

# Screening Report for Strategic Environmental Assessment Castlecomer Draft Local Area Plan 2018-2024

Forward Planning  
Kilkenny County Council  
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## **1 INTRODUCTION**

Kilkenny County Council intends to review the existing Local Area Plan (LAP) for Castlecomer and make a new LAP under the Planning and Development Acts 2000-2017. The Draft Zoning map is included as Figure A1.

The purpose of this Screening Report is to consider whether the LAP requires a Strategic Environmental Assessment (SEA). SEA is the formal, systematic evaluation of the likely significant environmental effects of implementing a plan/programme before a decision is made to adopt the plan/programme; the procedures for which are set out in the Planning and Development (SEA) Regulations 2004 (and as amended by SI 201 in 2011). The preparation of a full SEA is not mandatory for LAPs with a population of less than 5,000 persons, such as Castlecomer. However in accordance with the above SEA Regulations, the planning authority must determine whether or not the implementation of such a plan would be likely to have significant effects on the environment and therefore require a SEA. Screening is the process for deciding whether a particular plan, other than those which SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA.

## **2 MANDATORY REQUIREMENTS**

Under SI No. 436 of 2004, Planning & Development (Strategic Environmental Assessment) Regulations 2004 (and as amended by SI 201 in 2011), where a Planning Authority proposes to amend a local area plan under Section 20 of the Planning and Development Acts 2000-2010, it shall, before giving notice under section 20 (3), consider whether or not implementation of the draft plan would be likely to have significant effects on the environment, taking into account relevant criteria set out in Schedule 2A (of the Regulations). Section 3 below sets out the required report pursuant to Article 14A of the 2004 regulations.

### **3 ASSESSMENT OF LIKELY SIGNIFICANT ENVIRONMENTAL EFFECTS**

#### **Criteria for determining the likely significant environmental impacts (Schedule 2(A) of SEA Regulations 2004)**

##### **3.1 CHARACTERISTICS OF THE PLAN**

- i. The degree, to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.

It is intended that the LAP will provide a framework for the planned, coordinated and sustainable development of Castlecomer and for the conservation and enhancement of its natural and built environment. The Plan will set out the policies and objectives of Kilkenny County Council for the sustainable development of Castlecomer over a six year period. The key policies and objectives of the plan will be informed by the principles of sustainable development.

The current LAP 2009, which was amended in 2012 to have regard to the Core Strategy of the County Development Plan, currently includes extensive undeveloped land zoned for either residential, or a mix of residential and other uses, with the residential zoned lands broken down into Phase 1 and Phase 2 lands. This Draft LAP will significantly reduce the amount of land available for residential use. Therefore the potential level of development is substantially reduced from that proposed under previous plans. Previous plans were not considered to significantly impact the conservation objectives of any proximate Natura 2000 site.

- ii. The degree to which the plan influences other plans, including those in a hierarchy.

The LAP is set within the context of the County Development Plan, and therefore with the South Eastern Regional Planning Guidelines. It is not anticipated that the plan will have a significant environmental effect on any other plans – it will only influence any future plans that may be prepared for designated lands within the proposed town boundary.

- iii. The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development.

The draft plan will be made pursuant to the provisions of the Planning and Development Acts 2000-2015 Section 20; as such the plan seeks to achieve development in a sustainable manner.

- iv. Environmental problems relevant to the plan.

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

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

## 1. Water

### 1a - Water Framework Directive

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 Management Plan (*Water Matters*) 2009-2015 was published in 2010. This 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.

Under the WFD, the River Dinin in Castlecomer, which forms part of the River Barrow and River Nore SAC, is of good status.

### 1b - Drinking Water/Water Supply

#### Capacity and future requirements

Castlecomer is currently supplied by 3 drinking water sources, treatment plants and networks; Nanny's Well, Gorteen Springs and Loon Infiltration Gallery. The current water demand is circa 1350 m<sup>3</sup>/day. The Loon Source and Water Treatment Plant has approximately 50m<sup>3</sup>/day of headroom available which is equivalent to circa a supply for an additional 130 housing units. The other sources/treatment facilities are currently at capacity. Unfortunately, the three networks are not sufficiently connected to allow water from the Loon Treatment Plant to be transferred to locations along the other two networks.

It should be noted that the Castlecomer supply network(s) also serve the settlements of Clogh, Moneenroe and Crettyard. Thus the headroom of 130 housing units must include any new development in these settlements.

