and the considerations of the future. It is anticipated that the cumulative effects on the environment will be positive and that with every development and redevelopment that the area will be rejuvenated with an improved physical and visual environment.

- (iii) The transboundary nature of the effects.

The Variation will have no national, regional or inter-county transboundary effects.

- (iv) The risk to human health or the environment (e.g. due to accidents).

The implementation of the Variation will not result in any risks to human health.

Section 9.13 of the County Development Plan 2008, Control of Major Accident Hazards Directive (Seveso), noted that in 2008 there was one Seveso II site within the county;

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<sup>2</sup> CSO, Volume 1, Table 5

Grassland Fertilisers on the Tullaroan Road in Kilkenny City (Upper Tier). Since the adoption of the County Development Plan in 2008, another site has been notified: Nitrofert Ltd, Raheen, New Ross, Co. Kilkenny (Upper Tier). Therefore there are now 2 designated SEVESO sites within the plan area.

Section 9.13 will be amended in this variation to include reference to all Seveso sites within the County.

(v) The magnitude and spatial extent of the effect (geographical area and size of the population likely to be affected).

The Variation directly relates to a total of 16 settlements including Kilkenny city, plus five LAPs that will be subject to revised plans following on from this variation. The population of Co. Kilkenny in 2006 was 87,558<sup>3</sup>. The Regional Planning Guidelines estimated that the 2010 population was 96,872<sup>4</sup>.

(vi) The value and vulnerability of the area likely to be affected due to:

**a) Special natural characteristics or cultural heritage,**

EU Protected Habitats and Species

County Kilkenny contains 8 candidate Special Areas of Conservation, see Table 4.6 below. This table also contains details on nationally designated sites such as Natural Heritage Areas, Statutory Nature Reserves and Wildfowl sanctuaries in the county. One Special Protection Area is also under consideration for the River Nore for kingfishers, proposed SPA 004233. Details have not been published for this site to date. Map B illustrates the location of these sites in relation to the settlements affected by this variation.

**Table 4.6: Designated Natural Heritage Sites of International and National Importance**

Site Name	Site Code/Ref	cSAC	pNHA	SNR	WF
Cullahill Mountain	000831	✓			
Hugginstown Fen	000404	✓	✓		
Galmoy Fen	001858	✓	✓		
Lower River Suir	002137	✓			
River Barrow & River Nore River Barrow Estuary Abbeyleix Wood Complex		002162	000698 002076		✓
Spa Hill & Clomantagh Hill	000849	✓			
The Loughans	000407	✓			
Thomastown Quarry	002252	✓			
Archersgrove	002051		✓		
Ardaloo Fen	000821		✓		
Ballykeeffe Woodland	000400		✓	✓	
Barrow River Estuary	000698		✓		
Brownstown Wood	000827		✓		
Clohastia	000830		✓		
Coan Bogs*	002382		✓		
Dunmore Cave	000401		✓		
Dunmore Complex	001859		✓		

<sup>3</sup> CSO, Volume 1, Table 5

<sup>4</sup> Appendix 1 of *South Eastern Regional Planning Guidelines*, 2010.

Esker Pits	000832		✓		
Fiddown Island	000402		✓	✓	
Garryrickin Nature Reserve	000403		✓	✓	
Grannyferry	000833		✓		
Ice House near Inistioge, Co Kilkenny	002094		✓		
Inchbeg	000836		✓		
Inistioge	000837		✓		
Kilkeasy Bog	000839		✓		
Kyleadohir Wood Nature Reserve	000405		✓	✓	
Kylecorragh Wood	000842		✓		
Lough Cullin	000406		✓		✓
Lough Macask	001914		✓		
Mothel Church, Coolcullen	000408		✓		
Mount Juliet	000843		✓		
Murphy's of the River	000844		✓		
Newpark Marsh	000845		✓		
Rathsnagadan Wood	000409		✓		
Red Bog, Dungarvan	000846		✓		
Thomastown	000410		✓		
Tibberaghny Marshes	000411		✓		
Whitehall Quarries	000855		✓		

cSAC candidate Special Area of Conservation

pNHA Proposed Natural Heritage Area

\* Designated Natural Heritage Area

SNR Statutory Nature Reserve

WF Wildfowl Sanctuaries

A separate Appropriate Assessment Screening of this variation has been carried out in accordance with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC).

