

APPROPRIATE ASSESSMENT SCREENING REPORT

Proposed Variation No. 3
to the
Kilkenny County Development Plan
2014 – 2020

Kilkenny County Council

January 2018

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1 Introduction

1.1 Background

This is the Appropriate Assessment Screening Report for Variation No. 3 to the Kilkenny County Development Plan 2014 – 2020 (KCDP) in accordance with the requirements of Article 6(3) of the EU Habitats Directive¹. This report is divided into the following three sections:

- 1) Introduction
- 2) Stage 1 Screening
- 3) Conclusions

1.2 Legislative Context

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as “The Habitats Directive”, provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of Sites known as Natura 2000. These are candidate Special Areas of Conservation (cSACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (Directive 2009/147/EC - codified version of Directive 79/409/EEC as amended), hereafter referred to as European sites.

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (AA):

“Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In 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.

If, in spite of a negative assessment of the implications for the [Natura 2000] site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”

These requirements are implemented in the Republic of Ireland by the European Communities

¹ Directive 92/43/EEC

(Birds and Natural Habitats) Regulations 2011. These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in judgements of the Court of Justice of the European Union (CJEU)².

1.3 Stages of Appropriate Assessment

This Appropriate Assessment has been prepared in accordance with the following guidance:

- *Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities.* Department of the Environment, Heritage and Local Government, 2010.
- *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,* European Commission Environment DG, 2002.
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC.* European Commission, 2000.

AA comprises up to four successive stages:

Stage One: Screening

The process which identifies the likely impacts upon a European Site of a project or 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 European Site of the project or 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

The process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the European Site.

Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain

An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the plan should aim to avoid any impacts on European Sites by identifying possible impacts early in the plan-making process and writing the plan in order to avoid such impacts. Second, mitigation measures should be applied, if necessary, during the AA process to the point where no adverse impacts on the Site(s) remain. If the plan is still likely to result in impacts on European Sites, and no further practicable mitigation is possible, then it must be rejected. If no alternative solutions are identified and the plan is required for imperative reasons of

² Notably cases 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.

overriding public interest (IROPI test) under Article 6(4) of the Habitats Directive, then compensation measures are required for any remaining adverse effect.

In the case of this Appropriate Assessment Screening Report, it is found that the Variation only requires Stage 1 Screening.

2 Stage 1 Screening

2.1 Description of the Proposed Variation

2.1.1 The Kilkenny County Development Plan 2014 - 2020

The Kilkenny County Development Plan 2014 - 2020 was prepared under the provisions of the Planning and Development Acts 2000-2015 to develop and improve the County in a sustainable manner. A separate Development Plan covers Kilkenny City.

The Plan contents are best described through a list of the chapter headings:

1. Introduction
2. Demographic and Socio-Economic Trends
3. Core Strategy
4. Economic Development
5. Housing and Community
6. Rural Development
7. Recreation, Tourism & the Arts
8. Heritage
9. Infrastructure & Environment
10. Renewable Energy Strategy
11. Transport
12. Requirements for Developments

Chapter 3, Core Strategy, of the Plan outlines the development strategy for the county.

The main objectives and ethos of the Plan can be summarised in the Council's Mission Statement (section 1.7) as follows: *"Kilkenny Local Authorities aim to work in partnership with the people of Kilkenny and relevant agencies to deliver quality services and to promote sustainable economic, social and cultural development for current and future generations."* The Plan provides a land use framework for the sustainable development of the county. The Plan sets the strategic context for any lower-tier plans, such as Local Area Plans to be prepared. In its making, the Plan had regard to all relevant planning and environmental policy and legislation including European Union directives, Ministerial guidelines and other national, regional and county plans and policies.

2.1.2 Proposed Variation to the Plan

Proposed Variation 3 to the Kilkenny County Development Plan is to:

- (a) Incorporate the expired Local Area Plan areas of Piltown, Fiddown and Gowran into the County Development Plan with settlement boundaries in accordance with Section 3.3.5.1 of the County Development Plan
- (b) To extend the settlement boundary of the Ballyragget area in order to facilitate housing development

The Kilkenny County Development Plan 2014-2020 underwent Appropriate Assessment Screening

(AA) in accordance with Article 6(3) of the Habitats Directive³.

There is no change in zoning proposed under this Variation. The changes are to ensure that there is a clear policy context for the areas of the expired LAPs, and brings the expired development boundary of the LAP into the KCDP as the new settlement boundary. The extension to the Ballyragget settlement boundary is to accommodate additional housing development, and involves an addition of 7.3 hectares.

The three Local Area Plans for Piltown, Fiddown and Gowran were subject to AA Screenings as part of their plan preparation processes in 2009/2010⁴. These areas had LAPs dating back to 2003, and therefore the principle of development in these locations is long-established.

For Ballyragget, the extension to the settlement boundary is to provide for additional housing development, adjacent to the already built-up area of Ballyragget.

2.1.3 Environmental Protection Objectives

The Kilkenny County Development Plan was subject to AA during its preparation and adoption/approval. The Appropriate Assessment process informed the contents of the Development Plan during its development. The relevant provisions of the KCDP in relation to biodiversity are presented in Appendix I of this report.

2.2 European sites to be assessed

2.2.1 cSACs and SPAs

This section of the screening process describes the European sites within 15 km of the KCDP Plan area, and those that are also hydrologically linked to the KCDP area.

The location of European sites in relation to the four settlements, the subject of this Variation, is as follows:

- Ballyragget is located adjacent to the River Nore and Barrow SAC and the River Nore SPA.
- Fiddown and Piltown are both located adjacent to the Lower River Suir SAC.
- Gowran is located approx. 4 km from the nearest SAC, which is the River Nore and Barrow SAC.

These European sites are listed in Table 2.1 and illustrated in Figure 2.1 below.

In order to determine the potential for impacts from the Proposed Variation, information on the qualifying features, known vulnerabilities and threats to site integrity pertaining to any potentially

³ [Natura Impact Report for Kilkenny County Development Plan 2014-2020 Appropriate Assessment \(AA\)](#)

⁴ Kilkenny County Council, [Piltown Draft Local Area Plan Material Alterations AA Screening Report](#), 2010
Kilkenny County Council, [Fiddown Proposed Material Alterations to Draft - Appropriate Assessment Screening](#), 2010

Kilkenny County Council, [Gowran Draft Local Area Plan Material Alterations AA Screening Report](#),

affected European sites was reviewed. Background information on threats to individual sites and vulnerability of habitats and species that was used during this assessment included the following:

- Ireland’s Article 17 Report to the European Commission “Status of EU Protected Habitats and Species in Ireland” (NPWS, 2013)
- Site Synopses
- NATURA 2000 Standard Data Forms

Since the conservation objectives for the European sites focus on maintaining the favourable conservation condition of the qualifying interests of each site, the screening process concentrated on assessing the potential implications of the Plan against the qualifying interests of each site.

2.2.2 Qualifying Interests (QIs) and Special Conservation Interests (SCIs)

Relevant cSAC sites are selected for a range of different habitats and species listed on Annex I and Annex II of the habitats directive, known as Qualifying Interests (QIs).

Relevant SPA sites listed have been selected for the protection of endangered species of wild birds. Each SPA has been selected for one or a combination of the following:

- Listed rare and vulnerable species (as listed on Annex I of EU Birds Directive 2009/147/EC);
- Regularly occurring migratory species, such as ducks, geese, and waders;
- Wetlands, especially those of international importance, which attract large numbers of migratory birds each year.

The features for which SPAs have been selected are referred to as Special Conservation Interests (SCIs).

