

PILTON DRAFT LOCAL AREA PLAN 2010

MATERIAL ALTERATIONS



STRATEGIC ENVIRONMENTAL ASSESSMENT

– SCREENING –

15th November 2010

1.0 INTRODUCTION

In accordance with Section 20(3)(e) of the Planning and Development Acts 2000-2010, Kilkenny County Council is proposing a number of Material Alterations to the Draft Piltown Local Area Plan. These Material Alterations have arisen following the Elected Members review of the Manager's Report on submissions received under Section 20(3)(e) of the Planning and Development Acts 2000-2010.

As part of the process of preparing a Draft Local Area Plan (LAP) for Piltown and having regard to the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004), Kilkenny County Council considered whether to carry out Strategic Environmental Assessment (SEA) on the plan and determined that a Strategic Environmental Assessment was not required. This determination was made in July 2010. The assessment of this issue was based on the criteria set down in the SEA Guidelines and Annex II of the SEA EU Directive (2001) for determining likely significance of environmental effects.

The Draft Plan including the proposed Material Alterations, will be screened in its entirety, and this is henceforth referred to as 'the plan'.

2.0 OBJECTIVES OF THE LOCAL AREA PLAN

The LAP consists of a written statement with associated maps sets out the framework for the sustainable planning and development of Piltown within a defined development boundary for a period of 6 years. The maps set out zoning objectives and also highlight the natural and built heritage of the area; whilst the written statement sets out objectives and policies to cater for future improvements and works in Piltown. The plan is a statutory document and must be referred in the assessment of any future planning applications.

The plan is set within the framework of the Kilkenny County Development Plan 2008-2014 (hereinafter referred to as the CDP); the policies and objectives of the Draft plan are in line with those of the CDP.

3.0 MANDATORY REQUIREMENTS

Under SI No. 346 of 2004, Planning & Development (Strategic Environmental Assessment) Regulations 2004, where a Planning Authority proposes to make an LAP under Section 18, 19 & 20 of the Planning and Development Acts 2000-2007, it is a requirement under article 14A of the regulations to consider whether or not the proposed plan would be likely to have significant effects on the environment. Section 6 below sets out the required report pursuant to Article 14A of the 2004 regulations.

4.0 DESCRIPTION OF THE LANDS

Piltown is located in the southwest of County Kilkenny, in the valley of the River Suir. The River Pil, a tributary of the River Suir, runs through the center of the town. Piltown is situated just off the N24, the national primary route linking Waterford City to Limerick via Carrick-On-Suir. Piltown is approximately 13 miles from Waterford City and 30 miles from Kilkenny city. A regional road also runs through Piltown, the R698 linking Piltown to Callan via Owning. See Map A which shows Piltown in its context.

The previous, 2003 LAP zoned an area of approximately 113.42 hectares (see Map B), and the 2006 Census of population recorded a population of 968 persons in the town. Piltown is ranked in the 'smaller towns and village' category of the county settlement hierarchy as set out in the Kilkenny CDP.

5.0 ADDITIONAL INFORMATION AND MAPS

The following maps are included in this screening:

- Map A: Location of Piltown.
- Map B: Piltown Local Area Plan 2003 Zoning Objectives.
- Map C: Piltown Draft Local Area Plan 2010 Zoning Objectives.

Kilkenny CDP, which is referenced throughout this screening report, can be viewed at the following web address:

http://www.kilkennycoco.ie/eng/Services/Planning/Development_Plans_2008-2014/

6.0 ASSESSMENT OF LIKELY SIGNIFICANT ENVIRONMENTAL EFFECTS

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

6.1 CHARACTERISTICS OF THE PLAN

- (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.

The LAP establishes a revised land use framework (revising the 2003 LAP) for the sustainable development of the area, including the location, nature, size and operating conditions. The LAP forms a statutory document, conforming to the policies and objectives set out in the CDP and other relevant guidelines and documents. The Plan identifies the existing character of the area, sets out a common vision or strategy for Piltown that is generally supported by the local community and that provides a positive framework for guiding private development and public investment in the village and provide a means (via policies and objectives) to influence future development to create a sustainable environment. The overall aim is to accommodate local development needs in an orderly and sustainable manner whilst protecting the historic character of the town.

The 2003 LAP zoned approximately 113.42 hectares for a mixture of land uses; this included both lands which were already developed and greenfield sites. This LAP proposes to zone a total of 61.49 hectares of the existing built-up area of Piltown for General Objective, which states as follows:

To provide for a mix of uses and to support, strengthen and expand the service base, allowing for sustainable development appropriate to the scale and character of Piltown, whilst protecting its natural and built heritage.

It is proposed to zone 2.3 hectares of greenfield land for residential development (these lands have existing permissions, not yet constructed) and 4.4 hectares of greenfield area for industrial development, see Table 1 below.