Policies for the protection of designated sites and species are set out in H5-H12 of the CDP as follows:

- H5 To protect natural heritage sites designated in National and European legislation. This includes sites proposed to be designated or designated as Special Areas of Conservation (SAC), Natural Heritage Areas (NHA), Nature Reserves and Wildfowl Sanctuaries. This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan.
- H6 To assess all proposed developments (individually or in combination with other proposals, as appropriate) which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- H7 To consult with the prescribed bodies and relevant government agencies when assessing developments which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- H8 To ensure that any development in or near a designated natural heritage site will avoid any significant adverse impact on the features for which the site has been designated.
- H9 To require an appropriate environmental assessment in respect of any proposed development likely to have an impact on a designated natural heritage site, or those sites proposed to be designated.
- H10 To protect and, where possible, enhance the plant and animal species and their habitats that have been identified under EU Habitats Directive, EU Birds Directive, the Wildlife Act and the Flora Protection Order.

- H11 Ensure that development does not have a significant adverse impact on plant animal or bird species protected by national or European legislation.
- H12 Consult with the National Parks and Wildlife Service, and take account of any licensing requirements, when undertaking, or approving development which is likely to affect plant, animal or bird species protected by national or European legislation.

#### Non-designated habitats and species

Policies for nature conservation outside of designated areas are found in Section 8.2.3 of the CDP, 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.

A habitats assessment was carried out for a number of settlements as part of the survey work for this variation. This was carried out using a green infrastructure approach to identify the most significant ecological features of the area and their functions. The methodology followed the latest guidance produced by the Heritage Council (2010). Habitats were mapped according to Fossitt (2000). The settlements surveyed were: Ballyhale, Ballyragget and Mooncoin. These habitats assessments will be incorporated into any future revision of the settlement plans for these villages.

#### Cultural Heritage

There are a number of Recorded Monuments within the settlements included in this variation. Recorded monuments are protected by legislation. A list of recorded monuments is included in the existing LAPs for each area, and these will not be affected.

#### Protected Structures

There are a number of protected structures within the areas affected. A list of these is included in each of the existing LAPs for each area, and protected structures will not be affected by this variation. There are also a number of structures identified in the National Inventory of Architectural Heritage (NIAH).

It is an objective of the CDP that all buildings listed on the NIAH rated Regional and above will be considered for addition to the Record of Protected Structures in County Kilkenny. The process of adding or removing a structure from the Record of Protected Structures cannot be carried out as part of a Local Area Plan, therefore there will be no changes on account of this variation.

#### Architectural Conservation Areas (ACAs)

ACAs are designated in Ballyragget, Bennettsbridge, Freshford and Inistioge. Section 8.4.4.2 of the County Development Plan refers to Architectural Conservation Areas, as does Appendix H. As the Ballyragget, Freshford and Inistioge ACA's are listed in the County Development Plan, these will not be affected by this variation. The Bennettsbridge ACA is not listed in the CDP, however the LAP will remain in force, therefore no change is required. The Bennettsbridge ACA can be listed in the next Development Plan.

The various settlements have significant cultural heritage as outlined above. Policies are outlined in the CDP in relation to archaeological heritage (H78-H90). Policies in relation to architectural protection are also outlined in the CDP (H93-H101), and for ACAs (H102-H111).

