

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

DRAFT KILKENNY COUNTY DEVELOPMENT PLAN
2008-2014

For: Kilkenny County Council

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NB. The footnote reference¹ that is used through this document refers to the same comment that can be read at the bottom of page 1 overleaf.

Section 1 Introduction and Terms of Reference

This is an Appropriate Assessment Screening - in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) - of the Draft Kilkenny County Development Plan.

The Draft Kilkenny County Development Plan has been evaluated to see if it needs to be subject to an *appropriate assessment*. In accordance with the *Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, a *screening matrix* and a *Finding of no significant effects matrix* have been completed. They find that the Draft Plan does not require an appropriate assessment. Copies of both follow in Sections 2 and 3 of this report.

The principal trigger for an appropriate assessment would be if the Plan were likely to have significant effects on a Natura 2000 site. SACs and SPAs are Natura 2000 sites. The Plan has been formulated to ensure that uses, 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 sites¹, having regard to their conservation objectives.

¹ Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be:
(a) no alternative solution available,
(b) imperative reasons of overriding public interest for the plan to proceed; and
(c) adequate compensatory measures in place.

Section 2 Screening Matrix

Screening matrix

Brief description of the project or plan

The Draft Kilkenny County Development Plan is intended to provide for the proper planning and sustainable development for County Kilkenny for a duration of six years from the date on which it is adopted.

It consists of a written statement and maps which give a graphic representation of the proposals of the Plan, indicating land use and other development standards together with various local objectives.

The Plan's vision is to advance the position of the County as a centre of excellence for creativity in all sectors whilst ensuring the continued protection and enhancement of the county's magnificent built and natural heritage, its thriving cultural, sporting and artistic base and its strong and dynamic services economy through the promotion of sustainable economic, social and cultural development.

Brief description of the Natura 2000 sites

Candidate Special Areas of Conservation in County Kilkenny are listed in the table below. The map on the following page shows their coverage of the County. Site synopses may be accessed on the National Parks and Wildlife Service's website at <http://www.npws.ie/ConservationSites/>. Individual site maps are also available on this website. It is noted that there are no Special Protection Areas in the County.

Site Name	Site Code
Hugginstown Fen	000404
The Loughans	000407
Cullahill Mountain	000831
Spa Hill and Clomantagh Hill	000849
Galmoy Fen	001858
Lower River Suir	002137
River Barrow & River Nore	002162
Thomastown Quarry	002252

