

Hebron Road Urban Design Strategy Appropriate Assessment Screening Report

Forward Planning
Kilkenny County Council
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1 Introduction

This report is a Screening Report for Appropriate Assessment of the Hebron Road Urban Design Strategy 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' (2009)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 Urban Design Strategy) 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.

1.1 Legislative Context

The Appropriate Assessment process (AA) is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European Site. These sites consist of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and provide for the protection and long-term survival of Europe's most valuable and threatened species and habitats.

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as "The Habitats Directive", provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. In Ireland, these are candidate Special Areas of Conservation (cSACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/ECC), hereafter referred to as European sites.

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites. Article 6(3) establishes the requirement for AA:

"Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In 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.

If, in spite of a negative assessment of the implications for the [Natura 2000] 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 a social or economic nature, Member States 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

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

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.”

These requirements are implemented in the Republic of Ireland by the European Communities (Birds and Natural Habitats) Regulations 2011. These regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in judgements of the Court of Justice of the European Union (CJEU).

If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project may nevertheless be carried out for “Imperative Reasons Of Overriding Public Interest”, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 network 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.

Appropriate Assessment should be based on best scientific knowledge and Planning Authorities should ensure that scientific data (ecological and hydrological expertise) is utilised. This report details a Screening Report to inform the AA process which is finalised by the statutory authority.

1.2 Source-Pathway-Receptor Model

Ecological impact assessment of potential indirect impacts on European Sites is conducted utilising a standard SOURCE-PATHWAY-RECEPTOR model, where, in order for an indirect impact to be established all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism is sufficient to conclude that a potential effect is not of any relevance or significance.

- Source(s) – e.g. pollutant run-off from proposed works.
- Pathway(s) – e.g. groundwater connecting to nearby qualifying wetland habitats.
- Receptor(s) – Qualifying aquatic habitats and species of European sites.

This report determines if direct, indirect and cumulative adverse effects (however minor) will arise from the proposed development.

1.3 Guidance

This Assessment has been prepared in accordance with the following guidance:

- *Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, 2010.*
- *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, European Commission Environment DG, 2002.*
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC: European Commission, 2000.*
- *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, Office for Official Publications of the European Communities, Luxembourg (EC 2001);*
- *Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory*

measures, overall coherence, opinion of the commission. Office for Official Publications of the European Communities, Luxembourg (EC 2007).

- *Flora (Protection) Order, 1999 (As amended 2016)*

In addition, a detailed online review of published scientific literature and 'grey' literature was conducted. This included a detailed review of the National Parks and Wildlife Website including mapping and available reports for relevant sites and in particular sensitive qualifying interests described and their conservation objectives. The EPA Envision Map-viewer (www.epa.ie) and available reports were also reviewed.

Definitions of conservation status, integrity and significance used in this assessment are defined in accordance with 'Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC' (EC, 2000).

- The conservation status of a natural habitat is defined as the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species;
- The conservation status of a species is defined as the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its population;
- The integrity of a European Site is defined as the coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified;
- Significant effect should be determined in relation to the specific features and environmental conditions of the protected site concerned by the plan or project, taking particular account of the site's conservation objectives.

1.4 Stages of Appropriate Assessment

There are four main stages in the AA process; the requirements for each depending on likely impacts to European Sites (SAC/ SPA).

Stage One: Screening

Screening is the process that addresses and records the reasoning and conclusions in relation to the following: whether a plan or project is directly connected to or necessary for the management of the site, and whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project, in which case the screening process is repeated on the altered plan. The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage on grounds of no impact.

Stage Two: Appropriate Assessment

This stage considers whether the plan or project, alone or in combination with other projects or plans, will have adverse effects on the integrity of a Natura 2000 site, and includes any mitigation measures necessary to avoid, reduce or offset negative effects. If adequate mitigation is proposed to ensure no significant adverse impacts on European sites, then the process may end at this stage. However, if the likelihood of significant impacts remains, then the process must proceed to Stage 3.