Those QIs and SCIs for which sites are selected are presented in Tables 2.2 and 2.3.

Table 2-1 European sites within 15 km of lands referred to by the Variation to the KCDP (Ballyragget, Fiddown, Gowran and Piltown) or hydrologically linked to the plan area

| Site Name | SAC Site Code | SPA Site Code | Sites within 5/10/15km of Kilkenny county boundary | | | Hydrologically linked to SACs/SPAs in Co. Kilkenny |
|------------------------------|---------------|---------------|--|------|------|--|
| Within Co. Kilkenny | | | | | | |
| Cullahill Mountain | 000831 | ----- | | | | |
| Hugginstown Fen | 000404 | ----- | | | | |
| Galmoy Fen | 001858 | ----- | | | | |
| Spa Hill & Clomantagh Hill | 000849 | ----- | | | | |
| The Loughans | 000407 | ----- | | | | |
| Thomastown Quarry | 002252 | ----- | | | | |
| Lower River Suir | 002137 | ----- | | | | |
| River Barrow & Nore | 002162 | ----- | | | | |
| River Nore* | 002162 | 0004233 | | | | |
| Adjacent Counties: | | | | | | |
| | | | 5km | 10km | 15km | |
| Ballyprior Grassland | 002256 | ----- | x | x | √ | No |
| Blackstairs Mountain | 000770 | ----- | √ | √ | √ | No |
| Lisbigney Bog | 000869 | | √ | √ | √ | No |
| Comeragh Mountains | 001952 | ----- | x | x | √ | No |
| Tramore Dunes and Backstrand | 000671 | 004027 | x | √ | √ | |
| Bannow Bay | 000697 | 004033 | x | x | √ | |
| Slaney River Valley | 000781 | ----- | x | √ | √ | No |
| Mid-Waterford Coast SPA | ----- | 004193 | x | x | √ | |

Table 2.2 List of European sites within 15kms and/or hydrologically connected to County Kilkenny - Qualifying Interests (QIs) and Special Conservation Interests (SCIs)

| Site code & name | Qualifying interests | Special Areas of Conservation Conservation Objectives | Threats to site integrity |
|--------------------------------------|--|--|--|
| 000831 Cullahill Mountain | Priority status - Listed in Annex I of HD ▪ Semi-natural dry grasslands and scrubland facies on substrates (Festuco Brometalia)(*important orchid sites) (6210) | Generic Conservation Objective: 15/08/2016 To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected: Code Description 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (* important orchid sites)* * denotes a priority habitat | From NATURA 2000 - STANDARD DATA FORM (2015-12) A04.03 abandonment of pastoral systems, lack of grazing A10.01 removal of hedges and copses or scrub |
| 000404 Hugginstown Fen | Listed in Annex I of HD ▪ Alkaline fens (7230) | Generic Conservation Objective: 15/08/2016 To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status – Alkaline Fens. | From NATURA 2000 - STANDARD DATA FORM (2015-12) A08 Fertilisation B02 Forest and Plantation management & use |
| 001858 Galmoy Fen | Listed in Annex I of HD ▪ Alkaline fens (7230) | Generic Conservation Objective: 15/08/2016 To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status – Alkaline Fens. | From NATURA 2000 - STANDARD DATA FORM (2015-12) C01.04.02 underground mining A04 grazing B Sylviculture, forestry |
| 000849 Spa Hill & Clomantagh Hill | Priority status - Listed in Annex I of HD ▪ Semi-natural dry grasslands and scrubland facies on calcareous | Generic Conservation Objective: 15/08/2016 To maintain or restore the favourable conservation condition of the Annex I habitat for which the SAC has been selected. | From NATURA 2000 - STANDARD DATA FORM (2015-12) A08 Fertilisation A10.01 removal of hedges and copses or scrub |

| | | | |
|-----------------------------|--|--|---|
| | substrates (<i>Festuco Brometalia</i>) (*important orchid sites) (6210) | | A04.01 intensive grazing |
| 000407 The Loughans | Priority status - Listed in Annex I of HD ▪ Turloughs (3180) | Generic Conservation Objective: 15/08/2016 To maintain or restore the Annex I habitats for which the cSAC has been selected - Turlough. | From NATURA 2000 - STANDARD DATA FORM (2015-12) A04.01.01 intensive cattle grazing A08 Fertilisation |
| 002252 Thomastown Quarry | Priority status - Listed in Annex I of HD ▪ Petrifying springs with tufa formation (<i>Cratoneurion</i>) (7220) | Generic Conservation Objective: 15/08/2016 To maintain or restore the Annex I habitats for which the cSAC has been selected at favourable conservation status. | From NATURA 2000 - STANDARD DATA FORM (2015-12) K04.01 competition A04.03 abandonment of pastoral systems, lack of grazing E01 Urbanised areas, human habitation |
| 002137 Lower River Suir | Priority status - Listed in Annex I of HD: ▪ Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) (91E0) ▪ Yew Woodlands - <i>Taxus baccata</i> woods of the British Isles (91J0) Listed in Annex I of HD: ▪ Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) (1330) ▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) (1410) ▪ Floating river vegetation - water courses of plain to montane | Site specific Conservation Objectives (Version 1, March 2017) <ul style="list-style-type: none"> • To restore the favourable conservation condition of Atlantic salt meadows • To restore the favourable conservation condition of Mediterranean salt meadows • To maintain the favourable conservation condition of Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation • To maintain the favourable conservation condition of Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels • To restore the favourable conservation condition of Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the | From NATURA 2000 - STANDARD DATA FORM (2015-12) <ul style="list-style-type: none"> ▪ Urbanised areas, human habitation ▪ Landfill, land reclamation and drying out, general ▪ Cultivation ▪ dykes and flooding defense in inland water systems ▪ Pollution to surface waters (limnic, terrestrial, marine & brackish) ▪ reclamation of land from sea, estuary or marsh ▪ invasive non-native species ▪ Sylviculture, forestry ▪ Fertilisation ▪ Discharges |

| | | | |
|--|--|--|---|
| | <p>levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation (3260)</p> <ul style="list-style-type: none"> ▪ Old sessile oak woods with Ilex and Blechnum in British Isles (91A0) ▪ Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels (6430) <p>Listed on Annex II of HD:</p> <ul style="list-style-type: none"> ▪ Sea Lamprey (<i>Petromyzon marinus</i> - 1095) ▪ River Lamprey (<i>Lampetra fluviatilis</i> - 1099) ▪ Brook Lamprey (<i>Lampetra planeri</i>- 1096) ▪ Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i> - 1029) ▪ Crayfish (<i>Austropotamobius pallipes</i> - 1092) ▪ Twaite Shad (<i>Alosa fallax</i> - 1103) ▪ Atlantic Salmon (<i>Salmo salar</i>- 1106) ▪ Otter (<i>Lutra lutra</i> - 1355) | <p>British Isles</p> <ul style="list-style-type: none"> • To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)* • To restore the favourable conservation condition of <i>Taxus baccata</i> woods of the British Isles* • To restore the favourable conservation condition of Freshwater Pearl Mussel • To maintain the favourable conservation condition of White-clawed Crayfish • To restore the favourable conservation condition of Sea Lamprey • To restore the favourable conservation condition of Brook Lamprey • To restore the favourable conservation condition of River Lamprey • To restore the favourable conservation condition of Twaite Shad • To restore the favourable conservation condition of Atlantic Salmon • To maintain the favourable conservation condition of Otter <p>* indicates a priority habitat under the Habitats Directive</p> | <ul style="list-style-type: none"> ▪ port areas |
| <p>002162 River Barrow and River Nore cSAC</p> | <p>Annex I - priority habitat</p> <ul style="list-style-type: none"> ▪ Alluvial wet woodlands - Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) (91E0) ▪ Petrifying springs - Petrifying springs with tufa formation (<i>Cratoneurion</i>) (7220) <p>Annex I</p> | <p>Site specific Conservation Objectives (Version 1.0, July 2011)</p> <ul style="list-style-type: none"> • To maintain the favourable conservation condition of Desmoulin’s whorl snail • To maintain the favourable conservation condition of White-clawed crayfish • To restore the favourable conservation condition of Sea lamprey • To restore the favourable conservation condition of Brook lamprey | <p>From NATURA 2000 - STANDARD DATA FORM (2015-12)</p> <ul style="list-style-type: none"> ▪ Forest and Plantation management & use ▪ Pollution to surface waters (limnic, terrestrial, marine & brackish) ▪ use of fertilizers (forestry) ▪ intensive cattle grazing ▪ Erosion ▪ sand and gravel quarries |

