

Screening Report for Appropriate Assessment Amendment 1 to Castlecomer Local Area Plan

Forward Planning
Kilkenny County Council
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1 Introduction

The Planning and Development (Amendment) Act 2010 introduced a requirement for Development Plans to contain a 'Core Strategy' which is an evidence based strategy for the zoning of land. Variation No. 2 to the Kilkenny County Development Plan was published in May 2011 to incorporate such a Core Strategy into the Development Plan. Amendment No. 1 to the Castlecomer Local Area Plan (LAP) is necessary to ensure the LAP remains consistent with the varied Development Plan. This is a Screening Report for Appropriate Assessment of Amendment 1 as required by Articles 6(3) and 6(4) of the European Habitats Directive.

The recommendations of the Departmental Guidelines on 'Appropriate Assessment of Plans and Projects in Ireland'¹ will be adhered to in the structure of this report. The purpose of screening is to establish whether the proposed plan or project (in this case the amended plan) either alone or in combination with other plans or projects, could have significant effects on any Natura 2000 site in view of the site's conservation objectives. A Natura 2000 site is a European designated site – either a candidate Special Area of Conservation (cSAC) or a candidate Special Protection Area (cSPA). SACs are protected either because they are a habitat listed on Annex 1 of the Habitats Directive or are a habitat of species (other than birds) listed on Annex 2 of the Habitats Directive. Special Protection Areas are designated for the protection of birds listed on Annex 1 of the Birds Directive.

The Guidelines set out how a screening assessment should be structured, which can be broken into four steps.

Step 1: Description of plan or project. This should also include a determination as to whether the proposed plan or project can be excluded from AA requirements because it is directly connected with or is necessary for the management of the site.

Step 2: to identify relevant Natura sites and compilation of information on their qualifying interests and conservation objectives.

Step 3: to establish whether the plan is likely to have effects on the Natura 2000 sites, followed by a determination of whether there is a risk that the effects identified could be significant.

Step 4: Screening statement with conclusions

If the effects are deemed to be significant, potentially significant, or uncertain, or the screening process becomes overly complicated, then the process must proceed to full Appropriate Assessment. If screening establishes that there is no potential for significant effects, the project can proceed as proposed. Following the screening assessment, if it can be concluded that there are unlikely to be significant effects on the Natura 2000 sites, it should be good practice to complete the Finding of No Significant Effects Report which should be made available to relevant stakeholders.

¹ Department of the Environment, Heritage and Local Government (2009) *Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities*

2 Screening

2.1 Step 1: Description of plan or project

Amendment No. 1 to the Castlecomer LAP mainly comprises phasing the zoned land in the LAP area. The County Core Strategy, published as Variation 2 to the County Development Plan, has set out that the Castlecomer LAP should include approximately 3.5 hectares of zoned land in order to meet its requirements for expansion to 2016. The LAP at present includes over 28 hectares of undeveloped land zoned for either residential, or a mix of residential and other uses. Therefore this Amendment will significantly reduce the amount of land available for residential use by dividing it into two phases. Phase 1 will be available for development during the lifetime of the LAP, Phase 2 will not. A total of 15.5 hectares are proposed for Phase 2 designation and a total of 12.5 hectares will remain in Phase 1. In addition, applications for development on Phase 1 lands will be required to satisfy a Core Strategy Justification Test, which ensures that the development will only be permitted where there is an established need, and where local services and infrastructure can cater for the development.

Amendment No.1 to the LAP is not directly connected with or necessary to the management of any Natura 2000 site.

2.2 Step 2: Identification of relevant Nature 2000 sites and compilation of information on their qualifying interests and conservation objectives.

In compliance with the Departmental Guidance, this includes any Natura 2000 sites within or adjacent to the plan area, any sites within 15 km of the area, and depending on the likely impacts of the plan and the sensitivities of the receptors, could be further than 15 km away. In this case, due to the nature of the amended plan and the likely limited impacts from the reduction in the amount of land available for development, no impacts are likely to occur on sites more than 15 km away, therefore they are not considered.

