

Strategic Environmental Assessment SCREENING REPORT
Proposed Variation No. 3 to the Kilkenny County Development Plan 2014 -
2020

Kilkenny County Council

January 2018

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Section 1 Introduction and Background

1.1 Introduction

Kilkenny County Council has prepared a proposed Variation to the Kilkenny County Development Plan (KCDP) 2014-2020 (as varied) under Section 13 of the Planning and Development Act 2000 (as amended).

As Kilkenny County Council has not determined that the Proposed Variation would be likely to have significant environmental effects, the Proposed Variation has to be screened for the need to undertake Strategic Environmental Assessment (SEA). Screening is the process for deciding whether a particular plan - or variation to a plan, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA. The purpose of this report is to evaluate the requirement for SEA of the Proposed Variation to the KCDP.

It is noted that the KCDP was subject to a full SEA. The appropriate environmental authorities were consulted throughout that SEA process.

1.2 Legislative Context

The SEA Directive was transposed into Irish Law through the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (Statutory Instrument Number (SI No. 435 of 2004) and the Planning and Development (SEA) Regulations 2004 (SI No. 436 of 2004). Both sets of Regulations became operational on 21 July 2004. These Regulations have been amended by the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (SI No. 200 of 2011) and the Planning and Development (SEA) (Amendment) Regulations 2011 (SI No. 201 of 2011).

Under Article 7 (13K) of the SEA Regulations, as amended, screening is required for the Proposed Variation. Schedule 2A *'Criteria for determining whether a plan is likely to have significant effects on the environment'* of the SEA Regulations, as amended, must be taken into account during the screening process.

The Proposed Variation is being made under Section 13 of the Planning and Development Act 2000 (as amended).

1.3 Content of the Proposed Variation

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

- (a) Incorporate the expired Local Area Plan areas of Fiddown, Gowran and Piltown¹ 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 Ballyragget area, see Figure 3.3.

¹ Kilkenny County Council, [Local Area Plan for Fiddown](#), 2011
Kilkenny County Council, [Local Area Plan for Gowran](#), 2010
Kilkenny County Council, [Local Area Plan for Piltown](#), 2011

1.4 Consultation

As part of the screening process, environmental authorities were notified that a submission or observation, in relation to whether or not implementation of the Proposed Variation would be likely to have significant effects on the environment, may be made (a period of 3 weeks was allowed for the reply). One response was received from David Galvin, Scientific Officer, SEA Section, EPA. The comments made were taken into account in the determination of this screening report. The EPA did not advise that an SEA should be carried out.

1.5 Appropriate Assessment

An Appropriate Assessment Screening under the Habitats Directive was also undertaken on the Proposed Variation.

Section 2 Determining whether SEA is required

2.1 Introduction

The following pages contain a reproduction of Schedule 2A 'Criteria for determining whether a plan is likely to have significant effects on the environment' of the SEA Regulations, as amended.

These criteria have been taken into account in determining whether or not significant effects on the environment would be likely to arise.

It is only changes to the Plan which are considered; the existing Plan (2014-2020, as varied) has undergone full SEA already².

2.2 Schedule 2A: Part 1

1. The characteristics of the plan having regard, in particular, to: the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources

The Kilkenny County Development Plan 2014 – 2020 was subject to a full SEA.

Variation 3 is proposed to incorporate the expired Local Area Plan areas of Piltown, Fiddown and Gowran into the County Development Plan with settlement boundaries and also to extend the settlement boundary for the Ballyragget area, see Figure 3.3. This Variation will comprise changes to Section 3.3.5.1 Expired LAPs and Section 3.3.5.2 Existing LAPs, a change to Figure 3.3 and the addition of maps depicting settlement boundaries for Fiddown, Gowran and Piltown, as Figures 3.17-3.19.

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 SEA Screenings as part of their plan preparation processes in 2009/2010³. These areas had LAPs dating back to 2003, and therefore the principle of development in these locations is long-established. Taking into account the fact that the areas have long been designated for development, and that they are now covered by the policies and objectives included in the County Development Plan, these changes are relatively minor and would not be likely to result in significant environmental effects.

