

# **Appropriate Assessment Screening**

In accordance with the requirements of  
Article 6(3) of the EU Habitats Directive

## **Piltown Draft Local Area Plan 2010**

### **Material Alterations**



**Kilkenny County Council**

**Date: 15<sup>th</sup> November 2010**

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## Section 1 Introduction and Terms of Reference

### 1.1 Introduction

In accordance with Section 20(3)(e) of the Planning and Development Acts 2000-2010, Kilkenny County Council is proposing a number of Material Alterations to the Draft Piltown Local Area Plan. These Material Alterations have arisen following the Elected Members review of the Manager's Report on submissions received under Section 20(3)(3) of the Planning and Development Acts 2000-2010.

As part of the process of preparing a Draft Local Area Plan for Piltown, Kilkenny County Council considered whether to carry out Appropriate Assessment (AA) on the plan and determined that an Appropriate Assessment was not required. This determination was made in July 2010.

This is an appropriate assessment screening of the proposed Material Alterations to the Piltown Draft Local Area Plan (LAP) 2010 in accordance with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and in line with the Guidance for Planning Authorities entitled "*Appropriate Assessment of Plans and Projects in Ireland*" as published by the Department of the Environment, Heritage and Local Government in December 2009. The Draft Plan, including the proposed Material Alterations, will be screened in its entirety, and this is henceforth referred to as 'the plan'.

The 1992 Habitats Directive requires member states to designate areas of their territory containing a representative sample of important habitats and species. These areas are known as Natura 2000 sites, and they include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Article 6(3) and (4) require that an Appropriate Assessment be carried out for these sites where projects, plans or proposals are likely to have an effect.

Article 6(3) of the Habitats Directive states:

*'any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the 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'.*

Article 6(4) states:

*'if, in spite of a negative assessment of the implications for the 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 economic or social nature, the Member State 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'.*

### 1.2 Methodology

The methodology as set out in *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (December 2009) has been followed. In accordance with this guidance, the following four steps have been used to produce this screening statement:

**Step 1:** Description of Plan and plan area characteristics

**Step 2:** Identification of Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.

**Step 3:** Assessment of Likely Effects

**Step 4:** Screening conclusion and statement

## **Section 2 Screening**

### **Step 1: Description of Plan and plan area characteristics**

The Piltown Local Area Plan (LAP) will provide for the proper planning and sustainable development of the small town of Piltown in southwest Co. Kilkenny for a six year period from 2010-2016 and will replace the current 2003 LAP. A context map for Piltown is included as Map A. The Census recorded a population of 968 people in Piltown in 2006.

The area covered by the LAP is approximately 96 hectares with the bulk of this land to be zoned for mixed use (residential, industrial, commercial and community facilities) and 12.7 hectares zoned for open space. This Draft LAP decreases the amount of land available for development from the existing (2003) LAP, which zoned a total area of 113.42 hectares.

In the 2003 LAP a total of 60.59 hectares were zoned for residential use. Of the lands zoned for residential, just over 6.1 hectares of greenfield land was developed. In the Draft plan, 2.5 hectares is to be zoned for Residential Phase 1 and 13.54 are zoned for Residential Phase 2 (i.e. beyond the lifetime of this plan); the remainder of the residential zoning relates to the existing built area of the plan.

A copy of the Draft zoning map is included at the end of this document.

In addition, the limited capacity of the existing waste water treatment plant is acknowledged in the Draft LAP, and this reduces the development potential of the area. A policy is included in the Draft Plan stating that:

- IN4 - Significant additional development shall not be permitted to the wastewater treatment until such time as the scheme is upgraded to adequate capacity and treatment levels.

This Draft Plan therefore reduces the potential for future development significantly from that provided for in the 2003 LAP.

### **Step 2: Identification of Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.**

There is one candidate Special Area of Conservation (cSAC) in the immediate vicinity of Piltown, the Lower River Suir, site code 002137. Map A shows the location of this cSAC in relation to Piltown. A tributary of the Lower River Suir runs through the southern part of the town – the Pil River which is within the designated area of the cSAC of the Lower River Suir.