Irish Water has identified a need to augment the capacity of the water supply to Castlecomer to 1400m<sup>3</sup>/day by 2025 and 1450m<sup>3</sup>/day by 2035 and an upgrade of the current water supply systems will be required to achieve this capacity. Initial proposals include for the upgrading/augmenting of the Clogh-Castlecomer Water Supply Scheme, this will also include investigating new sources, decommissioning the Nanny's Well and Gorteen treatment plants and augmenting the water supply network to ensure that water can be transferred around the whole pipe network. These works are not likely to be funded under an Irish Water Investment Plan until after 2018. The draft plan proposes 112 additional households to the plan area.

#### Quality

A report on *The Provision and Quality of Drinking Water in Ireland – A Report for the Year 2012*, (*Office of Environment Enforcement- EPA, 2013*) contains detail on water quality in County Kilkenny.

Policies in relation to water supply are listed in Section 8.1.1: Infrastructure and Environment of the LAP.

IE1 To maintain an adequate water supply and wastewater treatment facility sufficient for the development needs of the plan.

Water quality is monitored on a daily basis in accordance with the EPA requirements. This is done by the Council itself on behalf of Irish Water, who monitors the results and refers them to the EPA. The HSE also monitors the water supply. There have been issues with Manganese and a process has been implemented to address same. No exceedences have however been reported in a long time. Monitoring is daily and ongoing.

#### 1(c) Waste Water Treatment

The Castlecomer agglomeration is serviced by the Castlecomer Wastewater Treatment Plant which has a design capacity of 2500 p.e. The *Urban Waste Water Treatment in 2015 Report* (EPA, 2016) describes that this wastewater treatment plant failed to achieve the relevant quality standards set out in the Urban Waste Water Treatment regulations.

The current load on the treatment plant would appear to fluctuate significantly, based on the Annual Environmental Reports prepared for the EPA in 2014 and 2015. The 2015 report indicates that the mean loading to the treatment plant is approximately half of the design load but with the maximum load matching the design load. The local engineers have also indicated that there may be some network issues that need to be resolved. A study will be required to determine the load on the treatment plant and the capacity of the wastewater network. Such a study is not funded under the Draft Investment Plan 2017-2018.

Improvement works were carried out on the WWTP in 2016 to reduce the level of nitrates in the outfall as required by the Water Framework Directive and commenced operation in January 2017. The plant has sufficient capacity to at least match the 130 housing unit headroom available in the water supply.

#### Future requirements

The Draft LAP will entail a reduction in the amount of land available for development. The number of houses provided for in the plan can currently be facilitated. This reduction in zoned land will reduce the loading on the existing system originally envisaged under the 2009 LAP. Future development will be connected to the Water mains and Public Sewer and such developments will only be undertaken where sufficient capacity in the system exists.

#### 1(d) Groundwater Protection

Policies in relation to waste water are listed in Section 8.6: Infrastructure and Environment of the LAP.

IE1 To maintain an adequate water supply and wastewater treatment facility sufficient for the development needs of the plan.

All new developments will be connected to the public water and wastewater network. The existing wastewater treatment facility for Castlecomer was upgraded in 2016 to enable development as proposed in this Local Area Plan and ensure that improvements are sufficient to meet standards required to avoid significant adverse impacts on the River Nore and River Barrow SAC.

## 2 Flood Prevention and Management

A Strategic Flood Risk Assessment has been carried out for the draft Castlecomer LAP. Any potential for flooding has been mitigated or justified in accordance with the Flood Risk Management Guidelines. The Flood Risk Assessment is attached to this screening document.

No other significant environmental problems are identified in relation to the proposed review of the plan.

- v. The relevance of the plan for the implementation of European Union legislation on the environment (e.g. plans linked to waste management or water protection).

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

### 3.2 CHARACTERISTICS OF THE EFFECTS AND OF THE AREA LIKELY TO BE AFFECTED

- (i) The probability, duration, frequency and reversibility of the effects.

The development of lands in the county would result in impacts on environmental resources. However, given that this Draft LAP proposes a significant reduction in the amount of land available for development from the 2009 LAP, it is considered that there will be no significant negative effects from the implementation of this Draft LAP.

However, with regards to positive effects, it is considered that the probability of these occurring is high.

It is expected that the effects will be permanent, until such time that any new policies and/or objectives are identified in a revised LAP or CDP. The County Development Plan review will commence in 2018. The lifetime of the LAP is until early 2024, unless it is extended under Section (19)(1)(d) of the Planning and Development Act, as amended.

