

# **APPROPRIATE ASSESSMENT SCREENING REPORT**

Proposed Variation No. 5  
to the  
Kilkenny City and Environs 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. 5 to the Kilkenny City and Environs Development Plan 2014 – 2020 (KCDP) in accordance with the requirements of Article 6(3) of the EU Habitats Directive<sup>1</sup>. 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

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<sup>1</sup> 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)<sup>2</sup>.

### **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

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<sup>2</sup> 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 City and Environs Development Plan 2014 - 2020**

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

Chapter 1 of the Plan outlines the development strategy for the City and Environs.

The main objectives and ethos of the Plan can be summarised in the Council's Mission Statement (section 1.8) 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 City and Environs. 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 5 to the Kilkenny City and Environs Development Plan is to provide the necessary overarching policy framework to allow for temporary car parking and permanent multi storey car parking in the Abbey Quarter Masterplan area. This is considered necessary in the short term, notwithstanding the potential advances in motorised technology in the future and the impact of any revised mobility management plan for the City and Environs.

#### **2.1.3 Environmental Protection Objectives**

The Kilkenny City and Environs Development Plan was subject to AA during its preparation and adoption/approval as was the Abbey Quarter Masterplan. The Appropriate Assessment process informed the contents of both the Development Plan and the Masterplan during its development. The relevant provisions of the KCEDP in relation to biodiversity are presented in Section 7.1 of the Plan and Objectives 7A-C.

## **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 KCEDP Plan area, and those that are also hydrologically linked to the KCEDP area.

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

- The Abbey Quarter falls within Kilkenny City and is located adjacent to the River Nore and Barrow SAC and the River Nore SPA. The River Suir SAC is downstream from the River Nore/Barrow SAC and river Nore SPA.

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 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)**

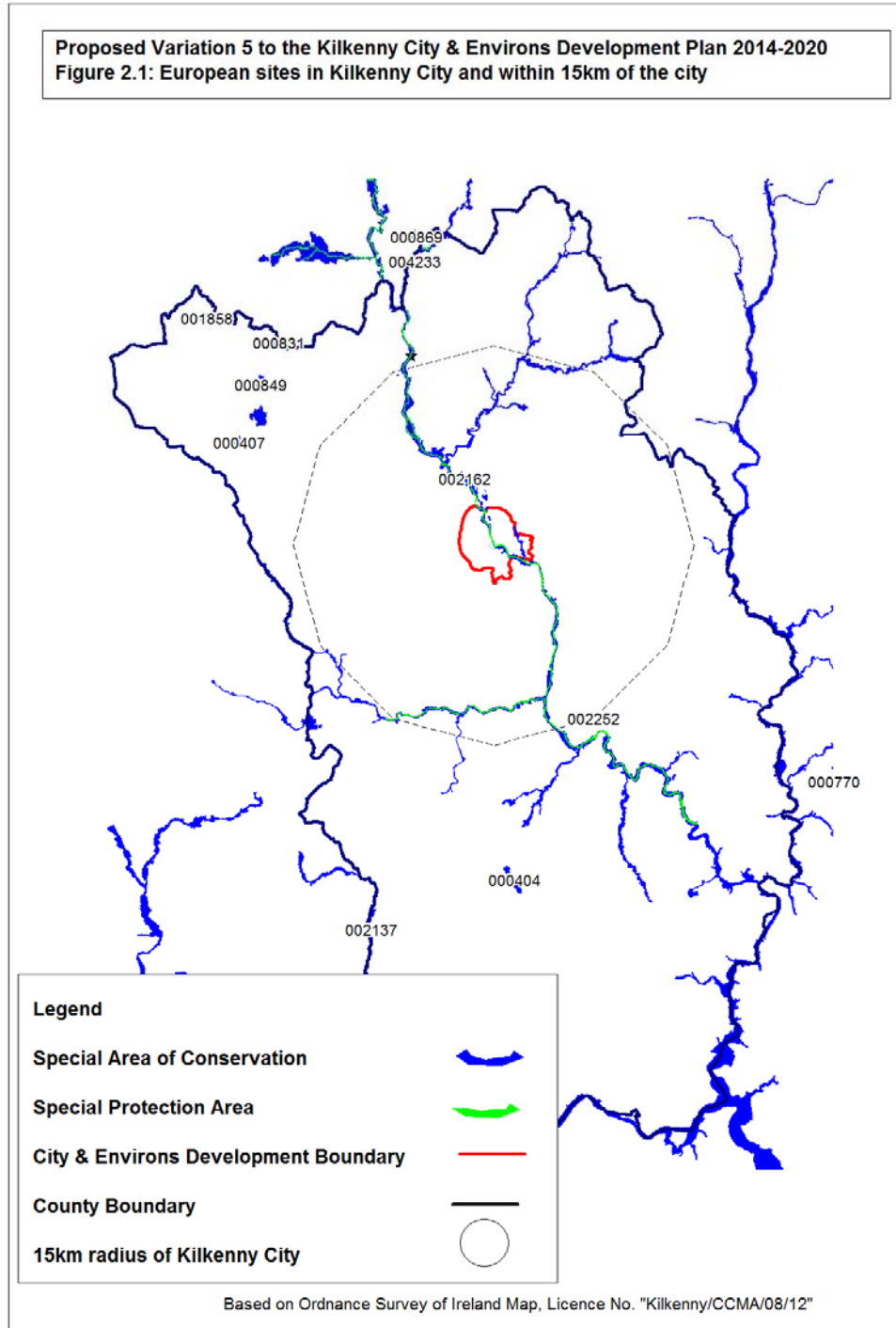
Relevant cSAC sites are selected for a range of different habitats and species listed on Annex I and Annex II of the habitats directive, known as Qualifying Interests (QIs).

