

**Appropriate Assessment Screening
of Draft Variation 1 to
Kilkenny City & Environs Development Plan
2008-2014**

Kilkenny Borough Council

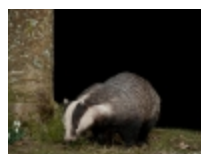
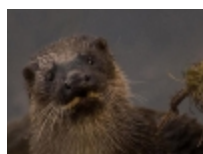
Kilkenny County Council



Comhairle Buirge Chill Chainnigh

Comhairle Chontae Chill Chainnigh

May 2011



Front Cover Photographs source: National Biodiversity Data Centre

Table of Contents

	Section 1	
1.1	Introduction to Habitats Directive and Article 6 Assessment	4
1.2	Objectives of Appropriate Assessment	4
1.3	Consultation	4
1.4	Legislation and Guidance	5
1.5	Procedure for Stage One Screening	7
	Section 2	
2.1	Natura 2000 sites in Kilkenny City and within 15km of the plan area	9
2.2	Brief Description of the Natura 2000 sites	10
	Section 3	
3.1	Table 2: Natura 2000 sites within Kilkenny & within 15km of the city	11
	Section 4	
4.1	Screening Assessment Criteria - Discussion of Potential Impacts	13
4.2	Description of individual elements of plan likely to give rise to impacts on the Natura 2000 sites	13
4.3	Describe any likely –direct, indirect or secondary impacts of the project: changes to the site; and impacts on the Natura 2000 site	14
4.4	Indicators of significance	18
	Section 5	
5.1	Discussion of potential impacts from the Draft Variation	19
5.2	Development Policies and Objectives	20
5.3	Conclusion	20
	Bibliography	21
	Appendices	
	Appendix 1 –Assessment of policies in draft Variation 1 of the Kilkenny City & Environs Development Plan 2008-2014	22
	Finding of no significant effects report	24

Section 1

1.1 Introduction to Habitats Directive and Article 6 Assessment

The 1992 European Habitats Directive (*Council Directive 92/43/EEC of May 1992 on the conservation of wild habitats and of wild fauna and flora*) 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) for protected habitats and species, and Special Protection Areas (SPAs) for protected birds. Generally they are considered to be of exceptional importance in terms of rare, endangered or vulnerable habitats and species within the European Community.

The European Habitats Directive (Council of the European Communities 1992) was transposed into Irish legislation by the European Communities (Natural Habitats) Regulations 1997 and amended in 1998 and 2005.

Article 6(3) and (4) of the Habitats Directive requires that an Appropriate Assessment be carried out for these sites where projects, plans or proposals are likely to have an effect.

Article 6(3) and (4) of the Habitats Directive requires an appropriate assessment procedure for any plan or project not directly connected with or necessary to the management of a designated European site, but which has the potential to have implications for the site in view of the site's conservation objectives. The Draft Variation to the Kilkenny City and Environs Development Plan 2008-2014, therefore, falls under the remit of Article 6.

1.2 Objectives of Appropriate Assessment

An Appropriate Assessment is an evaluation of the potential impacts of a plan on the conservation objectives of a Natura 2000 site, and the development, where necessary, of mitigation or avoidance measures to preclude negative effects. The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures to be addressed in the AA process:

- A plan should aim to avoid any negative impacts on Natura 2000 sites by identifying possible impacts early in plan making, and writing the plan in order to avoid such impacts.
- Where negative impacts may not be avoided, mitigation measures should be applied during the AA process to the point where no adverse impacts on the site remain.
- Under a worst-case scenario, a plan may have to undergo an assessment of alternative solutions. Under this stage of the assessment, compensatory measures are required for any remaining adverse effects, but they are permitted only if (a) there are no alternative solutions and (b) the plan is required for imperative reasons of overriding public interest.

1.3 Consultation

The statutory agency responsible for Natura 2000 sites is the National Parks and Wildlife Service of the Department of Environment, Heritage and Local Government.

In order to inform preparation of the Appropriate Assessment Screening, a meeting was held with the NPWS Conservation Ranger in March 2011 to flag general issues of concern for the Natura 2000 network within County Kilkenny. Issues highlighted included:

- Water quality and adequate treatment of wastewater.
- Cumulative Effects
- Effects of multi-unit housing developments, which may be located at geographically remote distances from the site, but which have hydrological connections with the site, through abstractions from, or discharges to, watercourses such as drainage ditches, streams, or tributaries.
- Proposed designation of the Nore SPA for the protection of the Kingfisher, species listed on the E.U. Birds Directive.

1.4 Legislation & Guidance

Background

- The requirement to carry out an appropriate assessment stems from article 6(3) & (4) of the Habitats Directive - *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora*.
- Further details on the interpretation of article 6 are provided in the publication - *Managing Natura 2000 sites – The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC (2000)*.
- Suggested methods for carrying out an appropriate assessment are proposed in the publication - *Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, (November 2001)*.
- The European Habitats Directive (Council of the European Communities 1992) was transposed into Irish legislation by the *European Communities (Natural Habitats) Regulations 1997* and amended in 1998 and 2005.
- A court case taken by the European Commission against Ireland found that Ireland was not fulfilling its obligations to carry out appropriate assessments of plans - *Case C-418/04 Commission of the European Communities v Ireland, (December 2007)*, failure of a member state to fulfil obligations – Directive 92/43/EEC – Conservation of natural habitats and of wild fauna and flora – Article 6 – Transposition and application’.
- Following from the judgement of the European Commission the Department of the Environment, Heritage and Local Government issued a circular outlining the requirement to carry out appropriate assessments in relation to land use plans - *Appropriate Assessment of Land Use Plans – Circular Letter SEA 1/08 & NPWS 1/08, 15 February 2008*.
- In December 2009 the Department of the Environment, Heritage and Local Government published the *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities*.

Outlined below is a brief outline of the some of the relevant sections to this report of the legislation and guidance relating to Appropriate Assessments.

➤ Habitats Directive - 92/43/EEC

Article 6(3) requires: ‘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 objective. 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’.

➤ Managing Natura 2000 sites – The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC (also referred to as MN2000).

Further details on the interpretation of article 6 are provided in this publication. An assessment should be recorded and it should be reasoned. The assessment is a step preceding and providing a basis for other steps. The information provided according to the standard from established by the Commission forms the basis for a Member State’s establishment of the site’s conservation objectives. The form requires that all Annex 1 habitat types present on a site and all Annex II species occurring at the site should be mentioned and this information forms the basis for a Member State establishing ‘the site’s conservation objectives’. The integrity of the site involves its ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the site’s conservation objectives.

➤ Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, (November 2001).

The guidance sets out the assessment requirements of Article 6 in a stage by stage approach.

Stage One – Screening:

Process to identify the likely impacts upon a Natura 2000 site of a plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

Stage Two - Appropriate Assessment:

The consideration of the impact on the integrity of the Natura 2000 site of the plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

Stage Three - Assessment of Alternative Solutions:

A process which examines alternative ways of achieving the objectives of the plan that avoid adverse impacts on the integrity of the Natura 2000 site.