Stage Three: Assessment of Alternative Solutions

This stage examines any alternative solutions or options that could enable the plan or project to proceed without adverse effects on the integrity of a Natura 2000 site. The process must return to Stage 2 as alternatives will require appropriate assessment in order to proceed. Demonstrating that all reasonable alternatives have been considered and assessed, and that the least damaging option has been selected, is necessary to progress to Stage 4.

Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain

Stage 4 examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project that will have adverse effects on the integrity of a Natura 2000 site to proceed in cases where it has been established that no less damaging alternative solution exists.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the plan should aim to avoid any impacts on European sites by identifying possible impacts early in the plan-making process and writing the plan in order to avoid such impacts. Second, mitigation measures should be applied, if necessary, during the AA process to the point where no adverse impacts on the site(s) remain. If the plan is still likely to result in impacts on European sites, and no further practicable mitigation is possible, then it must be rejected. If no alternative solutions are identified and the plan is required for imperative reasons of overriding public interest (IROPI test) under Article 6(4) of the Habitats Directive, then compensation measures are required for any remaining adverse effect.

2 Screening

2.1 Description of the Proposed Strategy

It is an objective of the Kilkenny City and Environs Development Plan 2014 - 2020, to prepare an Urban Design Framework Strategy for Hebron Road, one of the City's key approach routes. The strategy will seek to develop a robust spatial framework and a set of guidelines to guide the future development and enhancement of the Hebron Road area. The Strategy will address in particular, improvements to the road and public spaces and the development of key areas and sites on Hebron Road by providing specific guidance for the development of the urban form and the public realm. The aim is to guide the regeneration and future development of the area as one of the critical approach routes into Kilkenny City.

The Study area is outlined in red on the attached map and includes the Hebron road, the road leading to Bishop Birch Place housing estate and the road located to the northern side of St Kieran's Cemetery which leads to O' Loughlin Court and Hebron Park housing estates.

The Hebron Road, the L2627, runs from the Hebron Road roundabout at its western end at its junction with the N10, as far east as the MacDonagh Junction roundabout. This area includes for a mix of land use zonings including existing residential; mixed use; general business; recreation, amenity and open space and community facilities. Hebron Industrial estate is located along the southern side of Hebron Road, between the N10 ringroad and Nowlan Park roundabout. The area also includes Nowlan Park GAA grounds, O'Loughlin Gaels GAA grounds, St Kieran's cemetery and a number of housing developments.

The L6618-4 runs parallel to the northern boundary of St Kieran's cemetery and leads to O'Loughlin Court, Hebron Park and Millenium Court housing estates. The lands at this location are zoned 'Community Facilities', 'Open space/Green links/Biodiversity/Open space/Recreation' and 'Existing Residential.'

The road leading to Bishop Birch Place, L6616-5, is accessed off of the Hebron road. It is zoned primarily 'mixed use' and also includes 'industrial' and 'existing residential' also. This road includes uses such as Aldi discount store, car sales, furniture sales warehouse, fuel depot.

The Urban Design Strategy is not directly connected with or necessary to the management of any Natura 2000 site.

2.2 Relationship with other Relevant Plans and Programmes

A number of relevant policy documents have informed the preparation of this Strategy including the following:

2.2.1 Kilkenny City and Environs Development Plan 2014-2020

It is an objective of the Kilkenny City and Environs Development Plan 2014 - 2020, to prepare an Urban Design Framework Strategy for Hebron Road, one of the City's key approach routes.

2.2.1 Environmental Protection Objectives

The Hebron Road Urban Design Strategy area is located within the Kilkenny City and Environs

development boundary as set out in the Kilkenny City and Environs Development Plan (KCEDP). The KCEDP has been subject to AA during its preparation and adoption/approval. The Appropriate Assessment process has informed the contents of the Development Plan during their development. The relevant provisions of the KCEDP in relation to biodiversity are presented in Appendix I of this report.

2.3 European sites in and within 15 km of the Plan Area

2.3.1 cSACs and SPAs

This section of the screening process describes the European sites within 15 km of the Hebron Road Urban Design Strategy Area. A distance of 15 km is currently recommended in the DoE document *Guidance for Planning Authorities* and as a precautionary measure, to ensure that all potentially affected European sites are included in the screening process. A map indicating the locations of the sites in relation to the Urban Design Strategy Area is presented in Figure 2.1. Table 2.1 below lists the European sites that occur within 15 km of the Strategy area.

