

# **Strategic Environmental Assessment Applicability Assessment Report**

## **Ballyragget Masterplan**

December 2024



**Turley**

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# 1. Introduction

- 1.1 The Ballyragget Masterplan (hereafter referred to as ‘the Plan’) is a non-statutory plan commissioned by Kilkenny County Council (KCC) for Ballyragget.
- 1.2 The purpose of the Plan is to guide the development of Ballyragget into the future and to influence and deliver on real change for the town in order to make it a more attractive destination in which to live, work, visit and do business.
- 1.3 Turley<sup>1</sup> has been commissioned by KCC to carry out a Strategic Environmental Assessment (SEA) applicability screening of the plan.
- 1.4 SEA screening is defined in the relevant guidance documents<sup>2</sup> as *“the process for deciding whether a particular plan, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA.”*
- 1.5 The purpose of this document is to carry out an assessment to determine, if SEA applies to the Plan in accordance with the European Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (“SEA Directive”) as transposed by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435 of 2004), as amended.
- 1.6 This SEA Applicability Report provides the findings of this process for the Plan, which provides a pre-screening check, known as a Stage 1 Applicability Assessment, allowing for the rapid screening of environmental effects to determine whether or not an SEA is required via a Stage 2 SEA Screening.

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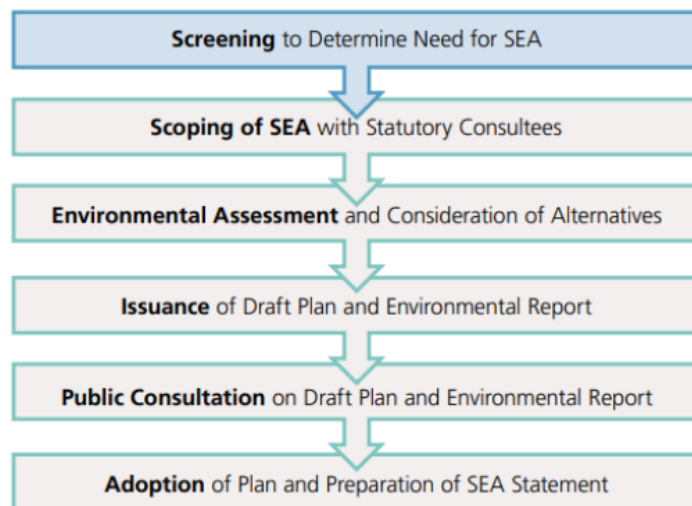
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<sup>2</sup> Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment- Guidelines for Regional Authorities and Planning Authorities (Department of the Environment, Community and Local Government, 2004)

## 2. Strategic Environmental Assessment

### Overview

- 2.1 Strategic Environmental Assessment SEA is defined as *“the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme before a decision is made to adopt that plan or programme.”* (Department of the Environment, Community and Local Government, 2004).
- 2.2 The SEA process is comprised of the following steps:
- Screening: Decision on whether or not SEA of a Plan or Programme is required. This is the current state of the SEA process to which this report relates. The preliminary stage to Screening is to determine if the SEA Directive applies to the Plan.
- 2.3 If the SEA is considered to be required following Screening, the following steps are required:
- Scoping: Consultation with the defined statutory bodies on the scope and level of detail to be considered in the assessment;
  - Environmental Assessment: An assessment of the likely significant impacts on the environment as a result of the Plan or Programme;
  - Preparation of an Environmental Report
  - Consultation on the Plan or Programme and associated Environmental Report;
  - Evaluation of the submissions and observations made on the Plan or Programme and Environmental Report; and
  - Issuance of a SEA Statement identifying how environmental considerations and consultation have been integrated into the Final Plan or Programme.



**Figure 2.1: Screening in the overall SEA Process (Source: EPC, Good Practice Guidance on Screening, 2021).**

- 2.4 SEA is intended to provide the framework for influencing decision-making at an earlier stage when plans and programmes – which give rise to individual projects – are being developed. SEA should result in more sustainable development through the systematic appraisal of policy options.
- 2.5 This document is an Applicability Assessment, which provides a pre-screening check, known as a Stage 1 Applicability Assessment, allowing for the rapid screening of environmental effects to determine whether or not an SEA is required via a Stage 2 SEA Screening.