The Hugginstown Fen cSAC, site code 000404 is located 10km to the north-east of Piltown; Map A shows the location of this cSAC in relation to Piltown.

The River Barrow and River Nore cSAC (site code 002162) is located 14km to the north-east of Piltown, the location of the cSAC relative to Piltown is shown on Map A.

There are no other cSACs within 15 km of the plan area. It is considered that no other cSAC will be affected by the plan.

#### **Lower River Suir cSAC**

The designated SAC site consists of the freshwater stretches of the River Suir, the tidal stretches and many tributaries. In the vicinity of Carrick-on-Suir the river follows the limestone floor of the Carrick Syncline. The site is a candidate SAC selected for the presence of the priority habitats on Annex I of the E.U. Habitats Directive - alluvial wet woodlands and Yew Wood. The site is also selected as a candidate SAC for floating river vegetation, Atlantic salt meadows, Mediterranean salt meadows, old oak woodlands and eutrophic tall herbs, all habitats listed on Annex I of the E.U. Habitats Directive. The site is selected for the following species listed on Annex II of the same directive - Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon and Otter.

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. Good quality water is necessary to maintain the populations of the Annex II animal species listed above. Good quality is dependent on controlling fertilisation of the grasslands, particularly along the River Suir. It also requires that sewage be properly treated before discharge.

The full site synopsis of the cSAC may be accessed on the National Parks and Wildlife Service's website at:

<http://www.npws.ie/en/ProtectedSites/SpecialAreasofConservationSACs/Kilkenny/>

There is no Conservation Management Plan available for this site. The NPWS have published a number of Species Action Plans. An Otter Threat Response Plan was also published, and otters are included in this cSAC also.

### **Hugginstown Fen**

Hugginstown Fen is situated approximately 4 km south-west of Ballyhale, Co. Kilkenny. The site consists of a relatively large, isolated area of swamp and floating fen developed in a small valley in hilly country. It is underlain by limestone glacial till overlying and surrounded by acid Old Red Sandstone. The catchment is relatively small and iron-rich springs are an important source of water for the wetland. The site is a candidate Special Area of Conservation selected for alkaline fen, a habitat listed on Annex I of the E.U. Habitats Directive.

The main threats to the site come from drainage, which has already damaged some of the southern part of the site.

There is no Conservation Management Plan available for this site. The full site synopsis of the cSAC may be accessed on the National Parks and Wildlife Service's website at:

<http://www.npws.ie/en/ProtectedSites/SpecialAreasofConservationSACs/Kilkenny/>

### **River Barrow and Nore**

The River Barrow and Nore site has been designated due to the alluvial wet woodlands and petrifying springs priority habitats on Annex I of the E.U. Habitats Directive. The site is also selected for old oak woodlands, floating river vegetation, estuary, tidal mudflats, Salicornia mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs, all habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive – 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.

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, for example Cherry Laurel and Rhododendron (Rhododendron ponticum). The water quality of the site remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II animal species listed above. Good quality is dependent on controlling fertilisation of the grasslands, particularly along the Nore. It also requires that sewage be properly treated before discharge.

The full site synopsis of the cSAC may be accessed on the National Parks and Wildlife Service's website at: <http://www.npws.ie/en/ProtectedSites/SpecialAreasofConservationSACs/Kilkenny/>

There is no Conservation Management Plan available for this site. 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 also.

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

### Step 3: Assessment of Likely Effects

This is assessed by using available information and data, through a literature survey and consultation with relevant stakeholders. This is followed by a determination of whether there is a risk that could be significant. All potential impacts are identified including those that are direct, indirect and cumulative. This screening follows the template provided in Annex II of the EU methodology.

For clarity it is proposed to present this section of the screening in two parts:

Step 3 (a) – Lower River Suir cSAC

Step 3 (b) – Hugginstown Fen cSAC

Step 3 (b) – River Barrow and Nore

#### Step 3 (a) - Lower River Suir cSAC

##### **Assessment Criteria**

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

It is not expected that the proposed Draft Local Area Plan of itself will cause any significant negative impacts on the Lower River Suir cSAC.