Stage Four - Assessment where no Alternative Solutions exist and where Adverse Impacts Remain: Assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the plan should proceed. The guidance relating to Stage One – Screening is set out in further detail below.

Screening examines the likely effects of a plan and considers whether it can be objectively concluded that these effects will not be significant. This assessment comprises four steps:

- Step 1 – determining if the plan is directly connected with or necessary to the management of the site.

For a plan to be 'directly connected with or necessary to the management of the site', the 'management' component must refer to management measures that are for conservation purposes, and the 'directly' element refers to measures that are solely conceived for the conservation management of a site.

- Step 2 – describing the plan and the description and characterisation of other projects or plans that in combination have the potential for having significant effects on the Natura 2000 site. In describing the plan, it will be necessary to identify all those elements of the plan, alone or in combination with other projects or plans, which have the potential for having significant effects on the Natura 2000 site.
- Step 3 – Identifying the potential effects on the Natura 2000 site; Identification of impacts upon the Natura 2000 site will require a characterisation of the site as a whole or of the areas where impacts are most likely to fall. Impact identification will also need to consider cumulative impacts from other projects or plans.
- Step 4 – Assessing the significance of any effects on the Natura 2000 site. The assessment of the significance of the impacts identified in step 3. It is important to recognise which particular elements of a plan or project are likely to have impacts on a Natura 2000 site.

Outcomes - following the screening assessment, if it can be concluded at this stage that there are unlikely to be significant effects on the Natura 2000 site, it should be good practice to complete the finding of no significant effects report which should be made available to relevant stakeholders.

➤ Appropriate Assessment of Land Use Plans – Circular Letter SEA 1/08 & NPWS 1/08

Any draft land use plan or variation to it proposed under the Planning and Development Act 2000 (as amended) must be screened for potential impact on areas designated as Natura 2000 sites (SACs or SPAs).

The National Parks and Wildlife Service (NPWS) of the Department has a formal consultation role (through the Development Applications Unit (DAU) as part of the screening and assessment process.

The appropriate assessment should be published concurrently/ jointly with the SEA of the plan but should be clearly distinguishable from it.

➤ Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, December 2009).

It is recommended that the Department be consulted by a Planning Authority at every stage of the plan making process (i.e. at the pre-draft, draft and proposed amendments stages). The Department's comments should be taken into account by the planning authority before the plan is adopted.

If a plan is likely to undermine any of the site's conservation objectives (i.e. objectives that relate to the Birds or Habitats Directives), it must be considered likely to have a significant effect on that site.

Screening can be used to establish which policies and objectives have potential to have significant effects, and therefore the ones that require further attention at the AA stage. Screening should include any Natura 2000 sites within the likely zone of impact of the plan; a distance of 15km is recommended.

➤ **Planning & Development Act 2010, Department of Environment, Heritage and Local Government**

Section 57 of the Planning and Development Act 2010 proposes to amend the Planning and Development Act 2000 (as amended) by the inclusion of Part XAB relating to Appropriate Assessment. This is quite a substantial amendment to the principal act; however this section has not, as yet, commenced.

➤ **Draft European Communities (Birds and Natural Habitats) Regulations 2010**

These Draft Regulations have been prepared to address a number of judgments of the European Court of Justice against Ireland, notably C-418/04 and C-183/05, in respect of failure to transpose elements of the Birds Directive and the Habitats Directive into Irish law. The Commission has indicated that unless these matters are addressed, they will revert to the ECJ seeking fines against Ireland for failure to address the judgments of the Court.

The closing date for receipt of comments was 3rd September 2010. These regulations will impact on the provisions of the Planning and Development Act 2000; however they are still in draft form and have not commenced at the time of writing this report.

1.5 Procedure for stage one screening

This report consists of a stage one screening for Habitats Directive Assessment of the proposed Draft Variation 2 to the Kilkenny City & Environs Development Plan 2008-2014. This stage examines the likely effects of the draft Variation on Natura 2000 sites in Kilkenny and within a 15km radius of the city and considers whether it can be objectively concluded that these sites will not be significantly impacted. This assessment comprises four steps:-

Step 1: determining whether the project or plan is directly connected with or necessary to the management of the site:

The draft Variation is a spatial planning framework for Kilkenny city and is not directly connected to the management of any Natura 2000 sites. It does include measures to protect, conserve and manage the natural heritage in the city in a sustainable manner, including Natura 2000 sites, and to seek their enhancement where appropriate and feasible.

Step 2: describing the project or plan and the description and characterisation of other projects or plans that in combination have the potential for having significant effects on the Natura 2000 site:

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

Draft Variation 2 to the Kilkenny City & Environs Development Plan 2008-2014 includes text and maps illustrating the core strategy at city level and its impact on the City & Environs zoning map.

At present, the Kilkenny City & Environs Development Plan contains a total of 224 hectares of undeveloped land zoned for residential uses.

The RPGs have allocated County Kilkenny a projected zoning requirement of 254 hectares over the period 2010-2016. The Regional Planning Guidelines have divided the county allocation between the gateway (Waterford Environ in County Kilkenny), the hub (Kilkenny City) and the

remainder. For Kilkenny City there is an allocation of 48 hectares. Therefore the core strategy will involve a significant level of phasing of zoned land, in order to meet the objectives of the Regional Planning Guidelines.

The preferred population projection for the City (Central Scenario) as set out in Chapter 2 of the 2008 Development Plan provided for a population of 29,268 in 2020. The RPGs project a figure of 28,200 for the City in 2022, therefore the projected population of the Development plan is revised downwards in this Variation.

The housing strategy as included in the 2008 Development Plan will be revised as necessary to ensure that the population targets of the Core Strategy for the city are taken into account. As outlined above, the revised population target is less than the population projected for in 2008, therefore this revision will involve a reduction in the level of development envisaged. The cumulative effects of the Variation, which includes the Core Strategy and any consequent revisions to the Development Plan are assessed.

This variation will establish a revised land use framework for the City & Environs. The Variation introduces a core strategy for Kilkenny City that provides a positive framework for guiding private development and public investment and provides a means (via policies and objectives) to influence future development to create a sustainable environment.

The total amount of undeveloped land in the city zoned for residential equals approximately 224 hectares. This amount now needs to be reduced significantly to correspond, as far as practicable, to the RPGs allocation of 48 hectares. Therefore the potential level of development in Kilkenny City will be reduced from that proposed under the existing Development Plan 2008-2014. In its making, the Variation has regard to other relevant planning and environmental policy and legislation including European directives, Ministerial guidelines and other national and regional plans and policies.

The City & Environs area contains three local area plans as follows: - City Centre (expires Oct 2011), Western Environs (expired, incorporated into City & Environs plan), and Loughmacask (expires in April 2014 unless extended). This variation will influence the two LAPs that are still in force (City Centre LAP and Loughmacask LAP). Where any provision of a Local Area Plan conflicts with the provisions of the development plan as varied, the provision of the local area plan shall cease to have any effect.