### 3. Guidance and Legislation

#### Legislative Overview

- 3.1 The SEA Directive – Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment – requires that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.
- 3.2 The objective of the SEA Directive is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans...with a view to promoting sustainable development.”* (Article 1 SEA Directive 2001).
- 3.3 Ireland made the decision to transpose the SEA Directive into Irish Law in 2004 through two separate statutory instruments or regulations, one specifically concerning specific listed town and country/land use plans (S.I. 436/2004) and one concerning all other sectors (S.I. 435/2004). The transposing regulations are as follows:
- European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations (S.I. 435/2004); and
  - Planning and Development (Strategic Environmental Assessment) Regulations (S.I. 436/2004).
- 3.4 Both pieces of legislation were amended in 2011 through the following amendment regulations:
- European Communities (Environmental Assessment of Certain Plans and Programmes) Amendment Regulations (S.I. 200/2011); and
  - Planning and Development (Strategic Environmental Assessment) Amendment Regulations (S.I. 201/2011).
- 3.5 The SEA Directive has also been given effect through other Irish Legislation. An example being, the Planning and Development Act [PDA] 2000, as amended, which includes a specific requirement to carry out and facilitate SEA alongside the preparation of the Regional Spatial and Economic Strategies; and the Water Services Act 2007, as amended, requires that: *“The purpose for which this Act is enacted includes giving effect to so much of the following as relates to water services”* – listing specifically Directive 2001/42/EC (EPA, Good Practice Guidance on Screening, 2021).

#### Guidance Documents

- 3.6 A number of national guidance documents on SEA were reviewed in the preparation of this SEA Screening Report including:
- SEA Screening Good Practice Guidance (EPA, 2021)

- Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland (EPA, 2003)
- Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment – Guidelines for Regional Authorities and Planning Authorities (Department of the Environment, Community and Local Government, 2004)
- Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment (European Commission, ND)
- SEA Resource Manual for Local and Regional Planning Authorities (EPA, 2015)
- Integrating Climate Factors into Strategic Environmental Assessment in Ireland – A Guidance Note (EPA, 2019)
- Synthesis Report on Developing Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland (EPA, 2019)

## 4. Ballyragget Masterplan

### Legislative Background

- 4.1 The Ballyragget Masterplan (hereafter Masterplan) is a non-statutory Plan, commissioned by KCC for the Ballyragget town settlement. The Plan was produced in collaboration with local residents, in addition to professional guidance and input from the design team. The Masterplan was developed through an iterative review and assessment process with the Strategic Projects and Public Realm Team (SPPR).

### Scope and Description of the Plan

- 4.2 The new Plan will guide the development of Ballyragget into the future and will influence and deliver on real change for the Town in order to make it a more attractive destination in which to live, work, visit and do business.
- 4.3 The Ballyragget Masterplan sets out a high-level, sustainable vision for future development in Ballyragget, in line with national, regional and local planning policy. It is informed by planning policies and quantitative data, but also local community engagement. Through the stakeholder workshop events in Ballyragget, local community had the opportunity to directly shape their town's masterplan document.
- 4.4 The masterplan is designed to positively addresses key issues and challenges in Ballyragget and sets a new benchmark for public realm and town centre design, transforming Ballyragget into an inviting and sustainable settlement, and enabling it to realise its full potential.
- 4.5 The Masterplan outlines placemaking ideas but also demonstrates funding streams that will support the delivery of the key masterplan interventions. The Masterplan document is the first specific planning and development document for Ballyragget and that provides an in-depth planning, environmental, socio-economic and cultural analysis of the town.
- 4.6 Ballyragget is set within a rural context within the north of County Kilkenny and enjoys easy access to Kilkenny City and other towns across north Kilkenny and County Laois. The town's proximity to the N77, R694/R432 roads, enable easy access to the M7 and M9 motorways, facilitating vehicular access to Dublin, Waterford, Cork and Limerick cities, and other key towns across Leinster and Munster. By virtue of its location proximate to various national and regional access roads, the town has the potential to fulfil a more significant role and it is envisaged that this Masterplan will guide development and re-imagine Ballyragget so that it can realise its full potential as a place to live, work and play.

### Overview of the Plan

- 4.7 The aim of this Masterplan is to ensure that Ballyragget has the right objectives and projects in place to become a better place to live, work and do business, to ensure the vitality and vibrancy of the town into the future.



- 4.8 The objective is to increase the resilience of the local community and economy and provide an enhanced, accessible, inclusive, child-friendly, and healthy urban environment. Towns are continually evolving and need to be resilient, and Ballyragget, with its rich history and natural environment assets, can be reimagined to provide a more connected, vibrant, and dynamic place to live, work and visit.
- 4.9 Taking into account the Town Centre First policy objectives, our baseline analysis of the town and the feedback received from the local community, the Masterplan has established a set of principles to guide the ideas, actions, and strategies. These are:
1. **Streets and Public Spaces** – Rebalancing the streets of Ballyragget with upgraded public realm to coincide with the works already carried out to The Square, to create an attractive environment.
  2. **Movement** – Improved connectivity between the town and its surrounds, using connectivity as fundamental to the social and economic success of the town.
  3. **Heritage and identity** – Celebrate the culture and heritage of Ballyragget, defining its image and making it a destination town for visitors.
  4. **Built Form and Use** – Reuse of existing vacant / derelict buildings to provide new community facilities and /or tourism offerings.
  5. **Vitality and Vibrancy** – Ensure the town of Ballyragget is an economically viable community with the capacity to generate income and employment necessary to maintain or improve the town.
  6. **Sustainability and Climate Resilience** – Resilient towns promote sustainable development, well-being and inclusive growth.