The possible impacts would be on the water quality due to discharges from the wastewater treatment plant or from planting of invasive species in the open space area adjacent to the Pil River, which forms part of the designated site of the Lower River Suir cSAC.

##### Water Quality

A possible impact would be from the water quality of the site, due to the discharges from the wastewater treatment plant into the Pil River. This impact could be caused by increased development, and associated intensification of the treatment plant which discharges into the Pil River.

Piltown is served by a sewerage scheme with secondary treatment, which was constructed in 1985. This has a design Population Equivalent of 1500, and is currently operating at approximately double its design capacity and therefore does not have capacity to cater for future demand. Piltown has been included in the Water Services Investment Programme 2010-2012 for upgrading of the wastewater treatment plant, a timeframe has not been set for the delivery of the upgrade which will also be dependent on funding from Kilkenny County Council.

*Urban Waste Water Discharges in Ireland for Population Equivalents Greater than 500 Persons – A Report for the Years 2006 and 2007* identifies the Piltown wastewater treatment plant as failing to meet some of the effluent quality standards as set out in the *Urban Waste Water Treatment Regulations 2001* ([http://www.epa.ie/downloads/pubs/water/wastewater/web%20version\(low\).pdf](http://www.epa.ie/downloads/pubs/water/wastewater/web%20version(low).pdf))

Owing to the capacity constraints a policy is included in the Draft LAP stating that significant additional development shall not be permitted to connect to the wastewater treatment system until such time as the scheme is upgraded.

- IN4 - Significant additional development shall not be permitted to the wastewater treatment until such time as the scheme is upgraded to adequate capacity and treatment levels.

The Council have applied for a discharge licence (KK-WWDL-206); as part of the application process, an Appropriate Assessment of impacts was carried out by Ecologist, Pascal Sweeney in May 2009. The report notes that the discharge from Piltown Waste Water Treatment Plant enters the Pil River near the upper limit of the tidal section, within Special Area of Conservation 002137 (Lower River Suir SAC). The report's Conservation Objective Conclusion states that '*the main conservation objective pertaining to the discharge to Piltown WWTP must be to avoid impact from high BOD, suspended solids and nutrients by proper treatment of the effluent before discharge to the SAC. The fact that no*

*biological impact of the discharge was detected in the present survey, indicates that this conservation objective is currently being achieved.*

#### Open Space Adjacent to the River

There is an area designated as open space in the draft plan adjacent to the river that could be used for amenity purposes. Any amenity uses in this area are subject to the objectives that the ecological integrity of the cSAC is not affected:

- H1 To ensure that any development in or near sites of local conservation interest, as identified in Table 3 of Appendix 2, will minimise any significant adverse impact on the features for which the site has been designated.
- H2 Applicants shall demonstrate that there will be no adverse impacts on the ecological integrity of sites of high local ecological value identified in this plan from developments on adjacent sites.

No other projects or plans are proposed that may have likely effects in combination with this plan. A separate screening has been carried out for the Fiddown Draft Local Area Plan 2010, which is located south of Piltown. The screening report concludes that the draft Fiddown LAP poses no risk of a significant effect on the cSAC.

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.

The plan itself does not propose any construction measures and therefore there are no direct impacts on the cSAC. The plan area is directly adjacent to the cSAC, and as discussed above the main indirect impact would be on the water quality of the Natura 2000 site, due to intensification of usage of the treatment plant or from works to improve the open space area adjacent to the cSAC.

However, the plan contains the policy that no significant development shall be permitted until such time as the plant has been upgraded to a satisfactory standard to cater for the plan area. The plan also contains clear policies to ensure that the ecological integrity of the cSAC will not be affected by any works in the open space area.