Three European sites have been identified within 15 km of the Strategy area; the River Barrow and River Nore cSAC (NPWS Site Code: 002162), the River Nore SPA (NPWS Site Code: 004233) and Thomastown Quarry (NPWS Site Code: 002252).

The qualifying features for each site have been obtained through a review of information pertaining to each site available from the NPWS website. Information regarding the main threats to European sites was derived from a variety of sources:

- Ireland's Article 17 Report to the European Commission "Status of EU Protected Habitats and Species in Ireland" (NPWS, 2013).
- Site Synopses.
- NATURA 2000 Standard Data Forms.

Since the conservation management objectives for the European sites focus on maintaining the favourable conservation status of the qualifying interests of each site, the Screening process concentrated on assessing the potential implications of the Strategy against the qualifying interests of each site.

2.2.2 Qualifying Interests (QIs) and Special Conservation Interests (SCIs)

Relevant cSAC sites are selected for a range of different habitats and species listed on Annex I and Annex II of the habitats directive, known as Qualifying Interests (QIs).

Relevant SPA sites listed have been selected for the protection of endangered species of wild birds. Each SPA has been selected for one or a combination of the following:

- Listed rare and vulnerable species (as listed on Annex I of EU Birds Directive 2009/147/EC);
- Regularly occurring migratory species, such as ducks, geese, and waders;
- Wetlands, especially those of international importance, which attract large numbers of migratory birds each year.

The features for which SPAs have been selected are referred to as Special Conservation Interests (SCIs).

Those QIs and SCIs for which sites are selected are presented in Table 2.1 and Table 2.2.

Table 2.1 European sites within 15 km of lands referred to by the Hebron Road Urban Design Strategy

Site Code	Site Name	Qualifying Interests	
002162	River Barrow and River Nore cSAC	<p>Annex I Habitats</p> <p>[1130] Estuaries</p> <p>[1140] Tidal Mudflats and Sandflats</p> <p>[1310] Salicornia mud</p> <p>[1320] Spartina swards</p> <p>[1330] Atlantic salt meadows</p> <p>[1410] Mediterranean salt meadows</p> <p>[3260] Floating River Vegetation</p> <p>[4030] Dry Heath</p> <p>[6430] Hydrophilous Tall Herb</p> <p>[7220] Petrifying Springs</p> <p>[91A0] Old Oak Woodlands</p> <p>[91E0] Residual Alluvial Forests</p> <p>Annex II Species</p> <p>[1016] Desmoulin's Whorlshell (<i>Vertigo moulinsiana</i>)</p> <p>[1029] Freshwater pearl mussel (<i>Margaritifera margaritifera</i>)</p> <p>[1092] White-clawed crayfish (<i>Austropotamobius pallipes</i>)</p> <p>[1095] Sea lamprey (<i>Petromyzon marinus</i>)</p> <p>[1096] Brook lamprey (<i>Lampetra planeri</i>)</p> <p>[1099] River lamprey (<i>Lampetra fluviatilis</i>)</p> <p>[1102] Allis shad (<i>Alosa alosa</i>)</p> <p>[1103] Twaite shad (<i>Alosa fallax fallax</i>)</p> <p>[1106] Salmon (<i>Salmo salar</i>)</p> <p>[1421] Killarney fern (<i>Trichomanes speciosum</i>)</p> <p>[1990] Pearl mussel (<i>Margaritifera durrovensis</i>)</p> <p>[1355] Otter (<i>Lutra lutra</i>)</p>	The principle threats to the River Barrow and River Nore cSAC are pollution caused by increased fertiliser application, sewage and industrial waste. Species for which the site is designated are highly susceptible to siltation and pollution of water courses. Proposed developments in the vicinity of the cSAC may give rise to siltation and run-off of pollutants. The river has also been designated for its population of otter, a species vulnerable to the felling of mixed wood and scrub. Otters may become displaced due to disturbance in proximity to the cSAC.
002252	Thomastown Quarry cSAC	[7220] Petrifying springs	Two threats were ranked as having a high negative impact for this site ² ; K04.01: competition (flora), and A04.03 abandonment of pastoral systems, lack of grazing, both of which impacts are caused inside the site. One external threat was recorded; E01, Urbanised areas, human habitation. A proposed road scheme adjacent to this site poses the threat of direct habitat loss and indirect hydrological impacts. No other threats are known to this site.