| | | | |
|--|--|---|--|
| <p>continued . . .</p> <p>002162</p> <p>River Barrow and River Nore cSAC</p> | <ul style="list-style-type: none"> ▪ Old oak woodlands - Old sessile oak woods with Ilex and Blechnum in British Isles (91A0) ▪ Floating river vegetation - Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation (3260) ▪ Estuary – (1130) ▪ Tidal mudflats - Spartina swards (Spartinion maritimae) (1320) ▪ <i>Salicornia</i> mudflats - Salicornia and other annuals colonizing mud and sand (1310) ▪ Atlantic salt meadows - (Glauco-Puccinellietalia maritimae) (1330) ▪ Mediterranean salt meadows (Juncetalia maritimi) (1410) ▪ Dry heath - European dry heaths (4030) ▪ Eutrophic tall herbs - Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels (6430) <p>Annex II</p> <ul style="list-style-type: none"> ▪ Sea Lamprey - <i>Petromyzon marinus</i> (1095) ▪ River Lamprey - <i>Lampetra fluviatilis</i> (1099) ▪ Brook Lamprey – <i>Lampetra planeri</i> (1096) ▪ Freshwater Pearl Mussel – <i>Margaritifera margaritifera</i> | <ul style="list-style-type: none"> • To restore the favourable conservation condition of River lamprey • To restore the favourable conservation condition of Twaite shad • To restore the favourable conservation condition of Salmon • To maintain the favourable conservation condition of Estuaries • To maintain the favourable conservation condition of the Mudflats and sandflats not covered by seawater at low tide • To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand • To restore the favourable conservation condition of Atlantic salt meadows • To restore the favourable conservation condition of Otter • To restore the favourable conservation condition of Mediterranean salt meadows • To maintain the favourable conservation condition of Killarney Fern • To restore the favourable conservation condition of the Nore freshwater pearl mussel • To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation • To maintain the favourable conservation condition of European dry heaths • To maintain the favourable conservation condition of Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels • To maintain the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion) • To restore the favourable conservation condition of | <ul style="list-style-type: none"> ▪ Forestry activities not referred to above ▪ human induced changes in hydraulic conditions ▪ Changes in abiotic conditions ▪ invasive non-native species ▪ agricultural intensification ▪ modifying structures of inland water courses ▪ intensive fish farming, intensification ▪ Water abstractions from surface waters ▪ Peat extraction ▪ Fishing and harvesting aquatic resources ▪ port areas ▪ removal of hedges and copses or scrub ▪ Industrial or commercial areas ▪ reduction in migration/ migration barriers ▪ dredging/ removal of limnic sediments ▪ dykes and flooding defence in inland water systems ▪ netting ▪ Leisure fishing |
|--|--|---|--|

| | | | |
|--|---|--|--|
| | <p>(1029)</p> <ul style="list-style-type: none"> ▪ Nore Freshwater Pearl Mussel – (<i>Margaritifera durrovensis</i>) (1990) ▪ Crayfish – <i>Austropotamobius pallipes</i> (1092) ▪ Twaité Shad – <i>Alosa fallax</i> (1103) ▪ Atlantic Salmon – <i>Salmo salar</i> (1106) ▪ Otter – <i>Lutra lutra</i> (1355) ▪ Desmoulin’s Whorl Snail - <i>Vertigo moulinsiana</i> (1016) ▪ Killarney Fern – <i>Trichomanes speciosum</i> (1421) | <p>Old oak woodland with Ilex and Blechnum</p> <ul style="list-style-type: none"> • To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) | |
|--|---|--|--|

SPA

| Site code & name | Special Conservation Interests | Special Protection Area Conservation Objectives | Threats to site integrity |
|------------------------------------|---|---|---|
| River Nore 0004233 - SPA | <ul style="list-style-type: none"> ▪ Kingfisher (<i>Alcedo atthis</i>) | <p>Generic Conservation Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Kingfisher</p> | <p>From NATURA 2000 - STANDARD DATA FORM (2015-10)</p> <ul style="list-style-type: none"> ▪ Landfill, land reclamation and drying out, general ▪ port areas |

Table 2.3: European sites within 15km and/or hydrologically linked to County Kilkenny – Conservation Objectives and threats to site integrity

| Adjacent Counties | | Special Areas of Conservation | |
|--------------------------------------|--|---|--|
| Site code & name | Qualifying interests | Conservation Objectives | Threats to site integrity |
| Ballyprior Grassland 002256 - SAC | Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia)(*important orchid sites)[6210] Priority status - Listed in Annex I of HD | Generic Conservation Objective: 15/08/2016 To maintain or restore the favourable conservation condition of the Annex I habitat and / or Annex II species for which the SAC has been selected. | From NATURA 2000 - STANDARD DATA FORM (2014-09) <ul style="list-style-type: none"> ▪ D01.01 (outside and inside) paths, tracks, cycling tracks ▪ A10.01 (inside) removal of hedges and copses or scrub ▪ A10 (inside) Restructuring agricultural land holding ▪ A04 (inside and outside) grazing ▪ A08 (inside and outside) Fertilisation ▪ B02.01 (outside) forest replanting ▪ A03 (outside) mowing / cutting of grassland |
| Lisbigney Bog 000869 | 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> * * denotes a priority habitat 1016 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> | Generic Conservation Objective: 15/08/2016 To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. | From NATURA 2000 - STANDARD DATA FORM (2014-09) A04 (outside) grazing A08 (outside) Fertilisation A04 (inside) grazing B (outside) Sylviculture, forestry |
| Blackstairs Mountain | <ul style="list-style-type: none"> ▪ European dry heath (4030) ▪ Northern Atlantic wet heath with <i>Erica tetralix</i>' (4010). | Generic Conservation Objective: 15/08/2016 To maintain the Annex I habitats for which the cSAC has been selected at favourable conservation status; European dry heaths (all sub-types) (84% area of the site in mosaic with | From NATURA 2000 - STANDARD DATA FORM (2015-12) G01.03.02 off-road motorized |