The Mooncoin Regional Water Supply Scheme will have a positive impact on the Fiddown-Piltown water supply scheme, which is currently at capacity. An Bord Pleanala approved groundwater abstraction from four well fields (reference 10.JA0009) subject to a number of conditions including a restriction of the maximum abstraction from the combined well-fields to 12,000 m<sup>3</sup>/ day in order to safeguard groundwater in the area (condition 1) and imposed condition 3 on Kilkenny County Council to install hydrometric weirs to monitor the flow of the Blackwater and Pil rivers while abstraction is taking place, to establish a relationship between the surface water levels and the abstraction.

An application for an amendment to condition 1 was made in December 2009 which has not yet been decided (reference PL10.JM0003); the application for this amendment contains further information gained following well drilling and yield testing. It is requesting an increase in abstraction to 16,000m<sup>3</sup>/day. The report submitted to An Bord Pleanala (Mooncoin Regional Water Supply Scheme Results of Exploratory Well Drilling and Yield Testing - Submission To An Bord Pleanala) prepared by RPS consultants states 'As a result of the wellfields abstracting, no groundwater gradients have been reversed other than in close proximity to the well-fields therefore the groundwater flow direction remains similar'; also 'monitoring of surface water levels was undertaken in the Pil River during the

multi-well test at Silversprings and in the River Blackwater during the multi-well test at Kilmacow. The flow monitoring indicated no impact on surface water flow on the River Blackwater or the Pil River during the multi-well tests which were carried out at significantly higher abstraction rates than proposed for the operation of the scheme at 16,000m<sup>3</sup>/d' (p47). The EIS submitted relates to all phases of the scheme, from which the settlements of Fiddown and Piltown will benefit. The full impact of likely demand from Piltown and Fiddown was taken into account in the water supply demand, therefore implementation of the LAP will have no direct, indirect or secondary impacts.

An ecological survey of Piltown was carried out by Roger Goodwillie as part of the 2003 Local Area Plan. As part of this plan, a habitat assessment has been carried out by Mieke Muyliaert & Associates and Mary Tubridy & Associates. The assessment highlights the importance of the cSAC.

Policies for nature conservation of designated areas are found in Section 8.2.1 of the County Development Plan, policies H5-9.

H5 To protect natural heritage sites designated in National and European legislation. This includes sites proposed to be designated or designated as Special Areas of Conservation (SAC), Natural Heritage Areas (NHA), Nature Reserves and Wildfowl Sanctuaries. This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan.

- H6 To assess all proposed developments (individually or in combination with other proposals, as appropriate) which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- H7 To consult with the prescribed bodies and relevant government agencies when assessing developments which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- H8 To ensure that any development in or near a designated natural heritage site will avoid any significant adverse impact on the features for which the site has been designated.
- H9 To require an appropriate environmental assessment in respect of any proposed development likely to have an impact on a designated natural heritage site, or those sites proposed to be designated.

These policies will also apply in the Draft Plan, in addition, policies and objectives have been included as follows for the protection of identified habitats:

H3 –

(a) To protect and where possible enhance the habitat of the Pil River, and its associated ecological corridors and habitats, as identified as PL1, PL2 & PL3 on Map 2. An ecological impact assessment will be required in order to assess the impact of any development which could potentially affect this area; this should include a survey of protected species where appropriate.

(b) Any proposed developments that have the potential to impact on a Natura 2000 site will be subject to a project level appropriate assessment. No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

In line with The Planning System Flood Risk Management Guidelines for Planning Authorities (2009) a Strategic Environmental Assessment Screening has been carried out for the Draft Piltown Local Area Plan, and contains Stages 1 and 2 of a Flood Risk Assessment; outline details of which are set out below:

Stage 1 - Flood Risk Identification.

This stage of the flood risk assessment identifies whether there may be any flooding or surface water management issues relating to the plan area that warrant further investigation. A number of sources of information were consulted at this stage. There two main areas within the built-up area of Piltown that are affected by flooding, both associated with the Pil River – on Main Street and on Creamery Road; flooding in these areas occurs several times per annum. Benefiting Lands have been identified by the OPW along the banks of the Pil River, and these affected areas are demonstrated in Figure 4. As a Flood Risk issue has been identified within the proposed development boundary the Flood Risk Assessment proceeds to Stage 2.