Table 1: Comparison of Zoning

Zone	2003 LAP	2010 Draft LAP
	(Area in hectares)	
Integrated Tourism/Leisure	-----	-----
Town Centre	18.56	---
Community Facilities	14.34	---
Industrial	5.89	5.91
Open Space	14.04	12.7
Residential	60.59	2.3
Residential Phase 2		13.54
Existing and General Development	---	61.49
Total land zoned	113.42	95.94

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

The LAP provides a land use framework for the sustainable development of Piltown and will not affect other plans. The policies and objectives of the LAP are set within the context of the CDP (in accordance with Section 19 (2) of the Planning and Development Acts 2000-2007).

In its making, it had regard to other relevant planning and environmental policy and legislation including European Union directives, Ministerial guidelines and other national, regional and county plans and policies.

The Mooncoin Regional Water Supply Scheme will have a positive impact on the Fiddown-Piltown water supply scheme, which is currently at capacity. An Bord Pleanala approved groundwater abstraction from four well fields (reference 10.JA0009) subject to a number of conditions including a restriction of the maximum abstraction from the combined well-fields to 12,000 m³/ day in order to safeguard groundwater in the area (condition 1) and imposed condition 3 on Kilkenny County Council to install hydrometric weirs to monitor the flow of the Blackwater and Pil rivers while abstraction is taking place, to establish a relationship between the surface water levels and the abstraction.

An application for an amendment to condition 1 was made in December 2009 which has not yet been decided (reference PL10.JM0003); the application for this amendment contains further information gained following well drilling and yield testing. It is requesting an increase in abstraction to 16,000m³/day. The report submitted to An Bord Pleanala (Mooncoin Regional Water Supply Scheme Results of Exploratory Well Drilling and Yield Testing - Submission To An Bord Pleanala) prepared by RPS consultants states 'As a result of the wellfields abstracting, no groundwater gradients have been reversed other than in close proximity to the well-fields therefore the groundwater flow direction remains similar'; also 'monitoring of surface water levels was undertaken in the Pil River during the multi-well test at Silversprings and in the River Blackwater during the multi-well test at Kilmacow. The flow monitoring indicated no impact on surface water flow on the River Blackwater or the Pil River during the multi-well tests which were carried out at significantly higher abstraction rates than proposed for the operation of the scheme at 16,000m³/d' (p47). The EIS submitted relates to all phases of the scheme, from which the settlements of Fiddown and Piltown will benefit. The full impact of likely demand from Piltown and Fiddown was taken into account in the water supply demand, therefore implementation of the LAP will have no direct, indirect or secondary impacts.

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

The Piltown LAP will be made pursuant to the provisions of the Planning and Development Acts 2000-2010 Sections 18-20; as such the plan seeks to achieve development in a sustainable manner, through the protection and enhancement of its natural, architectural and archaeological heritage.

(iv) Environmental problems relevant to the plan.

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

A brief overview of any environmental issues pertaining to Piltown is detailed below. For each issue, the relevant policies from the CDP are included. All of the policies and objectives of the CDP are adhered to in every LAP, but the policies are not repeated in each LAP. Instead, in the interests of focus, only policies that are specific to the LAP area are included.

1. Water

1.1 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 Draft River Basin District Management Plan was published in December 2008.

The LAP area is located within the south eastern Suir water region (HA16). The Pil River runs through Piltown and joins the River Suir to the south of Piltown. The water quality of the Pil

River is not known; the River Suir has a water quality rating of 3 which is defined as being of poor status. Under the Water Framework Directive the river is defined as being at risk of not achieving good status.

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

1.2 Drinking Water/Water Supply

Capacity

At present, water supply volumes serving Piltown-Fiddown are inadequate to meet further development. Kilkenny County Council is in the process of augmenting and upgrading the existing Mooncoin Regional Water Supply Scheme which will have a positive impact on the Piltown-Fiddown water supply scheme. The upgrade of the Mooncoin Regional Water Supply scheme is set to take place over 3 phases of works. Currently works are being undertaken for phase 1 and are due to be completed in the third quarter of 2010. Further upgrading of the water supply will be dependent on phases 2-3 of the Mooncoin Regional Water Supply scheme, a date has not been finalised as yet for these works to commence. In addition the Piltown- Fiddown water supply scheme will be included in the request for funding under the Water Services Investment Program for upgrading works.

Water Quality Analyses over the years show that water quality in the area is excellent; there is a policy of continuous monitoring by the Council of all water sources to ensure that water quality remains high.

Future requirements

As stated under point (i) above, the Draft LAP is not proposing to increase zonings, it is proposing to de-zone two areas of land and to introduce a phasing of development, with phase 1 being available to development in the proposed plan period and phase 2 being available post 2016. New residential development shall be of an area of 2.5 ha and the 'existing and general development' lands of 61.69 ha may accommodate limited infill growth. The new residential zoning has a potential capacity of 161 population (existing permissions), and the existing and general development has an existing permission for 20 addition persons. Unless upgrading of the treatment plant is carried out the current scheme will not be capable of absorbing this increase.