| | | | |
|------------------------------------|--|---|---|
| 000770 - SAC | Listed in Annex I of HD | <p>Dry Grassland and Exposed Rock) and North Atlantic Wet Heaths with <i>Erica tetralix</i> (1% area of the site).</p> <ul style="list-style-type: none"> • To maintain the extent, biodiversity and species richness of the site. • To establish effective liaison and co-operation with landowners, legal users and relevant authorities. | <p>driving A04.01.02 intensive sheep grazing G01.02 walking, horseriding and non-motorised vehicles E03 Discharges B02 Forest and Plantation management & use K01.01 Erosion J01.01 burning down K02.01 species composition change (succession)</p> |
| Comeragh Mountains 001952 - SAC | <p>Listed in Annex I of HD</p> <ul style="list-style-type: none"> ▪ Upland oligotrophic lakes - Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea [3130] ▪ Floating river vegetation - Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] ▪ Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] ▪ European dry heaths [4030] ▪ Alpine and Boreal heaths [4060] ▪ Calcareous rocky slopes with chasmophytic vegetation [8210] ▪ Siliceous rocky slopes with chasmophytic vegetation [8220] <p>Listed in Annex II of HD</p> <ul style="list-style-type: none"> ▪ Slender Green Feather Moss - <i>Drepanocladus (Hamatocaulis) vernicosus</i> [1393] | <p>Generic Conservation Objective: 15/08/2016</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat and / or Annex II species for which the SAC has been selected.</p> | <p>From NATURA 2000 - STANDARD DATA FORM (2015-12)</p> <ul style="list-style-type: none"> • I01 invasive non-native species • A04 grazing • D01.02 roads, motorways • G01.02 walking, horseriding and non-motorised vehicles • E02 Industrial or commercial areas • C01.03 Peat extraction • A04 grazing • E06 Other urbanisation, industrial and similar activities • J01 fire and fire suppression • B Sylviculture, forestry • K01.01 Erosion |
| Tramore Dunes and Backstrand | <p>Listed in Annex I of HD – priority habitat</p> <ul style="list-style-type: none"> ▪ Fixed coastal dunes with herbaceous vegetation ("grey dunes") [2130] | <p>Site specific Conservation Objectives (Version 1, September 2013)</p> <ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of | <p>From NATURA 2000 - STANDARD DATA FORM (2015-12)</p> |

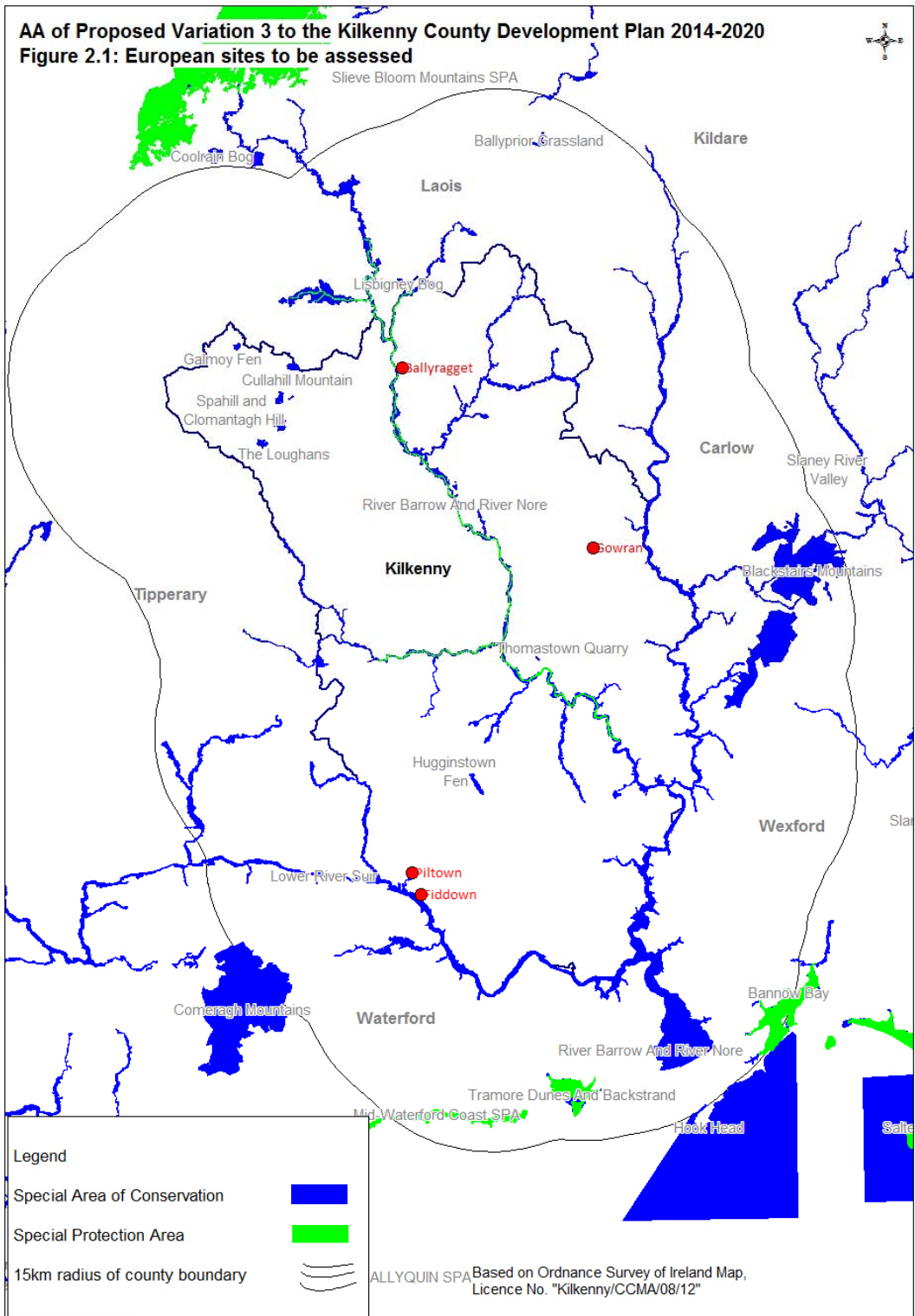
| | | | |
|---|--|---|---|
| <p>000671 - SAC</p> | <p>Listed in Annex I of HD</p> <ul style="list-style-type: none"> ▪ Mudflats and sandflats not covered by seawater at low tide [1140] ▪ Annual vegetation of drift lines [1210] ▪ Perennial vegetation of stony banks [1220] ▪ Salicornia and other annuals colonizing mud and sand [1310] ▪ Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] ▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] ▪ Embryonic shifting dunes [2110] ▪ Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes") [2120] | <p>Mudflats and sandflats not covered by seawater at low tide</p> <ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of Annual vegetation of drift lines ▪ To maintain the favourable conservation condition of Perennial vegetation of stony banks ▪ To restore the favourable conservation condition of Salicornia and other annuals colonizing mud and sand ▪ To maintain the favourable conservation condition of Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) ▪ To maintain the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) ▪ To maintain the favourable conservation condition of Embryonic shifting dunes ▪ To maintain the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') ▪ To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') | <ul style="list-style-type: none"> ▪ E03 Discharges ▪ G01.02 walking, horseriding and non-motorised vehicles ▪ I01 invasive non-native species ▪ A04 grazing ▪ F02.03 Leisure fishing ▪ C01.01.02 removal of beach materials ▪ F03.01 Hunting ▪ G02.08 camping and caravans ▪ F02.03.01 bait digging / collection |
| <p>Slaney River Valley 000781 - SAC</p> | <p>Annex I - priority habitat</p> <ul style="list-style-type: none"> ▪ Alluvial wet woodland - Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <p>Annex I</p> <ul style="list-style-type: none"> ▪ Estuaries [1130] ▪ Floating river vegetation - Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation (3260) ▪ Old oak woodlands - Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles (91A0) ▪ Mudflats and sandflats not covered by | <p>Site specific Conservation Objectives (Version 1, October 2011)</p> <ul style="list-style-type: none"> ▪ To restore the favourable conservation condition of Sea lamprey ▪ To restore the favourable conservation condition of Brook lamprey ▪ To restore the favourable conservation condition of River lamprey ▪ To restore the favourable conservation condition of Twaite shad ▪ To restore the favourable conservation condition of Salmon ▪ To maintain the favourable conservation condition of Estuaries ▪ To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide ▪ To restore the favourable conservation condition of Otter | <p>From NATURA 2000 - STANDARD DATA FORM (2015-12)</p> <ul style="list-style-type: none"> ▪ F02.03.01 bait digging / collection ▪ J02.05.02 modifying structures of inland water courses ▪ H01.01 pollution to surface waters by industrial plants ▪ D01.01 paths, tracks, cycling tracks ▪ J02.12.02 dykes and flooding defence in inland water systems ▪ A10.01 removal of hedges and |