## Stage 2 – Initial Flood Risk Assessment

The purpose of the initial FRA is to ensure that all relevant flood risk issues are assessed in relation to the decisions to be made and potential conflicts between flood risk and development are addressed.

A number of sources combine to lead to multi-annual flooding on the Main Street and Creamery Road; the primary source is the Pil River which is tidal and reaches high levels where the two tributaries of the Pil meet, additional sources include spring tides, heavy rain-fall run-off and southerly winds causing high river levels. Flooding occurs when the Pil River over-tops its banks.

Some clearing of the Pil River channel has been carried out by local residents, which has helped somewhat, but flooding still occurs a number of times per year. An objective of the draft plan to remove an old service pipe that may have been causing obstruction of flow under the bridge has been carried out.

A number of steps have been taken to lessen the impacts of flooding in the plan area and the Sequential Approach has been followed to ensure that appropriate uses have been zoned on lands that are at risk of flooding. To this end the avoidance principle has been used, with some lands that are at risk being de-zoned while other lands have been zoned for Phase 2 development. Any proposals for development of lands zoned for development within areas at risk of flooding will be required to comply with a number of policies to ensure that development will not exacerbate flooding in Piltown.

It is not considered necessary to proceed to Stage 3 Detailed Flood Risk Assessment having regard to the limited development area proposed within flood risk areas and the policies and objectives as set out in this plan to lessen potential impacts of flooding in the area.

The identification of Ecological Networks in the plan area, with associated policies to ensure their protection, including preservation of floodplain areas, provides storage for flood waters and can reduce flooding elsewhere.

Policies and objectives are included as follows:

### Policy:

IN9 To require new development to demonstrate that it will not have a negative impact on the Pil River floodplains and to ensure that the banks of the Pil River will be maintained free from inappropriate development, and that its culverting or realignment will be discouraged.

IN10 Development proposals for lands in areas affected by flooding, particularly those on Creamery Road, may be required to carry out a Stage 3 Detailed Flood Risk Assessment and detailed explanation of how the Justification Test has been met in accordance with The Planning Systems and Flood Risk Management Guidelines for Planning Authorities (2009).

### Objective:

IN11 To investigate in conjunction with the OPW the causes of flooding in Piltown and to seek the necessary funding for the remedial defence works required to prevent its reoccurrence in the future.

The benefits of the Pil River and associated habitats in flood prevention are acknowledged in the plan 'As a Green Infrastructure feature the most important characteristic of the river is that it provides for flood attenuation' (section 2.6.1.4); an objective has been included for the protection of the Pil River:

### Objective H3 –

(a) To protect and where possible enhance the habitat of the Pil River, and its associated ecological corridors and habitats, as identified as PL1, PL2 & PL3 on Map 2. An ecological impact assessment will be required in order to assess the impact of any development which could potentially affect this area; this should include a survey of protected species where appropriate.

(b) Any proposed developments that have the potential to impact on a Natura 2000 site will be subject to a project level appropriate assessment. No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

There is limited possibility of the LAP inflicting a significant negative impact on the Pil River and the designated cSAC of the Lower River Suir; it is not considered necessary to proceed to Stage 3, Detailed Flood Risk Assessment.

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 the LAP is not expected to cause any potential impact on the cSAC, it will cause no changes to the site. More specifically, there will be no reduction in habitat area; no species fragmentation; no reduction in species density; no changes in key indicators of conservation value and no climate change brought about to the Lower River Suir cSAC as a result of the Piltown Local Area Plan.

There is potential for disturbance to designated species from proposed amenity actions in the plan; however the plan also contains a number of policies to ensure the protection of designated species, including the statement that 'works within the aforementioned areas shall only be carried out in consultation with the Department of the Environment, Heritage and Local Government and Kilkenny County Council having regard to designations in these areas'.