#### Archaeological heritage Policies from CDP

- H78 Protect and enhance archaeological sites, monuments (including their setting), underwater archaeology, including those that are listed in the Record of Monuments and Places, and in the Urban Archaeological Survey of County Kilkenny or newly discovered sub-surface archaeological remains.
- H79 To ensure the preservation in-situ, or preservation by record of:
  - The archaeological monuments included in the Record of Monuments and Places as established under section 12 of the National monuments (Amendment) Act, 1994 and in the Urban Archaeological Survey of County Kilkenny.
  - Any other sites and features of historical or archaeological interest.
  - Any subsurface archaeological features that may be discovered during the course of infrastructural/development works.
- H80 Provide guidance to developers and property owners regarding the archaeological implications of a proposed development.
- H81 Promote pre-planning consultations in relation to the archaeological heritage with the planning authority and with the Department of the Environment, Heritage and Local Government in its capacity of being charged with the implementation of the National Monuments Acts.
- H82 To require an appropriate archaeological assessment to be carried out in respect of any proposed development likely to have an impact on a Recorded Monument, a Zone of Archaeological Potential, or their settings.
- H83 To ensure the protection of archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed.
- H84 To require that sites of archaeological interest shall be subject to archaeological investigations and recording according to best practice, in advance of redevelopment where preservation in situ is not feasible.
- H85 Facilitate the dissemination of the results of archaeological excavation in a timely and appropriate manner.
- H86 To acknowledge the importance of underwater archaeology by requiring that any proposed developments that may have implications for the underwater heritage shall be subject to an underwater archaeological assessment in advance of works.
- H87 Facilitate and where feasible create public rights of way to sites of archaeological and historical interest and to National Monuments in state and Local Authority ownership in the county. The Council will also seek the preservation, maintenance and improvement of all existing right of ways to such areas where appropriate.
- H88 Require the retention of surviving medieval plots and street patterns in the villages and towns of Kilkenny and to facilitate the recording of evidence of ancient boundaries, layouts etc. in the course of development.
- H89 To facilitate the implementation of conservation plans<sup>5</sup> prepared with the support of the County Council over the lifetime of this plan.
- H90 To ensure that development in the vicinity of a Recorded Monument or Zone of Archaeological Potential does not seriously detract from the setting of the feature, and is sited and designed appropriately.

#### Architectural heritage Policies from CDP

- H93 Ensure the protection of the architectural heritage of County Kilkenny by including all structures considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in the Record of Protected Structures.

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<sup>5</sup> A conservation plan is a document which explains why a site is significant and how that significance will be retained in any future use, alteration, development or repair. Conservation plans provide a framework for the care and management of sites of heritage significance.

- H94 To have regard to the Architectural Heritage Protection Guidelines issued by the Department of the Environment Heritage and Local Government in 2004 when assessing proposals for development affecting a protected structure
- H95 To encourage the sympathetic retention, reuse and rehabilitation of protected structures and their setting.
- H96 To promote principles of best practice in conservation and the use of appropriate materials and repair techniques through the administration of the Conservation Grants Scheme funded by The Department of the Environment Heritage and Local Government.
- H97 Ensure the protection of the architectural heritage through promoting the importance of regular maintenance of structures contained within the Record of Protected Structures.
- H98 Provide assistance to owners of protected structures in undertaking essential repairs and maintenance by the provision of relevant information.
- H99 Promote by example the principles of best practice in conservation of the built heritage through the custodianship of Protected Structures in the Council's ownership/care.
- H100 To protect elements of designed landscapes of special interest located within the attendant grounds of Protected Structures, including boundary features.
- H101 To require an architectural impact assessment/conservation method statement for developments within the grounds of country house estates which are Protected Structures.

#### Architectural Conservation Area Policies from CDP

- H102 To ensure the preservation of the special character of each ACA listed above and others designated in the Local Area Plans adopted for the towns, villages and smaller settlements within the county during the life of this development plan particularly with regard to building scale, proportions, historical plot sizes, building lines, height, general land use, building materials, historic street furniture and paving.
- H103 To have regard to the Architectural Heritage Protection Guidelines, issued by the Department of the Environment Heritage and Local Government when assessing proposals for development affecting the character of an ACA
- H104 To consider the designation of Architectural Conservation Areas where appropriate and provide a local policy framework for the preservation of the character of these areas.
- H105 To ensure the retention, repair rather than replacement and the regular maintenance of original/early features in buildings which contribute to the character of an ACA such as chimney stacks, roof coverings, roof profiles, external wall treatments, doors and windows, shopfronts and pubfronts and to ensure the use of appropriate materials and repair techniques when repairs are being carried out.
- H106 To ensure that inappropriate materials such as windows, doors and rainwater goods constructed in aluminium or uPVC are not introduced to buildings within ACAs.
- H107 To encourage high quality, contemporary design and materials where appropriate when new buildings are being introduced into an ACA and the retention of the historic scale and plot size
- H108 To ensure the preservation of the character of an ACA when assessing proposals for advertising
- H109 To retain historic items of street furniture where they contribute to the character of the ACA and to protect historic items of street furniture and roadside items as appropriate.
- H110 To ensure the conservation of historic shopfronts and pubfronts. Where replacement is necessary, to encourage the introduction of shopfronts and pubfronts of contemporary high quality design and materials.
- H111 To seek the retention of mature trees/significant planting (those in good condition) which contribute to the character of each ACA where appropriate.

