



Kilkenny County Council

**CALLAN LOCAL AREA PLAN  
2019-2028**

**AMENDMENT NO. 1**

Screening for Strategic Environmental Assessment

Forward Planning  
May 2024

## 1 Section 1 Introduction and Background

### 1.1 INTRODUCTION

Kilkenny County Council intends to make an amendment entitled “Amendment No. 1” to the Callan Local Area Plan 2019-2028 under the Planning and Development Act 2000 (as amended). The purpose of this report is to consider whether Amendment No.1 requires Strategic Environmental Assessment (SEA).

This proposed Amendment is intended to change the zoning on three sites in the Clashacollare area of Callan, as follows:

- (a) An area of almost 1.3 hectares, zoned as New Residential, has been developed as a significant tranche of public open space. This amendment proposes to rezone this area to Open Space/Green infrastructure, to reflect its current use.
- (b) To ensure sufficiency of available land for development, an area of 0.77 hectares, is proposed for rezoning from Agriculture to New Residential.
- (c) To reflect the current development constructed (and remaining site under construction), an area of 1.2 hectares is proposed for rezoning from Agriculture to Existing Residential.

### 1.2 Legislative Context

Under Section 14A of the Planning & Development Regulations 2001, as amended (the Regulations), where a Planning Authority proposes to amend a local area plan under Section 20 of the Planning and Development Act 2000, it shall, before giving notice under Section 20 (3), consider whether or not implementation of the amended plan would be likely to have significant effects on the environment, taking into account relevant criteria set out in Schedule 2A (of the Regulations). Section 3 below sets out the required report.

### 1.3 Content of the Proposed Amendment

Appendix 1 illustrates the current zoning framework for the Callan Local Area Plan 2019. In this, an area of almost 1.3 hectares (marked Site 1 on Figure 1 below), zoned as New Residential, has been developed as open space. This amendment proposes to rezone this area to Open space, to reflect its use.

To ensure sufficiency of available land, Site 2 on Figure 1, an area of 0.77 hectares, is proposed for rezoning to New Residential.

Lastly, Site 3 on Figure 1 is proposed for rezoning to Existing Residential, to reflect the current development constructed and remaining site under construction (permitted under PP20/189 by material contravention). Figure 2 illustrates the proposed amendment zoning.