- (ii) The cumulative nature of the effects.

No cumulative negative effects are anticipated given that the LAP will focus on the principles of sustainable development and the considerations of the future. It is anticipated that the cumulative effects on the environment will be positive and that with every development and redevelopment that the area will be rejuvenated with an improved physical and visual environment.

- (iii) The transboundary nature of the effects.

The LAP will have no national, regional or inter-county transboundary effects.

- (iv) The risk to human health or the environment (e.g. due to accidents).

The implementation of the LAP will not result in any risks to human health.

- (v) The magnitude and spatial extent of the effect (geographical area and size of the population likely to be affected).

The population of Castlecomer town in 2016 was 1,502. The plan requires zoning for 74 households, but with the 50% overzoning as required in the Development Plan Guidelines (DoEHLG, 2007) the additional land zoned will provide for growth of 112 additional households. Accordingly it is proposed only 10.7Ha will be zoned, some at low density, which is down from the 26.8 Ha zoned under the 2009 Plan.

- (vi) The value and vulnerability of the area likely to be affected due to:

**a) Special natural characteristics or cultural heritage,**

**EU Protected Habitats and Species**

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

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

**Scenic Views**

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

**Cultural Heritage**

There are a number of Recorded Monuments within the plan area. Recorded monuments are protected by legislation. A list of recorded monuments is included in Appendix B of the LAP, and these will not be affected.

**Protected Structures**

There are a number of protected structures within the area. A list of these is included in Appendix B of the LAP, and protected structures will not be affected by the Draft Plan.

The process of adding or removing a structure from the Record of Protected Structures will not be carried out as part of the Local Area Plan, therefore there will be no changes in the draft LAP in this regard.

**Architectural Conservation Areas (ACAs)**

There is one ACA designated in Castlecomer.

Section 8.3.6 of the County Development Plan refers to Architectural Conservation Areas.

Section 6.1.2 of the LAP refers to the Castlecomer Architectural Conservation Areas:



The purpose of designating the Architectural Conservation Area is to encourage the retention and restoration of the existing buildings and streetscape in a manner which respects its special character and consolidates that character with appropriate new developments when opportunities arise. In order to preserve the special interest the Council will require

- The retention, repair and maintenance of the buildings which make a positive contribution to the character, appearance, quality and visual coherence of the streetscape of the Conservation Area
- Appropriate form of new development to reflect the existing building line and height
- New buildings or alterations to existing buildings should be sensitive not to affect the character of structures which are integral to the Architectural Conservation Area.
- Materials and finishes, massing, height, alignment, orientation, and window propositions that reflect the existing character of the area
- The protection of the existing landscape and features within the public realm that contribute to the character of the town.
- The control of shopfronts and advertising.

#### Archaeological Heritage

The draft LAP contains objectives and development management standards on Archaeology in Sections 6.3 and 6.4. Development in areas of archeological potential and large applications, if any, will be subject to due assessment of the potential to impact archeological heritage and will be subject to expert archaeological investigation.

#### Landscape Designations

The County Development Plan 2014 - 2020 incorporates a Landscape Character Assessment (LCA). The plan area is located in an Upland area. Policies for development in these areas are set out in Section 8.2 of the County Development Plan. This draft LAP will not affect the LCA in any way.

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

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

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

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

The draft LAP will decrease the amount of residential zoned land available for development within the town from that zoned under the existing LAP. As such, it is considered likely that the future developments resulting from the revised zoning will not intensify land uses within

the area to a degree that would adversely impact upon the existing natural and built environment. Quality design standards and guidelines are already provided in the LAP with appropriate policies and objectives which seek to reduce the potentially negative impact of any increased land uses within the area. Individual applications will be subject to AA and where required, EIA.

**(vii) The effects on areas or landscapes which have recognised national, European Union or international protection status.**

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

There is one Special Area of Conservation within the plan area, the River Barrow and River Nore cSAC. There are also a number of Recorded Monuments in the plan area.

The LAP recognises the importance of sites with national and European designations, and sets out policies for their protection (as outlined above). The draft LAP corresponds with those objectives. It is not anticipated that the implementation of the draft Plan would have any significant adverse impacts on areas of recognised national, European or international protection status.