| | | | |
|------------|--|---|--|
| | <p>seawater at low tide [1140] Annex II</p> <ul style="list-style-type: none"> ▪ Freshwater Pearl Mussel – <i>Margaritifera margaritifera</i> (1029) ▪ Brook Lamprey – <i>Lampetra planeri</i> (1096) ▪ River Lamprey - <i>Lampetra fluviatilis</i> (1099) ▪ Twait Shad – <i>Alosa fallax</i> (1103) ▪ Atlantic Salmon – <i>Salmo salar</i> (1106) ▪ Sea Lamprey - <i>Petromyzon marinus</i> (1095) ▪ Otter – <i>Lutra lutra</i> (1355) | <ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of Harbour Seal ▪ To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation ▪ To restore the favourable conservation condition of old sessile oakwoods with Ilex and Blechnum ▪ To restore the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion) | <p>copses or scrub</p> <ul style="list-style-type: none"> ▪ A01 Cultivation ▪ A09 Irrigation ▪ C01.01 Sand and gravel extraction ▪ F03.02.04 predator control ▪ H01.08 diffuse pollution to surface waters due to household sewage and waste waters ▪ K01.01 Erosion ▪ E05 Storage of materials ▪ I01 invasive non-native species ▪ J02.06 Water abstractions from surface waters ▪ F01.03 Hunting ▪ B02 Forest and Plantation management & use ▪ A08 Fertilisation ▪ E03 Discharges ▪ J02.06.01 surface water abstractions for agriculture ▪ J02.11 Siltation rate changes, dumping, depositing of dredged deposits ▪ H01.05 diffuse pollution to surface waters due to agricultural and forestry activities ▪ D01.05 bridge, viaduct ▪ D03.01.03 bridge, viaduct ▪ H01 Pollution to surface waters (limnic, terrestrial, marine & brackish) |
| Bannow Bay | Listed in Annex I of the HD – priority habitat | <p>Site specific Conservation Objectives (Version 1, July 2012)</p> <ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of | From NATURA 2000 - STANDARD DATA FORM (2015- |

| | | | |
|--|---|--|--|
| 000697 - SAC | <ul style="list-style-type: none"> ▪ Fixed coastal dunes with herbaceous vegetation ("grey dunes") [2130] Listed in Annex I of the HD ▪ Estuaries [1130] ▪ Mudflats and sandflats not covered by seawater at low tide [1140] ▪ Annual vegetation of drift lines [1210] ▪ Perennial vegetation of stony banks [1220] ▪ Salicornia and other annuals colonizing mud and sand [1310] ▪ Atlantic salt meadows (Glauco - Puccinellietalia maritimae) [1330] ▪ Mediterranean salt meadows (Juncetalia maritimi) [1410] ▪ Mediterranean and thermo - Atlantic halophilous scrubs (Sarcocornetea fruticosi) [1420] ▪ Embryonic shifting dunes [2110] ▪ Shifting dunes along the shoreline with Ammophila arenaria ("white dunes") [2120]* | <p>Estuaries</p> <ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide ▪ To maintain the favourable conservation condition of annual vegetation of drift lines ▪ To maintain the favourable conservation condition of perennial vegetation of stony bank ▪ To restore the favourable conservation condition of Salicornia and other annuals colonizing mud and sand ▪ To restore the favourable conservation condition of Atlantic salt meadows (Glauco-Puccinellietalia maritimae) ▪ To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) ▪ To restore the favourable conservation condition of Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi) ▪ To restore the favourable conservation condition of embryonic shifting dunes ▪ To restore the favourable conservation condition of shifting dunes along the shoreline with Ammophila arenaria (white dunes) ▪ To restore the favourable conservation condition of fixed coastal dunes with herbaceous vegetation (grey dunes) | <p>12)</p> <ul style="list-style-type: none"> ▪ D01.01 paths, tracks, cycling tracks ▪ E03.01 disposal of household / recreational facility waste ▪ B01 forest planting on open ground ▪ I01 invasive non-native species ▪ J02.02 Removal of sediments (mud...) ▪ F02.03.01 Leisure fishing ▪ F01.01 intensive fish farming, intensification ▪ J02.11.01 Dumping, depositing of dredged deposits ▪ K01.01 Erosion ▪ C01.01.02 removal of beach materials ▪ G01.03.02 off-road motorized driving ▪ E03 Discharges |
| Adjacent Counties | | Special Protection Area | |
| Site code & name | Special Conservation Interests | Conservation Objectives | Threats to site integrity |
| Tramore Dunes and Backstrand 004027 - SPA | <ul style="list-style-type: none"> ▪ Brent Geese - Branta bernicla hrota [wintering] ▪ Golden Plover - Pluvialis apricaria [wintering] ▪ Grey Plover - Pluvialis squatarola [wintering] | <p>Site specific Conservation Objectives (Version 1, October 2013)</p> <ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of Light-bellied Brent Goose ▪ To maintain the favourable conservation condition of Golden Plover ▪ To maintain the favourable conservation condition of Grey | <p>From NATURA 2000 - STANDARD DATA FORM (2015-10)</p> <ul style="list-style-type: none"> ▪ H Pollution ▪ G01.02 walking, horseriding and non-motorised vehicles |

| | | | |
|--|---|---|---|
| | <ul style="list-style-type: none"> ▪ Lapwing - <i>Vanellus vanellus</i> [wintering] ▪ Dunlin - <i>Calidris alpina</i> [wintering] ▪ Black-tailed Godwit - <i>Limosa limosa</i> [wintering] ▪ Bar-tailed Godwit - <i>Limosa lapponica</i> [wintering] ▪ Sanderling - <i>Numenius arquata</i> [wintering] | <p>Plover</p> <ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of Lapwing ▪ To maintain the favourable conservation condition of Dunlin ▪ To maintain the favourable conservation condition of Black-tailed Godwit ▪ To maintain the favourable conservation condition of Bar-tailed Godwit ▪ To maintain the favourable conservation condition of Curlew ▪ To maintain the favourable conservation condition of wetland habitat | <ul style="list-style-type: none"> ▪ E01 Urbanised areas, human habitation ▪ I01 invasive non-native species ▪ E03 Discharges ▪ A08 Fertilisation ▪ A04 grazing |
| <p>Mid-Waterford Coast</p> <p>004193 - SPA</p> | <p>Cormorant - <i>Phalacrocorax carbo</i> [breeding]</p> <p>Peregrine - <i>Falco peregrinus</i> [breeding]</p> <p>Herring Gull - <i>Larus argentatus</i> [breeding]</p> <p>Chough - <i>Pyrrhocorax pyrrhocorax</i> [breeding]</p> | <p>Generic Conservation Objective 15/08/2016:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> | <p>From NATURA 2000 - STANDARD DATA FORM (2015-10)</p> <p>A04.03 abandonment of pastoral systems, lack of grazing</p> <p>A02 modification of cultivation practices</p> <p>E04.01 Agricultural structures, buildings in the landscape</p> <p>E05 Storage of materials</p> |
| <p>Bannow Bay</p> <p>004033 - SPA</p> | <ul style="list-style-type: none"> ▪ Brent goose - <i>Branta bernicla hrota</i> [wintering] ▪ Shelduck - <i>Tadorna tadorna</i> [wintering] ▪ Pintail - <i>Anas acuta</i> [wintering] ▪ Oystercatcher - <i>Haematopus ostralegus</i> [wintering] ▪ Golden Plover - <i>Pluvialis apricaria</i> [wintering] ▪ Grey Plover - <i>Pluvialis squatarola</i> [wintering] ▪ Lapwing - <i>Vanellus vanellus</i> [wintering] | <p>Site specific Conservation Objectives (Version 1, May 2012)</p> <ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of Light-bellied Brent Goose ▪ To maintain the favourable conservation condition of Shelduck ▪ To maintain the favourable conservation condition of Pintail ▪ To maintain the favourable conservation condition of Oystercatcher ▪ To maintain the favourable conservation condition of Golden Plover ▪ To maintain the favourable conservation condition of Grey | <p>From NATURA 2000 - STANDARD DATA FORM (2015-10)</p> <ul style="list-style-type: none"> ▪ E01.03 dispersed habitation ▪ F03.01 Hunting ▪ F01 Marine and Freshwater Aquaculture ▪ D01.02 roads, motorways ▪ G01 Outdoor sports and leisure activities, recreational activities ▪ A04 grazing |