The interventions toolkit has been arranged to align with the 6 no. placemaking themes (guiding principles), under which there are a broad range of intervention opportunities.

- 4.10 Within the following section are a series of ideas to reinforce these placemaking pillars, with a focus on physical enhancements to the public realm alongside opportunities for events, activation, and branding. The proposals are individual actions within the Masterplan. Each proposal is recognised as playing a unique and important role in fulfilling the town’s Masterplan principles:

**Table 4.1: Ballyragget Masterplan Interventions**

Placemaking Theme	ID	Project	Description
Streets and Public Spaces	1	Public Realm Enhancement	Preparation of a comprehensive public realm enhancement scheme in order to provide an attractive Town Centre, and compliment existing public realm. Section 13.2 of the Kilkenny City and Council Plan relates to Universal Design

			<p>and states that the Council requires all future developments used by the public (including public spaces, car parking, footpaths) are accessible to and usable by everyone. The requirements of people with disabilities, the elderly, parents and carers and others who may be temporarily impaired must be incorporated into the design. The scheme will include new, level pavements which will support active travel choices and will serve the community as a whole.</p> <p>Key Features:</p> <ul style="list-style-type: none"> <li>• Improve the balance of quality of public spaces through enhanced public realm</li> <li>• Reduced on-street car parking. New car parking will be facilitated along the Town Loop Walk, with bicycle storage to be located centrally.</li> <li>• High quality materials (local materials e.g. limestone paving and sets) and high quality detailing.</li> <li>• Widening of footpaths where applicable to ensure accessibility for all residents' and visitors.</li> <li>• Improved street lighting to public places (e.g. Fair Green) using the heritage lighting columns found in the Square, to support safe and active travel.</li> <li>• Consistent approach to public realm to ensure continuity throughout the town, in terms of seating, bins, lighting columns etc.</li> <li>• Reduction of street clutter – removal of overhead lines where possible and relocated underground.</li> </ul>
	2	Town Loop Walk	<p>A new Town Loop Walk potentially providing dedicated public space connecting key assets, including the Community Hall. It could include a pavilion (potentially toilets, showers,</p>

			<p>bike hire, fishing equipment hire and other water-based sporting equipment to support active tourism) and natural play equipment and skate park. Key features could include:</p> <p>Key Features:</p> <ul style="list-style-type: none"> <li>• A new river park with supporting facilities.</li> <li>• A new car park providing parking to the town centre and a place of rest for passing HGV traffic, supporting local businesses.</li> <li>• A Town Loop Walk with dedicated cycle and pedestrian lanes, with crossing points throughout the loop and town centre.</li> <li>• Heritage trails, highlighting the history of the town through designs for the public realm and ensuring good wayfinding throughout.</li> <li>• Enhanced connectivity within the town and active travel routes to key locations.</li> <li>• Support for the health and well-being of residents and visitors.</li> <li>• To explore pedestrianising the Old Bridge as part of any feasibility studies for the new town loop walk.</li> <li>• Support the provision of information boards at appropriate locations along the walk highlighting key ecological features including flora and fauna.</li> </ul>
	3	Fair Green	<p>An existing rectangular area of public open space to the north of the Square, with a children's playground. There is potential to make this public space a focal point, by making it more attractive to residents' and visitors.</p> <p>Key Features:</p> <ul style="list-style-type: none"> <li>• c. 1ha of open space located within the town centre.</li> <li>• Existing children's playground.</li> </ul> <p>Key actions</p>