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 KCEDP (Kilkenny City) or hydrologically linked to the plan area**

Site Name	SAC Site Code	SPA Site Code	Sites within 5/10/15km of Kilkenny City	Hydrologically linked to SACs/SPAs in



			boundary			Co. Kilkenny
<b>Within Co. Kilkenny</b>						
<b>Cullahill Mountain</b>	000831	-----			No	No
<b>Hugginstown Fen</b>	000404	-----			No	No
<b>Galmoy Fen</b>	001858	-----			No	No
<b>Spa Hill &amp; Clomantagh Hill</b>	000849	-----			No	No
<b>The Loughans</b>	000407	-----			No	No
<b>Thomastown Quarry</b>	002252	-----			No	No
<b>Lower River Suir</b>	002137	-----			No	Yes
<b>River Barrow &amp; Nore</b>	002162	-----	Yes			Yes
<b>River Nore*</b>	002162	0004233	Yes			Yes
<b>Adjacent Counties:</b>			5km	10km	15km	
<b>Ballyprior Grassland</b>	002256	-----			No	No
<b>Blackstairs Mountain</b>	000770	-----			No	No
<b>Lisbigney Bog</b>	000869				No	No
<b>Comeragh Mountains</b>	001952	-----			No	No
<b>Tramore Dunes and Backstrand</b>	000671	004027			No	
<b>Bannow Bay</b>	000697	004033			No	
<b>Slaney River Valley</b>	000781	-----			No	No
<b>Mid-Waterford Coast SPA</b>	-----	004193			No	

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

Site code & name	Qualifying interests	Special Areas of Conservation Conservation Objectives	Threats to site integrity
002137  Lower River Suir	Priority status - Listed in Annex I of HD: <ul style="list-style-type: none"> <li>▪ Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) (91E0)</li> <li>▪ Yew Woodlands - <i>Taxus baccata</i> woods of the British Isles (91J0)</li> </ul> Listed in Annex I of HD: <ul style="list-style-type: none"> <li>▪ Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) (1330)</li> <li>▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) (1410)</li> <li>▪ Floating river vegetation - water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation (3260)</li> <li>▪ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles (91A0)</li> <li>▪ Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels (6430)</li> </ul> Listed on Annex II of HD: <ul style="list-style-type: none"> <li>▪ Sea Lamprey (<i>Petromyzon marinus</i> - 1095)</li> </ul>	Site specific Conservation Objectives (Version 1, March 2017) <ul style="list-style-type: none"> <li>• To restore the favourable conservation condition of Atlantic salt meadows</li> <li>• To restore the favourable conservation condition of Mediterranean salt meadows</li> <li>• To maintain the favourable conservation condition of Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation</li> <li>• To maintain the favourable conservation condition of Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</li> <li>• To restore the favourable conservation condition of Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</li> <li>• To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>)*</li> <li>• To restore the favourable conservation condition of <i>Taxus baccata</i> woods of the British Isles*</li> <li>• To restore the favourable conservation condition of Freshwater Pearl Mussel</li> <li>• To maintain the favourable conservation condition of White-clawed Crayfish</li> <li>• To restore the favourable conservation condition of Sea Lamprey</li> </ul>	From NATURA 2000 - STANDARD DATA FORM (2015-12) <ul style="list-style-type: none"> <li>▪ Urbanised areas, human habitation</li> <li>▪ Landfill, land reclamation and drying out, general</li> <li>▪ Cultivation</li> <li>▪ dykes and flooding defense in inland water systems</li> <li>▪ Pollution to surface waters (limnic, terrestrial, marine &amp; brackish)</li> <li>▪ reclamation of land from sea, estuary or marsh</li> <li>▪ invasive non-native species</li> <li>▪ Sylviculture, forestry</li> <li>▪ Fertilisation</li> <li>▪ Discharges</li> <li>▪ port areas</li> </ul>