² Natura 2000 –Standard Data form for SITE IE002252, Update 2015-12

Site Code	Site Name	Special Conservation Interests	Threats to Site Integrity
004233	River Nore SPA	[A229] Kingfisher (<i>Alcedo atthis</i>)	Two threats ranked as having a medium negative impact were recorded for this site ³ ; J.0201: landfill, land reclamation, drying out, and D.0301 pressures from port areas. The site is also susceptible to alterations in hydrology and disturbance. The site is of national importance for its Kingfisher population. Kingfisher are likely to be vulnerable to disturbance effects of development works in proximity of the site. Any loss or disturbance to bankside habitat could also impact on the breeding population.

³ Natura 2000 –Standard Data form for SITE IE0004233, Update 2015-10

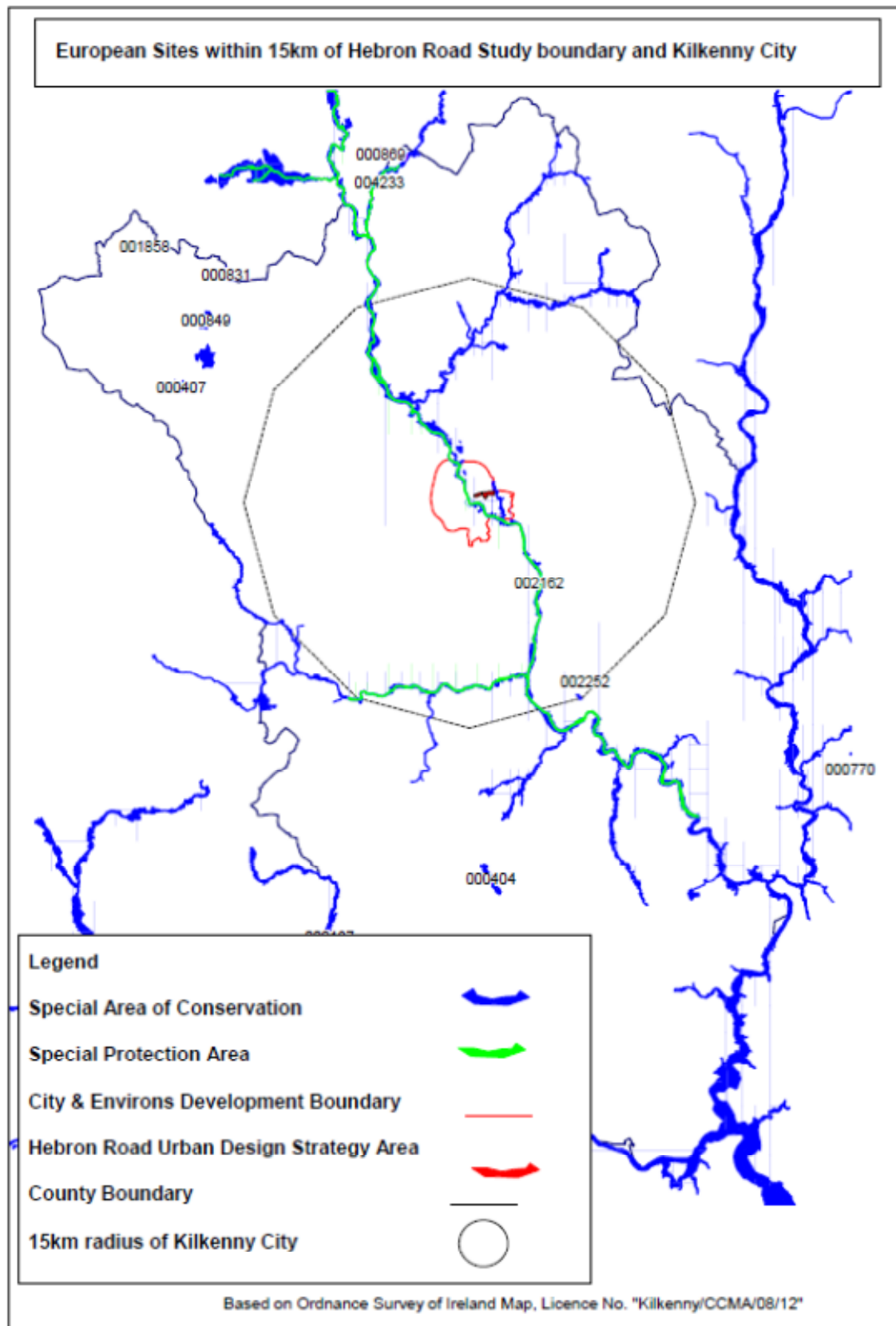


Figure 2.1: Location of European Sites in relation to the Urban Design Strategy

2.4 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.

Table 2.2 - Elements of the Urban Design Strategy and the Potential for Significant Effects on European Sites

Element of the Draft Plan	Potential significant effects
Increase in business/industrial activities	Increased flows of wastewater Increased abstraction of water Discharge of untreated surface water from paved surfaces Noise disturbance, increased dust due to construction traffic at construction stage
New development such as road works, footpaths, landscaping, etc	The provision for new developments may potentially lead to the run-off of silt and other harmful pollutants to watercourses. This may lead to adverse impacts on the water dependant European sites. There may also be effects due to construction traffic and related activities, such as noise disturbance and increased dust. This provision may potentially lead to: Changes in indicators of conservation value (water quality), and Disturbance of key species
Development within the boundary of the European site	There is one SAC partially located within the Plan boundary (located at the western end of the study area). This land within the study area includes the roundabout at McDonalds and a small section of the McDonalds site itself. It is not foreseen that the Urban Design Strategy will include for the provision of any development at this location that would potentially lead to significant effects on the SAC.

2.5 Identification of Potential Likely Significant Effects

The effects above are now examined in relation to the qualifying interests of each European site as set out in Table 2.1 above.

Sites are screened out based on one or a combination of the following criteria:

- where it can be shown that there are no hydrological links between activities permitted under the Urban Design Strategy and the site to be screened;
- where the site is located at such a distance from the plan area that impacts are not foreseen;
- where it is that known threats or vulnerabilities at a site cannot be linked to potential impacts that may arise from implementation of the Urban Design Strategy.