| | | | |
|--|--|--|---|
| | <ul style="list-style-type: none"> ▪ Sanderling - <i>Calidris canutus</i> [wintering] ▪ Dunlin - <i>Calidris alpina</i> [wintering] ▪ Black-tailed Godwit - <i>Limosa limosa</i> [wintering] ▪ Bar-tailed Godwit - <i>Limosa lapponica</i> [wintering] ▪ Curlew - <i>Numenius arquata</i> [wintering] ▪ Redshank - <i>Tringa totanus</i> [wintering] | <p>Plover</p> <ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of Lapwing ▪ To maintain the favourable conservation condition of Knot ▪ To maintain the favourable conservation condition of Dunlin ▪ To maintain the favourable conservation condition of Black-tailed Godwit ▪ To maintain the favourable conservation condition of Bar-tailed Godwit ▪ To maintain the favourable conservation condition of Curlew ▪ To maintain the favourable conservation condition of Redshank ▪ To maintain the favourable conservation condition of the wetland habitat | <ul style="list-style-type: none"> ▪ A08 Fertilisation |
|--|--|--|---|



2.3 Assessment Criteria

2.3.1 Is the Plan Necessary to the Management of European Sites?

Under the Habitats Directive, plans that are directly connected with or necessary to the management of a European site do not require AA. For this exception to apply, management is required to be interpreted narrowly as nature conservation management in the sense of Article 6(1) of the Habitats Directive. This refers to specific measures to address the ecological requirements of annexed habitats and species (and their habitats) present on a site(s). The relationship should be shown to be direct and not a by-product of the plan, even if this might result in positive or beneficial effects for a site(s).

The primary purpose of this Variation to the KCDP 2014 - 2020 is not the nature conservation management of the sites. Therefore, the Variation to the KCDP is not considered by the Habitats Directive to be directly connected with or necessary to the management of European designated sites.

2.3.2 Elements of the Variation with Potential to Give Rise to Effects

The Proposed Variation is intended to regularise the planning policy context for three expired Local Area Plans, by incorporating them into the KCDP with settlement boundaries. The boundaries of the Plan areas themselves will not alter, therefore there will be no change to the effects already examined during the preparation and adoption/approval of the LAPs. In relation to Ballyragget, there are two changes to the settlement boundary. These two additional sites (See Figure 3.3 of the Variation) are located to the north and east of the village, 360m away from the SAC at the nearest point.

The changes have been assessed in relation to their potential to result in effects on European Sites within and beyond the Plan area taking into account the baseline, the content of the Proposed Variation and other plans and programmes. The potential for each of the changes to impact on European sites is presented in Table 2.4.

As outlined in the European Commission Environment DG document *“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”*, impacts that require consideration can be categorised under a number of headings:

- Loss / reduction of habitat area (e.g. due to the development of new projects);
- Disturbance to Key Species (e.g. increased public access to protected sites, or during the construction phase of infrastructure projects);
- Habitat or species fragmentation;
- Reduction in species density; and
- Changes in key indicators of conservation value such as decrease in water quality / quantity (e.g. through inadequate wastewater treatment, run-off of pollutants during construction and operation of developments, agricultural runoff).

In summary it is concluded that adverse impacts on European sites will not occur due to the implementation of the Variation.

Table 2.4: Summary of the individual elements of the Variation and the potential for these to give rise to impacts on European sites

| Variation | Potential effects on European Sites |
|---|--|
| <p>Section 3.3.5.1 Expired LAPs – inclusion of Gowran, Piltown, Fiddown in this section.</p> | <p>The proposed text has no potential effect on European sites.</p> |
| <p>Objective added for Ballyragget as follows: 3SO1: The land identified as Site B on Figure 3.3 shall only be developed subject to a second entrance being provided onto the Kilkenny Road to the Southwest of the site (see asterisk*).</p> | <p>There is no direct impact on any European site from this objective. There may be extremely limited potential for indirect impact for the development of the entrance identified, however mitigation measures exist in the Kilkenny County Development Plan in Sections 1.3, 1.5, 7.2, 8.2, 9.1, 9.2 and 12.11.17 which are adequate to ensure that the integrity of the European sites will not be significantly affected as a result of potential impacts of the proposed variation. The entrance as proposed is located over 300m from the SAC therefore the changes are not significant.</p> <p>The proposed text has no potential effect on European sites.</p> |
| <p>Changes to Figure 3.3. Settlement boundary for Ballyragget</p> | <p>There is no direct impact on any European site. There would be potential for indirect impact for the development of the two areas identified, however mitigation measures exist in the Kilkenny County Development Plan in Sections 1.3, 1.5, 7.2, 8.2, 9.1, 9.2 and 12.11.17 which are adequate to ensure that the integrity of the European sites will not be significantly affected as a result of potential impacts of the proposed variation.</p> <p>The two sites are located over 300m from the SAC. The built up area of the town lies between the two sites as identified and the SAC, see Figure 2.2 below. Any planning application or Part 8 proposal will be subject to its own, project level, appropriate assessment. There is capacity available in the water services in Ballyragget to service these two additional sites. Therefore the changes are not significant.</p> <p>The proposed changes have no potential effect on European sites.</p> |