Step 3: Identifying the potential effects on the Natura 2000 site:

The River Nore and its tributaries flow through Kilkenny City, the river is the most likely Natura 2000 site to be impacted upon by the proposed variation. Thomastown Quarry is approx. 15km from the city.

The information presented in Table 2 comprises a breakdown of Natura 2000 sites within the plan area or within 15 kilometres. The N2000 sites' designations are identified - Special Areas of Conservation / Special Protection Areas. The following information is listed for each N2000 site: - Site code, Site name, Qualifying interests, Conservation objectives and, Threats to site integrity.

Step 4: Assessing the significance of any effects on the Natura 2000 site:

The screening stage involves application of the precautionary principle proportional to the policy/objective and the Natura 2000 site in question. This section assesses the likelihood of potential impacts on the Natura 2000 sites. The assessment draws upon the information set out in sections 2 and 3, together with the information as set out in the appendices in relation to existing and proposed policies. The format of this section follows the assessment criteria in the screening matrix which is included in the *Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, (November 2001).*

Section 2

2.1 Natura 2000 sites in Kilkenny City and within 15km of the plan area

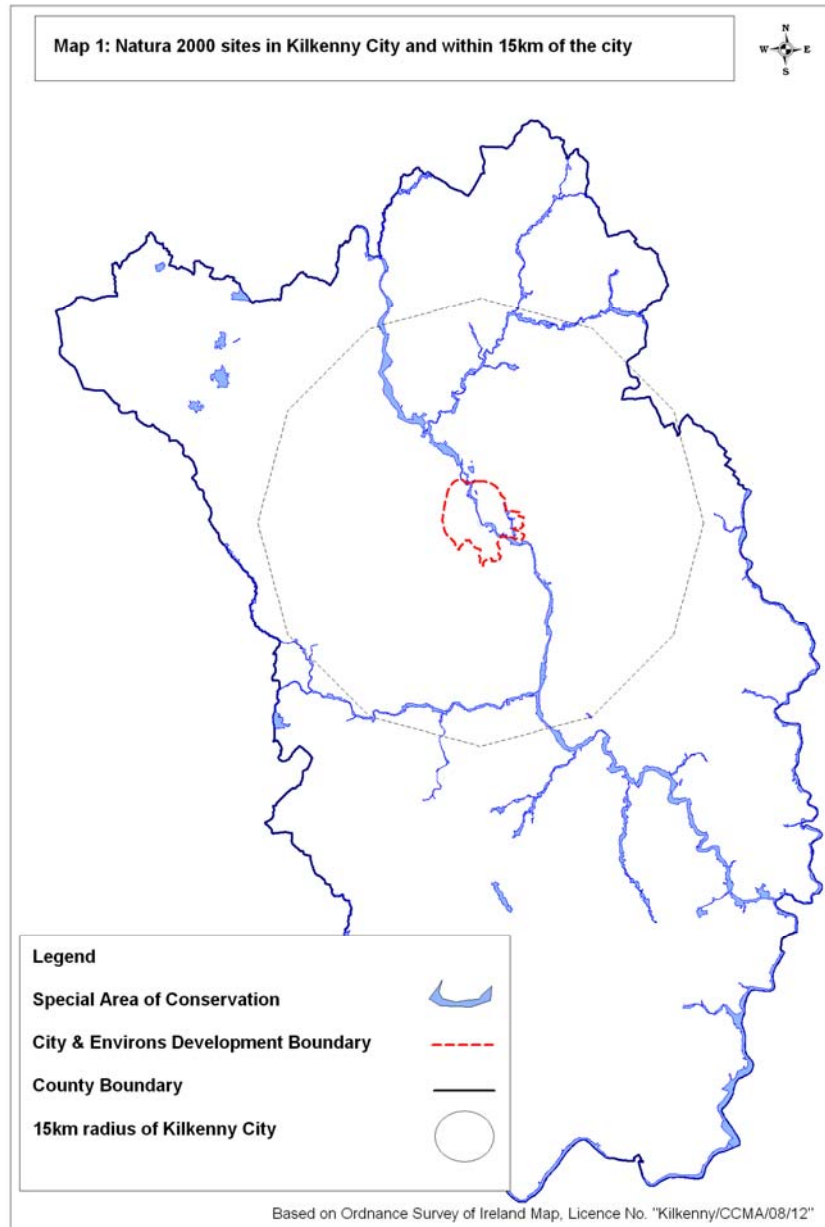
This section sets out Natura 2000 sites within Kilkenny City and within a distance of 15km of Kilkenny, as is currently recommended in the Guidance for Planning Authorities (DoEHLG, Dec 2009). Listed below are the Natura 2000 sites within Kilkenny and within a distance of 15km, and Map 1 illustrates the location of Natura 2000 sites within the city and within 15km of the city.

Table 1: Natura 2000 sites in County Kilkenny & adjoining counties

Site Name	SAC/ SPA site code
River Barrow & Nore SAC	002162
River Nore* proposed SPA	0004233
Thomastown Quarry	002252

* Note: the site is intended to be proposed shortly by the NPWS; however at the date of writing this report full details were not available.

The following pages set out a brief description of the Natura 2000 sites listed above, based on information from the NPWS website. Table 2 in section 3 sets out the qualifying interests, conservation objectives and threats to the integrity of Natura 2000 sites listed above.



2.2 Brief Description of the Natura 2000 sites

- River Barrow and River Nore cSAC (002162)

This site consists of the freshwater stretches of the Barrow/Nore River catchments as far upstream as the Slieve Bloom Mountains and the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties, and there are fifteen major towns along the edge of the site, including Kilkenny City.

The site is a candidate SAC selected for the following habitats and species listed on the E.U. Habitats Directive – (a) priority habitats on Annex I - alluvial wet woodlands and petrifying springs, (b) habitats listed on Annex I - old oak woodlands, floating river vegetation, estuary, tidal mudflats, *Salicornia* mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs, and (c) species listed on Annex II – Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, *Vertigo moulinsiana* and the plant Killarney Fern.

Seventeen Red Data Book plant species have been recorded within the site. The site is very important for the presence of a number of EU Habitats Directive Annex II animal species; this is the only site in the world for the hard water form of the Pearl Mussel *M. m. durrovensis*, which is limited to a 10 km stretch of the Nore and one of only a handful of spawning grounds in the country for Twaite Shad. The freshwater stretches of the River Nore main channel is a designated salmonid river. The site is of ornithological importance for a number of E.U. Birds Directive Annex I species including Greenland White-fronted Goose, Whooper Swan, Bewick's Swan, Bartailed Godwit, Peregrine and Kingfisher.