Figure 1: Current zoning framework of Clashacollare in Callan LAP 2019

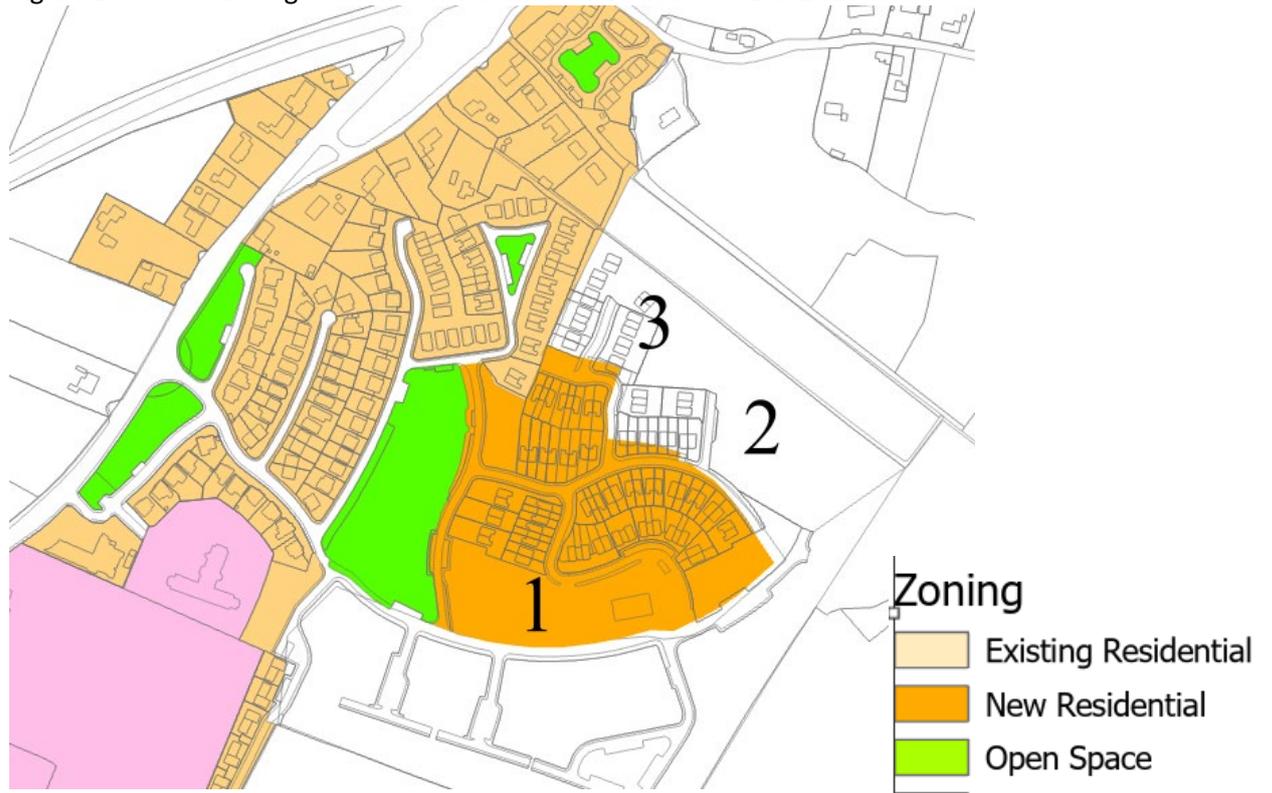


Figure 2: Proposed Amendment 1 zoning framework



#### 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 Amendment would be likely to have significant effects on the environment, may be made (a period of 4 weeks was allowed for the reply).

The comments made by the EPA (submission dated 12<sup>th</sup> April 2024) have been taken into account in the determination of this screening report.

#### 1.5 Appropriate Assessment

An Appropriate Assessment Screening under the Habitats Directive was undertaken on the Proposed Amendment. This determined that Proposed Amendment 1 is not likely, alone or in-combination with other plans or projects, to have a significant effect on any European Sites in view of their conservation objectives, and it is not considered necessary to undertake any further stages of the Appropriate Assessment process.

## 2 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 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 (2019) has undergone full SEA already<sup>1</sup>.

### 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**

Amendment No. 1 to the Callan LAP comprises a rezoning of 3.27 hectares in the LAP area, 0.77 ha of which is for New Residential use. Therefore the potential level of development is limited. Figure 1 above shows the proposed rezoning for the LAP.

#### **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**

This amended plan is intended to ensure the continued release of appropriately located and serviced land for housing. In its making, the amended Plan has regard to other relevant planning and environmental policy and legislation including European Union directives, Ministerial guidelines and other national and regional plans and policies. This plan will influence applications for development, but it will not influence other plans, as it is at the lowest tier of the plan-making hierarchy.

#### **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 amended plan will be made pursuant to the provisions of Section 20 of the Planning and Development Act 2000 as amended; as such the plan seeks to achieve development in a sustainable manner.

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

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

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<sup>1</sup> 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.

A brief overview of any environmental issues pertaining to the LAP area is detailed below. For each issue, the existing relevant policies from the LAP/CDP are included and any amendment to the existing policies is clearly outlined.

## 1 Water

### **1a. Water Framework Directive**

The [Water Framework Directive](#)<sup>2</sup> established a framework for the protection of all waters including rivers, lakes, estuaries, coastal waters, groundwater, canals and other artificial bodies for the benefit of everyone.

Since 2000, the Water Framework Directive (WFD) has directed water management in the EU. A key development in meeting the requirements of the WFD has been the publication of River Basin Management Plans (RBMPs). For the second cycle period covering 2018-2021, the first cycle Eastern, South Eastern, South Western, Western and Shannon River Basin Districts (RBD) merged to form one national RBD.

