

**Report on the Screening Process
for the
Proposed Woodstock Local Area Plan**

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Under Article 14A of The Planning and Development (Strategic Environmental Assessment) Regulations 2004 local area plans for areas with populations of less than 10,000 persons require a determination by the planning authority on whether the plan is “*likely to have significant environmental effects*” and as a consequence require an SEA. This determination is carried out against criteria laid down in Schedule 2a of the regulations. The process leading up to such a determination is called “*screening*”.

“Screening is the process for deciding whether a particular plan, other than those for which an SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA.”

(Guidelines for Regional and Planning Authorities, Planning Guidelines No 12: Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment, Department of Environment, Heritage and Local Government, November 2004)

As the Woodstock plan area is clearly below the 10,000 population threshold for a mandatory SEA the process of screening comes into play. The legal framework for the screening process is outlined in the 2004 Regulations.

The process requires that the proposed plan be assessed under the aforementioned criteria by the planning authority (Article 14A (2)). If a determination cannot be made by the planning authority at this time, a process of consultation with the “environmental authorities” comes into play (Article 14A (4)). These are:

- (i) the Environmental Protection Agency,
- (ii) where it appears to the planning authority that the plan might have significant effects in relation to the architectural or archaeological heritage or to nature conservation, the Minister for the Environment, Heritage and Local Government, and
- (iii) where it appears to the planning authority that the plan might have significant effects on fisheries or the marine environment, the Minister for Communications, Marine and Natural Resources.

In the first instance it was decided that the planning authority could not make a determination under Article 14A (2) and that the consultation process with the environmental authorities would take place before a final determination could be made.

Under article 14A (4) consultation with the EPA is prescribed in all cases. However, consultation with the Minister for the Environment, Heritage and Local Government and the Minister for Communications, Marine and Natural Resources must be determined on the basis of the potential for likely impacts on the environment within their relevant areas of interest.

It was determined that because the plan area includes Woodstock house and gardens and the River Nore both departments would be consulted. It was deemed to be correct to consult the Minister for the Environment, Heritage

and Local Government because Woodstock House and Gardens are identified on the Kilkenny Record of Protected Structures and the River Nore is a designated Natural Heritage Area and a candidate Special Area of Conservation (Site Code 002162, River Barrow and River Nore). In addition, the flood plain on the western side of the River Nore is also a proposed Natural Heritage Area, Site Code 000837, Inistioge. It was also deemed correct to consult the Minister for Communications, Marine and Natural Resources because the section of the River Nore contained within the plan area is tidal.

Once it was decided which environmental authorities should be consulted as part of the screening process a notice was prepared in accordance with article 14A (4) (b) and sent to the following:

Mr Tadhg O'Mahony
Regional Inspectorate,
Environmental Protection Agency,
Inniscara,
Co. Cork.

The Manager,
Development Applications Unit,
Department of the Environment, Heritage and Local Government,
Dun Sceine,
Harcourt Lane,
Dublin 2.

Mr. John Wynne, Assistant Principal,
Co-ordination Unit,
Department of Communications, Marine and Natural resources,
Leeson Lane,
Dublin 2.

A copy of the Baseline Report prepared to assist the preparation of the local area plan was enclosed with the notice to assist the environmental authorities with their deliberations. (See Appendix 1 for a copy of the notice.)

Only one response to this notice, from the Department of Communications, Marine and Natural Resources, was received. In making a final determination as to whether or not implementation of the Woodstock Local Area Plan is *"likely to have significant environmental effects"* the planning authority must take account of the contents of this response.

The letter states the opinion that an SEA is not required, that:

"While there are a number of Environmental Issues of concern, it is considered that from the Department's perspective, these can be adequately addressed without the requirement for an S.E.A to be carried out."

It should be noted that the Department of Communications, Marine and Natural Resources endorses the proposal for a new waste water treatment system for Inistioge.

Brendan McGrath

Appendix 1

Notice to the environmental authorities.