The altered draft plan will include replacement of the policy H3 with an amended policy as follows:

Objective H3 –

- (a) To protect and where possible enhance the habitat of the Pilt River, and its associated ecological corridors and habitats, as identified as PL1, PL2 & PL3 on Map 2. An ecological impact assessment will be required in order to assess the impact of any development which could potentially affect this area; this should include a survey of protected species where appropriate.
- (b) Any proposed developments that have the potential to impact on a Natura 2000 site will be subject to a project level appropriate assessment. No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

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;

No projects giving rise to significant, adverse interference with key relationships that define the structure or function of Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

Developments in the plan area will be required to comply with the standards, policies and objectives of the plan. The plan contains policies and objectives to protect both designated sites and sites outside of designated areas; it is therefore not anticipated that developments in the plan area will have significant adverse effects on a Natura 2000 site.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

- loss;  
Not applicable.
- fragmentation;  
Not applicable.
- disruption;  
Not applicable.
- disturbance;  
Not applicable.
- change to key elements of the sites (e.g. water quality etc.);  
Not applicable.

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.

As detailed above, there is potential for an indirect impact on a Natura 2000 site as the Pil River, which forms part of the designated Lower River Suir sSAC Suir flows through the plan area, which means that there is potential for any developments in close proximity to the river to impact on the cSAC. However, no land is zoned for development (other than open space within the land of this plan, or which is not part of an existing use) adjoining the river. Therefore the element of the plan which will have a possible effect is water quality resulting from an intensification of the treatment plant, which discharges to the river, and as discussed, the treatment plant has been included in the Water Services Investment Programme for funding to upgrade the plant, and the plan contains the objective that no significant development shall be permitted until such time as the plant is satisfactorily upgraded. It is therefore considered that there will be no significant impact on the Natura 2000 site of the Lower River Suir or its conservation objectives as a result of the implementation of the Piltown LAP.

#### **Step 4: Screening conclusion**

The assessment of the likely significant effects is being forwarded for consultation with the specified environmental authority which is:

- The National Parks and Wildlife Service (NPWS) of the Department of the Environment, Heritage and Local Government (DoEHLG).

### **Step 3 (b) - Hugginstown Fen**

#### ***Assessment Criteria***

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

It is not expected that the proposed Local Area Plan of itself will cause any significant negative impacts on the Hugginstown Fen cSAC.

Impacts on the Fen are improbable due to the topography between the draft plan area and the Fen. To the north and east of Piltown the land rises to the upland areas of Brown-Mountain and Corbally Wood at Templeorum. The land at Piltown drains towards the River Suir to the south. It is not anticipated that there would be any possible impacts on the water quality. In addition the water supply for the town comes from the Mooncoin Regional Water Supply Scheme and does not have drainage impacts on the Fen.

No other projects or plans are proposed that may have likely effects in combination with this plan. A separate screening has been carried out for the Fiddown Area Plan 2010.

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.

The plan itself does not propose any construction measures and therefore there are no direct impacts on the cSAC.

The Mooncoin Regional Water Supply Scheme will have a positive impact on the Fiddown-Piltown water supply scheme, which is currently at capacity. An Board Pleanala approved groundwater abstraction from four well fields (reference 10.JA0009) subject to a number of conditions including a restriction of the maximum abstraction from the combined well-fields to 12,000 m<sup>3</sup>/ day in order to safeguard groundwater in the area (condition 1) and imposed condition 3 on Kilkenny County Council to install hydrometric weirs to monitor the flow of the Blackwater and Pil rivers while abstraction is taking place, to establish a relationship between the surface water levels and the abstraction.

An application for an amendment to condition 1 was made in December 2009 which has not yet been decided (reference PL10.JM0003); the application for this amendment contains further information gained following well drilling and yield testing. It is requesting an increase in abstraction to 16,000m<sup>3</sup>/day. The report submitted to An Bord Pleanala (Mooncoin Regional Water Supply Scheme Results of Exploratory Well Drilling and Yield Testing - Submission To An Bord Pleanala) prepared by RPS consultants states 'As a result of the wellfields abstracting, no groundwater gradients have been reversed other than in close proximity to the well-fields therefore the groundwater flow direction remains similar'; also 'monitoring of surface water levels was undertaken in the Pil River during the multi-well test at Silversprings and in the River Blackwater during the multi-well test at Kilmacow. The flow monitoring indicated no impact on surface water flow on the River Blackwater or the Pil River during the multi-well tests which were carried out at significantly higher abstraction rates than proposed for the operation of the scheme at 16,000m<sup>3</sup>/d' (p47). The EIS submitted relates to all phases of the scheme, from which the settlements of Fiddown and Piltown will benefit. The full impact of likely demand from Piltown and Fiddown was taken into account in the water supply demand, therefore implementation of the LAP will have no direct, indirect or secondary impacts.