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) found that a large number of samples analysed for pH failed to comply with the parametric at Piltown-Fiddown (9 of 10 samples analysed failed). (See p.62) However additional ph correction treatment has recently been installed at the water treatment plant, which will prevent future failures for low ph.

[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)

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.

A policy relating to the provision of a water supply which is adequate in quantity and quality to serve Piltown is included in the Draft plan, as follows:

IN3 - To provide water in sufficient quantity and quality to serve the needs of the existing and future population and commercial development, for all lands zoned for development in this plan, as resources and finances permit.

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 run until March 2011. 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. A county-wide main rehabilitation and replacement programme is due to commence in 2011 as phase 3 of the project, thereby further reducing 'unaccounted for water'.

1.3 Waste Water Treatment

Piltown is served by a sewerage scheme with secondary treatment, which was constructed in 1985. This has a design Population Equivalent of 1500, and is currently operating at approximately double its design capacity and therefore does not have capacity to cater for future demand.

Urban Waste Water Discharges in Ireland for Population Equivalents Greater than 500 Persons – A Report for the Years 2006 and 2007 identifies the Piltown wastewater treatment plant as failing to meet some of the effluent quality standards as set out in the *Urban Waste Water Treatment Regulations 2001*.

[http://www.epa.ie/downloads/pubs/water/wastewater/web%20version\(low\).pdf](http://www.epa.ie/downloads/pubs/water/wastewater/web%20version(low).pdf)

The Piltown plant has been deemed by the EPA to have treatment that is not appropriate based on the effluent results and/or have taken less than the recommended numbers of samples in both 2006 and 2007. In relation to BOD a number of samples exceeded the lower limit of the regulations in 2006, and this increased in 2007; in 2007 the plant was found to not comply with the mandatory standard requirements of the regulations. In 2006 a number of samples were identified as exceeding the lower level of the regulations in relation to COD; this had improved with no samples recorded to exceed in 2007. One sample out of 33 showed TSS level less than the lower limit of the regulation in 2007.

The wastewater treatment plant has been allocated funding under the *Water Services Investment Program 2010-2012*; however any upgrading works will largely deal with the existing overloading on the treatment works.

Owing to the capacity constraints a policy is included in the 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:

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.

IN6 - To maintain and improve wastewater treatment services and to upgrade the treatment system to cater for the future growth of the town as resources and finance permit.

The Council have applied for a discharge licence (KK-WWDL-206) for Piltown in September 2008.

1.4 Groundwater Protection

Piltown is located in an area of mixed groundwater vulnerability, varying from high to extreme with both locally and regionally important aquifers as recorded in the Geological Survey of Ireland and OSI.

The groundwater for Piltown as per the Groundwater Framework Directive data is categorised as good but at risk of not achieving good status in 2015 – ‘1a’ as per the Water Matters data set: <http://www.wfdireland.ie/maps.html>.

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.

1.5 Flood Prevention and Management

The Guidelines for Planning Authorities on *The Planning System and Flood Risk Management* (2009) are adhered to in the LAP. The CDP contains policies on flooding in Section 9.12.5 (IE89-94).

- IE89 To adopt a strategic response to flooding and to actively engage with all relevant authorities to sustainably manage annually and consider flood risk and its related impacts on development on a catchment basis.
- IE90 Ensure that development that is sensitive to the effects of flooding will generally not be permitted in flood prone or marginal areas.
- IE91 Ensure that development must so far as is reasonably practicable incorporate the maximum provision to reduce the rate and quantity of runoff.
- IE92 Require that new development should not itself be subject to an inappropriate risk of flooding nor should it cause or exacerbate such a risk at other locations.
- IE93 Control development in the natural floodplains of all rivers and streams where such development may have a negative impact on flood control, access for channel maintenance or future flood control works or might contribute to environmental degradation were flooding to occur.
- IE94 Restrict development, which is sensitive to the effects of flooding in flood prone or marginal areas unless adequate mitigation measures, which may involve the preparation of a Flood Impact Analysis, are proposed to the satisfaction of the Planning Authority.

In line with The Planning System Flood Risk Management Guidelines for Planning Authorities (2009) a Strategic Environmental Assessment Screening has been carried out for the Draft Piltown Local Area Plan, and contains Stages 1 & 2 of a Flood Risk Assessment; details of the Flood Risk Assessment are set out below:

Stage 1 - Flood Risk Identification.