	<ul style="list-style-type: none"> <li>▪ River Lamprey (<i>Lampetra fluviatilis</i> - 1099)</li> <li>▪ Brook Lamprey (<i>Lampetra planeri</i>- 1096)</li> <li>▪ Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i> - 1029)</li> <li>▪ Crayfish (<i>Austropotamobius pallipes</i> - 1092)</li> <li>▪ Twaite Shad (<i>Alosa fallax</i> - 1103)</li> <li>▪ Atlantic Salmon (<i>Salmo salar</i>- 1106)</li> <li>▪ Otter (<i>Lutra lutra</i> - 1355)</li> </ul>	<ul style="list-style-type: none"> <li>• To restore the favourable conservation condition of Brook Lamprey</li> <li>• To restore the favourable conservation condition of River Lamprey</li> <li>• To restore the favourable conservation condition of Twaite Shad</li> <li>• To restore the favourable conservation condition of Atlantic Salmon</li> <li>• To maintain the favourable conservation condition of Otter</li> </ul> <p>* indicates a priority habitat under the Habitats Directive</p>	
<p>002162</p> <p>River Barrow and River Nore cSAC</p>	<p>Annex I - priority habitat</p> <ul style="list-style-type: none"> <li>▪ 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)</li> <li>▪ Petrifying springs - Petrifying springs with tufa formation (<i>Cratoneurion</i>) (7220)</li> </ul> <p>Annex I</p> <ul style="list-style-type: none"> <li>▪ Old oak woodlands - Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles (91A0)</li> <li>▪ Floating river vegetation - Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation (3260)</li> <li>▪ Estuary – (1130)</li> <li>▪ Tidal mudflats - <i>Spartina</i> swards</li> </ul>	<p>Site specific Conservation Objectives (Version 1.0, July 2011)</p> <ul style="list-style-type: none"> <li>• To maintain the favourable conservation condition of Desmoulin’s whorl snail</li> <li>• To maintain the favourable conservation condition of White-clawed crayfish</li> <li>• To restore the favourable conservation condition of Sea lamprey</li> <li>• To restore the favourable conservation condition of Brook lamprey</li> <li>• To restore the favourable conservation condition of River lamprey</li> <li>• To restore the favourable conservation condition of Twaite shad</li> <li>• To restore the favourable conservation condition of Salmon</li> <li>• To maintain the favourable conservation condition of Estuaries</li> <li>• To maintain the favourable conservation condition of the Mudflats and sandflats not covered by seawater at low tide</li> </ul>	<p>From NATURA 2000 - STANDARD DATA FORM (2015-12)</p> <ul style="list-style-type: none"> <li>▪ Forest and Plantation management &amp; use</li> <li>▪ Pollution to surface waters (limnic, terrestrial, marine &amp; brackish)</li> <li>▪ use of fertilizers (forestry)</li> <li>▪ intensive cattle grazing</li> <li>▪ Erosion</li> <li>▪ sand and gravel quarries</li> <li>▪ Forestry activities not referred to above</li> <li>▪ human induced changes in hydraulic conditions</li> <li>▪ Changes in abiotic conditions</li> <li>▪ invasive non-native species</li> <li>▪ agricultural intensification</li> <li>▪ modifying structures of inland water courses</li> <li>▪ intensive fish farming, intensification</li> <li>▪ Water abstractions from surface waters</li> <li>▪ Peat extraction</li> </ul>