			<ul style="list-style-type: none"> <li>• Improve street lighting within the vicinity to ensure pedestrian safety for residents and visitors.</li> <li>• Explore potential to erect public artwork / sculpture to create a focal point.</li> <li>• Meandering pathways through the space that do not prohibit the use of the area as an informal playing pitch.</li> <li>• Careful landscaping interventions could be introduced such as formalised planting, raised planters and / or planters with benches</li> <li>• Addition of a bandstand or similar feature to provide sheltered seating area, making this area an attractive space to meet, mingle and play.</li> </ul>
Movement	4	New Town Car Park	<p>04 New Town Car Park</p> <p>Provision of a new town car park located c.0.5Km from the Square that will support active travel choices to and around the town centre. This car park will also provide access to the new River Park.</p> <p>Key Features:</p> <ul style="list-style-type: none"> <li>• Provides a destination point on arrival to the town at the western gateway.</li> <li>• Provides access to the River Park / Heritage Trails.</li> <li>• To include EV charging points.</li> <li>• To include a rest area, drawing HGV traffic away from the town centre.</li> <li>• To include bicycle parking.</li> <li>• To include a high quality attractive public realm scheme with select landscaped areas.</li> </ul>
	5	Reduce Level of On-Streetcar Parking	<p>There is a high level of on-street parking throughout the town. It is proposed that some of these spaces are removed to facilitate new 'greened' areas, which would comprise raised planters with benches / seated areas, to create more space for residents and visitors to meet or</p>

			<p>provide areas for existing businesses to spill out onto the street.</p> <p>Short term interventions could include:</p> <ul style="list-style-type: none"> <li>• Potential to line parking bays at SuperValu (N77) to indicate available number of spaces.</li> <li>• Potential to introduce double yellow lines on opposite side of the road to avoid hazardous double sided parking on a busy road.</li> </ul>
	6	Pedestrian and Cycle Network	<p>The town presently has no cycle or pedestrian network. The potential new Town Loop Walk and potential River Park will provide connectivity to and within the town, providing active travel options.</p> <p>Key Actions:</p> <ul style="list-style-type: none"> <li>• Provision to be coordinated with the new loop walk and River Park.</li> <li>• Explore opportunity to provide footpath to cemetery.</li> <li>• Enhanced footpath and junction improvement at Moate Street / High Street – short term interventions could include ‘Yield’ signage or pedestrian / children playing signage.</li> <li>• Cycle storage and parking to be located centrally.</li> <li>• Improve signage which supports sustainable movement e.g., links off the Loop Walk.</li> </ul>
	7	Traffic Calming	<p>There is a lack of pedestrian crossing points at congested areas including along the N77 at SuperValu. The town also has high levels of HGV traffic.</p> <p>Therefore, resident and visitor safety is paramount.</p> <ul style="list-style-type: none"> <li>• Introduce new signage tying into branded wayfinding signage.</li> <li>• Explore interventions such as speed bumps, rumble strips, raised tables, introduction of zebra crossing points with raised tables in particular areas of</li> </ul>

			the town, and / or the inclusion of traffic islands.
	8	Wayfinding	<p>Introduce new branded signage for the town, including entrance signs to the western and southern approaches to create a sense of arrival. Introduce interpretative signage at potential new River Park for the historic trails.</p> <p>Explore introduction of heritage plaques to help identify Protected Structures within the Town.</p>
Heritage and Identity	9	Façade Improvements	<p>Vacancy, dereliction and the consequential appearance of buildings has been highlighted as an issue within the town centre and secondary streets.</p> <p>The town is characterised by the two 'formal squares'. Therefore, the quality and appearance of buildings is important to ensure they contribute positively to the historic streetscapes.</p> <p>Key Features:</p> <ul style="list-style-type: none"> <li>• Work with local businesses and property owners to explore options for improvement.</li> <li>• Ensure any proposed works comply with heritage policies and objectives set out in the Kilkenny County Development Plan 2021-2027, especially within the Architectural Conservation Area.</li> <li>• Support business owners in securing grant funding.</li> </ul>
	10	Town Gateway	<p>The western and southern approaches to the town should be prioritised as a short-term intervention in order to create an attractive, welcoming gateway to the town, through a combination of signage, landscaping and artwork capturing the town's history (e.g., the Tower Castle).</p> <p>Through these mechanisms existing arrangements could be significantly improved.</p>

Built Form and Land Use	11	Ballyragget Castle	<p>Ballyragget Castle is a vital asset to the town in relation to heritage, built form and tourism. The vista from Bridge Street and Castle Street to the 15th tower house are important elements in the town. The land between the tower house and Bridge Street is presented as pleasure gardens, connected with the 18th century Ballyragget Lodge, on the 1st edition OSI map, while it potentially will have earlier archaeological significance connected with the establishment and evolution of the town.</p> <p>Key Actions:</p> <ul style="list-style-type: none"> <li>• To recognise and maintain the visual zone of influence of Ballyragget Castle in the Town, particularly from Bridge Street and the River Nore, while collaborating with relevant stakeholders to explore ways to reintegrate the structure back into the Town.</li> </ul>
	12	Butler House	<p>Butler House dates to c.1750 and is one of Ballyragget's heritage assets. The building is vacant / derelict, and its central location on the Square would make it an ideal building for a community hub / remote working hub with the potential to include gym facilities and / or café. There is a courtyard to the rear of the property which would be suitable for car and bicycle parking.</p> <p>Actions:</p> <ul style="list-style-type: none"> <li>• Work with Kilkenny County Council and / or the Heritage Council to seek means of funding with a view to securing funding to carry out restoration works.</li> <li>• Repurpose the space within the building for a number of activities (e.g. community events, gym space, café, youth club, remote working hub, Funbally Exchange).</li> </ul>