#### **4 STATUTORY CONSULTATION**

In accordance with the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2014 (as amended), the specified environmental and planning authorities that shall be consulted, as appropriate, are:

- The Environmental Protection Agency (EPA)
- The Minister of Housing, Planning and Local Government,
- Where it appears that the plan might have significant effects on fisheries or the marine environment, the Minister for Agriculture, Food and the Marine and the Minister for Communications, Climate Action and Environment,
- Where it appears that the plan might have significant effects in relation to the architectural or archaeological heritage or to nature conservation, the Minister for Culture, Heritage and the Gaeltacht.
- Any adjoining planning authority whose area is contiguous to the area of the planning authority which prepared the plan.

In this case, the environmental authorities that have been consulted are:

- The Environmental Protection Agency (EPA)
- The Minister of the Housing, Planning and Local Government
- The Minister for Culture, Heritage and the Gaeltacht

These three authorities, and the adjoining planning authorities, were consulted under Article 14A(4)(b) of the Regulations through correspondence sent on the 5<sup>th</sup> January 2017.

#### **EPA COMMENTS:**

The *Urban Waste Water Treatment in 2015 Report* (EPA, 2016) which describes that wastewater treatment plant servicing the plan area failed to achieve the relevant quality standards set out in the Urban Waste Water Treatment regulations.

The Wastewater Treatment Plant upgrade, which was commissioned in 2017 complies with the discharge licence issued by the EPA. This upgrade is now removing nutrients which were previously exceeding the regulation limits.

**DEPARTMENT'S COMMENTS: (Dept. Culture, Heritage & Gaeltacht)**

The Department Concerned about the potential impacts on archaeology and in particular, underwater archaeology. The zone of Archaeological Importance is located in and around the town centre and all applications in the zone and large prescribed developments will be required archaeological assessment to ensure adequate protection. Section 6.3 includes objectives for same.

**5 CONCLUSION**

It is not anticipated that the Draft LAP will have strategic environmental effects and at this stage in the process it is considered that an SEA will not be required. Localised environmental effects as a result of any proposed development carried out on the land within the plan area can be dealt with through the assessment of individual planning applications.

In terms of the provisions of Article 14A(4) and (5) of the Regulations, the Planning Authority shall determine whether or not implementation of the Draft LAP would be likely to have significant effects on the environment, taking account of the relevant criteria set out in Schedule 2A of the Regulations (see Section 3 above) submission or observation received from the environmental authorities (see Section 4 above) and mitigation measures proposed.

Having regard to the provisions of Article 14A(4) and (5) of the Regulations, the Planning Authority considers that implementation of the Draft LAP would not be likely to have significant effects on the environment. Please see the determination (Appendix 1) in this regard.

## Appendix 1: SEA Screening Determination

**TO:** MARY MULHOLLAND, DIRECTOR OF SERVICES  
**FROM:** DENIS MALONE, SENIOR PLANNER  
**SUBJECT:** STRATEGIC ENVIRONMENTAL ASSESSMENT OF CASTLECOMER DRAFT LOCAL AREA PLAN

I refer to the requirement under article 14A(2) of the Planning and Development Regulations (Strategic Environmental Assessment) 2004 in relation to considering whether or not implementation of a local area plan would be likely to have significant effects on the environment.

In accordance with the requirements of Article 14A, a 'screening' of the proposed Draft Castlecomer Local Area Plan was undertaken in respect of SEA. A letter setting out the Council's considerations with regard to the relevant criteria for determining whether the plan was likely to have significant impacts on the environment as set out in Schedule 2A of S.I. No. 436/2004 was submitted to the following environmental authorities:

- The Environmental Protection Agency (EPA)
- The Minister of the Housing, Planning and Local Government
- The Minister for Culture, Heritage, and the Gaeltacht

None of the three authorities advised that a Strategic Environmental Assessment should be carried out.

The information contained in the response received from the EPA has been taken into account. The response from the Department of the Culture, Heritage and the Gaeltacht that there is potential for significant archaeological effects in Castlecomer from developments arising from the LAP, and in particular also underwater Archaeology. Given that the Zone of Archaeological Potential in Castlecomer mainly encompasses the centre of the town and sites in close proximity to same, it is considered that the policies as included in the Draft LAP which require assessments for same will provide adequate protection.

### Recommendation

I therefore recommend that a Strategic Environmental Assessment is **not required** for the proposed Draft Castlecomer Local Area Plan, as per the provisions of the Planning & Development Regulations 2001-2017.

The Environmental Authorities shall be informed of this decision, as per Article 14(A)(6)(b) of the 2001-2017 Regulations.

  
Denis Malone,  
Senior Planner

Date: 25/9/2017