There is one Natura site situated partly within the plan area: the River Dinin forms part of site code 2162, the River Barrow and River Nore cSAC. There are two additional Natura sites within a 15 km distance from the LAP boundary; the River Nore SPA, site code 4233 and Lisbigney bog, site code 869.

Site Name	SAC Site Code	SPA Site Code
River Barrow & Nore	2162	
River Barrow & Nore		4233
Lisbigney Bog	869	

2.2.1 NPWS site synopses

The following is a brief description of the four sites within 15km as taken from the site synopses published by the NPWS. Full site synopses are available at <http://www.npws.ie/protectedsites/>

Map 1 shows the location of these Natura 2000 sites.

- River Barrow and River Nore cSAC (002162)

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

Eutrophic tall herb vegetation occurs in association with the various areas of alluvial forest and elsewhere where the flood-plain of the river is intact. Floating River Vegetation is well represented in the Barrow and in the many tributaries of the site. Dry Heath at the site occurs in pockets along the steep valley sides of the rivers especially in the Barrow Valley and along the Barrow tributaries where they occur in the foothills of the Blackstairs Mountains.

Dry Heath at the site generally grades into wet woodland or wet swamp vegetation lower down the slopes on the river bank. Saltmeadows occur at the southern section of the site in old meadows where the embankment has been breached, along the tidal stretches of in-flowing rivers below Stokestown House, in a narrow band on the channel side of Common Reed beds and in narrow fragmented strips along the open shoreline. *Salicornia* and other annuals colonising mud and sand are found in the creeks of the saltmarshes and at the seaward edges of them. The estuary and the other Habitats Directive Annex I habitats within it form a large component of the site.

Seventeen Red Data Book plant species have been recorded within the site, most in the recent past. The site is very important for the presence of a number of EU Habitats Directive Annex II animal species including Freshwater Pearl Mussel, Freshwater Crayfish, Salmon, Twaite Shad, three Lamprey species - Sea, Brook and River, the marsh snail *Vertigo moulinsiana* and Otter. This is the only site in the world for the hard water form of the Pearl Mussel *M. m. durrovensis* and one of only a handful of spawning grounds in the country for Twaite Shad. The freshwater stretches of the River Nore main channel is a designated salmonid river. The upper stretches of the Barrow and Nore are very important for spawning. The site is of ornithological importance for a number of E.U. Birds Directive Annex I species including Greenland White-fronted Goose, Whooper Swan, Bewick's Swan, Bartailed Godwit, Peregrine and Kingfisher.

Overall, the site is of considerable conservation significance for the occurrence of good examples of habitats and of populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively. Furthermore it is of high conservation value for the populations of bird species that use it. The occurrence of several Red Data Book plant species including three rare plants in the salt meadows and the population of the hard water form of the Pearl Mussel which is limited to a 10 km stretch of the Nore, add further interest to this site.

- River Nore proposed SPA (0004233)

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

- Lisbigney Bog

This former lake basin, now criss-crossed by streams, is located approximately 9 km northwest of Castlecomer. Although referred to as a bog, this site is in reality a wetland dominated by fen vegetation.

The rare snail *Vertigo moulinsiana* was recorded at the site in 1998. This species is a glacial relict with a disjunct European population that is considered to be vulnerable due to loss of habitat, in particular, drainage to wetlands. For this reason it is listed on Annex II of the E.U. Habitats Directive. In Ireland, the species is sparsely distributed in the central lowlands, where it mostly occurs in calcareous wetlands/fens. Birdlife recorded at the site includes Jays, Blackcaps and Snipe. Lisbigney Bog is of considerable conservation significance for the good example of *Cladium* fen, a priority habitat that is listed on Annex I of the E.U. Habitats Directive, and for the population of *Vertigo moulinsiana* that it supports.

2.2.2 Additional information

In addition to the site synopses, the NPWS also publishes other reports and documents, including Conservation Management Plans, Threat Response Plans and Species Action Plans.