Water in the District has been divided into groundwater, rivers, lakes, estuarine and coastal waters, which are in turn divided into specific waterbodies. Each waterbody is categorised in terms of its water quality status as follows: High, good, moderate, poor, bad, yet to be determined. Further, under the second cycle RBMP, characterisation of water bodies was undertaken to assess the risk of not achieving their assigned environmental objectives e.g. Good or High status, and the risk of deterioration of status. The Environmental Protection Agency manages the monitoring of all waterbodies, and the latest information on the status of each waterbody is available at <https://gis.epa.ie/EPAMaps/>.

Under the WFD, the status of the King's River in Callan was Good in 2021. The water quality at the bridge was classified as Q4 (Good) in 2022.

Section 10.1.8 of the CDP sets out the objective in relation to water quality.

#### Objective

10B To implement the measures of the River Basin Management Plan, including continuing to work with communities through the Local Authority Waters Programme to restore and improve water quality in the identified areas of action.

This objective will not be affected by this amendment.

### **1b Drinking Water/Water Supply**

#### Capacity

According to Uisce Éireann's 10-Year Water Supply Capacity Register, published in June 2023, there is potential for the Water treatment plant in Callan near capacity.

#### Future requirements

This Amendment proposes rezoning a total of 0.77 hectares for New Residential, which at current densities of 20 units per hectare, results in a total level of 15 units.

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<sup>2</sup>[Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy](#)

#### Quality

A report on *Drinking Water Quality in Public Supplies 2021* (EPA, 2022)<sup>3</sup> contains detail on water quality in County Kilkenny. The Callan supply was added to the Remedial Action List in 2021. This has since been removed with the installation of UV disinfection and the supply is now compliant.

A policy in relation to water supply is contained in Section 9: Infrastructure and Environment of the LAP.

IN4: In conjunction with Irish Water, the Council will endeavour to maintain an adequate water supply sufficient for the development needs of the Plan.

Policies in relation to water supply are contained in Section 10.1.4 of the CDP:

The Council will work with Irish Water to protect existing water and wastewater infrastructure in the City and County and facilitate the development of new infrastructure aligned with the Core strategies.

Where public water mains are available or likely to be available and have sufficient capacity, the Council will require that new development proposals connect into the existing public water mains.

These policies will not be affected by this Amendment.

#### Leakage

The CDP contains a policy for water conservation and the elimination of leakages:

- Irish Water and the Council will continue to monitor the performance of the networks to ensure that the most urgent works are prioritised as required.

This policy will not be affected by this Amendment.

#### **1(c) Waste Water Treatment**

The Waste Water plant in Callan provides secondary treatment and discharges to the King's river. The design capacity is 4000 PE and current influent is 2,547 PE, as set out in Uisce Eireann's "Settlements with Waste Water Discharge Authorisations - Wastewater Treatment Capacity" register June 2023.

#### Future requirements

There is sufficient spare capacity in the WWTP to cater for development envisaged under the amended plan.

Policies in relation to the promotion of waste water treatment are set out in the CDP, Section 10.1.6.

It is the Council's policy to liaise with and work in conjunction with Irish Water for the provision, extension and upgrading of waste water collection and treatment systems in accordance with the requirements of the Core Strategy and further investment may take place under Irish Water's Investment program for the period 2024-2029.

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<sup>3</sup><https://www.epa.ie/publications/compliance--enforcement/drinking-water/annual-drinking-water-reports/drinking-water-quality-in-public-supplies-2021.php>

A policy in relation to waste water is listed in Section 9: Infrastructure and Environment of the LAP.

IN3: It is an objective of Kilkenny County Council to align future development with capacity at the Callan Waste Water Treatment Plant to ensure that any improvements are sufficient to meet standards required to avoid significant adverse effects on the River Nore and River Barrow SAC.

This policy will not be affected by this Amendment.

#### **1(d) Groundwater Protection**

The Geological Survey of Ireland has completed a Groundwater Protection Scheme for County Kilkenny. Policies are set out in relation to this in the CDP, in Section 10.1.8.3.

- To have regard to the Groundwater Protection Scheme and to comply with the Water Services Acts 2007 as amended in decision-making on the location, nature and control of developments and activities in order to protect groundwater.

This policy will not be affected by this Amendment.