Land-use at the site consists mainly of agricultural activities – many intensive, principally grazing and silage production. Slurry is spread over much of this area. Arable crops are also grown. The spreading of slurry and fertiliser poses a threat to the water quality of the salmonid river and to the populations of Annex II animal species. Many of the woodlands along the rivers belong to old estates and support many non-native species. Little active woodland management occurs. Fishing is a main tourist attraction; both commercial and leisure fishing takes place. Other recreational activities such as boating, golfing and walking, are popular. There is a golf course on the banks of the Nore at Mount Juliet and GAA pitches at Inistioge and Thomastown. There are active and disused sand and gravel pits throughout the site. Several industrial developments, which discharge into the river, border the site.

The main threats to the site and 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 Nore. It also requires that sewage be properly treated before discharge. Drainage activities in the catchment can lead to flash floods which can damage the many Annex II species present. Capital and maintenance dredging within the lower reaches of the system pose a threat to migrating fish species such as lamprey and shad. Land reclamation also poses a threat to the salt meadows and the populations of legally protected species therein.

- River Nore proposed SPA (0004233)

The site is selected as proposed for protection for the conservation of the Kingfisher (*Alcedo atthis*), species listed on Annex I of the E.U. Birds Directive – full details not available from the NPWS at time of writing this document. 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, and invasion by non-native species. The water quality of the site remains vulnerable. Good quality is dependent on controlling fertilisation of the grasslands, along the Nore. It also requires that sewage be properly treated before discharge.

- Thomastown Quarry cSAC (002252)

Thomastown Quarry is situated along the R700 road approximately 15km south of Kilkenny city. It comprises a disused limestone quarry in which an excellent diversity of calcareous habitat types has developed. The site is a candidate SAC selected for petrifying springs, a habitat listed on Annex I of the E.U. Habitats Directive. Bare rock accounts for a significant area of the site, occurring both on cliff faces and the quarry floor. These rocky surfaces are well covered with lichens and mosses. Seepage lines or springs are a feature of the site and of particular importance is the presence of petrifying springs with tufa formations. Alkaline fen vegetation has developed over some of the seepage areas and also around the various ponds that occur on the quarry floor. The fen vegetation is quite species rich. The ponds support populations of the Common Frog and Common Newt, both legally protected species.

Section 3

Table 2: Natura 2000 sites within Kilkenny & within 15km of the city

County Kilkenny		Special Areas of Conservation/ Special Protection Areas	
Site code & name	Qualifying interests	SAC/ SPA – (Generic) Conservation Objectives	Threats to site integrity
002162 River Barrow and River Nore cSAC	Annex I - priority habitat <ul style="list-style-type: none"> ▪ Alluvial wet woodlands (91E0) ▪ Petrifying springs (7220) Annex I <ul style="list-style-type: none"> ▪ Old oak woodlands (91A0) ▪ Floating river vegetation (3260) ▪ Estuary – (1130) ▪ Tidal mudflats (1320) ▪ <i>Salicornia</i> mudflats (1310) ▪ Atlantic salt meadows (1330) ▪ Mediterranean salt meadows (1410) ▪ Dry heath - European dry heaths (4030) ▪ Eutrophic tall herbs (6430) Annex II <ul style="list-style-type: none"> ▪ Sea Lamprey (1095) ▪ River Lamprey (1099) ▪ Brook Lamprey (1096) ▪ Freshwater Pearl Mussel (1029) ▪ Nore Freshwater Pearl Mussel (1990) ▪ Crayfish (1092) ▪ Twaité Shad (1103) ▪ Atlantic Salmon (1106) ▪ Otter (1355) ▪ Desmoulin’s Whorl Snail (1016) ▪ Killarney Fern (1421) 	To maintain the Annex I habitats and Annex II species for which the cSAC has been selected at favourable conservation status.	<ul style="list-style-type: none"> ▪ Fragmentation, abundance of alien invasive species, sub-optimal grazing regimes, drainage. ▪ Land reclamation, drainage. ▪ Invasive alien species, sub-optimal grazing. ▪ Eutrophication, overgrazing, excessive fertilisation, afforestation, introduction of invasive alien species. ▪ Aquaculture, fishing, coastal development and water pollution. ▪ Aquaculture, fishing, bait digging, removal of fauna, reclamation of land, coastal protection works and invasive species. ▪ Hard coastal defence structures, sea-level rise. ▪ Invasive species, natural erosion, accretion cycles and storms. ▪ Overgrazing by sheep or cattle, and erosion. Presence of common cordgrass invasive species. Loss of habitats due to infilling and reclamation. ▪ Over-grazing by cattle or sheep ▪ Infilling and reclamation. ▪ Afforestation, over-burning, over-grazing, under-grazing and bracken invasion. ▪ Invasive species, arterial drainage and agricultural improvement at the river edge. ▪ Weirs restricting access to spawning beds. Channel maintenance which removes silt deposits and gravel shoals used by lampreys. ▪ Poor substrate quality due to increased growth of algal and macrophyte vegetation as a result of severe nutrient enrichment, as well as physical siltation. ▪ Poor quality of river substrate. ▪ Introduction of diseases transmitted by introduced American crayfish.

Site code & name	Qualifying interests	SAC/ SPA – (Generic) Conservation Objectives	Threats to site integrity
continued . . . 002162 River Barrow and River Nore			<ul style="list-style-type: none"> ▪ Restricted access to spawning grounds due to weirs. ▪ Diseases, parasites, water pollution. ▪ Road kill, fishing nets and lobster pots. ▪ Drainage of wetlands and riparian management, spread of urban development. ▪ Modifications to the site's hydrology, through pollution, or woodland clearance.
004233 River Nore proposed SPA*	Kingfisher	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Disturbance Water Quality Invasive Species
002252 Thomastown Quarry cSAC	Priority status in Annex I of HD Petrifying springs with tufa formation (7220)	To maintain or restore the Annex I habitats for which the cSAC has been selected at favourable conservation status.	Land reclamation Drainage Abandonment

*Note: Proposed SPA – full details not available from NPWS at time of writing this report

Section 4

4.1 Screening Assessment Criteria - Discussion of Potential Impacts

This section assesses the likelihood of potential impacts on the Natura 2000 sites. The assessment draws upon the information set out in sections 2 and 3, together with the information as set out in the appendices in relation to existing and proposed policies.

The format of this section follows the assessment criteria in the screening matrix which is included in the *Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, (November 2001)*. In assessing the likely impacts, changes to the site or interference with the Natura 2000 sites, points (ii) – (iv) inclusive have been combined for the purposes of assessment.

Assessment criteria

- (i) 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 site.
- (ii) 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 site 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.
- (iii) Describe any likely changes to the site 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.
- (iv) Describe any likely impacts on the Natura 2000 site 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.
- (v) Provide indicators of significance as a result of the identification of effects set out above in terms of: loss; fragmentation; disruption; disturbance; change to key elements of the site (e.g. water quality etc.). 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.

4.2 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 site.