For Ballyragget, the extension to the settlement boundary is to provide for additional housing development, adjacent to the already built-up area of Ballyragget. Taking into account the extent of land to which Proposed Variation 3 relates, and the location of these lands, these changes are relatively minor and would not be likely to result in significant environmental effects.

² SEA Directive Article 4.3: Where plans and programmes form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy.

³ Kilkenny County Council, [Piltown Draft Local Area Plan Material Alterations SEA Screening Report](#), 2010
Kilkenny County Council, [Fiddown Draft Local Area Plan Material Alterations SEA Screening Report](#), 2010
Kilkenny County Council, [Gowran Draft Local Area Plan Material Alterations SEA Screening Report](#),

In relation to the potential for flooding, a SFRA was already carried out for the KCDP⁴. This SFRA did not assess the areas of Fiddown, Piltown or Gowran, as they had their own LAPs in place. Ballyragget was assessed in the SFRA, however this Variation now proposes a change to the settlement boundary. An addendum is now proposed to the SFRA of the Kilkenny County Development Plan 2014-2020 to include for assessing flood risk in all four settlements, see Appendix A.

Arising from the degree to which the Plan sets a framework for projects and other activities the Variation would not be likely to result in significant environmental effects.

2. The characteristics of the plan having regard, in particular, to: the degree to which the plan influences other plans, including those in a hierarchy

The Proposed Variation is not envisaged to significantly influence any lower tier plans.

Arising from the degree to which the KCDP influences other plans, the Proposed Variation would not be likely to result in significant environmental effects.

3. The characteristics of the plan having regard, in particular, to: the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development

The KCDP has undergone SEA. This process integrated environmental considerations into the Plan and concluded that the Plan is based on the broad principles of sustainable development.

Arising from the relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development and regeneration, the Proposed Variation would not be likely to result in significant environmental effects.

4. The characteristics of the plan having regard, in particular, to: environmental problems relevant to the plan

Environmental problems arise where there is a conflict between current environmental conditions and legislative targets.

Through its provisions relating to environmental protection and management, the existing KCDP contributes towards ensuring that environmental problems do not get worse and, where possible, it contributes towards amelioration.

Taking the above into account, arising from environmental problems relevant to the Plan and Proposed Variation, the Proposed Variation would not be likely to result in significant environmental effects.

5. The characteristics of the plan having regard, in particular, to: the relevance of the plan for the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection)

The KCDP relates to the land use sector and does not directly relate to other sectors such as agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications or tourism.

The SEA process for the KCDP integrated considerations with regard to EU and national legislation on

⁴ [Strategic Environmental Assessment \(SEA\) of Kilkenny County Development Plan 2014-2020, Appendix 1, Strategic Flood Risk Assessment, June 2014](#)

the environment into the Plan, including those relating to the waste management and the Water Framework Directive.

Taking the above into account, arising from the relevance of the Plan for the implementation of European Union legislation on the environment, the Proposed Variation would not be likely to result in significant environmental effects.

2.3 Schedule 2A: Part 2

1. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the probability, duration, frequency and reversibility of the effects

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2). The Variation proposes changing the policy context for the three areas of Fiddown, Piltown and Gowran which previously had Local Area Plans. The extended areas of the Ballyragget settlement boundary do not contain any special natural characteristics or cultural heritage.

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the cumulative nature of the effects

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

3. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the transboundary nature of the effects

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

4. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the risks to human health or the environment (e.g. due to accidents)

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2). There are no Seveso sites in either of the four areas the subject of this Variation.

5. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2) as a result of this policy context change.

6. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the value and vulnerability of the area likely to be affected due to:

a) special natural characteristics or cultural heritage;

The Proposed Variation would not be likely to result in significant environmental effects on special natural characteristics or cultural heritage (see Section 2.2). There are four recorded monuments located in the area to be extended (Site B) in Ballyragget as follows:

Ring-ditches (KK010-172, KK010-176, KK010-177, KK010-178)

Policies and objectives in Chapter 8 of the Development Plan will ensure the protection of any heritage features in the four settlements.

b) exceeded environmental quality standards or limit values, and;

The Proposed Variation would not be likely to result in significant environmental effects with respect to exceeded environmental quality standards or limit values (see also Section 2.2).

c) intensive land-use.

The Proposed Variation would not be likely to result in significant environmental effects (see also Section 2.2). The Proposed Variation does not provide for intensive land use.

7. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the effects on areas or landscapes which have a recognised national, European Union or international protection status

The Proposed Variation would not be likely to result in significant environmental effects on areas or landscapes which have a recognised national, European Union or international protection status (see also Section 2.2).

2.4 Conclusion

Proposed Variation 3 to the Kilkenny County Development Plan 2014 - 2020 has been examined against Schedule 2A 'Criteria for determining whether a plan is likely to have significant effects on the environment' of the SEA Regulations, as amended, and it has been determined that the Proposed Variation would not be likely to result in significant environmental effects.

In terms of the provisions of Article 13K(4) of the Regulations, following the appropriate consultation period the Planning Authority shall determine whether or not implementation of the proposed variation would be likely to have significant effects on the environment, taking account of the relevant criteria set out in Schedule 2A of the Regulations and any submission or observation received from the environmental authorities. In this regard, a decision was taken on the 15th January 2018 to not carry out an SEA and in accordance with Article 13K(5)(b) the environmental authorities were notified of this decision on the 15th January 2018.

Appendix A: Strategic Flood Risk Assessment

This forms an addendum to Appendix 1, Strategic Flood Risk Assessment to the Strategic Environmental Assessment (SEA) of Kilkenny County Development Plan 2014-2020, June 2014.

APPENDIX B- SEA 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

Strategic Environmental Assessment Screening Determination under the Planning and Development Acts 2000-2017 for:

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

A Strategic Environmental Assessment Screening determination has been made by Kilkenny County Council regarding Proposed Variation 3. Article 13 (K) of the Planning and Development Regulations (Strategic Environmental Assessment) 2004 requires, inter alia, a determination to be made as to whether the Proposed Variation warrants the undertaking of environmental assessment.

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

In accordance with the requirements of Article 13K, a 'screening' of the proposed Variation was undertaken in respect of SEA. A Draft Screening report, setting out the Council's considerations with regard to the relevant criteria for determining whether the Variation was likely to have significant impacts on the environment as set out in Schedule 2A of S.I. No. 436/2004, was submitted to the environmental authorities in line with Article 13A(4)(a) of the Planning and Development Regulations (Strategic Environmental Assessment) 2004.

None of the authorities advised that a Strategic Environmental Assessment should be carried out; the information contained in the response received from the EPA has been taken into account.

The SEA screening, which had regard to the criteria set out in schedule 2A of S.I. No. 436/2004, did not indicate that that the proposed Variation was likely to have significant impacts on the environment.