A Conservation Management Plan was published in 2005 for Lisbigney bog. No other Conservation Management Plan is available for the other sites. The NPWS have published a number of Species Action Plans including one for the Killarney Fern, which has been identified in the River Barrow and Nore cSAC. An Otter Threat Response Plan was also published, and otters are included in this cSAC. A Bats Species Plan was published in 2008. One type of bat has been listed as conservation aspects for the River Barrow/Nore cSAC by the NPWS (NPWS Site Synopses, 2005).

A Draft Nore Sub-basin Management Plan for the Freshwater Pearl Mussel was published in March 2009.

2.2.3 Previous Appropriate Assessments for Callan

As part of the making of the Castlecomer LAP, an Appropriate Assessment was carried out by Openfield Ecological Services in September 2008 on the Draft LAP². This found that there were some aspects of the Draft Plan that could have possible significant impacts on the conservation status of the River Barrow/Nore cSAC. Mitigation measures were recommended to prevent any impact on the cSAC.

In 2009, as part of an application by Kilkenny County Council for a discharge license for the Castlecomer WWTP, an AA was carried out by Sweeney Consultancy³. This studied the EPA water quality data and found that the effluent from Castlecomer WWTP was having no significant impact on the biological water quality of the river.

2.2.4 Summary of Natura 2000 sites

The table below sets out all relevant sites together with their qualifying interests, the conservation objectives and threats to the site's integrity based on their qualifying interests.

² *Appropriate Assessment of the Castlecomer Local Area Plan in relation to the River Barrow and River Nore SAC*, Colin Buchanan in association with Openfield Ecological Services (September 2008).

³ *Sweeney Consultancy Appropriate Assessment of Biological Impacts of Castlecomer WWTP on Special Area of Conservation 002162* (May 2009)

Table 1: Summary of Natura 2000 sites within 15 km of plan area

County Kilkenny		Special Areas of Conservation	
Site code & name	Qualifying interests	Conservation Objectives	Threats to site integrity
002162 River Barrow and River Nore cSAC	<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> <ul style="list-style-type: none"> ▪ Old oak woodlands - Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles (91A0) ▪ Floating river vegetation - Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation (3260) ▪ Estuary – (1130) ▪ Tidal mudflats - <i>Spartina</i> swards (<i>Spartinion maritimae</i>) (1320) ▪ <i>Salicornia</i> mudflats - <i>Salicornia</i> and other annuals colonizing mud and sand (1310) ▪ Atlantic salt meadows - (<i>Glauco-Puccinellietalia maritimae</i>) (1330) ▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) (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> (1029) ▪ Nore Freshwater Pearl Mussel – (<i>Margaritifera durrovensis</i>) (1990) ▪ Crayfish – <i>Austropotamobius pallipes</i> (1092) ▪ Twait Shad – <i>Alosa fallax</i> (1103) ▪ Atlantic Salmon – <i>Salmo salar</i> (1106) 	<p>Generic Conservation Objective:</p> <p>To maintain the Annex I habitats and Annex II species for which the cSAC has been selected at favourable conservation status.</p>	<ul style="list-style-type: none"> ▪ Fragmentation, abundance of alien invasive species, sub-optimal grazing regimes, drainage. ▪ Land reclamation, drainage. ▪ Invasive alien species, sub-optimal grazing. ▪ Eutrophication, overgrazing, excessive fertilisation, afforestation, introduction of invasive alien species. ▪ Aquaculture, fishing, coastal development and water pollution. ▪ Aquaculture, fishing, bait digging, removal of fauna, reclamation of land, coastal protection works and invasive species. Hard coastal defence structures, sea-level rise. ▪ Invasive species, natural erosion, accretion cycles and storms. ▪ Overgrazing by sheep or cattle, and erosion. Presence of common cordgrass invasive species. Loss of habitats due to infilling and reclamation. ▪ Over-grazing by cattle or sheep ▪ Infilling and reclamation. ▪ Afforestation, over-burning, over-grazing, under-grazing and bracken invasion. ▪ Invasive species, arterial drainage and agricultural improvement at the river edge. ▪ Weirs restricting access to spawning beds. Channel maintenance which removes silt deposits and gravel shoals used by lampreys. ▪ Poor substrate quality due to increased growth of algal and macrophyte vegetation as a result of severe nutrient enrichment, as well as physical siltation. ▪ Poor quality of river substrate. ▪ Introduction of diseases transmitted by
continued . . .			