			<ul style="list-style-type: none"> <li>• Opportunity to have CPD events / local courses / further education events whilst not detracting from the nearby Community Hall.</li> </ul>
	13	Community Centre / Hall	<p>The community hall is located on the N77 beside the Square. Apart from outdoor activities held at the GAA Club, most of them occur in the hall.</p> <p>Based on the existing use of the hall combined with the desire to expand activities for younger people, there is a need to refurbish the existing building.</p> <p>Key Actions:</p> <ul style="list-style-type: none"> <li>• Liaise with the local community to ascertain what activities could be facilitated within the space.</li> <li>• Assess the opportunity to enhance the building.</li> <li>• Explore how the community hall's relationship will benefit and compliment the potential new River Park, including dual access and parking.</li> </ul>
	14	Heather Court Hotel	<p>Despite its central location on the Square, this property and site is unoccupied. Therefore, it is a key opportunity site within the town.</p> <p>A feasibility study should be carried out to explore the potential for a hotel or hostel accommodation, which would support the active tourism initiatives proposed for the town and would contribute to the existing active street frontages.</p> <p>Actions include:</p> <ul style="list-style-type: none"> <li>• Engage with stakeholders to understand what level of accommodation could support the local tourism initiatives.</li> <li>• Undertake a feasibility study to assess local provision and future demand.</li> </ul>



			<ul style="list-style-type: none"> <li>Short-term interventions could include landscaping initiatives such as hedge and tree planting to screen the vacant building and carpark from the N77, which would positively contribute to the town's attractive streetscape.</li> </ul>
Vibrancy	15	Programme to tackle vacancy and dereliction	<p>Vacancy and dereliction are a key priority within the National Town Centre First Policy Framework. Feedback from the local community revealed that this is an issue for those who live and work in the town.</p> <p>Actions include:</p> <ul style="list-style-type: none"> <li>Identifying owners of vacant and derelict properties.</li> <li>Engaging positively with building owners, landowners to discuss issues in restoring life to vacant / derelict properties and develop a plan to reactivate properties with the potential for commercial, heritage and/or community use.</li> <li>Explore potential of various uses for vacant and derelict buildings.</li> <li>Liaise with Kilkenny County Council and other relevant bodies to identify any financial support for restoration works.</li> </ul>
	16	Cycling and Walking Activities	<p>The town presently has no cycle or walking routes, with this issue being seen as the second priority area for improvement within the town by the local community. A new Town walking / cycle loop linked with a potential River Walk would fulfil the community aspirations and contribute to their well-being.</p> <p>A wider greenway route could also be explored along the Old Railway Line, linking the town further afield, bolstering its active tourism offer.</p> <p>There is an objective within the Kilkenny City and County Development Plan 2021 – 2027, Objective 8Ka which states that the Council will investigate</p>