Table 2.1 Candidate Special Areas of Conservation in County Kilkenny

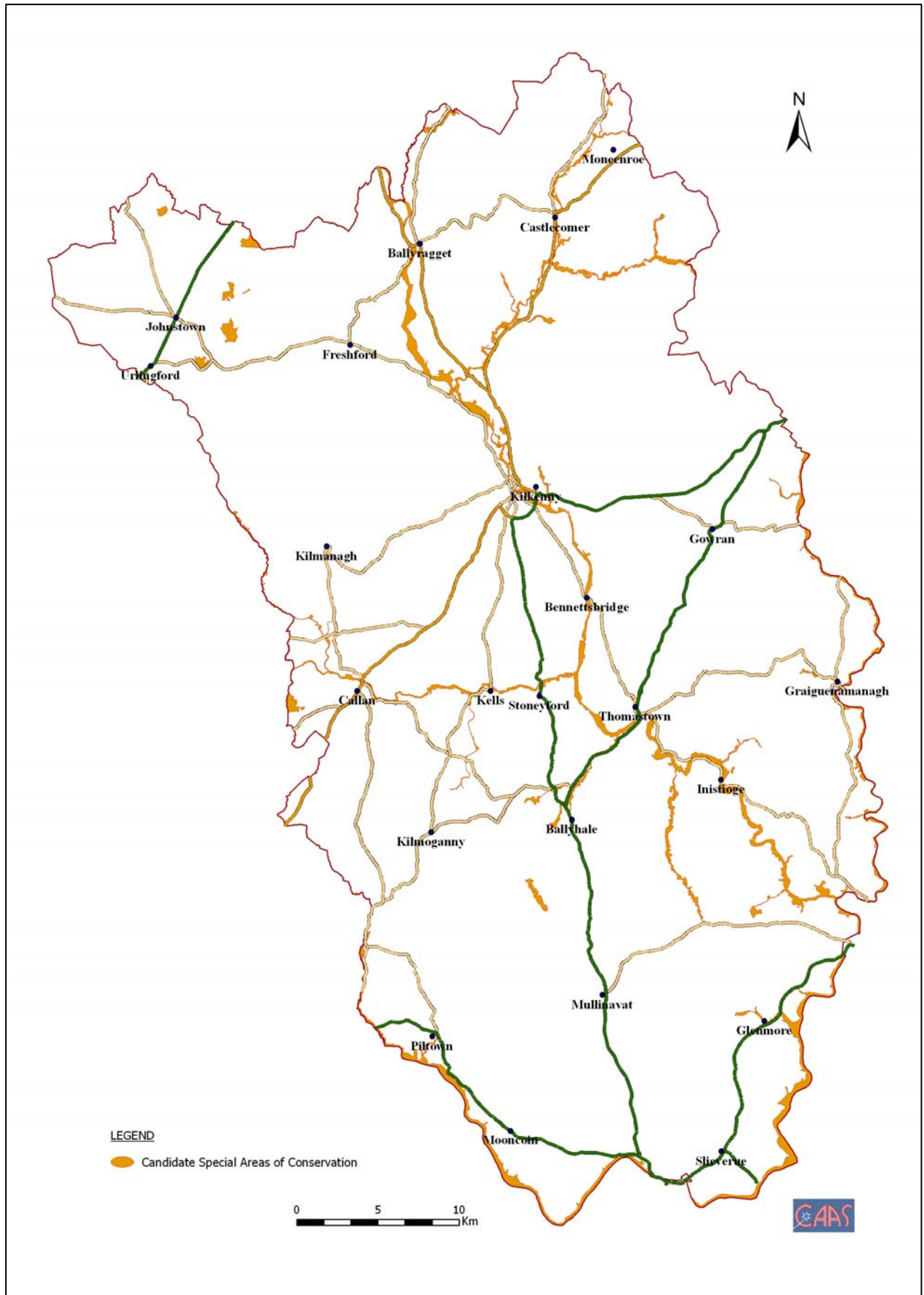


Figure 1 Natura 2000 Sites in County Kilkenny

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.

The Plan has been formulated to ensure that uses, 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, having regard to their conservation objectives¹.

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;**

No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, arising from their size or scale shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.

■ **land-take;**

No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, arising from their land take shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.

■ **distance from the Natura 2000 site or key features of the site;**

No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, or their key features arising from their proximity shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.

■ **resource requirements (water abstraction etc.);**

No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, arising from their resource requirements shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.

■ **emissions (disposal to land, water or air);**

No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, arising from their emissions (disposal to land, water or air) shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.

■ **excavation requirements;**

No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, arising from their excavation requirements shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.

■ **transportation requirements;**

No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, arising from their transportation requirements shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.

- **duration of construction, operation, decommissioning, etc.;**
No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, arising from their duration of construction, operation, decommissioning shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.
- **other;**
No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, arising from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.

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

- **reduction of habitat area:**
No projects giving rise to reduction of habitat areas for Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.
- **disturbance to key species;**
No projects giving rise to significant disturbance to key species in Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.
- **habitat or species fragmentation;**
No projects giving rise to significant habitat or species fragmentation of Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.
- **reduction in species density;**
No projects giving rise to significant reduction of species density on Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.
- **changes in key indicators of conservation value (water quality etc.);**
No projects giving rise to significant, adverse changes in key indicators of conservation value for Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.
- **climate change.**
No projects giving rise to significant adverse changes in climatological conditions affecting Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.