Planning and Development (Strategic Environmental Assessment) Regulations, 2004

Request for screening of Woodstock Local Area Plan, Woodstock, County Kilkenny

Dear Sir or Madam,

Kilkenny County Council intends to make a local area plan for the rural area of Woodstock and has engaged Brendan McGrath and Associates, Planning Consultants, to prepare a draft plan and to carry out other plan tasks on its behalf, including screening.

The council must determine whether the plan would be likely to have significant environmental effects, taking account of the relevant criteria set out in Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulations 2004. An SEA is not mandatory in this case as the population of the plan area is well below the minimum threshold of 10,000.

For your information the attached map outlines the extent of the plan area, which roughly corresponds to the 19th.century extent of Woodstock Demesne. The area is notable for the quality of its built and natural environment and the plan will have a strong conservation emphasis. However, the plan will also facilitate the redevelopment of the ruined Woodstock House, a protected structure, and will facilitate an entirely new tourism/recreational complex in existing Coillte forestry at the southern end of the estate. These proposed development sites are marked 'A' and 'B' on the attached map. The redevelopment of Woodstock House (site A) could involve up to 2200m² of development. The tourism/recreational development will include an up to 80-bed hotel and recreational facilities. A baseline survey of the plan area has been completed and a copy of the report is attached for your information.

A submission or observation in relation to whether or not implementation of the local area plan would be likely to have significant effects on the environment may be made to the authority before the 1st. February 2006. If you do wish to make a submission please address the submission to our Limerick office.

Yours faithfully,

Brendan McGrath

Appendix 2

Response received from the Department of Communications, Marine and Natural Resources

I refer to your letter and enclosures of 22 December 2005 in the above regard.

The Department of Communications Marine and Natural Resources, having reviewed the submission, have the following observations to make.

- While there are a number of Environmental Issues of concern, it is considered that from the Department's perspective, these can be adequately addressed without the requirement for an S.E.A to be carried out.
- In relation to the proposed restoration of Woodstock House and Garden, the views of the Southern Regional Fisheries Board(S.R.F.B) as a Statutory Consultee within the Planning Process should be obtained.
- In relation to the proposed Spa Development in conjunction with Coillte, it is presumed that this specific project will require an E.I.S and be subject to Planning Permission. Again the views of the S.R.F.B should be obtained during the Planning Process and any concerns they may have in relation to the protection and enhancement of fisheries interests should be taken on board.
- In relation to proposals to develop the River Nore as a recreational amenity in tandem with the Woodstock Demesne Project, the Department notes that this incorporates the promotion and development of the River Nore for its fishing/angling potential which is to be welcomed. In this regard it is suggested that the objective within the Inistioge L.A.P 2004 in relation to the River Nore should be restated within this L.AP. In relation to any proposed developments on the River Nore, it is advisable to closely involve the S.R.F.B in the consultation process and take any views they may give into account in order to protect, preserve and enhance the fishery.
- The Department notes that there is mention of an option to develop the Lock Quay at Inistioge in order to provide a better access for boats. Please note that any works on the tidal section of the River Nore may require a Foreshore Licence from this Department in accordance with the Foreshore Acts. Any correspondence in this regard should be directed to Mr. Tom Bourke, Coastal Zone Management Division, Department of Communications, Marine and Natural Resources, Leeson Lane Dublin 2

In terms of any proposed development to the River Nore to improve navigation it is recommended that the views of New Ross P.C. should be obtained as well as those of the Marine Survey Office within the Department of Transport

- It is noted that the L.A.P Baseline Study recognises that a key issue that will have to be addressed prior to any development, will be the provision of an adequate wastewater treatment service and the integration of this with the

existing service for Inistioge Village. This Department would concur with this viewpoint.

- In terms of the options for water supply, the L.A.P baseline Study mentions the possibility of a River Abstraction. It would be advisable to liaise closely with the S.R.F.B in this regard in order that abstraction pressures to the River Nore do not impact unduly on its fishery potential (including fish passage).
- It would be advisable to liaise with Carlow Co. Co as lead Local Authority for the South Eastern River Basin District re implications from a Water Framework Directive perspective.
- It would be advisable to consult with the O.P.W. in relation to potential flooding issues within the Nore Catchment.

Michael O'Mahony
31 January 2006