#### **2 Flood Prevention and Management**

In relation to the potential for flooding, a SFRA was already carried out for the LAP, and this has been reviewed as part of this assessment.

A tributary of the King's River, the Tullamaine River, flows to the north of the Clashacollare area, see Figure 3 below. At this point the Tullamaine has a limited catchment and flows passing through the study area are typically modest. The CFRAM mapping does indicate a very small area to be at risk of fluvial flooding from the River Tullamaine, see Figure 4.

According to the SFRA for the LAP, all modelled flood events are indicated to remain within channel through much of Callan. The SFRA noted that there was an area indicated to be at risk of flooding immediately to the north west of the study area. This is located to the west of N76 and is likely due to a restriction to flows through a culvert under the road. This throttles fluvial flows and effectively provides some flood protection to the existing development and the proposed areas of development that are downstream, immediately to the east. In the event that the culvert beneath the N76 were to become blocked levels in the River Tullamaine would likely rise to the elevation of the N76 and inundate the road. The water would pool in a small topographic low at the junction with Kilkenny Road. If water levels continue to rise, the most likely flow pathway would be along Kilkenny Road and on to Castletobin where some houses could be at risk of external flooding. However, anticipated depths of flooding would be very shallow and therefore unlikely to exceed the freeboard between finished floor levels and the external areas. Due to the limited upstream catchment the extent of flooding is likely to be limited.

The SFRA concluded that flooding from the River Tullamaine was possible in the north of the study area, however the maximum extent of flooding is limited.

Therefore no further stages of flood risk assessment are considered necessary as part of this SFRA.

Development in the vicinity of the River Tullamaine and to the east of the already developed area should have a site specific flood risk assessment and make reference to the CFRAM mapping. Access to the channel of the River Tullamaine should be provided to allow for channel maintenance.

Blockage of the culvert that allows the River Tullamaine to pass beneath the N76 should be regularly maintained and debris removed in order to reduce the chance of the culvert becoming blocked.