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;**
No projects giving rise to significant, adverse interference with the key relationships that define the structure of Natura 2000 sites, having regard to their conservation objectives, shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.
- **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 function of Natura 2000, having regard to their conservation objectives, sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects)¹.

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.

Not applicable.

Section 3 Finding of no significant effects report matrix

Finding of no significant effects report matrix

Name of project or plan

Draft Kilkenny County Development Plan 2008-2014.

Name and location of Natura 2000 sites

As given in Screening Matrix above.

Description of the project or plan

As given in Screening Matrix above.

Is the project or plan directly connected with or necessary to the management of the sites (provide details)?

The Plan includes, inter alia, measures to protect, conserve and manage in a prudent and sustainable manner County Kilkenny's outstanding natural heritage, including its Natura 2000 sites, and to seek the enhancement of these resources where appropriate and feasible.

Are there other projects or plans that together with the project or plan being assessed could affect the sites (provide details)?

The Plan has been formulated to ensure that uses, 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, having regard to their conservation objectives¹.

The assessment of significance of effects

Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.

The Plan has been formulated to ensure that uses, 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, having regard to their conservation objectives¹.

Explain why these effects are not considered significant.

The policies and provisions of the Plan have been devised to anticipate and avoid the need for developments that would be likely to significantly and adversely affect the integrity of any Natura 2000 sites, having regard to their conservation objectives. Furthermore, such developments as will be permitted on foot of the provisions of this Plan shall be required to conform with the relevant regulatory provisions for the prevention of pollution, nuisance or other environmental effects likely to significantly and adversely affect the integrity of any Natura 2000 sites, having regard to their conservation objectives¹.

List of agencies consulted: provide contact name and telephone or e-mail address.

1. SEA scoping letters - stating that a submission or observation in relation to the scope and level of detail of the information to be included in the Strategic Environmental Assessment Environmental Report on the Plan may be made to Kilkenny County Council - were sent to the following:

The Manager, Development Applications Unit, Department of the Environment Heritage and Local Government (DEHLG), Dún Scéine, Harcourt Lane, Dublin 2.
01 833 3190

John Wynne, Co-ordination Unit, Department of Communications, Marine and Natural Resources (DCMNR), Leeson Lane, Dublin 2.
01 678 3051

Tadhg O'Mahony, Environmental Protection Agency, Regional Inspectorate, Inniscarra, County Cork.
021 487 5540

2. The above agencies were also notified that the draft plan and accompanying Strategic Environmental Assessment Environmental Report were being placed on public display and that submissions could be made on both the Draft Plan and Environmental Report.

Response to consultation

1. Response to Strategic Environmental Assessment Scoping letters:

- The DEHLG submitted a written response covering the following topics:
 - Information to be included re: architectural heritage
 - Information to be included re. archaeological heritage
- The DCMNR submitted a written response stating that the Department has no comments to make at this time other than to bring the DEHLG guidelines *Implementation of SEA Directive (2001/42/EC): Guidelines for Regional Authorities and Planning Authorities* (2004) to attention.
- A meeting was held with the EPA on 25 November 2006 at which a variety of topics were covered. The EPA offered ongoing guidance regarding SEA methodology, data sources and likely issues in County Kilkenny.

2. Response to notice regarding the placing of the draft plan and accompanying Strategic Environmental Assessment Environmental Report on display:

- No response received from EPA
- Submission received from Patrick O'Sullivan, DEHLG, outlining department views on a number of topics including heritage, telecommunications, wind energy, quarrying, development management and monitoring and evaluation.
- Submission received from Agnes Reilly, DCMNR, stating that the Department is satisfied that the SEA has addressed all the key environmental issues of relevance to the Department.

Data collected to carry out the assessment

Who carried out the assessment?

CAAS (Environmental Services) Limited for Kilkenny County Council.

Sources of data

Existing Records and field studies.

Level of assessment completed

Desktop study.

Where can the full results of the assessment be accessed and viewed

On display with Environmental Report and Draft County Development Plan.