

Appropriate Assessment Screening

In accordance with the requirements of
Article 6(3) of the EU Habitats Directive

Fiddown Draft Local Area Plan 2010-2016

Kilkenny County Council



Date: 7th July 2010

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Section 1 Introduction and Terms of Reference

1.1 Introduction

This is an appropriate assessment screening of the Fiddown Draft Local Area Plan (LAP) 2010-2016 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 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.

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 Fiddown Draft Local Area Plan (LAP) will provide for the proper and sustainable development of the village of Fiddown in southwest Co. Kilkenny for a six year period from 2010-2016 and will replace the current 2003 LAP. A context map for Fiddown is included as Map A. The Census recorded a population of 194 people in Fiddown in 2006.

The area covered by the LAP is approximately 19.63 hectares with the bulk of this land to be zoned for mixed use (residential, industrial, commercial and community facilities) and 1.74 hectares zoned for open space. This Draft LAP does not increase the amount of land available for development from the existing (2003) LAP.

In the 2003 LAP a total of 5.31 hectares were zoned for residential use. Of the lands zoned for residential, 1.89 hectares were greenfield land; of greenfield hectares, 0.83 hectares greenfield residential zoned land remained from the 2003 Plan. In the Draft plan, 0.83 hectares is to be zoned for Residential. In the 2003 plan lands zoned for village centre uses amounted to approximately 8.12 hectares, or these lands approximately 2 hectares remain as backlands or undeveloped .

A copy of the Draft zoning map is included at the end of this document.

In addition, the limited capacity of the existing waste water treatment plant is acknowledged in the Draft LAP, and this reduces the development potential of the area. A policy is included in the Draft Plan stating that:

- IN4 - Significant additional development shall not be permitted to the wastewater treatment until such time as the scheme is upgraded to adequate capacity and treatment levels.

This Draft Plan therefore reduces the potential for future 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 immediate vicinity of Fiddown, the Lower River Suir, site code 002137. Map A shows the location of this cSAC in relation to Fiddown. The River Suir lies adjacent to the southern and south-western boundary of the plan area.

The Hugginstown Fen cSAC, site code 000404 is located 11km to the north/ north-east of Fiddown; Map A shows the location of this cSAC in relation to Fiddown.

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.

Lower River Suir cSAC

The designated SAC site consists of the freshwater stretches of the River Suir, the tidal stretches and many tributaries. In the vicinity of Carrick-on-Suir the river follows the limestone floor of the Carrick Syncline. The site is a candidate SAC selected for the presence of the priority habitats on Annex I of the E.U. Habitats Directive - alluvial wet woodlands and Yew Wood. The site is also selected as a candidate SAC for floating river vegetation, Atlantic salt meadows, Mediterranean salt meadows, old oak woodlands and eutrophic tall herbs, all habitats listed on Annex I of the E.U. Habitats Directive. The site is selected for the following species listed on Annex II of the same directive - Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon and Otter.

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. 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 River Suir. It also requires that sewage be properly treated before discharge.

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. An Otter Threat Response Plan was also published, and otters are included in this cSAC also.

Hugginstown Fen

Hugginstown Fen is situated approximately 4 km south-west of Ballyhale, Co. Kilkenny. The site consists of a relatively large, isolated area of swamp and floating fen developed in a small valley in hilly country. It is underlain by limestone glacial till overlying and surrounded by acid Old Red Sandstone. The catchment is relatively small and iron-rich springs are an important source of water for the wetland. The site is a candidate Special Area of Conservation selected for alkaline fen, a habitat listed on Annex I of the E.U. Habitats Directive.

The main threats to the site come from drainage, which has already damaged some of the southern part of the site.

There is no Conservation Management Plan available for this site. 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/>

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.

For clarity it is proposed to present this section of the screening in two parts:

Step 3 (a) – Lower River Suir cSAC

Step 3 (b) – Hugginstown Fen cSAC

Step 3 (a) - Lower River Suir cSAC

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 Draft Local Area Plan of itself will cause any significant negative impacts on the Lower River Suir cSAC.

The possible impacts would be on the water quality due to discharges from the wastewater treatment plant or from planting of invasive species in the open space area adjacent to the River Suir.

Water Quality

A possible impact would be on the water quality of the site, due to the discharges from the wastewater treatment plant into the River Suir. This impact could be caused by increased development, and associated intensification of the treatment plant which discharges into the Lower River Suir.

Fiddown is served by a sewerage scheme with primary treatment, which was constructed in 1986. This has a design Population Equivalent of 300, and is currently operating with a population equivalent of 608 and therefore does not have capacity or the necessary treatment to cater for future demand.

Funding has been allocated under the *Water Services Investment Programme 2010-2012* for the upgrading of the treatment plant to secondary treatment capacity; this will largely cater for the existing development in the village.