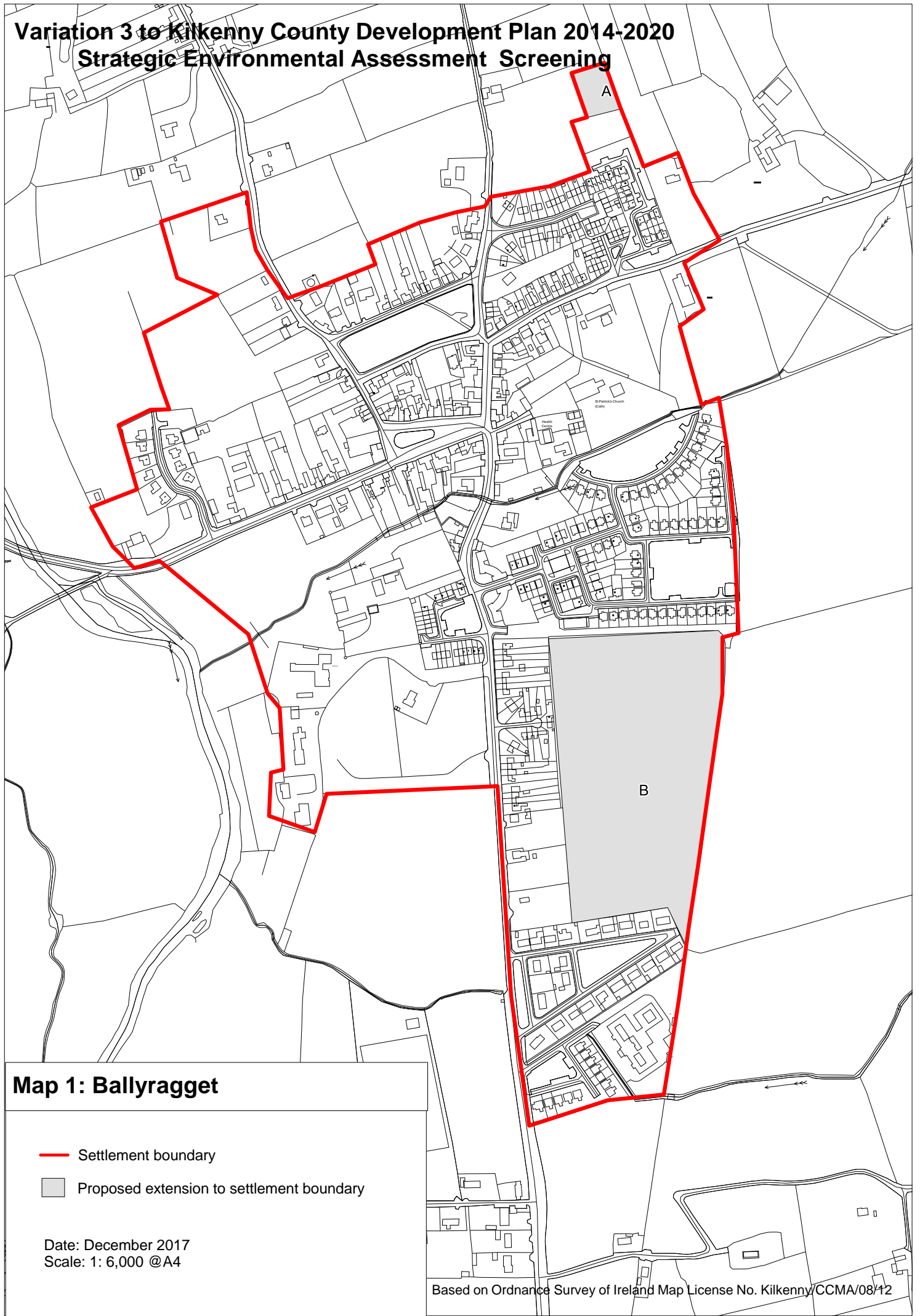
Taking into account the findings of the SEA process that are detailed in an SEA Screening Report that accompanies this Determination, Kilkenny County Council have determined that the Proposed Variation to the Kilkenny County Development Plan 2014-2020 would not be likely to have significant effects on the environment, therefore an environmental assessment is not required.

Signed 
Denis Malone
Senior Planner

Date 15/1/2018



Variation 3 to Kilkenny County Development Plan 2014-2020 Strategic Environmental Assessment Screening