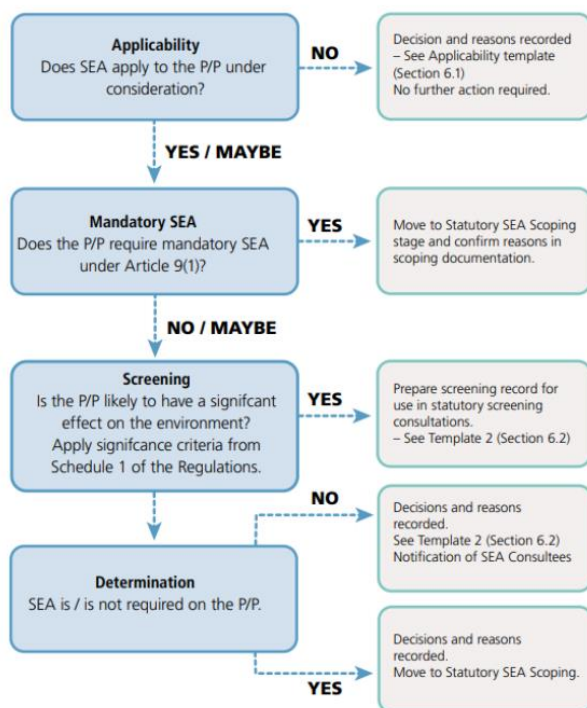
			the potential of developing a Greenway from Kilkenny to Castlecomer and Ballyragget and onwards to Co. Laois as part of the development of Greenways and Blueways within the County.
	17	Heritage	<p>There is an opportunity to capitalise on the town's rich history through implementation of heritage trails in conjunction with the cycle / pedestrian routes and linear parks.</p> <p>Key actions:</p> <ul style="list-style-type: none"> <li>• Identify riverside landowners to secure land for linear park and heritage trails.</li> <li>• Liaise with heritage property owners on the possibility of introducing heritage plaques, and potential to open up heritage assets to the public (e.g., the Tower is within private ownership and is closed to public access).</li> <li>• Installation of interactive wayfinding with the potential to introduce digital technology (QR Codes) to provide more detail on the history of the heritage assets.</li> <li>• Explore potential to develop Heritage Strategy to protect and preserve built heritage.</li> </ul>
	18	Events	<p>Historically, the Square was used for markets and 'The Fair'. Therefore, there is potential to recreate these events along with a wider event programme for the town. The Covid-19 Pandemic illustrated the value and importance of events to bring local communities together, and Ballyragget has a strong community spirit.</p> <p>Actions include:</p> <ul style="list-style-type: none"> <li>• Production of an events programme in conjunction with the wider public realm improvements.</li> <li>• Events could include farmers market, craft fairs or seasonal fairs.</li> </ul>

Sustainability and Resilience	19	Groups and organisations	<p>Several groups who participated in the masterplan workshops identified the need for more community hubs and amenities. Through this masterplan, Kilkenny County Council seeks to support and facilitate groups and organisations that already exist within the local area and aim to add to these by creating a more inclusive community, contributing to residents' health and well-being.</p> <p>Actions:</p> <ul style="list-style-type: none"> <li>• Engage with the local community to understand what groups are lacking.</li> <li>• Continue to promote the town through the Ballyragget Town Development Association / Tidy Towns initiative.</li> <li>• Investigate the possibility of establishing a Town Team in Ballyragget.</li> </ul>
	20	Landscaping	<p>Additional landscape measures throughout the town will not only contribute to the biodiversity of the town, but will enhance the overall appearance, making it an attractive destination town.</p> <ul style="list-style-type: none"> <li>• Short-term interventions to include planting of hedges, or railings with planters along N77 to screen existing commercial properties</li> </ul>
	21	EV Charging	<p>EV charging should be provided within the town and in any new development. EV charging points should be located centrally within the Square, with additional charging points proposed within the new Town Car Park to service the wider community and visitors and at other locations if demand presents itself.</p> <p>The provision of appropriate signage directing to public EV charging points shall be supported, subject to relevant permissions.</p>

## 5. SEA Screening Methodology

### SEA Screening Methodology

- 5.1 The procedure broadly follows the SEA Decision Tree adapted from research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes (P/P) in Ireland (Scott and Marsden, 2000), the adaptation of such is shown in Figure 5.1 below.
- 5.2 According to the EPA guidance, the screening process comprises three principal stages:
- 1. Adaptability
  - 2. Screening
  - 3. Determination
- 5.3 EPA guidance for the Screening process is outlined in Figure 5.1