The draft Variation will bring the Development Plan 2008-2014 in line with projections set out in the *Regional Planning Guidelines for the South-East Region 2010-2022*. At present, the Kilkenny City & Environs Development Plan contains a total of 224 hectares of undeveloped land zoned for residential uses.

The Regional Planning Guidelines (RPGs) have allocated County Kilkenny a projected zoning requirement of 254 hectares over the period 2010-2016. The RPGs have divided the county allocation between the gateway (Waterford Environs in County Kilkenny), the hub (Kilkenny City) and the remainder. For Kilkenny City there is an allocation of 48 hectares. The core strategy will involve a significant level of phasing of zoned land, in order to meet the objectives of the RPGs. The preferred population projection for the City (Central Scenario) as set out in Chapter 2 of the 2008 Development Plan provided for a population of 29,268 in 2020. The RPGs project a figure of 28,200 for the City in 2022, therefore the projected population of the Development plan is revised downwards in this Variation.

The Housing and Retail Strategies as included in the 2008 Development Plan will be revised as necessary to ensure that the population targets of the Core Strategy for the city are taken into account. The revised population target is less than the population projected for in 2008, therefore this revision will involve a reduction in the level of development envisaged. The cumulative effects of the Variation and any consequent revisions to the Development Plan are assessed.

The Variation introduces a core strategy for Kilkenny City that provides a positive framework for guiding private development and public investment and provides a means (via policies and objectives) to influence future development to create a sustainable environment. This variation is intended to bring the objective of the Development Plan into alignment with the RPGs. The variation has regard to other relevant planning and environmental policy and legislation including European directives, Ministerial guidelines and other national and regional plans and policies.

The City & Environs area contains three local area plans - City Centre (expires Oct 2011), Western Environs (expired, incorporated into City & Environs plan), and Loughmacask (expires April 2014, unless extended). This variation will influence the two LAPs that are still in force (City Centre LAP and Loughmacask LAP). Where any provision of a Local Area Plan conflicts with the provisions of the development plan as varied, the provision of the local area plan shall cease to have any effect.

4.3 Describe any likely - direct, indirect or secondary impacts of the project; changes to the site; and impacts on the Natura 2000 site

- 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 site 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.
- Describe any likely changes to the site 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.
- Describe any likely impacts on the Natura 2000 site 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.

In order to describe the likely direct, indirect or secondary impacts of the project or likely changes to the sites, the Natura 2000 site in Kilkenny city and those within 15km of the city are assessed. The draft variation will involve a significant level of phasing of zoned land in order to meet the objectives of the RPGs; the potential impacts from the draft variation are anticipated to be less extensive than the development potential facilitated by the existing plan. The qualifying interests and threats to the site integrity as set out in table 2, together with the description of the site and qualifying interests set out earlier in this report are referred to in assessing the likely direct, indirect or secondary impacts or likely changes to the sites.

- **River Barrow and River Nore cSAC (002162)**

The River Nore and its tributaries, including the Breaghagh River flow through Kilkenny city. The site consists of the freshwater stretches of the Barrow/Nore River catchments as far upstream as the Slieve Bloom Mountains and includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties.

The site is a candidate SAC selected for habitats and species listed in the E.U. Habitats Directive – (a) priority habitats on Annex I - alluvial wet woodlands and petrifying springs, (b) habitats listed on Annex I - old oak woodlands, floating river vegetation, estuary, tidal mudflats, *Salicornia* mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs, and (c) species listed on Annex II of the same directive – Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, *Vertigo moulinsiana* and the plant Killarney Fern. The freshwater stretches of the River Nore main channel is a designated salmonid river. The site is of ornithological importance for a number of E.U. Birds Directive Annex I species including Greenland White-fronted Goose, Whooper Swan, Bewick's Swan, Bartailed Godwit, Peregrine and Kingfisher.

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.

In relation to the habitats listed in Annex I of the HD with priority status, namely alluvial wet woodlands and petrifying springs, the following threats have been identified - fragmentation, abundance of alien invasive species, sub-optimal grazing regimes, drainage, and land reclamation.

The qualifying interests of the site also include the following habitats listed in Annex I of HD - old oak woodlands, floating river vegetation, estuary, tidal mudflats, *salicornia* mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs. Identified threats include – invasive alien species, sub-optimal grazing, eutrophication, overgrazing, excessive fertilisation, afforestation, aquaculture, fishing, water pollution, removal of fauna.

Species listed on Annex II of HD include - Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, Desmoulin's Whorl Snail, Killarney Fern. Identified threats include – invasive species, arterial drainage, agricultural improvement at the river edge, weirs restricting access to spawning beds, channel maintenance, poor substrate quality as a result of severe nutrient enrichment, physical siltation, diseases, parasites, water pollution, road kill, drainage of wetlands and riparian management, spread of urban development, modifications to the site's hydrology, through pollution, or woodland clearance.

The threats to the site's integrity and conservation objectives relate mainly to agricultural activities, forestry, fishing, drainage, channel maintenance, weirs, infilling, reclamation, fragmentation, spread of urban development and threats from developments that may affect water-bodies in the river catchment – such as eutrophication, water pollution, and physical siltation.

The potential threats that could arise as a result of developments facilitated by the draft variation relate mainly to impacts on water quality from inadequate treatment of sewage, or threats from abstractions or discharges to watercourses (drainage ditches, streams and tributaries) in the river catchment with hydrological connections to the SAC – even though the site of the development may be geographically remote from the SAC. The spread of urban development is also a threat within the city development boundary.

The variation will significantly reduce the amount of land available for development over the life of the plan. It is not anticipated that development facilitated by the draft variation will affect the integrity of the site occurring upstream of the stretches of the river Kilkenny city; however the reverse may be true, in this regard the policy of the draft variation requires assessment of cumulative impacts.

The draft variation includes the following policy: *Ensure that any plan or project which has the potential to directly, indirectly or cumulatively impact on a site protected under European legislation (SAC or SPA), is assessed in accordance with Article 6 of the Habitats Directive in order to avoid adverse impacts on the integrity and conservation objectives of the site. Any such plans or projects shall be referred to the Department of the Environment, Heritage and Local Government for comments. Potential threats to a designated site may arise from developments such as water abstraction, or discharges from wastewater treatment plants, surface water or surface water attenuation at locations which are geographically remote from the site, through hydrological links with the designated site (tributaries, streams, drainage ditches and drains).*

In addition to the above, the existing City & Environs development plan includes the following policies for the protection of the environment and sites protected under European legislation:

- H57 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.
- H58 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.
- H59 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.
- H60 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.
- H61 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.
- H62 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.
- H63 Ensure that development does not have a significant adverse impact on plant animal or bird species protected by national or European legislation.

- H64 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.
- IE37 To increase public awareness of water quality issues and the measures required to protect and where required, improve the quality of all waters.
- IE40 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.
- IE42 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.
- IE43 Prevent pollution of water by means of development management and enforcement measures.