002162 River Barrow and River Nore cSAC	<ul style="list-style-type: none"> ▪ Otter – <i>Lutra lutra</i> (1355) ▪ Desmoulin's Whorl Snail - <i>Vertigo moulinsiana</i> (1016) ▪ Killarney Fern – <i>Trichomanes speciosum</i> (1421) 		<ul style="list-style-type: none"> ▪ introduced American crayfish. ▪ Restricted access to spawning grounds due to weirs. ▪ Diseases, parasites, water pollution. ▪ Road kill, fishing nets and lobster pots. ▪ Drainage of wetlands and riparian management, spread of urban development. ▪ Modifications to the site's hydrology, through pollution, or woodland clearance.
Site code & name	Qualifying interests	Conservation Objectives	Threats to site integrity
000869 Lisbigney Bog	<ul style="list-style-type: none"> • Desmoulin's Whorl Snail - <i>Vertigo moulinsiana</i> (1016) • [7210] *Calcareous fens with Great Fen-sedge <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> (*priority habitat) 	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.	<ul style="list-style-type: none"> • Drying out of habitats • Drainage and burning
Special Protection Area			
Site code & name	Qualifying interests	Conservation Objectives	Threats to site integrity
River Nore 0004233 proposed SPA	<ul style="list-style-type: none"> ▪ Kingfisher (<i>Alcedo atthis</i>) 	Generic Conservation Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	<ul style="list-style-type: none"> ▪ Disturbance, Water Quality, Invasive Species.

2.3 Step 3: Assessment of likely Effects

This is assessed by using available information and data, through a literature survey and consultation with the National Parks and Wildlife Service. This is followed by a determination of whether there is a risk that effects identified could be significant. All potential impacts are identified including those that are direct, indirect and cumulative.

The Screening Assessment for the Regional Planning Guidelines carried out in August 2010 detailed the key issues for the region and this found that adequate waste water treatment is the key issue to be addressed. The AA for Variation 2 to the County Development Plan has also been reviewed and this identified primary areas for potential significant effects coming from possible encroachment on sites of new development, groundwater contamination, pollution from inadequately treated waste from treatment plants or ground water abstractions affecting water-dependent sites.

The AA for the Draft LAP, carried out in September 2008 assessed the impacts of the draft plan on the River Barrow/Nore cSAC. This provides a source of information for this AA screening. As this amendment proposes a reduction in the amount of land available for development, the findings of the September 2008 AA in relation to the cSAC are likely to remain valid. The September 2008 AA has been reviewed and an evaluation follows on any changes that have taken place since.

2.3.1 Review of the September 2008 Appropriate Assessment on the Draft Castlecomer LAP

The AA as carried out for the draft LAP, which was adopted in 2009, identified three possible negative impacts. These will each be addressed below, outlining the recommendations of the AA and including an assessment of any changes that have taken place since the writing of the AA in September 2008.

Impact 1: Loss of habitat within the SAC through “open space” designation

The AA recommended that the boundary of the SAC is clearly marked on the objectives map and that it should be designated for biodiversity conservation or other similar designation rather than for ‘open space’. This was done during the LAP process and the area is zoned for ‘Amenity/Open Space/Green links and biodiversity conservation’. The SAC is mapped on Figure 5.2, the Environmental constraints map.

The AA also recommended that any proposed development within the cSAC be screened for AA. Variation 2 to the County Development Plan (adopted in 2011) inserted a policy stating as follows:

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

The LAP did contain a similar policy; however, this revised policy will now be included in Section 5.15 of the amended LAP and will ensure that any proposal in the area will be subject to an AA.

Another recommendation was that in any development proposals, a condition of consent be included to ensure that the margins of riparian vegetation should be fenced off and maintained during adjacent construction works. This was included in Section 5.15.