This stage of the flood risk assessment identifies whether there may be any flooding or surface water management issues relating to the plan area that warrant further investigation. A number of sources of information were consulted at this stage including:

- The South East Regional Planning Guidelines 2010-2022 and its associated Flood Risk Appraisal carried out as part of the SEA,
- Ordnance Survey Historical Mapping,
- Kilkenny County Development Plan 2008-2014,
- OPW National Flood Hazard Mapping and associated recorded reports and photographs,
- River Pil Preliminary Flood Risk Assessment,
- Interviews with local residents and public consultation,
- Water Matters – South Eastern River Basin Management Plan (2009-2015),
- EPA website soils dataset, created by the Spatial Analysis Unit Teagasc,
- OPW Report on Flooding Piltown County Kilkenny (February 2001).

From these sources of information it is noted that there are two main areas of flooding in Piltown, both associated with the Pil River – on Main Street and on Creamery Road, and that flooding in these areas occurs several times per annum. Benefiting Lands have been identified by the OPW along the banks of the Pil River to the south and east of where it flows under the bridge on Main Street.

As a Flood Risk issue has been identified within the proposed development boundary the Flood Risk Assessment proceeds to Stage 2.

Stage 2 – Initial Flood Risk Assessment

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

A number of sources of information are not as yet available –

- (a) the Department's guidelines were published after the adoption of the County Development Plan, and a county-wide FRA has not been prepared, and

(b) the scoping of the CFRAMS for the Suir Catchment identified Piltown as an area of potential significant flood risk, however the results are not as yet available as the study is ongoing and is expected to be completed in 2011.

Although these sources are not currently available it is considered that the information from the sources outlined in Stage 1 provide adequate information to carry out the FRA.

Source – Pathway – Receptor Model

Source:

A number of sources combine to lead to multi-annual flooding on the Main Street and Creamery Road; the primary source is the Pil River which is tidal and reaches high levels where the two tributaries of the Pil meet, additional sources include spring tides, heavy rainfall run-off and southerly winds causing high river levels.

Pathways:

Over-bank – the Pil River over-tops its banks and floods Main Street, Creamery Road and farmland south of the village.

Receptors: People & Property (Residential and Commercial)

The Preliminary Report Pil River Drainage Study focused on the period 1998-2002 and found that the river bursts its banks ten times per year; this figure could be broken down into two levels of flooding.

Level One flooding, typically occurs six times per year, and is least damaging and disruptive, with flooding to farmland and rear gardens.

Level Two flooding occurred, on average four times per year, with high levels of flooding lasting up to two to three days during which roads would be impassable. During the period 1998-2002 eight residential and four commercial properties were affected by level two flooding; with damage ranging from ground floor flooding of private dwellings, flooding of commercial store areas/ working platforms, gardens and a substantial amount of farmland.

Some clearing of the Pil River channel has been carried out by local residents, which has helped somewhat, but flooding still occurs a number of times per year.

An objective of the draft plan to remove an old service pipe that may have been causing obstruction of flow under the bridge has been carried out.

The Council has carried out a Preliminary Pil River Drainage Study. Flood defences have not been erected in Piltown, and flood control is dependent on the banks, floodplain and surface water pipes not being blocked along with the effective working of the effluent treatment plant.

It is likely that flooding will occur on the Main Street and Creamery Road.

Main Street – flooding on Main Street is mainly limited to occurring on a low-point of the road at its junction with the Tybroughney Road, extending eastwards toward the recycling centre and west-wards towards Powers Villas. The dwelling on the junction, is directly affected by the flooding. Two dwellings near the junction along the road edge have been demolished in recent years. Access is disrupted for dwellings along the Tybroughney Road.

Creamery Road – flooding on Creamery Road primarily affects the Glanbia premises.

Sequential Approach

The Draft LAP for Piltown has been prepared having regard to the flood risk issues in the plan area. A number of steps have been taken to lessen the impacts of flooding in the plan area and the Sequential Approach has been adapted as follows:

- Avoid

De-zoning - two large areas of land have been de-zoned to the south of the plan area, including lands formerly zoned for residential development in Banagher and lands formerly zoned for Community Facilities in Kildalton; both of these areas adjoin the banks of the Pil River.

Phase 2 – a total area of 13.54ha have been proposed as Phase 2 development lands, that is lands that will not be released for development within the life of the proposed plan, a substantial area of these lands adjoin the open space zoning along the Pil River.

- Substitute

Zoning – a habitat assessment was carried out by consultants as part of the research for the plan; the assessment identified ecological network areas, primarily located along the Pil River

and its floodplain and these have been designated as ecologically important and have been primarily designated as open space, or as Phase 2 lands (land uses within the open space area will be subject to ecological assessment in accordance with the policies in the plan to ensure the ecological integrity of the area is maintained). In addition a heritage map shows the Ecological Networks as designated areas for protection from inappropriate development.