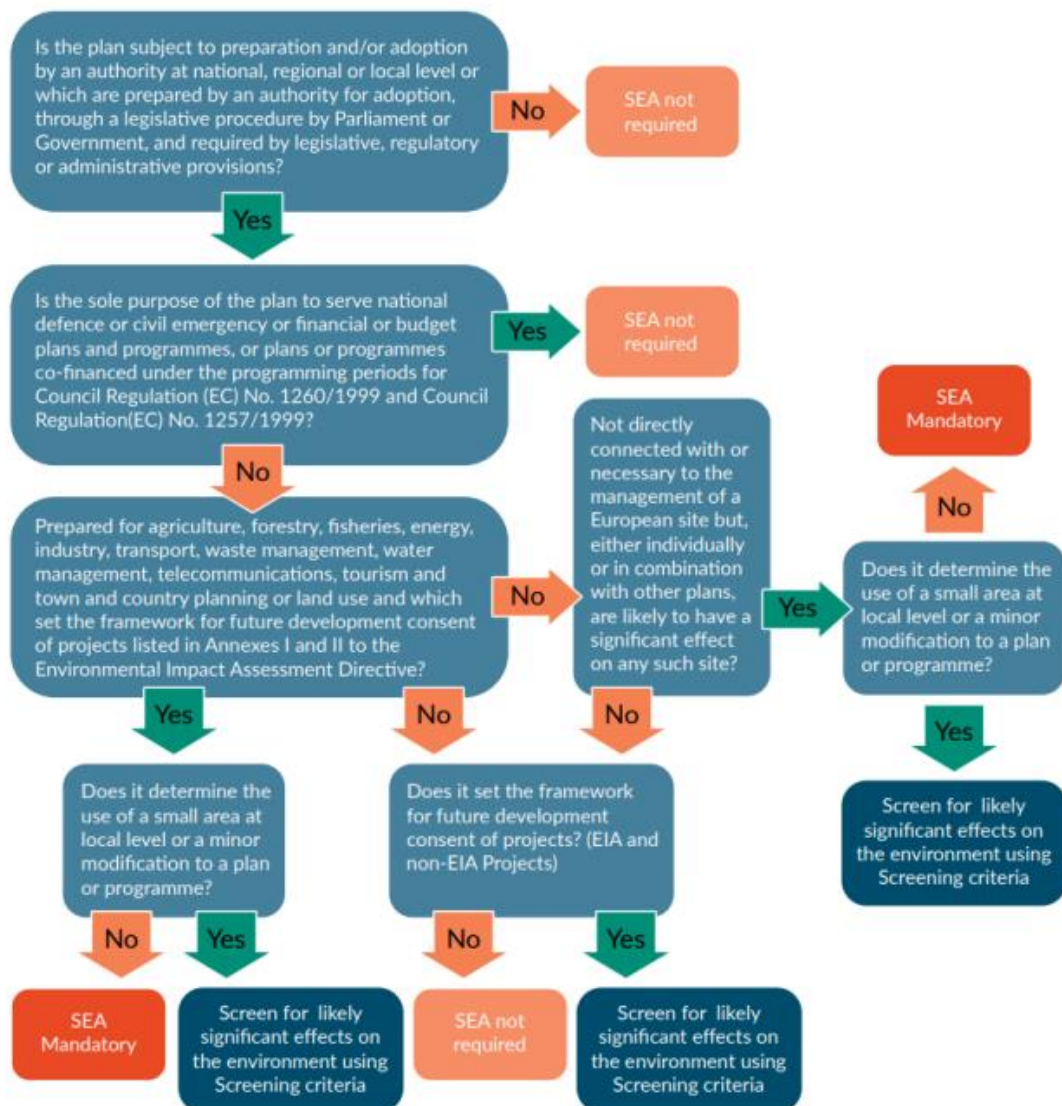


**Figure 5.1: SEA Screening Process under S.I. 435/2004, as amended.** [Source: EPA Good Practice Guidance on Screening, 2021.]

- 5.4 The guidance states that the overall characteristics of the plan or programme should first be considered, by means of Stage 1 'Applicability' check to see if it falls within the requirements of the SEA Directive.
- 5.5 Should this stage 1 applicability assessment determine that the plan or programme is of a type that falls within the requirements of the SEA Directive, the potential

environmental significance of implementing the proposed plan or programme should then be considered, against the significance criteria outlined in Annex II (2) of the SEA Directive (Stage 2 ‘Screening’).

- 5.6 Regard was also had to the SEA Decision Tree adapted from the research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland (Scott and Marsden, 2001).



**Figure 5.2: SEA Decision Tree adapted from the research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland (Scott and Marsden, 2001).**

### Stage 1 ‘Applicability’

- 5.7 The Applicability Stage of Screening consists of a four-step process. As outlined in Table 5.1 below:

**Table 5.1: Stage 1 ‘Applicability’ Steps Source: (EPA, Good Practice Guide on Screening, 2001)**

Step 1:	<p>Establish the status of the plan or programme-making body.</p> <p>Is the P/P prepared and/or adopted by an authority at national, regional or local level or prepared by an authority for adoption through a legislative procedure by Parliament or Government?</p>
Step 2:	<p>Establish the nature of the plan or programme.</p> <p>Is the P/P required by legislative, regulatory, or administrative provisions?</p>
Step 3:	<p>Check the plan or programme is not exempt.</p> <p>Is the sole purpose of the P/P for national defence, civil emergency or finance / budget?</p>
Step 4:	<p>Check if the plan or programme requires mandatory SEA.</p> <p>Is the P/P prepared for agricultural, forestry, fisheries, energy, industry, transport, waste management, water management, telecoms, tourism, town and country planning or land use 13 and does the P/P set the framework for future development consent of projects listed in the Annexes of the EIA Directive;</p> <p>Or;</p> <p>Will the P/P require assessment under Article 6 or 7 of the EU Habitats Directive?</p>