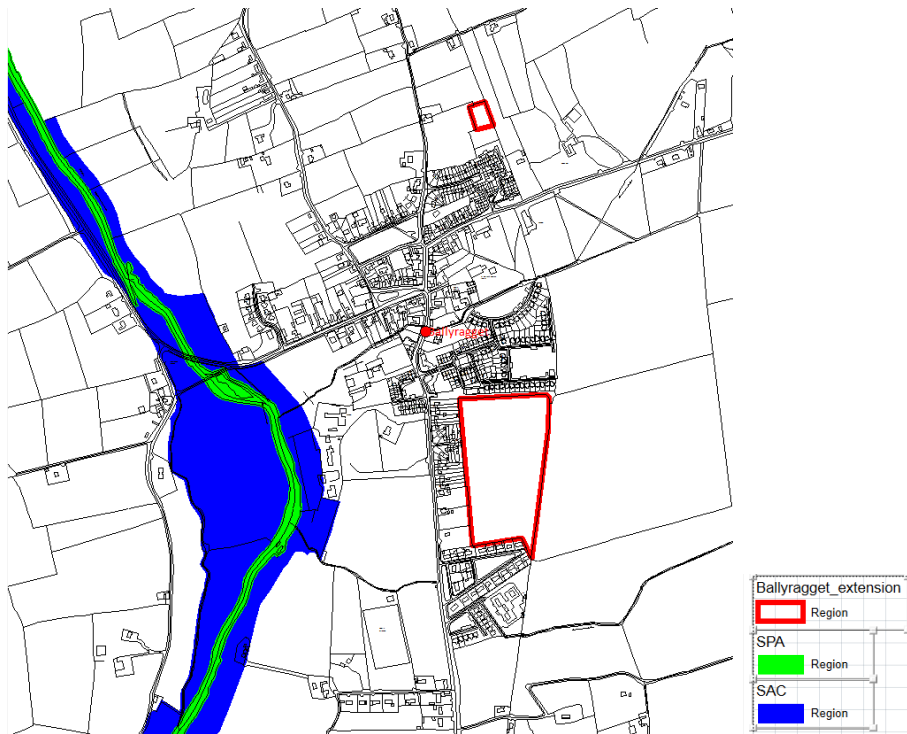


Figure 2.2: Location of extensions to Ballyragget settlement boundary relative to European sites

2.3.3 Identification of Potential Likely Effects

This section documents the final stage of the screening process and determines the likelihood of impacts to arise on individual European sites. It has used the information collected on the sensitivity of each European site and describes any effects of the implementation of the Variation with respect to these sites.

In determining the potential for effects, a number of factors have been taken into account. Firstly, the sensitivity and reported threats to the European site. Secondly, the individual elements of the Variation and other plans and programmes and the potential effect they may cause on the site were considered.

The outcome of this screening is presented in Table 2.5 below. In summary, taking into consideration the provisions of the variation together with the overarching provisions contained in the KCDP, there is no potential for effects on any European site and therefore there is no need to advance to Stage II Appropriate Assessment.

Table 2.5 Screening of European sites

| Site Name | Potential for impacts | Stage 2 AA required |
|----------------------------|-------------------------------|---------------------|
| Cullahill Mountain | None. See also Section 2.3.2. | No |
| Hugginstown Fen | None. See also Section 2.3.2. | No |
| Galmoy Fen | None. See also Section 2.3.2. | No |
| Spa Hill & Clomantagh Hill | None. See also Section 2.3.2. | No |

| | | |
|-------------------------------------|-------------------------------|----|
| The Loughans | None. See also Section 2.3.2. | No |
| Thomastown Quarry | None. See also Section 2.3.2. | No |
| Lower River Suir | None. See also Section 2.3.2. | No |
| River Barrow & Nore | None. See also Section 2.3.2. | No |
| River Nore | None. See also Section 2.3.2. | No |
| | | |
| Adjacent Counties: | | |
| Ballyprior Grassland | None. See also Section 2.3.2. | No |
| Lisbigney Bog | None. See also Section 2.3.2. | No |
| Blackstairs Mountain | None. See also Section 2.3.2. | No |
| Comeragh Mountains | None. See also Section 2.3.2. | No |
| Tramore Dunes and Backstrand | None. See also Section 2.3.2. | No |
| Bannow Bay | None. See also Section 2.3.2. | No |
| Slaney River Valley | None. See also Section 2.3.2. | No |
| Mid-Waterford Coast SPA | None. See also Section 2.3.2. | No |

2.4 Other Plans and Programmes

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combination with the plan or project, have the potential to adversely impact upon European sites.

The existing County Development Plan 2014-2020 to which the Proposed Variation relates was subject to its own Appropriate Assessment Screening process that determined “Having incorporated mitigation measures, it is considered that the Kilkenny County Development Plan will not have a significant adverse effect on Natura 2000 sites, and that the integrity of the Natura 2000 sites will not be adversely affected”.

It has been determined that the individual parts of the Proposed Variation will not result in any effects on European Sites.

Taking into account all of the above it is determined that there are no ‘in-combination’ effects arising from the Proposed Variation.

Table 2.6 lists the plans or programmes that relate to the County Development Plan to which this Proposed Variation relates.

Table 2.6 Plans & Programmes Likely to Cause In-Combination Effects

| Directive | Purpose |
|--|--|
| International | |
| EU Water Framework Directive (2000/60/EC) | Objectives seek to maintain and enhance the quality of all surface waters in the EU. |
| EU Freshwater Fish Directive (78/659/EEC) | Objectives seek to protect those fresh water bodies identified by Member States as waters suitable for sustaining fish populations. For those waters it sets physical and chemical water quality objectives for salmonid waters and cyprinid waters. |
| EU Groundwater Directive (2006/118/EC) | This directive establishes a regime, which sets underground water quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater. |
| EU Floods Directive (2007/60/EC) | The Floods Directive applies to river basins and coastal areas at risk of flooding. With trends such as climate change and increased domestic and economic development in flood risk zones, this poses a threat of flooding in coastal and river basin areas. |
| Nitrates Directive (91/676/EEC) | This Directive has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and preventing further pollution. |
| The Urban Wastewater Treatment Directive (91/271/EEC) | The primary objective is to protect the environment from the adverse effects of discharges of urban wastewater, by the provision of urban wastewater collecting systems (sewerage) and treatment plants for urban centres. The Directive also provides general rules for the sustainable disposal of sludge arising from wastewater treatment. |
| Sewage Sludge Directive (86/278/EEC) | Objective is to encourage the appropriate use of sewage sludge in agriculture and to regulate its use in such a way as to prevent harmful effects on soil, vegetation, animals and man. To this end, it prohibits the use of untreated sludge on agricultural land unless it is injected or incorporated into the soil. |
| The Integrated Pollution Prevention Control Directive (96/61/EC) | Objective is to achieve a high level of protection of the environment through measures to prevent or, where that is not practicable, to reduce emissions to air, water and land from industrial sources. |
| National | |
| National Spatial Strategy 2002-2020 | Objectives of the NSS are to achieve a better balance of social, economic and physical development across Ireland, supported by more effective planning. |
| National Planning Framework - Ireland 2040 Our Plan | To guide national, regional and local planning and investment decisions for the years ahead, building on and co-ordinating the existing regional and local authority planning processes, Regional Spatial and Economic Strategies (RSES's) and City and County Development Plans. |

| Directive | Purpose |
|--|---|
| Grid 25 Grid Link with Regional Option | Grid25 is a high-level strategy outlining how EirGrid intends to undertake the development of the electricity transmission grid in the short, medium and longer terms, to support a long-term sustainable and reliable electricity supply. The Grid25 strategy thereby seeks to implement the provisions of the 2007 Government White Paper on Energy - “Delivering a Sustainable Energy Future for Ireland” in terms of development of electricity transmission infrastructure. The Grid25 Implementation Programme (IP) is a practical strategic overview of how the early stages of Grid25 are intended to be implemented. |
| Energy Policy framework 2007-2020, Governments White Paper | This policy states that the Government is committed to delivering a significant growth in renewable energy as a contribution to fuel diversity in power generation with a 2020 target of 33% electricity consumption |
| Irish Water’s Water Services Strategic Plan 2015 and National Water Resources Plan | This Water Services Strategic Plan sets out strategic objectives for the delivery of water services over the next 25 years up to 2040. It details current and future challenges which affect the provision of water services and identifies the priorities to be tackled in the short and medium term. |
| Regional | |
| Regional Planning Guidelines for the South-East Region 2010 – 2022. | Policy document which aims to direct the future growth of the South-East Area over the medium to long term and works to implement the strategic planning framework set out in the National Spatial Strategy (NSS) |
| Regional Spatial and Economic Strategy for the Southern Region | A long-term, twelve to twenty years Regional Spatial and Economic Strategy (RSES) for the whole region. Issues paper is on public display until February 2018. |
| Local | |
| Kilkenny City and Environs Development Plan 2014 – 2020 Kilkenny County Development Plan 2014-2020 Carlow County Development Plan 2015 – 2021 Laois County Development Plan 2017-2023 North Tipperary County Development Plan 2010 South Tipperary County Development Plan 2009 Waterford County Development Plan 2011 Waterford City Development Plan 2013 – 2019 Wexford County Development Plan 2013 - 2019 | Overall strategies for the proper planning and sustainable development of the administrative area of the relevant Local Authorities. |