- Justify

Residential Zoning – to provide for future growth during the life of the plan, lands which have existing planning permissions have been zoned for residential development, in addition lands within the town centre have been zoned for ‘Existing and General Development’ to allow small areas of infill schemes.

Existing and General Development - where there are existing land uses such as residential or commercial uses within ecological network areas and areas prone to flooding these lands have been zoned for ‘Existing and General Development Uses’.

The following policies and objectives have been included in the Draft Plan:

- IN7 – to seek separate stormwater systems for all developments, and to consider all proposals consistent with SuDS (Sustainable Drainage Systems).
- IN8 – Require that new development should not itself be subject to an inappropriate risk of flooding nor should it cause or exacerbate such a risk at other locations.
- IN9 – To require new development to demonstrate that it will not have a negative impact on the Pil river floodplains and to ensure that the banks of the Pil River will be maintained free from inappropriate development, and that its culverting or realignment will be discouraged.
- IN11 – To investigate in conjunction with the OPW the causes of flooding in Piltown and to seek the necessary funding for the remedial defence works required to prevent its re-occurrence in the future.

It is not anticipated that the proposed zonings will exacerbate flooding; however it is proposed to strengthen policy IN10 and re-word it as follows:

New policy IN10 - Development proposals for lands in areas affected by flooding, particularly those on Creamery Road and proximate to the junction of Main Street with Tybroughney Road, may be required to carry out a Stage 3 Detailed Flood Risk Assessment and detailed explanation of how the Justification Test has been met in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

Justification Test

Piltown is a designated ‘Small Town/ Village’ as per the County Kilkenny Settlement Strategy as set out in the Kilkenny County Development Plan, in line with the South East Regional Planning Guidelines.

As set out above, the proposed zoning has been considered in line with the proper planning and sustainable development of the area.

The lands where a residual flood risk exists have where possible been de-zoned, zoned for open space, or have existing residential or commercial uses, are under-utilised or derelict and are within the core area of Piltown; potential infill sites or sites for new residential development have not been identified in areas at risk of flooding.

A Stage 2 Flood Risk Assessment has been carried out, using information from a number of sources, and policies are proposed that will require (a) proposed developments to be consistent with SuDS, (b) that development will not cause flood risk at other locations and (c) that a Stage 3 FRA and Justification Test may be required for proposed development in areas at risk of flooding.

Stage 3 – Detailed Flood Risk Assessment

Stages 1 and 2 of the Flood Risk Assessment have identified the sources, pathways and receptors of flood risk in the Draft Piltown LAP. The Sequential Approach has been followed to ensure that development is directed towards areas that are at a low risk of flooding. The Justification Test has been used to assess the appropriateness of the zoning of ‘Existing and General Development’ in areas at risk of flooding. Mitigation measures in the form of proactive policies and objectives are proposed in relation to flooding in the plan area. Having regard to the fore-going it is not considered necessary to proceed to Stage 3 Detailed Flood Risk Assessment with regard to the proposed Piltown Local Area Plan.

No other significant environmental problems are identified in relation to the proposed Local Area Plan.

(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 have been addressed in the CDP as outlined above. The Piltown Local Area Plan is made in line with the policies and objectives as set out in the Kilkenny CDP.

6.2 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 LAP area would result in minor impacts on environmental resources. However, given that this LAP proposes a reduction in the amount of land available for development from the last LAP, and also as outlined, given that any development will be subject to sufficient capacity in the water supply and wastewater treatment system, it is considered that there will be no significant negative effects from the implementation of the Local Area Plan.

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

Piltown has experienced growth since the first Local Area Plan in 2003. In 2002 the population of the town/village was 778. This had grown to 968 in 2006¹. A key challenge for Piltown 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 town/village.

The LAP 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 Plan is therefore, anticipated to have a positive effect with regard to issues pertaining to sustainable residential development.

It is expected that the effects will be permanent and therefore, irreversible, until such time that any new policies and/or objectives are identified in a revised LAP and/or CDP.

(ii) The cumulative nature of the effects.

No cumulative negative effects are anticipated given that the Local Area Plan focuses on the principles of sustainable development and the considerations of the future, beyond the statutory 6 years of the LAP. 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.

Piltown is located less than 2km to the north of Fiddown and Mooncoin within 7km to the south-east; the local area plans for both settlements are also under review. These plans will focus on the principles of sustainable development, and any effects as a result of its development are anticipated as being positive for the area.

(iii) The transboundary nature of the effects.

The Local Area Plan 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 Local Area Plan will not result in any risks to human health. Any future development in the area will conform to the Local Area Plan, of which the fundamental essence is to create a healthy environment in which people can live, work and spend leisure time.

There are no designated SEVESO sites within the plan area.

¹ CSO, Volume 1, Table 5

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

The Plan area comprises approximately 95.94 hectares of land - and a population of 968 persons in 2006². It is estimated that the current (2010) population could be in the region of 1354 people³. Future development will mainly be residential and also small scale local shops and services in the village centre.