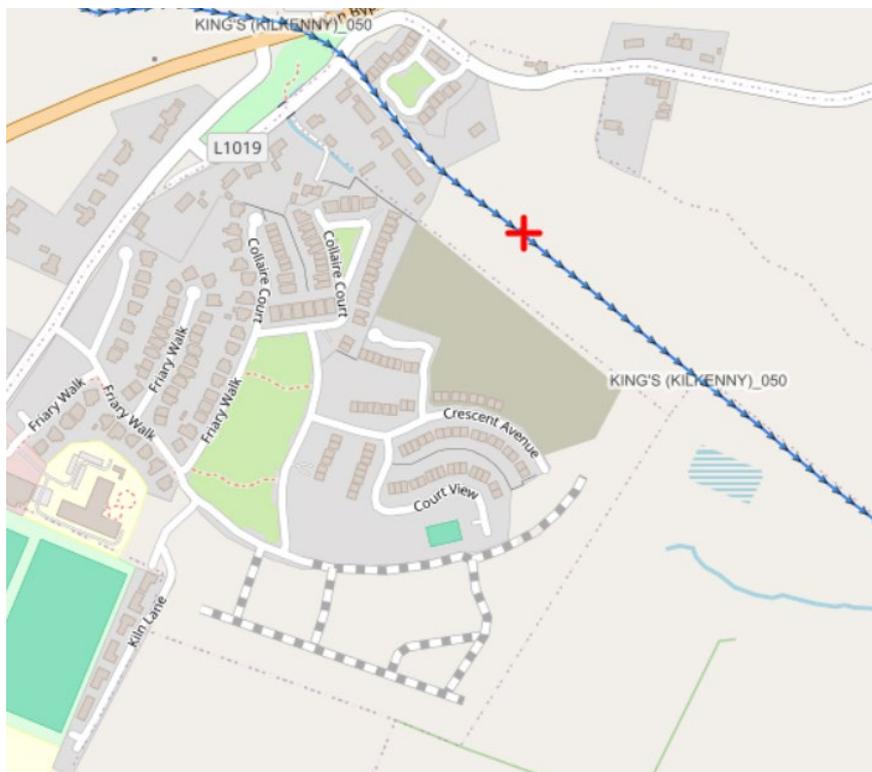


Figure 3: River Tullamaine to north of Clashacollare

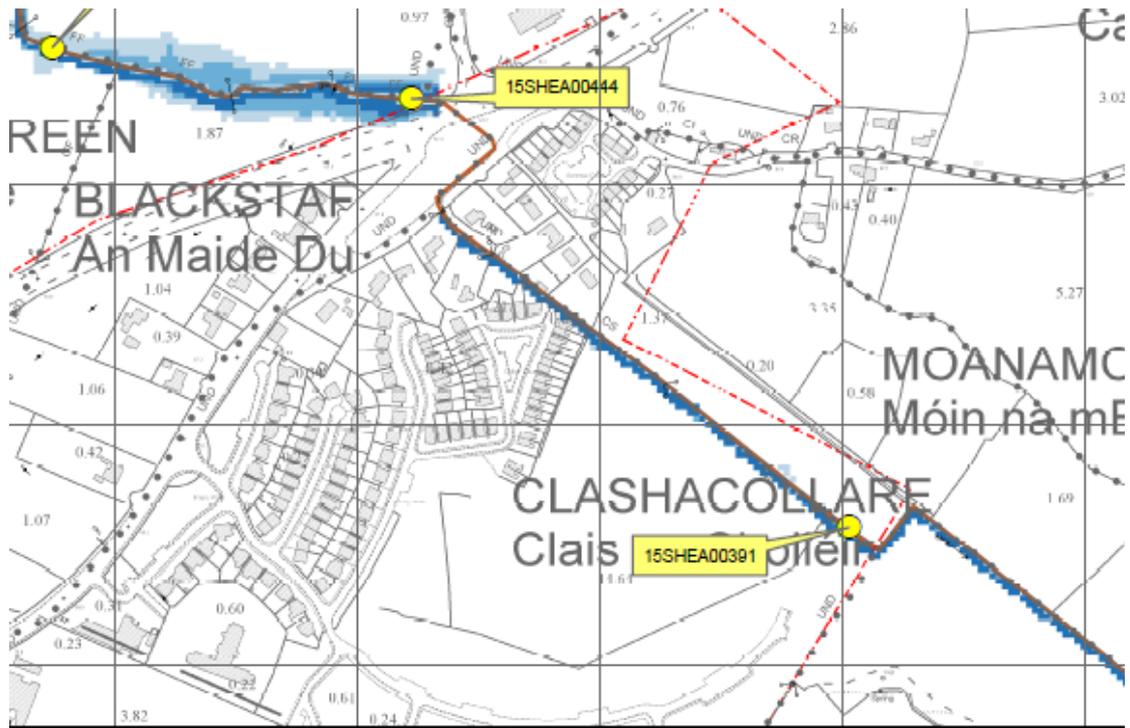


Figure 4: CFRAM map

No other significant environmental problems are identified in relation to the proposed Amendment.

**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)**

Issues relating to EU legislation on the environment are addressed in the CDP as outlined above and this amendment will ensure the continued implementation of these objectives.

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 amendment would not be likely to result in significant environmental effects, as it concerns a rezoning of a small portion of land (see Section 2.2).

**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 Amendment 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 Amendment would not be likely to result in significant environmental effects, and there are no transboundary effects given the location of the site concerned (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 Amendment would not be likely to result in significant environmental effects and the site is not located within a Seveso area (see Section 2.2).

**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 Amendment would not be likely to result in significant environmental effects as the area is small (see Section 2.2), 3.27 hectares, and is enclosed by the LAP boundary. The population of Callan in 2022 was 2,678.

**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;**

#### EU Protected Habitats and Species

There is one candidate Special Area of Conservation located within the plan area, the River Nore/Barrow SAC, site code 002162.

A separate Appropriate Assessment Screening of this amendment has been carried out in accordance with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC).

#### Non-designated habitats and species

Policies for nature conservation outside of designated areas are found in Section 9.2.2 of the CDP.