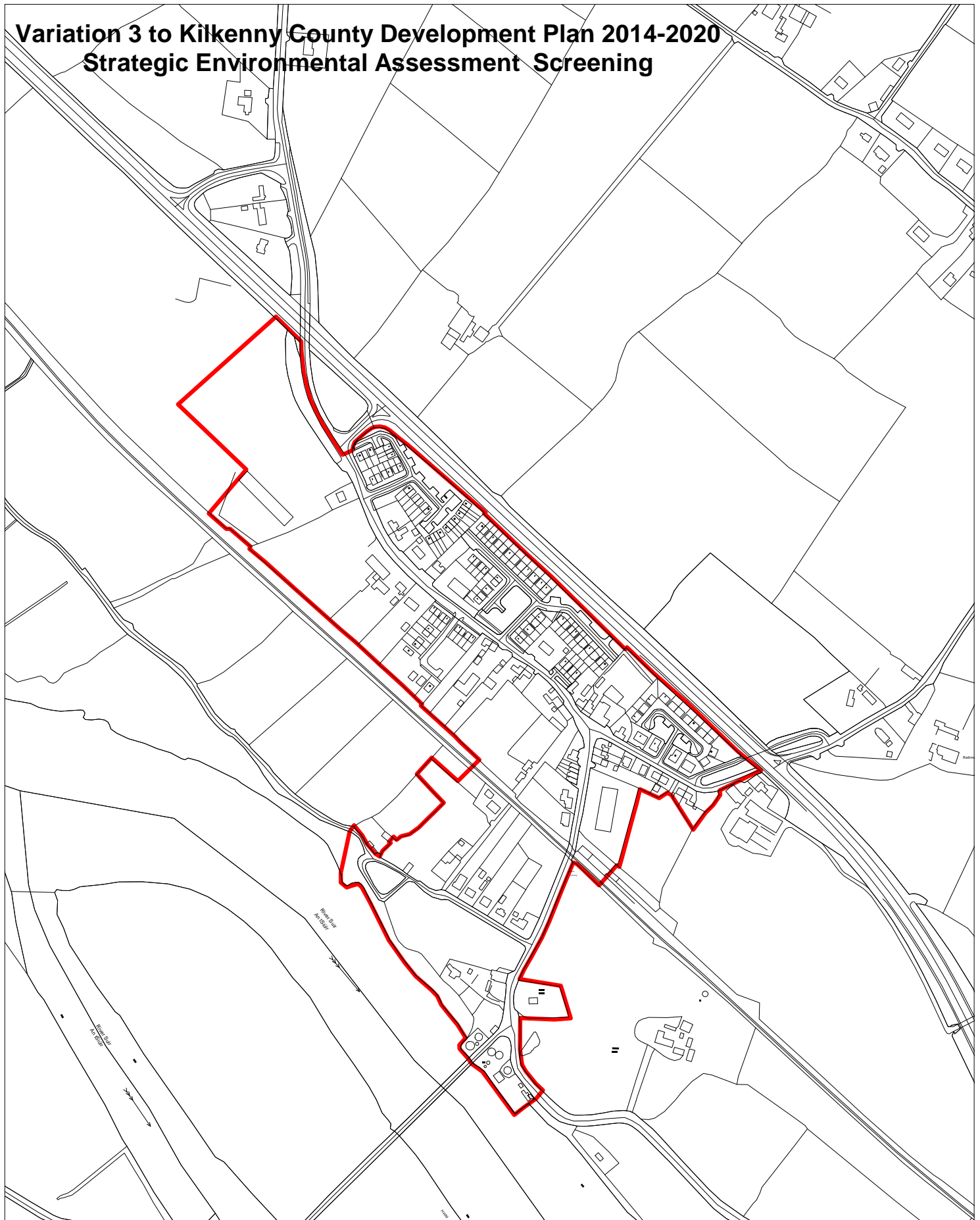


Map 1: Ballyragget

- Settlement boundary
- Proposed extension to settlement boundary

Date: December 2017
Scale: 1: 6,000 @A4

Variation 3 to Kilkenny County Development Plan 2014-2020 Strategic Environmental Assessment Screening