The Guidelines on Sustainable Residential Development in Urban Areas (May 2009) state that for smaller towns and villages of between 400 and 5,000 in population, the LAP could recommend the phased development of a variety of sites over time, subject to a proviso that no one proposal for residential development should increase the housing stock by more than 10-15% within the lifetime of the Local Area Plan.

Within the County Settlement Strategy, Piltown is classed as 'a smaller town or village' which is the fifth level in a hierarchy of six. The strategy states that smaller towns and villages need to be developed in a way that strengthens their role as local service centres whilst respecting their existing character.

Piltown is classed in the County Plan as a 'Stronger Rural Area', in these areas it is a key objective of the Council to consolidate and sustain the stability of the population and in particular to strike a balance of activity in the smaller towns and villages and the wider rural area thereby ensuring that these areas maintain a stable population base.

Under the 2003 Plan approximately 25.6 hectares of residential land remains undeveloped, some of this has been de-zoned or designated as phase 2 in the proposed plan. Another 2.5 hectare of residential and 0.16 hectare of village centre has permission but development has not commenced.

Having regard to the growth experienced since 2006 (138 units built) and the extant permission, it is proposed to retain only 2.5 hectares of land for new residential development. Another 13.54 hectares of land are zoned for Phase 2 development. The Plan states that Phase 2 lands will not be released during the lifetime of this plan. The situation will be monitored on an ongoing basis. Any change to this would require an amendment to the LAP and the requirements of Article 14A of the Planning and Development (SEA) Regulations 2004 would have to be met.

(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

The River Pil forms part of the Special area of Conservation of the Lower River Suir SAC (site code 002137). A separate Appropriate Assessment Screening will be 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:

- 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.

² CSO, Volume 1, Table 5

³ This is based on an analysis of units built since 2006 and a house count.

- 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 as part of the survey work for this LAP. This was carried out using a green infrastructure approach to identify the most important 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 Plan includes policies for the identified areas of ecological importance, as follows:

- H1 To ensure that any development in or near sites of local conservation interest, as identified in Table 3 of Appendix 2, will minimise any significant adverse impact on the features for which the site has been designated.
- H2 Applicants shall demonstrate that there will be no adverse impacts on the ecological integrity of sites of high local ecological value identified in this plan from developments on adjacent sites.
- Objective H3 –
 - (a) To protect and where possible enhance the habitat of the Pil River, and its associated ecological corridors and habitats, as identified as PL1, PL2 & PL3 on Map 2. An ecological impact assessment will be required in order to assess the impact of any development which could potentially affect this area; this should include a survey of protected species where appropriate.
 - (b) Any proposed developments that have the potential to impact on a Natura 2000 site will be subject to a project level appropriate assessment. No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

- H4 - To require details for the retention and integration of hedgerows of high value as identified on Map 2, in all development proposals to ensure that the ecological integrity and connectivity of the hedgerow is protected during and after construction.

Cultural Heritage

There are nine Recorded Monuments within and immediately adjoining the development boundary of Piltown as follows:

Table 2: Recorded Monuments in AREA

RMP Number & Classification	RMP Number & Classification
KK039-021--- Castle – Tower House	KK039-022- Unclassified
KK039-023--- Unclassified	KK039-022002- Unclassified
KK039-023002 Hut Site	KK039-074--- Tomb
KK039-024003- Graveslab	
KK039-024002- Graveyard	
KK039-024001- Church	

Protected Structures

Currently Piltown (including immediate environs) has a total of 19 protected structures which are listed in the Record of Protected Structures. The National Inventory of Architectural Heritage lists 42 structures in Piltown (including 18 of the protected structures) – for details refer to Appendix 1 of the Draft LAP.

The LAP lands 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).

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 subsurface 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 plans⁴ 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.
- 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.

Landscape Designations

No significant landscape sensitivity is recorded for Piltown in the County Landscape Appraisal which is contained in the CDP, either within or outside of the main settlement. Piltown is located within a 'Lowland Area', and adjoins a 'River Valley' area as per the landscape character assessment in the County Development Plan. A scenic view ref. 'A17' is listed to the north-east of Piltown 'view south over the Suir Valley on Templeorum/ Barrabhey Road No. LP1040'. This will not be affected by the LAP.

It is not anticipated that the value and vulnerability of the special natural characteristics or cultural assets in Piltown will be negatively affected through implementation of the Plan, 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

⁴ 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.

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 LAP. Development proposals within the LAP development boundary 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

The LAP will not increase the amount of residential zoned land available for development within Piltown from that zoned in the previous Plan. As such, it is considered likely that the future developments resulting from the new zoning will not intensify land uses within the LAP area to a degree that would adversely impact upon the existing natural and built environment. Quality design standards and guidelines shall be provided in the LAP with appropriate policies and objectives which will seek to reduce the potentially negative impact of the 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 6.2 (vi) (a), there are no landscapes of national, European or International protection status within or affected by the proposed LAP.