Impact 2: Deterioration of water quality

The 2009 AA for the discharge license found that effluent from Castlecomer WWTP was not having any significant impact on the biological water quality of the river. The 2009 LAP envisaged a larger scale population increase from that proposed under this Amendment. This amendment reduces the potential for development by reducing the amount of land available for development. There is limited spare capacity in the WWTP and therefore in order to obtain permission any development will need to satisfy a Justification Test, which includes an assessment of the capacity of water services to cater for the proposed development. In addition, while it remains an objective of the Council to upgrade the WWTP, in the interim, policy IN2 will be modified to state that:

IN2 Significant development will not be permitted pending the upgrade of the necessary water services infrastructure.

In relation to the discharge of pollutants as a result of surface water run-off from new developments, the AA recommended ensuring that new developments would include appropriate abatement measures to ensure that final concentration of pollutants will not result in a deterioration of water quality. This should be done by integrating SUDS within all such developments, and the AA advised consideration of a constructed wetland as part of this. The recommendation to integrate SUDS was incorporated into the LAP in section 5.12. The detailed design and optimal solution for attenuation measures will be dealt with at planning application stage.

Impact 3: Loss of non-designated habitat

The AA recommended, specifically in relation to hedgerows, that all planning consents include the requirement to preserve existing hedgerows and where this was not possible, to replant native Irish hedgerows in their stead. Policy NH1 in the LAP includes for the protection of hedgerows.

This amendment proposes a reduction in the amount of land zoned from that in the 2009 Local Area Plan. The conclusion of the September 2008 AA, which stated that implementing the avoidance and mitigation measures would reduce the impacts to neutral, remains valid for this amended Plan.

A brief assessment of the amended plan will now be carried out against the assessment criteria in the screening matrix which is included in the *Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, (November 2001)*.

Assessment Criteria

i) Describe the individual elements of the plan (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 sites.

This Amendment provides for a reduction in the amount of land available for development, primarily through phasing the existing zoning. The primary areas of impact of this amended plan would be the same as those identified in the September 2008 AA for the existing LAP; however as the amount of land available for development will be reduced, then the impacts are likely to be reduced.

The expansion of the Castlecomer area through development facilitated under the amended plan will see an increase in population and business/industrial activities. This will require greater use of freshwater and generation of wastewater. The demand for water resources, and the potential pollution arising thereof, is in combination with the expansion of other towns further up-stream. As discussed under Section 2.3.1 Impact 2 above, a policy will be included to mitigate against any further deterioration in water quality, therefore the amended plan is not likely to give rise to impacts on the Natura 2000 sites.

ii) Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 sites by virtue of:

- *size and scale;*
- *land take;*
- *distance from the Natura 2000 site or key features of the site;*
- *resource requirements (water abstraction etc.)*
- *emissions (disposal to land, water or air);*
- *excavation requirements;*
- *transportation requirements;*
- *duration of construction, operation, decommissioning, etc.;*
- *other.*

There are 3 Natura 2000 sites within 15km of the plan area, including one within the plan area (River Barrow/River Nore). The qualifying interests and threats to the site integrity as set out in Table 1 are referred to in assessing the likely direct, indirect or secondary impacts or likely changes to the sites.

- River Barrow/River Nore cSAC (002162)

This site runs through the plan area. The main threats to the site and current damaging activities include high inputs of nutrients into the river system from agricultural run-off and several sewage plants, overgrazing within the woodland areas and invasion by non-native species. The water quality of the site remains vulnerable. The potential threats as a result of developments facilitated by the amended plan are to water quality, from inadequate treatment of sewage, or threats from abstractions or discharges to the river or into the river catchment.

The RPGs identified water quality and waste water treatment as being the pressure topic for this cSAC. It found that the provisions of Waste Water Discharge (Authorisation) Regulations SI no. 684 of 2007 and application of Departmental Circular letter PD7/09, in combination with the provisions

of DoEHLG Water Services Investment Programme would be sufficient mitigation, as they control projects which may impact on the cSAC. In addition, policy IN2 will be modified to ensure that no significant development takes place pending the upgrade of the necessary water services infrastructure.