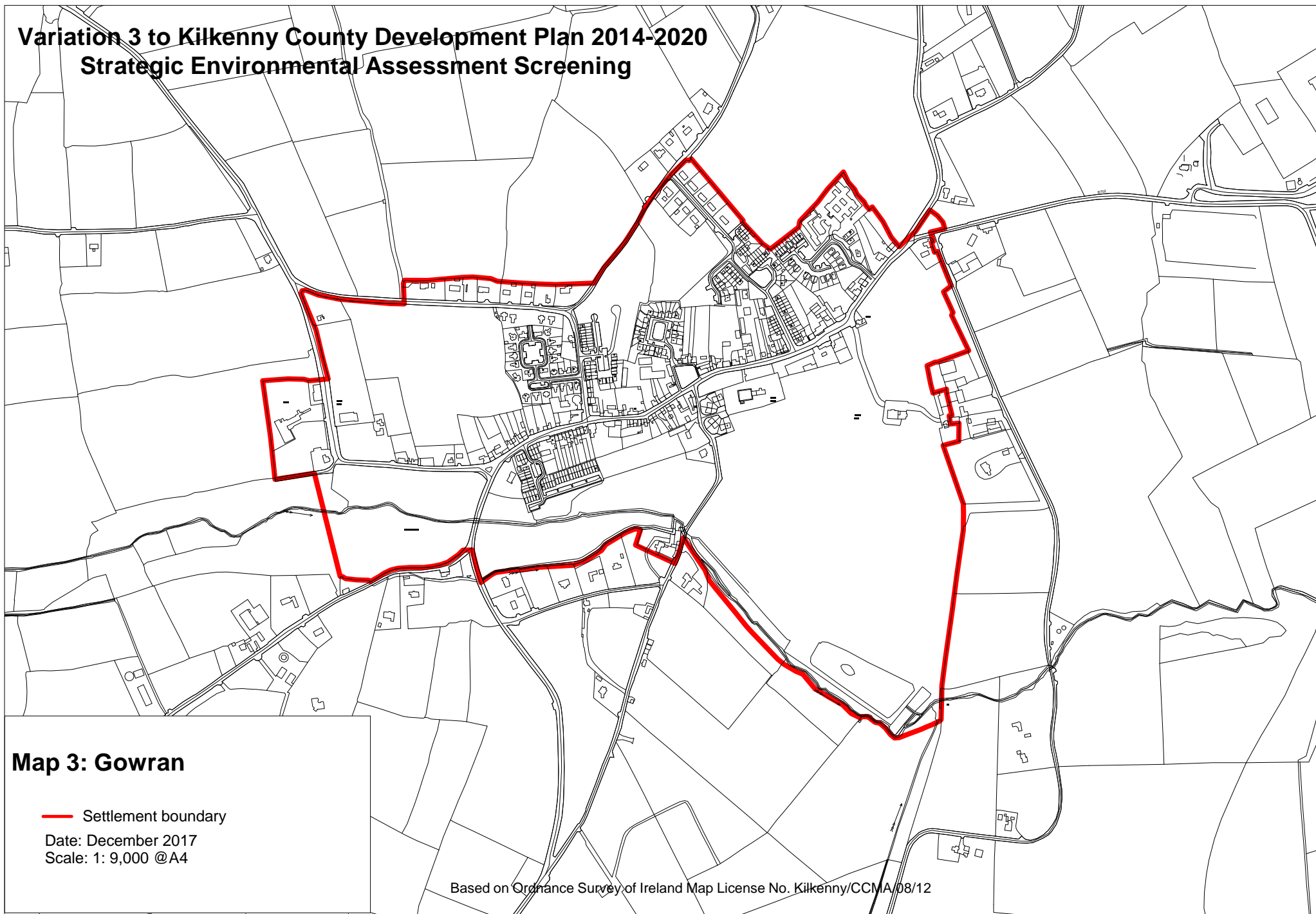
Map 2: Fiddown

— Settlement boundary

Date: December 2017
Scale: 1: 6,000 @A4

Based on Ordnance Survey of Ireland Map License No. Kilkenny/CCMA/08/12

Variation 3 to Kilkenny County Development Plan 2014-2020 Strategic Environmental Assessment Screening