Policies for nature conservation of designated areas are found in Section 8.2.1 of the County Development Plan, policies H5-9, and also apply in the draft plan.

- H5 To protect natural heritage sites designated in National and European legislation. This includes sites proposed to be designated or designated as Special Areas of Conservation (SAC), Natural Heritage Areas (NHA), Nature Reserves and Wildfowl Sanctuaries. This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan.
- H6 To assess all proposed developments (individually or in combination with other proposals, as appropriate) which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- H7 To consult with the prescribed bodies and relevant government agencies when assessing developments which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- H8 To ensure that any development in or near a designated natural heritage site will avoid any significant adverse impact on the features for which the site has been designated.
- H9 To require an appropriate environmental assessment in respect of any proposed development likely to have an impact on a designated natural heritage site, or those sites proposed to be designated.

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 the LAP is not expected to cause any potential impact on the cSAC, it will cause no changes to the site. More specifically, there will be no reduction in habitat area; no disturbance of key species, habitat or species fragmentation; no reduction in species density; no changes in key indicators of conservation value and no climate change brought about to the Hugginstown Fen cSAC as a result of the Piltown Local Area Plan.

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;

No projects giving rise to significant, adverse interference with key relationships that define the structure or function of Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

Developments in the plan area will be required to comply with the standards, policies and objectives of the plan. The plan contains policies and objectives to protect both designated sites and sites outside of designated areas; it is therefore not anticipated that developments in the plan area will have significant adverse effects on a Natura 2000 site.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

loss;

Not applicable.

fragmentation;

Not applicable.

disruption;

Not applicable.

disturbance;

Not applicable.

change to key elements of the sites (e.g. water quality etc.);

Not applicable.

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.

As detailed above, there is no potential for an indirect impact on the Natura 2000 site of Hugginstown Fen, having regard to the intervening topography and drainage patterns in the area of the plan, which flow in the opposite direction of the Fen. In addition no water drainage or abstraction of water from the Fen occurs to facilitate the plan.

#### **Step 4: Screening conclusion**

The assessment of the likely significant effects is being forwarded for consultation with the specified environmental authority which is:

- The National Parks and Wildlife Service (NPWS) of the Department of the Environment, Heritage and Local Government (DoEHLG)

### **Step 3 (c) - River Barrow and River Nore**

#### **Assessment Criteria**

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

It is not expected that the proposed Local Area Plan of itself will cause any significant negative impacts on the River Barrow and River Nore cSAC.

Impacts on the river network are improbable due to the topography between the draft plan area and the river network or its catchment area. To the north and east of Piltown the land rises to the upland areas of Brown-Mountain and Corbally Wood at Templeorum. The land at Piltown drains towards the River Suir to the south. It is not anticipated that there would be any possible impacts on the water quality.

No other projects or plans are proposed that may have likely effects in combination with this plan. A separate screening has been carried out for the Fiddown Area Plan 2010.

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.

The plan itself does not propose any construction measures and therefore there are no direct impacts on the cSAC.

The Mooncoin Regional Water Supply Scheme will have a positive impact on the Fiddown-Piltown water supply scheme, which is currently at capacity. An Board Pleanala approved groundwater abstraction from four well fields (reference 10.JA0009) subject to a number of conditions including a restriction of the maximum abstraction from the combined well-fields to 12,000 m<sup>3</sup>/ day in order to safeguard groundwater in the area (condition 1) and imposed condition 3 on Kilkenny County Council to install hydrometric weirs to monitor the flow of the Blackwater and Pil rivers while abstraction is taking place, to establish a relationship between the surface water levels and the abstraction.