Additional policies for the protection of the environment as set out in the Development Plan include H56, H65, H66, H67, H68, IE34, IE35, IE36, IE38, IE44, IE45, IE47, IE48, IE49, IE51, IE52, IE55 and IE56 (the wording of these policies is included in Appendix 1).

Having regard to the site's qualifying interests, the potential threats to the site, the nature and scale of the development to be facilitated under the draft variation, together with the proposed and existing policies for the protection of the environment and designated sites, it is considered unlikely that developments to be facilitated under the draft variation will give rise to significant adverse impact on the integrity of the site and the site's conservation objectives.

- River Nore proposed SPA (004233)

The site is proposed for protection for the conservation of the Kingfisher (*Alcedo atthis*), species listed on Annex I of the E.U. Birds Directive.

As per the site synopsis for the SAC of the River Nore 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, and invasion by non-native species. The water quality of the site remains vulnerable. Good quality is dependent on controlling fertilisation of the grasslands, along the Nore. It also requires that sewage be properly treated before discharge. Other threats include disturbance due to works at the site.

(Note: further details of the proposed site, are unavailable from NPWS at the time of writing of this report).

The draft variation includes the following policy: *Ensure that any plan or project which has the potential to directly, indirectly or cumulatively impact on a site protected under European legislation (SAC or SPA), is assessed in accordance with Article 6 of the Habitats Directive in order to avoid adverse impacts on the integrity and conservation objectives of the site. Any such plans or projects shall be referred to the Department of the Environment and Local Government for comments. Potential threats to a designated site may arise from developments such as water abstraction, or discharges from wastewater treatment plants, surface water or surface water attenuation at locations which are geographically remote from the site, through hydrological links with the designated site (tributaries, streams, drainage ditches and drains).*

In addition to the above, the existing development plan includes the following policies for the protection of the environment and sites protected under European legislation:

- H57 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.
- H58 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.
- H59 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.
- H60 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.
- H61 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.

- H62 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.
- H63 Ensure that development does not have a significant adverse impact on plant animal or bird species protected by national or European legislation.
- H64 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.
- IE37 To increase public awareness of water quality issues and the measures required to protect and where required, improve the quality of all waters.
- IE40 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.
- IE42 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.
- IE43 Prevent pollution of water by means of development management and enforcement measures.

Additional policies for the protection of the environment as set out in the Development Plan include H56, H65, H66, H67, H68, IE34, IE35, IE36, IE38, IE44, IE45, IE47, IE48, IE49, IE51, IE52, IE55 and IE56 (the wording of these policies is included in Appendix 1).

The proposed SPA site will be contained within the SAC boundaries. It is considered that having regard to the policies as per the draft variation, together with the existing policies, that it is unlikely that developments to be facilitated under the draft variation will give rise to significant adverse impacts on the integrity of the site and the site's qualifying interests.

- Thomastown Quarry cSAC (002252)

Thomastown Quarry is situated along the R700 road about 15km south of Kilkenny city. It comprises a disused limestone quarry in which an excellent diversity of calcareous habitat types has developed. The site is a candidate SAC selected for petrifying springs with tufa formations, a habitat with priority status listed on Annex I of the E.U. Habitats Directive. Bare rock accounts for a significant area of the site, occurring both on cliff faces and the quarry floor. These rocky surfaces are well covered with lichens and mosses. Seepage lines or springs are a feature of the site and of particular importance is the presence of petrifying springs with tufa formations.

The identified threats to the site include land reclamation and drainage. It is unlikely that the development to be facilitated by the proposed variation will have significant adverse impacts on the site's conservation objectives having regard to its self-contained nature and distance of the site from Kilkenny city.

Having regard to the foregoing, having assessed the potential threats to the sites in relation to the development to be facilitated from the proposed variation, and also having regard to the qualifying interests and conservation objectives of the Natura 2000 sites in Kilkenny city and within 15km of the city, together with draft policies and existing policies, it is considered unlikely that there will be:

- a) direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site 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, or
- b) changes to the site 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, or
- c) impacts on the Natura 2000 site as a whole in terms of: - interference with the key relationships that define the structure of the site; or interference with key relationships that define the function of the site.

4.4 Provide indicators of significance as a result of the identification of effects set out above in terms of: - loss; fragmentation; disruption; disturbance; change to key elements of the site (e.g. water quality etc.)

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.

Having regard to the likely impacts which have been assessed under the criteria as set out above, it is considered unlikely that there will be significant impacts on sites outside of the city's development boundary from development facilitated by the proposed variation. Having assessed the likely potential significant impacts on sites within the development boundary, the potential threats to the River Nore cSAC are most likely to arise in relation to impacts on the hydrology of the river network and its catchment area, through developments involving activities such as abstraction, wastewater discharges, surface water discharges or discharges from surface water attenuation tanks. Indicators of impacts on the site's hydrology would involve low water levels from abstractions, eutrophication and water pollution.

Taking account of the nature of development to be facilitated under the draft variation, which involves a substantial reduction in the area of zoned land available for development within the life of the plan, together with the policies proposed under the draft plan and the existing policies in the plan which provide for the protection of the environment and designated sites, it is considered unlikely that the draft variation will have significant adverse impacts on any Natura 2000 sites.

Section 5

5.1 Discussion of Potential Impacts from the draft Variation

The draft Variation to the Kilkenny City & Environs Development Plan 2008-2014 aims to bring the settlement strategy for the county in line with the Regional Planning Guidelines for the South-East Region 2010.

The Regional Planning Guidelines (RPGs) have allocated Kilkenny City an allocation of 48 hectares. The core strategy will involve a significant level of phasing of zoned land, in order to meet the objectives of the RPGs. The preferred population projection for the City (Central Scenario) as set out in Chapter 2 of the 2008 Development Plan provided for a population of 29,268 in 2020. The RPGs project a figure of 28,200 for the City in 2022, therefore the projected population of the Development plan is revised downwards in this Variation.

In the context of Habitats Directive Assessment, potential impacts on Natura 2000 sites may arise where existing population levels or increased population growth cannot be served by water and wastewater infrastructure leading to deterioration of water quality standards and pollution which may compromise habitat quality and thereby affect the favourable conservation status of habitats and species. Development which has an outfall to a watercourse which is hydrologically connected to a Natura 2000 site requires the provision of adequate waste water treatment capacity and appropriate level of treatment to reduce the threat of deteriorating water quality.

The local authority has prepared an Assessment of Needs for Water Services that was submitted to the DoEHLG under the Department's Water Services Investment Programme in October 2009. These needs are prioritised under four themes: (1) Water Conservation Proposals, (2) Works required responding to ECJ judgements, (3) Environment/Public Health, and (4) Works to support Economic Development.

The City is served by two schemes, the Troyswood and Radestown plants. There is limited spare capacity in these water supply schemes at present. The objective of the variation is to bring the City & Environs Development Plan in line with the RPGs. This will entail a reduction in the amount of land available for development and consequently a reduction in the level of capacity required.