<p>continued . . .</p> <p>002162</p> <p>River Barrow and River Nore cSAC</p>	<p>(Spartinion maritimae) (1320)</p> <ul style="list-style-type: none"> <li>▪ <i>Salicornia</i> mudflats - <i>Salicornia</i> and other annuals colonizing mud and sand (1310)</li> <li>▪ Atlantic salt meadows - (Glauco-Puccinellietalia maritimae) (1330)</li> <li>▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) (1410)</li> <li>▪ Dry heath - European dry heaths (4030)</li> <li>▪ Eutrophic tall herbs - Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels (6430)</li> </ul> <p>Annex II</p> <ul style="list-style-type: none"> <li>▪ Sea Lamprey - <i>Petromyzon marinus</i> (1095)</li> <li>▪ River Lamprey - <i>Lampetra fluviatilis</i> (1099)</li> <li>▪ Brook Lamprey - <i>Lampetra planeri</i> (1096)</li> <li>▪ Freshwater Pearl Mussel - <i>Margaritifera margaritifera</i> (1029)</li> <li>▪ Nore Freshwater Pearl Mussel - (<i>Margaritifera durrovensis</i>) (1990)</li> <li>▪ Crayfish - <i>Austropotamobius pallipes</i> (1092)</li> <li>▪ Twaité Shad - <i>Alosa fallax</i> (1103)</li> <li>▪ Atlantic Salmon - <i>Salmo salar</i></li> </ul>	<ul style="list-style-type: none"> <li>• To maintain the favourable conservation condition of <i>Salicornia</i> and other annuals colonizing mud and sand</li> <li>• To restore the favourable conservation condition of Atlantic salt meadows</li> <li>• To restore the favourable conservation condition of Otter</li> <li>• To restore the favourable conservation condition of Mediterranean salt meadows</li> <li>• To maintain the favourable conservation condition of Killarney Fern</li> <li>• To restore the favourable conservation condition of the Nore freshwater pearl mussel</li> <li>• 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</li> <li>• To maintain the favourable conservation condition of European dry heaths</li> <li>• To maintain the favourable conservation condition of Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</li> <li>• To maintain the favourable conservation condition of Petrifying springs with tufa formation (<i>Cratoneurion</i>)</li> <li>• To restore the favourable conservation condition of Old oak woodland with <i>Ilex</i> and <i>Blechnum</i></li> <li>• 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>)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fishing and harvesting aquatic resources</li> <li>▪ port areas</li> <li>▪ removal of hedges and copses or scrub</li> <li>▪ Industrial or commercial areas</li> <li>▪ reduction in migration/ migration barriers</li> <li>▪ dredging/ removal of limnic sediments</li> <li>▪ dykes and flooding defence in inland water systems</li> <li>▪ netting</li> <li>▪ Leisure fishing</li> </ul>
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	(1106) <ul style="list-style-type: none"> <li>▪ Otter – <i>Lutra lutra</i> (1355)</li> <li>▪ Desmoulin's Whorl Snail - <i>Vertigo moulinsiana</i> (1016)</li> <li>▪ Killarney Fern – <i>Trichomanes speciosum</i> (1421)</li> </ul>		
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**SPA**

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

## 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 KCDEP 2014 - 2020 is not the nature conservation management of the sites. Therefore, the Variation to the KCDEP 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 allow for a use which is already considered acceptable in terms of the zoning, which is General business in the City centre. As such the zoning is not proposed to change. The Abbey Quarter Masterplan has also been subject to Appropriate Assessment. The site is already a Brownfield's site and the proposed use will be temporary in nature. The Masterplan did not allow for parking but this issue was not due to concerns over impact on the SAC but rather the discouragement of additional vehicular traffic into the City Centre.

The changes have therefore 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
Temporary parking on part of Abbey Quarter site in City Centre	The proposed use is consistent with the current zoning and as such there is no direct impact on any European site from this variation that has not been considered in the City and Environs Plan. Objective 1B of the City and Environs Development Plan requires every project, including Part VIII projects, to be subject to Appropriate Assessment in terms of the AA Guidance for Planning Authorities. At project design stage all potential impact will be addressed. There may be extremely limited potential for indirect impact for the development of the parking identified, however mitigation measures (Development Management Standards Section 8.2.5) exist in the Kilkenny City and Environs Development Plan to ensure that the integrity of the European sites will not be significantly affected as a result of potential impacts of the proposed variation. These will be built into the project at design stage). The proposed text has no potential effect on 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
River Barrow/River Nore SAC	None. See also Section 2.3.2.	No
Lower River Suir SAC	None. See also Section 2.3.2	No
River Nore SPA	None. See also Section 2.3.2	No

The Variation does not introduce any additional sources for effects that were not considered by the existing KCEDP which was subject to its own Appropriate Assessment.

## **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 City and Environs 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 City 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 City and Environs Development Plan to which this Proposed Variation relates.



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

<b>Directive</b>	<b>Purpose</b>
<b>International</b>	
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.
<b>National</b>	
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.
<b>Regional</b>	
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.
<b>Local</b>	
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 KCEDP 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 KCEDP 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.

The Variation does not introduce any additional sources for effects that were not considered by the existing KCEDP which was subject to its own Appropriate Assessment.

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 AA Screening Determination

**Comhairle Chontae Chill Chainnigh**

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

Fónamh don Phobal - Caomhnú don Oidhreacht

**Kilkenny County Council**

County Hall, John Street, Kilkenny, R95 A39T.

Serving People – Preserving Heritage



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

#### Proposed Variation 5 to the Kilkenny City and Environs Development Plan 2014 - 2020

An Appropriate Assessment (AA) Screening determination has been made by Kilkenny County Council regarding Proposed Variation 5.


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:

- provide the necessary overarching policy framework to allow for temporary car parking and permanent multi storey car parking in the Abbey Creative Quarter Masterplan area. This is considered necessary in the short term, notwithstanding the potential advances in motorised technology in the future and the impact of any revised mobility management plan for the City and Environs.

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 30/1/2018