#### Policies in the LAP are set out in Section 7.2 Natural Heritage

NHB1: In seeking to protect and enhance the natural environment, the Council will seek to

- protect natural heritage sites designated in National and European legislation, specifically the Rivers Nore and River Barrow SAC (See also NH2)
- Protect and conserve non-designated habitats and species and;
- Protect and incorporate existing biodiversity features such as trees, hedgerows and surface water features into the design and construction of new development and public realm and enhancing the biodiversity value of existing open spaces

Where development proposals are made along the riparian corridor, ensure that a condition of consent is to establish a vegetated strip along the river in consultation with the National Parks and Wildlife Service.

NHB2: It is an objective of Kilkenny County Council to protect and incorporate existing biodiversity features such as hedgerows and surface water features into the design and construction of new development and public realm. Where the loss of the existing features is unavoidable new biodiversity features should incorporate native species, and species of local provenance to replace the existing hedgerow.

#### Scenic Views

The County Development Plan identifies a number of views of special amenity around the county. There are no scenic views in the plan area.

#### Cultural Heritage

There are a number of Recorded Monuments within the Callan Local Area Plan boundary, however no recorded monuments are located within the area subject to Amendment 1. Recorded monuments are protected by legislation.

#### Protected Structures

There are a number of protected structures within the area. A list of these is included in Appendix 2 of the LAP, and protected structures will not be affected by this amendment. There are also a number of structures identified in the National Inventory of Architectural Heritage (NIAH).

#### Architectural Conservation Areas (ACAs)

There is one ACA designated in Callan. The designated area is located in the medieval Core of Callan and includes portions of Mill Street, Green Market Lane, West Street and Upper Bridge Street. The site subject to this amendment is not within the ACA.

Policies in relation to archaeological heritage are included in Section 9.3.1 of the CDP. Policies in relation to architectural protection are also outlined in Section 9.3.2 of the CDP.

Policies for the ACA are set out in Section 7.1.3 of the LAP. None of the policies above will be affected by this amendment.

#### Landscape Designations

The County Development Plan 2021 incorporates a Landscape Character Assessment. Callan is located in a lowland area. Policies for development in these areas are set out in Section 9.2.12 of the County Development Plan. This amendment will not affect the LCA in any way.

It is not anticipated that the value and vulnerability of the special natural characteristics or cultural assets in the area will be negatively affected through implementation of the amendment, given their status and protection at both national level and in the CDP. The development management process will ensure that any development proposal in the vicinity of these areas will include demonstration, where necessary, of how adverse impacts on natural or cultural heritage would be avoided or what mitigation measures are proposed. This will involve consultation with the relevant Departments, National Parks and Wildlife Service, Heritage Officer, or Conservation Officer as appropriate.

#### **b) Exceeded environmental quality standards or limit values,**

It is not expected that environmental quality standards will be exceeded or that the value of vulnerable areas will be affected as a result of the proposed amendment. Development proposals will be subject to assessment as part of a planning application and will be required to demonstrate compliance with environmental quality standards and limits. (See also Section 2.2)

#### **c) Intensive land use.**

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

As outlined previously above, there are no landscapes of national, European or International protection status within or affected by the proposed amendment.

There is one candidate Special Area of Conservation within the plan area. There are also a number of Recorded Monuments in the plan area.

The LAP and CDP recognises the importance of sites with national and European designations, and sets out policies for their protection (as outlined above). This amendment corresponds with those objectives. It is not anticipated that the implementation of the amendment would

have any significant adverse impacts on areas of recognised national, European or international protection status.

#### 2.4 CONCLUSION

This Amendment to the Callan Local Area Plan 2019 has been examined against Schedule 2A *'Criteria for determining whether a plan is likely to have significant effects on the environment'* of the Regulations, as amended, and it has been determined that the Proposed Amendment would not be likely to result in significant environmental effects.

In terms of the provisions of Article 14A(4) and (5) of the Regulations, following the appropriate consultation period the Planning Authority shall determine whether or not implementation of the proposed amendment 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 10<sup>th</sup> May 2024 to not carry out an SEA and in accordance with Article 13K(5)(b) the environmental authorities were notified of this decision on the 13<sup>th</sup> May 2024.

Appendix 1 – Map 1 Proposed Amendment to Callan Local Area Plan 2019