Purcellsinch wastewater treatment plant, is a secondary treatment plan with a design p.e. of 107,650, and a current load of 85,000 p.e. An EIS application for a major upgrade of the plant has been with An Bord Pleanála since October 2008. Improvements to discharge quality are required and short term improvement measures are planned for 2012, which are funding dependant.

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

Red is used to highlight the treatment plants that did not meet the overall requirements of the Urban Waste Water Treatment Regulations 2001, and Purcellsinch was highlighted in red for both 2006 and 2007. As set out in the table above, an EIS application for an upgrade is currently with An Bord Pleanála, ref. PL10.JA0011. No information is available yet on a decision date.

The objective of the variation is to bring the City Development Plan into line with the RPGs. This will entail a reduction in the amount of land available for development and consequently a reduction in the level of capacity required.

While continued population growth promoted in the draft Variation could give rise to deteriorating water quality standards it is considered the provisions of the policies in the draft Variation and existing Development Plan, together with the provision of the 2007 Waste Water Discharge Regulations and proposed upgrading of the wastewater treatment plant will set out to address any existing future deficiencies in the infrastructure required to service this growth.

5.2 Development Policies and Objectives

Potential impacts on the Natura 2000 network from policies in the draft Variation were assessed, details of which are set out in Appendix 1.

The draft Variation sets out a framework for a substantial reduction in the availability of land for development, and in particular residential development; while such development may impact on Natura 2000 sites the policies provide for assessment of individual proposals where it is considered that there may be potential impacts on designated sites.

Policies are included in the draft Variation, in addition to those in the existing plan, to ensure that any development objectives and policies that could impact on designated sites protected under European legislation are screened for appropriate assessment where relevant and progressed in compliance with Article 6 of the Habitats Directive.

There is one Natura 2000 site within the development boundary of the city – the River Nore SAC flows through the city, part of the Nore will shortly be proposed for designation as an SPA, Thomastown Quarry SAC is located 15km from the city; no significant impacts arising from the draft Variation are anticipated on the Natura 2000 sites due to the draft Variation.

5.3 Conclusion

A Habitats Directive Screening Assessment was carried out on the draft Variation to the *Kilkenny City & Environs Development Plan 2008-2014*. Preparation of the assessment involved consultation with the NPWS Conservation Ranger to identify general issues of concern for conservation in the county and screening of policies and objectives at pre-draft Variation stage.

A review of conservation objectives and threats to site integrity for the Natura 2000 sites in Kilkenny city and within 15km of the city was undertaken to identify sites that may be impacted by policies/objectives in the draft Variation. The assessment found that developments that have hydrological connections to designated sites, even though located geographically remote from the sites are considered to be a potential threat.

This assessment should be read in conjunction with the draft Variation 2 to the *Kilkenny City & Environs Development Plan 2008-2014* and the accompanying Environmental Report prepared in fulfilment of the SEA process. Comments on the assessment are invited during the period of public consultation from 26th May to 28th June.

As per the process outlined in Section 4, and subject to comments by the National Parks and Wildlife Service on this screening assessment, a Finding of No Significant Effects Report (attached at end of this report), is proposed based on the measures in the policies proposed in the draft Variation, together with those in the existing City & Environs Development Plan, and the nature of the proposed Variation to reduce the amount of zoned lands available for development, and the objectives of the Water Services Investment Programme. The appropriate assessment therefore stops at the screening stage and does not proceed to stage 2 of the process.

Bibliography

Council of European Communities, 1992, *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wildlife and flora Habitats Directive - 92/43/EEC.*

Department of Environment, Heritage and Local Government, 2009, *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities.*

Department of the Environment, Heritage and Local Government, 2008, *Appropriate Assessment of Land Use Plans – Circular Letter SEA 1/08 & NPWS 1/08.*

Department of Environment, Heritage and Local Government, 2007, *Circular PD 7/09 Waste Water Discharge (Authorisation) Regulations SI No. 684 of 2007.*

Department of the Environment, Heritage and Local Government, 2010, *Draft European Communities (Birds and Natural Habitats) Regulations 2010.*

Department of Environment, Heritage and Local Government, 2010, *Planning & Development Act 2010.*

Department of Environment, Heritage and Local Government, 2008, *The Status of EU Protected Habitats and Species in Ireland.*

European Commission, 2001, *Assessment of plans and projects significantly affecting Natura 2000 sites- Methodological guidance on the provisions of Article 6(3) and 6 (4) of the Habitats Directive 92/43/EEC.*

European Commission, 2000, *Managing Natura 2000 sites – The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (2000).*

Kilkenny County Council, 2009, *Water Services Investment Programme 2010-2012.*

Kilkenny Local Authorities, 2008, *Kilkenny City and Environs Development Plan 2008-2014.*

South Eastern River Basin District, 2009, *Water Matters –Our Plan, South East River Basin District Draft Management Plan (2009-2015).*

The Heritage Council, Fossit, Julie A., 2000, *A Guide to Habitats in Ireland.*

Websites:

www.epa.ie Environmental Protection Agency

www.environ.ie Department of Environment, Heritage and Local Government.

www.npws.ie National Parks and Wildlife Service

www.birdwatchireland.ie Bird Watch Ireland

Appendix 1 –Assessment of policies in draft Variation 1 of the Kilkenny City & Environs Development Plan 2008-2014

The following policy is proposed in the draft Variation to the *Kilkenny City & Environs Development Plan 2008-2014*:

- *Ensure that any plan or project which has the potential to directly, indirectly or cumulatively impact on a site protected under European legislation (SAC or SPA), is assessed in accordance with Article 6 of the Habitats Directive in order to avoid adverse impacts on the integrity and conservation objectives of the site. Any such plans or projects shall be referred to the Department of the Environment, Heritage and Local Government for comments. Potential threats to a designated site may arise from developments such as water abstraction, or discharges from wastewater treatment plants, surface water or surface water attenuation at locations which are geographically remote from the site, through hydrological links with the designated site (tributaries, streams, drainage ditches and drains).*

Discussion of potential impacts of the proposed policies as per the draft Variation on Natura 2000 sites in County Kilkenny and on sites within 15km of the County:

The variation promotes a significant reduction in the level of development to be carried out in the county over the life of the plan, and therefore reduce the potential for significant impacts on Natura 2000 sites. In addition policies in relation to the protection of the environment have also been proposed as part of the draft variation.

The Natura 2000 sites both within Kilkenny city and within 15km of the city have been assessed in Section 4 of the report for direct, indirect and secondary impacts, as well as potential changes to the site or likely impacts on the site as a result of the draft variation. It is considered that having regard to the nature and revised scale of development to be facilitated by the draft variation, and protection afforded to the sites through existing and proposed policies, together with an assessment of their conservation objectives and the potential threats to the site, that it is not likely that any of the sites will experience significant adverse impacts.

In addition to the more moderate levels of growth envisioned as being facilitated by the proposed variation, the existing policies as set out in the City & Environs Development Plan, provide for the protection, and enhancement of Natura 2000 sites in the city – policies which particularly relate to the protection of the environment, watercourses, natural heritage and Natura 2000 sites are set out below.