An application for an amendment to condition 1 was made in December 2009 which has not yet been decided (reference PL10.JM0003); the application for this amendment contains further information gained following well drilling and yield testing. It is requesting an increase in abstraction to 16,000m<sup>3</sup>/day. The report submitted to An Bord Pleanala (Mooncoin Regional Water Supply Scheme Results of Exploratory Well Drilling and Yield Testing - Submission To An Bord Pleanala) prepared by RPS consultants states 'As a result of the wellfields abstracting, no groundwater gradients have been reversed other than in close proximity to the well-fields therefore the groundwater flow direction remains similar'; also 'monitoring of surface water levels was undertaken in the Pil River during the multi-well test at Silversprings and in the River Blackwater during the multi-well test at Kilmacow. The flow monitoring indicated no impact on surface water flow on the River Blackwater or the Pil River during the multi-well tests which were carried out at significantly higher abstraction rates than proposed for the operation of the scheme at 16,000m<sup>3</sup>/d' (p47). The EIS submitted relates to all

phases of the scheme, from which the settlements of Fiddown and Piltown will benefit. The full impact of likely demand from Piltown and Fiddown was taken into account in the water supply demand, therefore implementation of the LAP will have no direct, indirect or secondary impacts.

Policies for nature conservation of designated areas are found in Section 8.2.1 of the County Development Plan, policies H5-9, and also apply in the draft plan.

- H5 To protect natural heritage sites designated in National and European legislation. This includes sites proposed to be designated or designated as Special Areas of Conservation (SAC), Natural Heritage Areas (NHA), Nature Reserves and Wildfowl Sanctuaries. This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan.
- H6 To assess all proposed developments (individually or in combination with other proposals, as appropriate) which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- H7 To consult with the prescribed bodies and relevant government agencies when assessing developments which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- H8 To ensure that any development in or near a designated natural heritage site will avoid any significant adverse impact on the features for which the site has been designated.
- H9 To require an appropriate environmental assessment in respect of any proposed development likely to have an impact on a designated natural heritage site, or those sites proposed to be designated.

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 the LAP is not expected to cause any potential impact on the cSAC, it will cause no changes to the site. More specifically, there will be no reduction in habitat area; no disturbance of key species, habitat or species fragmentation; no reduction in species density; no changes in key indicators of conservation value and no climate change brought about to the River Barrow and Nore cSAC as a result of the Piltown Local Area Plan.

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;

No projects giving rise to significant, adverse interference with key relationships that define the structure or function of Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

Developments in the plan area will be required to comply with the standards, policies and objectives of the plan. The plan contains policies and objectives to protect both designated sites and sites outside of designated areas; it is therefore not anticipated that developments in the plan area will have significant adverse effects on a Natura 2000 site.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

- loss;  
Not applicable.
- fragmentation;  
Not applicable.
- disruption;

Not applicable.

disturbance;

Not applicable.

change to key elements of the sites (e.g. water quality etc.);

Not applicable.

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.

As detailed above, there is no potential for an indirect impact on the Natura 2000 site of the River Barrow and Nore cSAC, having regard to the intervening topography and drainage patterns in the area of the draft plan, which flow in the opposite direction of the river network.

#### **Step 4: Screening conclusion**

The assessment of the likely significant effects is being forwarded for consultation with the specified environmental authority which is:

- The National Parks and Wildlife Service (NPWS) of the Department of the Environment, Heritage and Local Government (DoEHLG)

### **Section 3 Conclusion**

This screening process was carried out to ascertain if the Plan was likely to have significant effects on three Natura 2000 sites. If this were the case then it would be necessary to carry out Appropriate Assessment. The Plan has been formulated to ensure that developments and effects arising from permissions based upon this Plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of any Natura 2000 sites.

Following the review of the plan in accordance with the Guidance for Planning Authorities entitled "*Appropriate Assessment of Plans and Projects in Ireland*", this screening has established that the Plan poses no risk of a significant effect and as such requires no further appropriate assessment.