These policies will not be affected by this variation.

#### Landscape Designations

The County Development Plan 2008 incorporates a Landscape Character Assessment. This variation will not affect the LCA in any way.

It is not anticipated that the value and vulnerability of the special natural characteristics or cultural assets in the county will be negatively affected through implementation of the variation, given their status and protection at both national level and in the CDP. The

development management process will ensure that any development proposal in the vicinity of these areas will include demonstration, where necessary, of how adverse impacts on natural or cultural heritage would be avoided or what mitigation measures are proposed. This will involve consultation with the Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service, Heritage Officer, or Conservation Officer as appropriate.

**b) Exceeded environmental quality standards or limit values,**

It is not expected that environmental quality standards will be exceeded or that the value of vulnerable areas will be affected as a result of the proposed variation. Development proposals will be subject to assessment as part of a planning application and will be required to demonstrate compliance with environmental quality standards and limits.

**c) Intensive land use.**

This variation decreases the amount of residential zoned land available for development within the county from that zoned under previous Plans. As such, it is considered likely that the future developments resulting from the new zoning will not intensify land uses within the county to a degree that would adversely impact upon the existing natural and built environment. Quality design standards and guidelines are already provided in the CDP with appropriate policies and objectives which seek to reduce the potentially negative impact of any increased land uses within the area.

**(vii) The effects on areas or landscapes which have recognised national, European Union or international protection status.**

As outlined previously in Section 4.2 (vi) (a), there are no landscapes of national, European or International protection status within or affected by the proposed variation.

There are a number of candidate Special Areas of Conservation and proposed Natural Heritage Areas located throughout the county. There are also a number of Recorded Monuments in the county.

The CDP recognises the importance of sites with national and European designations, and sets out policies for their protection (as outlined above). This variation corresponds with those objectives. It is not anticipated that the implementation of the variation would have any significant adverse impacts on areas of recognised national, European or international protection status.

## **5 STATUTORY CONSULTATION**

The specified environmental authorities that should be consulted are:

- The Environmental Protection Agency (EPA)
- The Department of the Environment, Heritage and Local Government (DoEHLG)
- The Department of Communications, Marine and Natural Resources (DCMNR)