Existing policies in the Kilkenny City & Environs Development Plan 2008-2014

Heritage Policies:

- H56 To protect, conserve and enhance Kilkenny's natural heritage and biodiversity.
- H57 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.
- H58 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.
- H59 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.
- H60 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.
- H61 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.
- H62 To protect and, where possible, enhance to 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.

- H63 Ensure that development does not have a significant adverse impact on plant animal or bird species protected by national or European legislation.
- H64 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.
- H65 Identify, in co-operation with the relevant statutory authorities and other relevant groups, sites of local nature conservation interest, not otherwise protected by legislation.
- H66 To protect and enhance wildlife habitats and landscape features which form part of habitat networks, such as river corridors and associated habitats.
- H67 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.
- H68 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.
- H69 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 compensatory measures are put in place, to conserve and enhance biodiversity and landscape character.

Water Services Policies

- IE34 To actively participate in the implementation of the Water Framework Directive.
- IE35 To jointly with other local authorities and the relevant Public Authorities, participate and co-operate in the South Eastern River Basin District Management Project
- IE36 To implement the South Eastern River Basin Management Plan.
- IE37 To increase public awareness of water quality issues and the measures required to protect and where required, improve the quality of all waters.
- IE38 To take account of the findings of the National Programs of Measures Studies being developed for the River Basin Management Plans.
- IE40 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.
- IE42 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.
- IE43 Prevent pollution of water by means of development management and enforcement measures.
- IE44 Implement the measures quoted under the Water Quality Standards Reports for Phosphorous and Dangerous Substances Regulations.
- IE45 To implement the Water Quality Management Plans for the River Nore pending adoption of the South East River Basin Management Plan.
- IE47 Conserve water supplies within the existing supply system and to eliminate leakage at all available opportunities;
- IE48 To protect the sources of water supply from polluting activities;
- IE49 Implement the Water Quality Management Plan for the River Nore;
- IE51 Prioritise the upgrading of the Purcellsinch wastewater treatment plant.
- IE52 Provide for the necessary drainage facilities to serve the needs of all development within the City and Environs and to prevent pollution;
- IE55 Meet in full the requirements of the E.U. Urban Waste Water Treatment Directive.
- IE56 Implement the sludge management plan for the city and county.

Finding of no significant effects report

- **Name of project or plan:**

Variation 2 of *Kilkenny City & Environs Development Plan 2008-2014*

- **Name and location of Natura 2000 site:**

Site Name	SAC Site Code	SPA Site Code
In County Kilkenny		
Thomastown Quarry	002252	-----
River Barrow & Nore	002162	-----
River Nore	002162	0004233

- **Description of the project or plan:**

Section 7 of the Planning and Development (Amendment) Act 2010, sets out that the written statement of a Development Plan must contain a Core Strategy which shows that the development

objectives in the plan are consistent, as far as practicable, with objectives set out in the NSS and RPGs. At present, the Kilkenny City & Environs Development Plan contains a total of 224 hectares of undeveloped land zoned for residential uses. The RPGs have allocated Kilkenny City an allocation of 48 hectares; therefore the core strategy will involve a significant level of phasing of zoned land, in order to meet the objectives of the RPGs. The preferred population projection for the City (Central Scenario) as set out in Chapter 2 of the 2008 Development Plan provided for a population of 29,268 in 2020. The RPGs project a figure of 28,200 for the City in 2022, therefore the projected population of the Development plan is revised downwards in this Variation. The total amount of undeveloped land in the city zoned for residential equals approximately 224 hectares. This amount now needs to be reduced significantly to correspond, as far as practicable, to the RPGs allocation of 48 hectares. Therefore the potential level of development in Kilkenny City will be reduced from that proposed under the existing Development Plan 2008-2014.

The City & Environs area contains three local area plans as follows: - City Centre, Western Environs, and Loughmacask. This variation will influence the two LAPs that are still in force (City Centre LAP and Loughmacask LAP). Where any provision of a Local Area Plan conflicts with the provisions of the development plan as varied, the provision of the local area plan shall cease to have any effect.

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

The draft Variation is a spatial planning framework for County Kilkenny and is not directly connected to the management of any Natura 2000 sites.

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

The draft variation is set within the framework of higher level plans including the existing County Development Plan and the National Spatial Strategy and Regional Planning Guidelines.

The proposed Core Strategy will influence investment programmes of various sections of the Council such as water services and roads. It takes into account the Council's *Water Services Investment Programme 2010-2012; Needs Assessment 2009*.

As the draft Variation will facilitate reduced levels of growth than previously envisaged under the *Kilkenny City & Environs Development Plan 2008-2014*, the potential for significant effects on the Natura 2000 site in the city or within 15km of the city are reduced.

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 draft Variation will influence investment programmes of various sections of the Council such as water services and roads. It takes into account the Council's *Water Services Investment Programme 2010-2012; Needs Assessment 2009*.

The draft variation is set within the framework of higher level plans including the existing County Development Plan and the National Spatial Strategy and Regional Planning Guidelines. As the draft Variation will facilitate reduced levels of growth than previously envisaged under the *Kilkenny City & Environs Development Plan 2008-2014*, the potential for significant effects on the Natura 2000 sites within the city or within 15km of the city will be reduced. The primary areas for potential significant effects come from possible encroachment on sites of new development or ground water contamination, pollution from inadequately treated waste from treatment plants or ground water abstractions affecting water-dependent sites. The plan contains existing policies for the conservation and protection of Natura 2000 sites, and also for the protection of non-designated sites; however the draft Variation proposes increased protection for Natura 2000 sites with particular regard to projects which have the potential for significant effects on the protected site or its nature conservation objectives.

- **Explain why these effects are not considered significant.**

Policies in the existing *Kilkenny City & Environs Development Plan 2008-2014*, together with the proposed policies in Variation 2, provide for the protection and conservation of Natura 2000 habitats, animal and bird species.

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

National Parks and Wildlife Service, Jimi Conroy, Conservation Ranger
jimi.conroy@npws.ie

- **Response to consultation**

Meeting held with NPWS Conservation Ranger in March which highlighted issues to be considered as part of the assessment of sites in county Kilkenny. In addition this report will be forwarded to the National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government.

Data collected to carry out the assessment

- **Who carried out the survey**

Kilkenny County Council, Forward Planning Section.

- **Sources of Data**

Department of Environment, Heritage and Local Government; European Commission; Kilkenny County Council; National Parks and Wildlife Service.

- **Level of assessment completed**

Desktop studies

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

Planning Counter, Kilkenny County Council, County Hall, John's Street, Kilkenny.
Planning Department, Kilkenny Borough Council, City Hall, High Street, Kilkenny.
County Library, Johns Quay, Kilkenny
Loughboy branch Library, during their normal opening hours.
Website: www.kilkennycoco.ie and www.kilkennycity.ie