The Fiddown scheme was not cited in *Urban Waste Water Discharges in Ireland for Population Equivalents Greater than 500 Persons – A Report for the Years 2006 and 2007*.

Owing to the capacity constraints a policy is included in the Draft LAP stating that significant additional development shall not be permitted to connect to the wastewater treatment system until such time as the scheme is upgraded.

The Council is in the process of applying for a discharge licence (KK-WWDL-221).

Open Space Adjacent to the River

There is an area designated as open space in the draft plan adjacent to the river, that could be used for amenity purposes. Any amenity uses in this area are subject to the objectives that the ecological integrity of the cSAC is not affected:

- H3 - To ensure that any development in or near sites of local conservation interest, as identified in Table 3 of Appendix 1, will minimise any significant adverse impact on the features for which the site has been designated.
- H4 - Applicants shall demonstrate that there will be no adverse impacts on the ecological integrity of sites of high ecological value identified in this plan from developments on adjacent sites.

No other projects or plans are proposed that may have likely effects in combination

with this plan. A separate screening has been carried out for the Draft Piltown Local Area Plan 2010, which is located north of Fiddown. The screening report concludes that the draft Piltown LAP poses no risk of a significant effect on the cSAC.

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 directly adjacent to 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 or from works to improve the open space area adjacent to the cSAC. However, the plan contains the policy that no significant development shall be permitted until such time as the plant has been upgraded to a satisfactory standard to cater for the plan area. The plan also contains clear policies to ensure that the ecological integrity of the cSAC will not be affected by any works in the open space area.

An ecological survey of Fiddown was carried out by Roger Goodwillie as part of the 2003 Local Area Plan. As part of this plan, a habitat assessment has been carried out by Mieke Muyllaert & Associates and Mary Tubridy & Associates. The assessment highlights the importance of the cSAC.

Policies for nature conservation of designated areas are found in Section 8.2.1 of the County Development Plan, policies H5-9.

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.

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

- H3 - To ensure that any development in or near sites of local conservation interest, as identified in Table 3 of Appendix 1, will minimise any significant adverse impact on the features for which the site has been designated.
- H4 - Applicants shall demonstrate that there will be no adverse impacts on the ecological integrity of sites of high ecological value identified in this plan from developments on adjacent sites.

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 in Fiddown.

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, no lands are zoned for development which may be at risk from flooding; lands adjacent to the river are zoned for open space uses. In this regard, the avoidance principle of the sequential approach has been met.

In compliance with the Guidelines, as there is no potential flood risk identified within areas planned for growth, a full Flood Risk Assessment will not be required and the process can end at Stage 1. The avoidance principle of the sequential approach has been met.

Policies and guidance are included in the plan as follows:

- IN7 - To seek separate stormwater systems for all developments, and to consider all proposals consistent with SuDS (Sustainable Drainage Systems).
- The culverting of watercourses is discouraged, in favour of the retention of all open and natural channels. (section 3.3.6)
- Development should avoid building on floodplains or the significant alteration to the physical environment within the immediate vicinity of a watercourse. Where a safety barrier around a drainage ditch is required, spiny shrubs could be planted. (section 3.3.6)

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 Lower River Suir cSAC as a result of the Fiddown 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 River Suir flows adjacent to the plan area, which means that there is potential for any developments in close proximity to the river to impact on the cSAC. 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 has been included in the Water Services Investment Programme for funding to upgrade the plant, and the plan contains the objective that no significant development shall be permitted until such time as the plant is satisfactorily upgraded. 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 Fiddown LAP.

Step 4: Screening conclusion

The assessment of the likely significant effects is being forwarded for 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)

Step 3 (b) - Hugginstown Fen

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 Draft Local Area Plan of itself will cause any significant negative impacts on the Hugginstown Fen cSAC.

Impacts on the Fen are improbable due to the topography between the draft plan area and the Fen. To the north of Fiddown the land rises to the upland areas of Brown-Mountain and Corbally Wood at Templeorum. The land at Fiddown drains towards the River Suir to the south-west of the village. It is not anticipated that there would be any possible impacts on the water quality. In addition the water supply for the village comes from the Mooncoin Regional Water Supply Scheme and does not have drainage impacts on the Fen.

No other projects or plans are proposed that may have likely effects in combination with this plan. A separate screening has been carried out for the Draft Piltown Local Area Plan 2010.

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.

Policies for nature conservation of designated areas are found in Section 8.2.1 of the County Development Plan, policies H5-9, and also apply in the draft plan.

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.

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 Hugginstown Fen cSAC as a result of the Fiddown 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 no potential for an indirect impact on the Natura 2000 site of Hugginstown Fen, having regard to the intervening topography and drainage patterns in the area of the draft plan, which flow in the opposite direction of the Fen. In addition no water drainage or abstraction of water from the Fen occurs to facilitate the plan.