- River Nore pSPA (site code 4233)

The site synopsis for the River Nore pSPA does not include detail on the threats to this pSPA, however, having consulted with the NPWS, it is considered that disturbance, water quality and invasive species are the main threats. As with the River Nore/Barrow cSAC above, in relation to water quality, the provisions of the Regulations and the Investment programme are sufficient mitigation. The site is located over ten kilometres away from the LAP area, therefore the threat of disturbance, and the related threat of invasive species, is not considered significant.

- Lisbigney Bog

This site is located approx. 9 km from the Castlecomer LAP boundary. The main threats to this site are drainage and burning, neither of which will be affected by development in Castlecomer.

iii) Describe any likely changes to the sites arising as a result of:

- *reduction of habitat area;*
- *disturbance to key species;*
- *habitat or species fragmentation;*
- *reduction in species density;*
- *changes in key indicators of conservation value (water quality etc.);*
- *climate change.*

As identified above, the main threat to the Natura 2000 sites is possible deterioration in water quality in the River Dinin as a result of changes in land use. The changes in land use as proposed under the LAP can impact on water quality in three ways: ① through increased flows of treated or untreated domestic wastewater; ② increased abstraction for commercial, industrial and domestic use; and ③ the discharge of untreated surface water from paved surfaces. These activities all have the potential to increase pollutant concentrations in the rivers and consequently impact negatively on the ecology of the systems.

Water Framework Directive (WFD)

This Directive establishes 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. Good ecological and chemical status for all waters must be achieved by 2015 with no deterioration in existing status in the meantime. The South Eastern River Basin District Management Plan 2009-2015 identifies a programme of measures to protect and restore water status by addressing the main pressures (that is sources of pollution or status impact) in the district.

According to the EPA mapview website⁴, under the WFD, the River Dinin at Castlecomer was classified as being of good status in 2011. The current water quality of the River Dinin was recorded as Q4, good status in 2010.

For the Barrow/Nore catchment in combination impacts could result from development upstream in either river.

Plans and projects for the Barrow/Nore catchments could possibly result 'in combination' impacts. The RPGs identified a risk of significant impact from Carlow, Kilkenny and New Ross. The RPGs outlined that the Carlow Town Plan states that an upgrade to treatment plant of 70,000 p.e. is expected to be completed by 2013. Domestic population serviced cannot exceed 25,000 p.e. unless this upgrade has taken place. The RPGs also stated that sufficient capacity exists in the WWTP in Kilkenny but plant requires nutrient removal and plans are underway in this regard. The AA Screening report for Variation 1 to the City & Environs Development Plan (May 2011) stated that the EIS application for a major upgrade of the plant has been with An Bord Pleanála since October 2008 and that short term improvement measures are planned for 2012.

The 'in combination' impact of development in the Barrow/Nore catchment was examined recently through the screening for AA which was carried out for Variation 2 to the Kilkenny County Development Plan (May 2011). This found that it was unlikely that the varied County Development Plan would cause significant effects on water quality.

It is also anticipated that 'Sustainable Urban Drainage' (SUDS) will be fully integrated with the LAP, thereby minimising the potential impact of pollutant run-off from surface water. In light of these factors it is believed that the potential for negative impacts on water quality are not significant.

iv) Describe any likely impacts on the Natura 2000 sites as a whole in terms of:

- *interference with the key relationships that define the structure of the site;*
- *interference with key relationships that define the function of the site*

The usage of SUDS in the LAP and the reduced requirement for waste water treatment as a result of a reduction in the amount of land available for development, in addition to revised policy IN2, will improve the quality of water in the River Dinin and thereby potentially improve the conservation status of aquatic species.

v) Provide indicators of significance as a result of the identification of effects set out above:

It is not possible to quantify the level of improvement in water quality as a direct result of this plan however the Environmental Protection Agency monitor water quality in the River Dinin on a regular basis and that will allow changes to be tracked.

⁴ <http://maps.epa.ie/InternetMapView/mapviewer.aspx>

vi) Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.

Likely significant impacts are not expected as a result of zoning designations in the amended Plan.

2.4 Step 4: Screening Conclusion

Having examined the Natura 2000 sites within 15km of the plan area, having consulted with the NPWS, having reviewed the previous AA carried out for the LAP and having examined the potential impacts of the plan, it is concluded that the amended Plan will not have any likely significant effects on any Natura 2000 site.