3 Conclusion

The requirement for a Stage 2 AA would arise if the Variation to the KCDP would have the potential to have effects on a Natura 2000 site. This screening report evaluates the Variation to see if it needs to be the subject of a Stage 2 AA. It finds that the Variation to the KCDP has been formulated to ensure that uses, developments and effects arising from permissions based upon the Variation (either individually or in combination with other plans or projects) shall not give rise to effects on the integrity of any Natura 2000 sites.

Therefore, in accordance with the Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, it is concluded that the Variation does not require any further assessment to demonstrate compliance with the Directive.

APPENDIX I

Kilkenny County Development Plan Provisions (policy/objective/development management standard) relating to Biodiversity and Flora and Fauna, including:

- To implement the provisions of Articles 6(3) and 6(4) of the EU Habitats Directive
- To ensure that any plan or project within the functional area of the Planning Authority is subject to appropriate assessment in accordance with the Guidance Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009 and 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.
- To manage rural change and guide development to ensure vibrant and sustainable rural areas whilst conserving and sustainably managing our environment and heritage
- To prepare and implement, in partnership with the Kilkenny Heritage Forum and all relevant stakeholders, a County Heritage Plan and County Biodiversity Plan.
- To protect and where possible enhance the natural heritage sites designated under EU and National legislation (Habitats Directive, Birds Directive, European Communities (Birds and Natural Habitats) Regulations 2011 and Wildlife Acts). This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan.
- To protect, and where possible, enhance the plant and animal species and their habitats that have been identified under European Legislation (Habitats and Birds Directive) and protected under National Legislation (European Communities (Birds and Natural Habitats) Regulations (SI 477 of 2011), Wildlife Acts 1976 – 2010 and the Flora Protection Order (SI94 of 1999)
- To prepare and support the implementation of a Green Infrastructure Strategy for County Kilkenny, as resources allow.
- To protect and, where possible, enhance wildlife habitats and landscape features which act as ecological corridors/networks and stepping stones, such as river corridors, hedgerows, and road verges, and to minimise the loss of habitats and features of the wider countryside (such as ponds, wetlands, trees) which are not within designated sites. Appropriate mitigation and/or compensation measures to conserve biodiversity, landscape character and green infrastructure networks will be required where habitats are at risk or lost as part of a development.
- Promote the planting of native trees and shrub species, by committing to using native species (of local provenance where possible) in its landscaping work and on County Council property.
- To protect and sustainably manage the landscape character of County Kilkenny, having regard to the findings of the landscape character assessment and the development management standards for the sustainable development of the county and appropriate conservation of its landscape character.
- To provide a framework for the protection of the environment, including water quality, the avoidance of flood risk and the provision of a high quality telecommunications infrastructure.

Development Management Standards:

- Require that adequate provisions are made to accommodate free upstream and downstream migration of all fish in development proposals.
- Protection of water quality will be a primary consideration in relation to assessing development proposals.
- To encourage sustainable forest management and require a diversity of species in afforestation proposals...to reduce the potential for adverse impact on the landscape resulting from monoculture.
- Consult with NPWS (a) in respect of any proposed development where there is a possibility that such development may have an impact on a protected area of international or national importance, and (b) 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.

- To ensure that an ecological impact assessment is carried out for any proposed development likely to have a significant impact on rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.
- To consult with Geological Survey of Ireland when considering undertaking or approving, authorising developments which are likely to affect County Geological sites and encourage and promote access to geological and geomorphological features.
- To protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to the landscape character of the city and environs, and to ensure that proper provision is made for their protection and management, when undertaking, approving or authorising development.
- To ensure that when undertaking, approving or authorising development that sufficient information is provided to enable an assessment of impacts on woodlands, trees, and hedgerows
- Retain hedgerows, and other distinctive boundary treatment such as stone walls, when undertaking, authorising or approving development; where the loss of the existing boundary is unavoidable as part of development, to ensure that a new hedgerow is planted using native species, and species of local provenance to replace the existing hedgerow and/or that the wall is re-built using local stone and local vernacular design.
- To consult with Inland Fisheries Ireland and the National Parks and Wildlife Service prior to undertaking, approving or authorising any works or development which may have an impact on rivers, streams and waterways.
- Proposals must demonstrate that they will not adversely affect any habitats and/or species of interest or compromise the river's function as a green infrastructure corridor
- To protect peatlands from inappropriate development having regard to their amenity and biodiversity value and their visual sensitivity.
- Ensure, as far as is possible, that the potential for spread of invasive species is examined as part of any application
- To promote the use of native plants and shrub species from indigenous seed sources in all landscape projects
- To seek the protection and sustainable management of historic gardens, parklands and designed landscapes in the county, their setting and their visual amenity.
- To require an assessment of the potential visual, heritage and environmental impacts of proposals to floodlight buildings and structures
- To provide a framework for the protection of the environment, including water quality, the avoidance of flood risk and the provision of a high quality telecommunications infrastructure.
- To assess all new applications for single houses in accordance with the EPA Manual entitled Code of Practice – Wastewater Treatment and Disposal Systems serving Single Houses.
- To promote and facilitate all forms of renewable energies and energy efficiency improvements in a sustainable manner as a response to climate change.

APPENDIX II AA Screening Determination

Comhairle Chontae Chill Chainnigh

Halla an Chontae, Sráid Eoin, Cill Chainnigh, R95 A39T.

Kilkenny County Council

County Hall, John Street, Kilkenny, R95 A39T.



Fónamh don Phobal - Caomhnú don Oidhreacht

Serving People – Preserving Heritage

Appropriate Assessment (AA) Screening Determination under the Planning and Development Acts 2000-2017 for:

Proposed Variation 3 to the Kilkenny County Development Plan 2014 - 2020

An Appropriate Assessment (AA) Screening determination has been made by Kilkenny County Council regarding Proposed Variation 3.

Section 12 (7) of the Planning and Development Act 2000 (as amended), requires, inter alia, a determination to be made as to whether the Proposed Variation warrants the undertaking of AA.

The Proposed Variation is in order to:

- (a) Incorporate the expired Local Area Plan areas of Piltown, Fiddown and Gowran into the County Development Plan with settlement boundaries in accordance with Section 3.3.5.1 of the County Development Plan
- (b) Extend the settlement boundary of the Ballyragget area in order to facilitate housing development

The AA screening process has found that the proposed Variation does not require any further assessment to demonstrate compliance with the Directive in accordance with the methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

Taking into account the findings of the AA process that are detailed in an AA Screening Report that accompanies this Determination, Kilkenny County Council have determined that the Proposed Variation to the Kilkenny County Development Plan 2014-2020 will not result in any effects on European Sites and consequently Stage 2 AA is not required.

Signed 
Denis Malone
Senior Planner

Date 15/1/2018