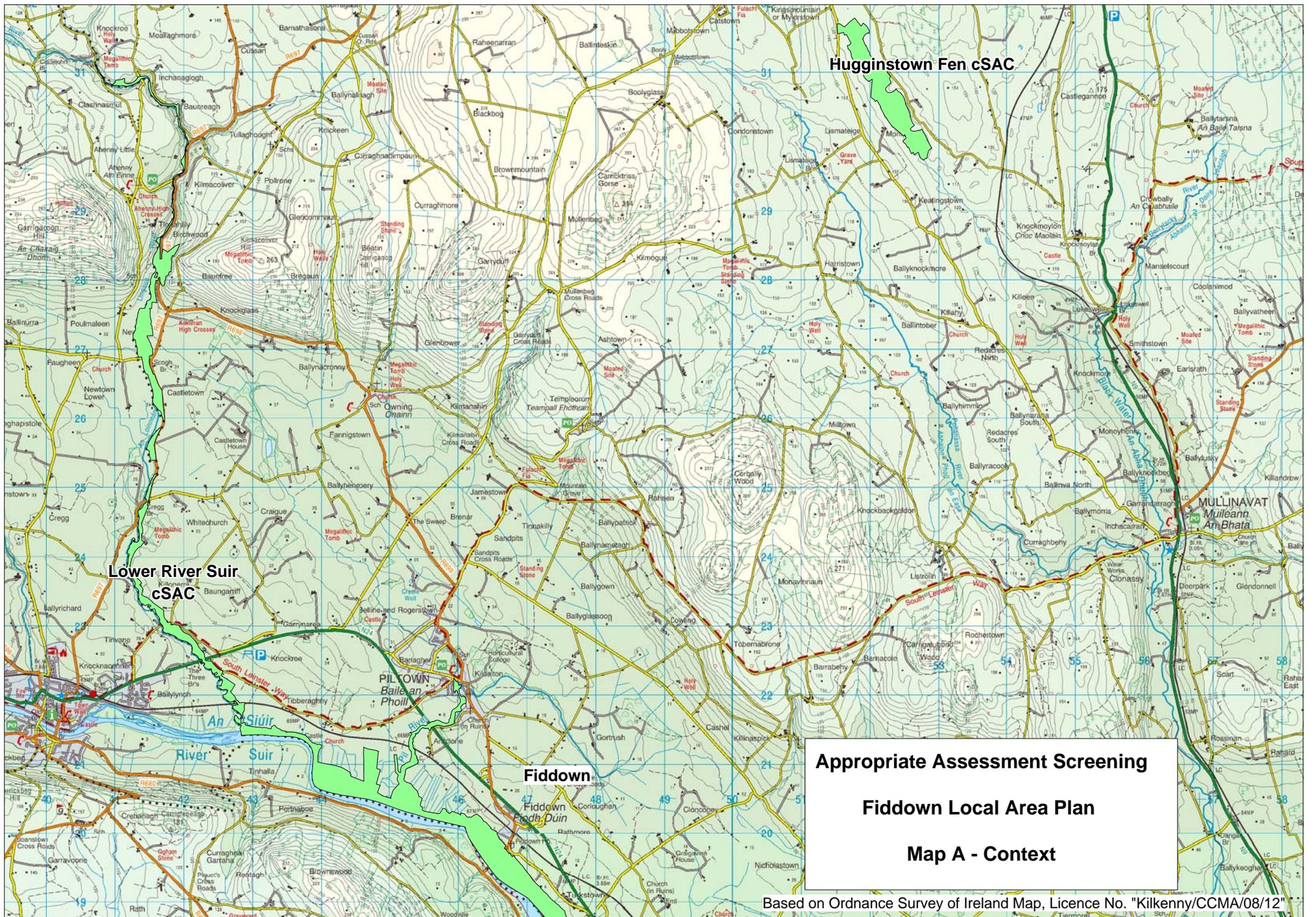
Step 4: Screening conclusion

The assessment of the likely significant effects is being forwarded for 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 two Natura 2000 sites. If this were the case then it would be necessary to carry out Appropriate Assessment. The draft Plan has been formulated to ensure that developments and effects arising from permissions based upon this draft 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 draft 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.



Appropriate Assessment Screening
Fiddown Local Area Plan
Map A - Context

Based on Ordnance Survey of Ireland Map, Licence No. "Kilkenny/CCMA/08/12"

Fiddown Draft Local Area Plan Map 1 - Zoning Objectives

Legend

Existing & General Development	
Residential	
Open Space	
Industrial	
Integrated Tourism/ Leisure	
Development Boundary	