The Pil River forms part of the Special Area of Conservation of the Lower River Suit SAC (site code 002137). There are 9 Recorded Monuments in the LAP area of Piltown and its immediate environs (as listed in section 6.2(vi) of this report).

The CDP, of which the Piltown Local Area Plan forms a sub-set, recognises the importance of sites with national and European designations, and sets out policies for their protection (as outlined above). As the LAP seeks to implement the policies of the CDP at a local level, it is not anticipated that the implementation of the LAP would have any significant adverse impacts on landscapes of recognised national, European or international protection status.

7.0 STATUTORY CONSULTATION

The specified environmental authorities that should be consulted in relation to local area plans under Article 14A (4) and 13A (4) of the Regulations 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)

8.0 CONCLUSION

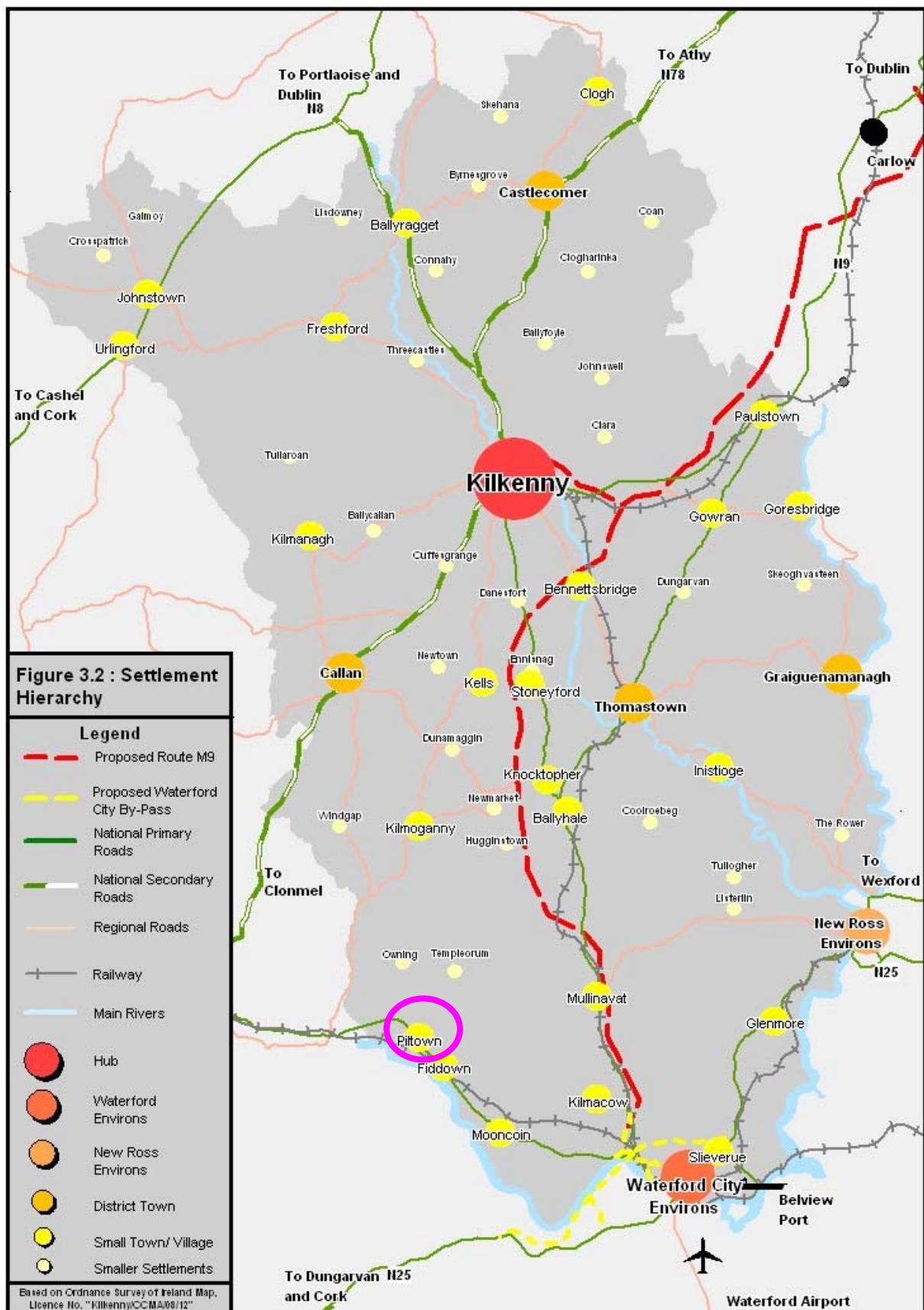
It is not anticipated that the Local Area Plan will have strategic environmental effects and at this stage in the screening process it is considered that an SEA will not be required. Localised environmental effects as a result of any proposed development carried out on the land within the plan area can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

In terms of the provisions of Article 14A of the Regulations, following the appropriate consultation period the Planning Authority shall determine whether or not implementation of the proposed LAP 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 6.0 above) and any submission or observation received from the environmental authorities (see 7.0 above).