There are 3 Natura 2000 sites within 15km of the plan area, including one partially within the plan area (River Pococke, a tributary of the River Nore). The qualifying interests and threats to the site integrity 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 private sewage plants, overgrazing within the woodland areas and invasion by non-native species. The water quality of the site remains vulnerable. However, potential threats to water quality are not anticipated having regard to the provisions of the Urban Design Strategy.

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.

- 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 previously consulted with the NPWS, it is considered that disturbance, water quality and invasive species are the main threats. The site is located less than 0.5kms from the plan area.

- Thomastown Quarry SAC (site code 2252)

This site is designated for Petrifying springs. The threats recorded are mainly inside the site; competition (flora), and abandonment of pastoral systems, lack of grazing. The external threat is urbanisation and human habitation.

Table 2.3 Screening of European Sites within 15 km of the Urban Design Strategy area

European Site	Distance	Description of potential significant impacts on qualifying interests	Potential for Significant Effects	Potential for In-Combination Effects
River Barrow/River Nore SAC (002162)	Partially within Urban Design Strategy area	<p>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.</p> <p>The main threats to the site include high inputs of nutrients into the river system from agricultural run-off and sewage plants and invasion by non-native species. The Urban Design Strategy will not include for policies or objectives that would lead to significant impacts in this regard.</p> <p>The RPGs identified water quality and waste water treatment as being the pressure topic for this SAC. 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 SAC.</p> <p>In this regard, all developments will follow best practice guidelines to minimise any potential impacts and will include their own AA process.</p> <p>In light of the above, the Plan is foreseen to have low effects on the conservation objectives of the Natura 2000 sites.</p>	No	No
River Nore pSPA (004233)	8km	<p>Disturbance, water quality and invasive species are the main threats</p> <p>This site is designated for wading bird populations. Any effects to water quality are thought to be very low due to the distance between the site and the Plan Area. Also, best practice construction methods will be undertaken by all developments within the Plan Area to minimise any effects at source. The largest threat to the qualifying interests would be due to noise and physical disturbance. Therefore, there are no effects foreseen to the conservation objects of the SPA.</p> <p>The distance between the Plan Area and the SPA boundary is extensive, and the hydrological link is low. Therefore, the Plan is foreseen to have very low effects on the conservation objectives of the Natura 2000 sites.</p>	No	No