3 Conclusion

A Habitats Directive Screening Assessment was carried out on Proposed Amendment No. 1 to the Castlecomer LAP. Preparation of the assessment included consultation with the NPWS Conservation Ranger to identify any areas of concern and also a review of the previous Appropriate Assessment carried out in September 2008 for the Draft Castlecomer LAP.

A review of conservation objectives and threats to site integrity of any Natura site within 15 km of the plan area was undertaken to identify sites that may be impacted by the Proposed Amendment. This found that the site most likely to be affected was the River Barrow/Nore cSAC. The main threat identified was to water quality.

The amended Plan proposes a reduction in the amount of land available for development from that contained in the 2009 LAP. It is concluded that this Amended Plan (either individually or in combination with other plans or projects) shall not give rise to significant effects on the integrity of any Natura 2000 sites and it can proceed as proposed, without a need for full Appropriate Assessment.

As per the process outlined in Section 1, and subject to comments by the National Parks and Wildlife Service on this screening assessment, a Finding of No Significant Effects Report (attached at end of this report) is proposed.

Finding of no significant effects report

- **Name of project or plan:**
Amendment No. 1 to the Castlecomer Local Area Plan
- **Name and location of Natura 2000 sites:**

Site Name	SAC Site Code	SPA Site Code	Distance from LAP boundary
River Barrow & Nore	002162		Within LAP boundary
River Barrow & Nore		0004233	8 km west of LAP boundary (11 km southwest along river)
Lisbigney Bog	00869		9 km northwest

- **Description of the project or plan:**
Amendment No. 1 is intended to bring the Castlecomer Local Area Plan into alignment with Variation 2 to the County Development Plan, which introduced a Core Strategy for the county. The amendment will significantly reduce the amount of land available for development by classifying zoned land into two phases, phase 1 will be available for development during the lifetime of the LAP, Phase 2 will not.
- **Is the project or plan directly connected with or necessary to the management of the site (provide details)?**
The Amendment is not directly connected to the management of any Natura 2000 sites.
- **Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?**
The Amendment is set within the framework of higher level plans including the County Development Plan and Variations 1 and 2, the Regional Planning Guidelines and National Spatial Strategy.

As the Amendment will facilitate reduced levels of growth than previously envisaged under the Castlecomer LAP 2009, the potential for significant effects on the Natura 2000 sites within or adjoining the county have been reduced.

The assessment of significance of effects

- **Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.**
The Amendment is set within the framework of higher level plans including the existing County Development Plan and any Variations, the Regional Planning Guidelines and the National Spatial Strategy. As the Amendment will facilitate reduced levels of growth than previously envisaged under the Castlecomer LAP 2009, the potential for significant effects on the Natura 2000 sites within or adjoining the plan area will be reduced. The primary area for potential significant effects is on water quality.

The County Development Plan and LAP contains existing policies for the conservation and protection of Natura 2000 sites, and also for the protection of non-designated sites; however the Amendment proposes increased protection for Natura 2000 sites with particular regard to projects which have the potential for significant effects on the protected site or its nature conservation objectives. The Amendment also contains a revised policy (IN2) restricting development until appropriate water services infrastructure is in place.
- **Explain why these effects are not considered significant.**
Policies in the existing 2009 LAP and the Kilkenny County Development Plan 2008-2014, together with the proposed policies in the Amendment, provide for the protection and conservation of Natura 2000 habitats, animal and bird species and provide for the protection of water quality in the area.

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

National Parks and Wildlife Service, Jimi Conroy, Conservation Ranger

jimi.conroy@npws.ie

- **Response to consultation**

Consultation with NPWS Conservation Ranger in November which highlighted issues to be considered as part of the assessment. In addition this report will be forwarded to the National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

Data collected to carry out the assessment

- **Who carried out the survey**

Kilkenny County Council, Forward Planning Section.

- **Sources of Data**

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

- **Level of assessment completed**

Desktop studies

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

Council Office: Planning Counter, Kilkenny County Council, County Hall, John's Street, Kilkenny.

Website: www.kilkennycoco.ie