Map 3: Gowran

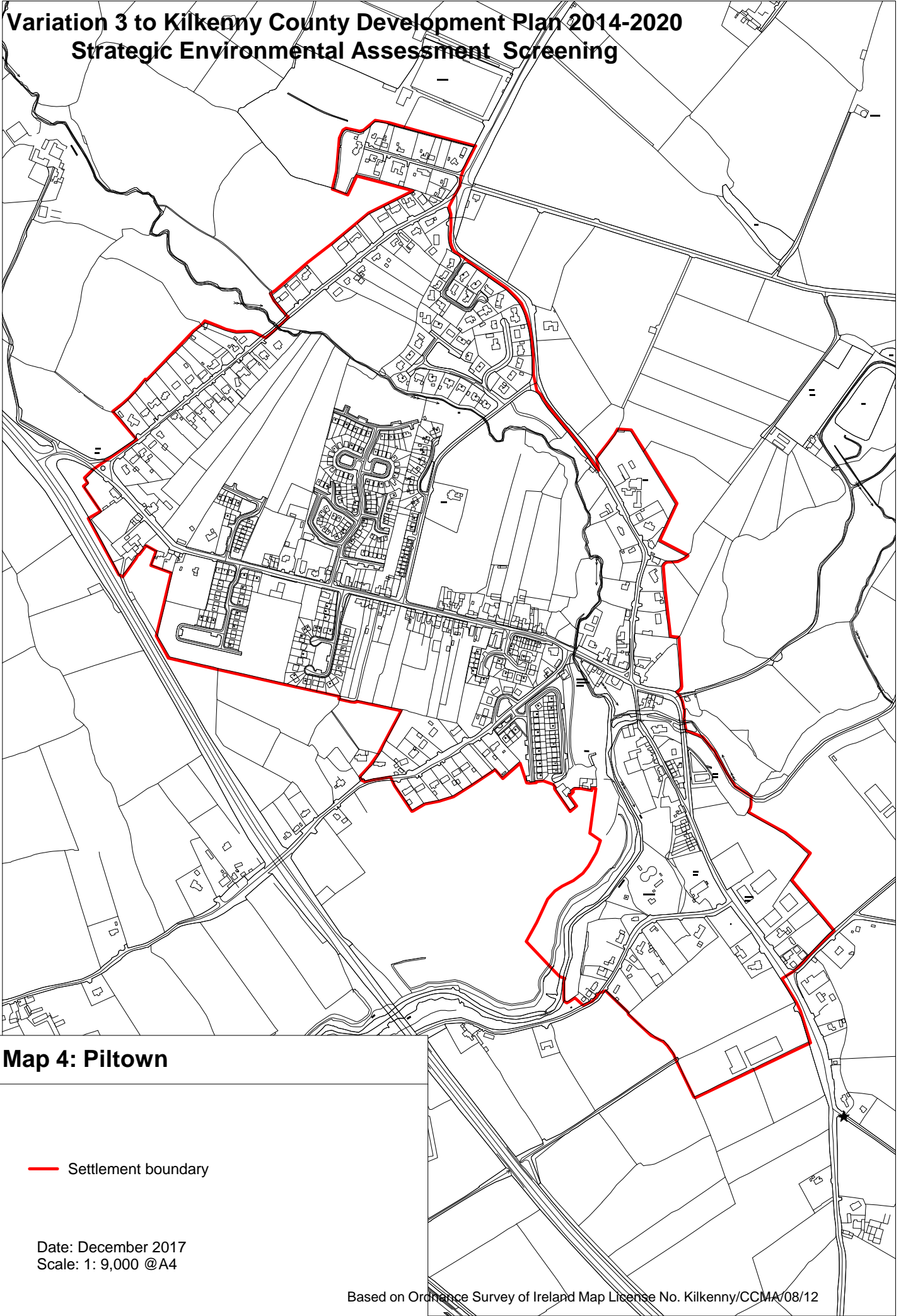
— Settlement boundary

Date: December 2017

Scale: 1: 9,000 @A4

Based on Ordnance Survey of Ireland Map License No. Kilkenny/CCMA/08/12

Variation 3 to Kilkenny County Development Plan 2014-2020 Strategic Environmental Assessment Screening



Map 4: Piltown

— Settlement boundary

Date: December 2017
Scale: 1: 9,000 @A4

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