Thomastown Quarry (002252)	15km	<p>A proposed road scheme adjacent to this site poses the threat of direct habitat loss and indirect hydrological impacts. No other threats are known to this site.</p> <p>This site is designated for Petrifying springs. Any effects to groundwater quality are thought to be very low due to the distance between the site and the Plan Area. Also, best practice construction methods will be undertaken by all developments within the Plan Area to minimise any effects at source. Therefore, there are no effects foreseen to the conservation objects of the SAC.</p> <p>The distance between the Plan Area and the SAC boundary is extensive, and the hydrological link is low. Therefore, the Plan is foreseen to have very low effects on the conservation objectives of the Natura 2000 site.</p>	No	No
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2.6 Other Plans and Programs

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combinations with the plan or project, have the potential to adversely impact upon European sites.

Table 2.4 outlines plans or programmes that may interact with the Urban Design Strategy to cause in-combination effects to European sites. A Screening Assessment was carried out for the Regional Planning Guidelines, which would have considered the plans or programmes at International and National level, therefore only the Regional and Local level plans/programmes will be considered here.

Table 2.4 Plans & Projects Likely to Cause In-Combination Effects

Plan/programme	Purpose	Interactions resulting in Cumulative Impacts	Consideration of impacts	Potential for Significant Effects
Regional Planning Guidelines for The South East 2010-2022	Policy document which aims to direct the future growth of the South east Area over the medium to long term and works to implement the strategic planning framework set out in the NSS.	Potential in-combination impacts may arise where there is a requirement to provide for new infrastructure. Provision of infrastructure may result in: Alteration of hydrology Deterioration in water quality Disturbance during construction / operation	No risk of likely significant in-combination effects will result as one of the aims of the RPGs (Strategic Vision) is to “ <i>conserve the region’s characteristic environment, landscape and heritage assets</i> ”.	No
Kilkenny City and Environs Development Plan, Kilkenny County Development Plan 2014-2020 Carlow County Development Plan 2015- 2021 Laois County Development Plan 2011 - 2017	Overall strategies for the proper planning and sustainable development of the administrative area of the relevant Local Authorities. Include provisions relating to housing, economic (including tourism), community, transport and infrastructural development.	Provision of infrastructure may result in: Alteration of hydrology Deterioration in water quality Disturbance during construction / operation	No risk of likely significant in-combination effects will result as each of the Development Plans contain policies and objectives for the improvement of environmental quality, and to ensure the protection of European sites.	No

3 Conclusion

The requirement for a Stage 2 AA would arise if the Hebron Road Urban Design Strategy would have the potential to have effects on a Natura 2000 site. This screening report finds that the Urban Design Strategy has been formulated to ensure that uses, developments and effects arising from permissions based upon the Strategy (either individually or in combination with other plans or projects) shall not give rise to effects on the integrity of any Natura 2000 sites.

Therefore, in accordance with the Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, it is concluded that the proposed urban design strategy does not require any further assessment to demonstrate compliance with the Directive.