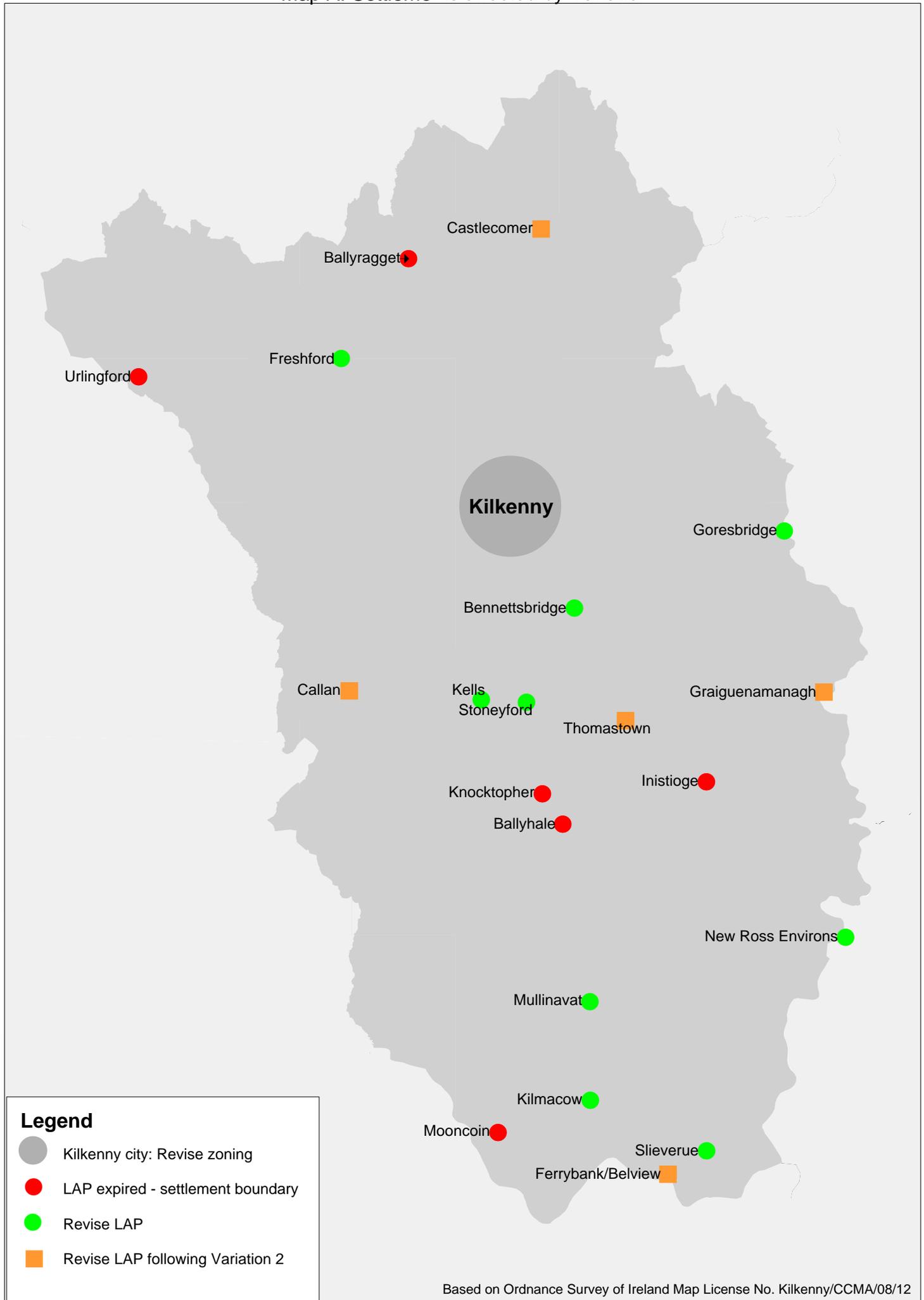
These three authorities were consulted under Article 13K(3) of the Regulations through correspondence sent on the 6<sup>th</sup> April 2011. The Department of Communications, Marine and Natural Resources and EPA responded but neither of the authorities advised that an SEA should be carried out.

## **6 CONCLUSION**

It is not anticipated that the Proposed Varied County Development Plan will have strategic environmental effects and at this stage in the process it is considered that an SEA is not required. Localised environmental effects as a result of any proposed development carried out on the land within the plan area can be dealt with through the assessment of individual planning applications.

In terms of the provisions of Article 13K(4) of the Regulations, following the appropriate consultation period the Planning Authority shall determine whether or not implementation of the proposed variation would be likely to have significant effects on the environment, taking account of the relevant criteria set out in Schedule 2A of the Regulations (see 4.0 above) and any submission or observation received from the environmental authorities (see 5.0 above). A decision was taken on the 4<sup>th</sup> May 2011 to not carry out an SEA and in accordance with Article 13K(5)(b) the environmental authorities were notified of this decision on the 4<sup>th</sup> May 2011.

Kilkenny County Development Plan - Strategic Environmental Assessment Screening of Variation No. 2:  
Map A: Settlements affected by Variation



Kilkenny County Development Plan - Strategic Environmental Assessment Screening of Variation No. 2:  
 Map B: Ecological and Natural Features near settlements affected