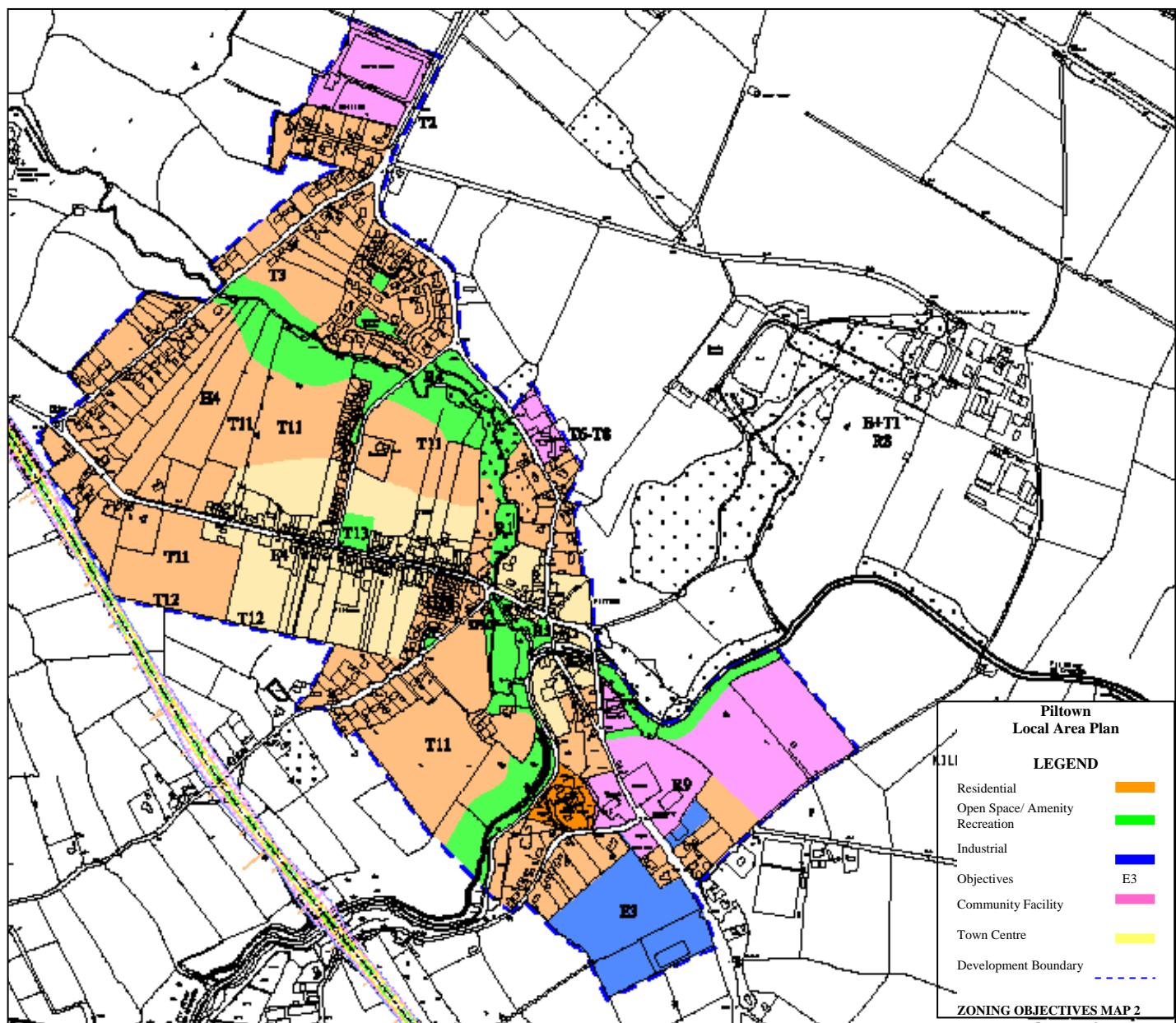
MAPS

- Map A: Location of Piltown.
- Map B: Piltown Local Area Plan 2003 Zoning Objectives
- Map C: Draft Zoning Map for Piltown Local Area Plan 2010

Map A: Location of Piltown



MAP B – Piltown Local Area Plan 2003 Zoning Objectives



MAP C - Draft Piltown Local Area Plan 2010 Zoning Objectives Map