APPENDIX I

Kilkenny City and Environs Development Plan 2014-2020 Environmental Provisions relating to Biodiversity and Flora and Fauna

- To implement the provisions of Articles 6(3) and 6(4) of the EU Habitats Directive
- To ensure that any plan or project within the functional area of the Planning Authority is subject to appropriate assessment in accordance with the Guidance Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009 and 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.
- To protect and where possible enhance the natural heritage sites designated in National legislation (the Wildlife Acts and the Flora Protection Order). This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan.
- To protect and, where possible, enhance wildlife habitats and landscape features which act as ecological corridors/networks and stepping stones, such as river corridors, hedgerows, gardens and road verges, and to minimise the loss of habitats and features of the wider countryside (such as ponds, wetlands, trees) which are not within designated sites. Where the loss of habitats and features of the wider countryside is unavoidable as part of a development, to ensure that appropriate mitigation and/or compensation measures are put in place, to conserve and enhance biodiversity and landscape character and green infrastructure networks. The Council will promote the planting of native tree and shrub species, by committing to using native species (of local provenance wherever possible) in its landscaping work and on Council property
- To implement, in partnership with the Kilkenny Heritage Forum and all relevant stakeholders, a County Heritage Plan and County Biodiversity Plan
- To allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space.
- Ensure that an ecological impact assessment is carried out for any proposed development likely to have a significant impact on rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.
- Proposals must demonstrate that they will not adversely affect any habitats and/or species of interest or compromise the river's function as a green infrastructure corridor
- To consult with Inland Fisheries Ireland and the National Parks and Wildlife Service prior to undertaking, approving or authorising any works or development which may have an impact on rivers, streams and waterways.
- To protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to the landscape character of the city and environs, and to ensure that proper provision is made for their protection and management, when undertaking, approving or authorising development.
- To ensure that when undertaking, approving or authorising development that sufficient information is provided to enable an assessment of impacts on woodlands, trees, and hedgerows.
- Retain hedgerows, and other distinctive boundary treatment such as stone walls, when undertaking, authorising or approving development; where the loss of the existing boundary is unavoidable as part of development, to ensure that a new hedgerow is planted using native species, and species of local provenance to replace the existing hedgerow and/or that the wall is re-built using local stone and local vernacular design.
- Ensure, as far as is possible, that the potential for spread of invasive species is examined as part of any application.
- To promote the use of native plants and seeds from indigenous seed sources in all landscape projects
- To ensure the protection of the special character and setting of protected structures, ACAs and Recorded Monuments, and protected species when considering proposals for floodlighting.

APPENDIX II AA Screening Determination

Comhairle Chontae Chill Chainnigh

Halla an Chontae, Sráid Eoin, Cill Chainnigh, R95 A39T.

Kilkenny County Council

County Hall, John Street, Kilkenny, R95 A39T.



Fóramh don Phobal - Caomhnú don Oidhreacht

Serving People – Preserving Heritage

Appropriate Assessment (AA) Screening Determination under the Planning and Development Acts 2000-2015 for:

Draft Urban Design Strategy for the Hebron Road

An Appropriate Assessment (AA) Screening determination has been made by Kilkenny County Council regarding the Draft Urban Design Strategy for the Hebron Road.

The obligation to undertake AA derives from Articles 6(3) and 6(4) of the Habitats Directive as transposed through the European Communities (Birds and Natural Habitats) Regulations 2011 (Part 5). Regulation 42 requires that a screening for AA of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt (and which is not directly connected with or necessary to the management of the site as a European Site) is carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site. Subsequent Articles set out the requirements for Stage 2 AA etc.

The Regulations define a "plan" as: any plan, programme or scheme, statutory or non-statutory, that establishes public policy in relation to land use and infrastructural development in one or more specified locations or regions, including any development of land or on land and the carrying out of land use activities, that is to be considered for adoption or authorisation or approval or for the grant of a licence, consent, permission, permit, derogation or other authorisation by a public authority.

Given the location of the site and the broad definition of 'plan' included in the Regulations, including "non-statutory", a precautionary approach was adopted and an AA Screening was undertaken.

The AA screening process has found that the Draft Urban Design Strategy for the Hebron Road does not require any further assessment to demonstrate compliance with the directive in accordance with the methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

Taking into account the findings of the AA process that are detailed in an AA Screening Report that accompanies this Determination, Kilkenny County Council have determined that the Draft Urban Design Strategy for the Hebron Road will not result in any effects on European Sites and consequently Stage 2 AA is not required.

Signed 
Nicolaas Louw
Senior Executive Planner

Date 5/08/17