5.8 There are three possible outcomes following Stage 1 Applicability Screening:

- **The SEA Directive does not apply:** The P/P is not of a type which falls within the remit of the SEA Directive / SEA Regulations. It is recommended as good practice to keep a note of the deliberations alongside the P/P on the relevant website, alongside the AA screening determination. There is no requirement to notify the environmental authorities.
- **The SEA Directive does apply:** The P/P is of a type which falls within the remit of the SEA Directive / SEA Regulations and requires mandatory SEA. Proceed to SEA Scoping and statutory consultation with the designated environmental authorities. The Screening outcome should be confirmed within the SEA Scoping Report.
- **The SEA Directive *may* apply:** The P/P may be within the remit of the SEA Directive as either it relates to use of a small area at local level or minor modifications to a relevant P/P, it is a P/P which may set the framework for

future development consent even though not listed as a P/P type, or there is uncertainty in relation to any of the provisions considered at the Applicability Stage, and so a case-by-case determination will be required. Proceed to Stage 2 Screening.

- 5.9 An Applicability Screening template ('Template 1') is provided in the EPA guidance document and is utilised in Section 6.1 of this SEA Screening Report.

### **Stage 2 Screening**

- 5.10 Stage 2 consists of determining, on a case-by-case basis, if SEA is required for a Plan or Programme which has characteristics that may give rise to significant effects or for which there is uncertainty on key characteristics. Although an SEA Screening Report is not a mandatory requirement in the legislation it has become embedded good practice and is the recommended approach in this guidance note.
- 5.11 The Screening Stage consists of a four-step process, outlined in Table 5.2, as set out in the EPA's Good Practice Guide on SEA Screening Report.

**Table 5.2: Summarised Stage 2 'Screening' Steps Source: (EPA, Good Practice Guidance on Screening, 2021)**

Step 5:	Describe the characteristics of the P/P and the receiving environment including any environmental problems.
Step 6:	Identify the potential for significant environmental effects.
Step 7:	Statutory consultation with Designated Environmental Authorities.
Step 8:	Draft Determination.

- 5.12 Stage 2 of the SEA Screening methodology consists of an environmental significance screening, which may be undertaken to assess whether a plan or programme, which has not been screened out by the 'Applicability Stage', is likely to result in significant environmental effects and should therefore, be taken forward for SEA.
- 5.13 An SEA Screening template ('Template 2') is provided in the EPA guidance document and is utilised in Section 6.1 of this SEA Screening Report.
- 5.14 Annex II of the SEA Directive sets out the "statutory" criteria that should be addressed when undertaking the 'Screening Stage'. Annex II of the SEA Directive is transposed into national legislation as Schedule 1 'Criteria for determining whether a Plan or Programme (or Modification thereto) is likely to have significant effects on the Environment' of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended.
- 5.15 The 'Significance Criteria' and sub-criteria are outlined below.

*“4. The characteristics of the plan or programme, or modification to a plan or programme, having regard, in particular to:*

- The degree to which the plan or programme, or modification to a plan or programme, sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;*
- The degree to which the plan or programme, or modification to a plan or programme, influences other plans including those in a hierarchy;*
- The relevance of the plan or programme, or modification to a plan or programme, for the integration of environmental considerations in particular with a view to promoting sustainable development;*
- Environmental problems relevant to the plan or programme, or modification to a plan or programme;*
- The relevance of the plan or programme, or modification to a plan or programme, for the implementation of European Union legislation on the environment (e.g. plans and programmes linked to waste management or water protection).*

*5. Characteristics of the effects and of the area likely to be affected, having regard, in particular to:*

- The probability, duration, frequency, and reversibility of the effects;*
- The cumulative nature of the effects;*
- The transboundary nature of the effects;*
- The risks to human health or the environment (e.g. due to accidents);*
- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);*
- The value and vulnerability of the area likely to be affected due to:*
  - special natural characteristics or cultural heritage*
  - exceeded environmental quality standards or limit values;*
  - intensive land-use.*

*The effects on areas or landscapes which have a recognised national, European Union or international protection status.”*

### **Stage 3 ‘Determination’**

- 5.16 As soon as practicable after making the final determination as to whether SEA is required or not, the plan maker should make a copy of the decision, including, as



appropriate, for reasons for requiring or not requiring an environmental assessment, available for public inspection at the P/P offices and on the website.

- 5.17 The P/P maker should also send a copy of the final determination to the relevant SEA environmental authorities notified during screening. This determination should stay linked to the P/P or modification on the website to ensure transparency and provide important information on decision making during the lifetime of the P/P or if any modifications are made.

## 6. SEA Screening

### Stage 1 – SEA ‘Applicability’

- 6.1 As outlined in Section 5.2, Stage 1 ‘Applicability’ of the SEA Screening methodology constitutes the use of Template 1, based upon the relevant Applicability steps. Template 1 is reproduced as Table 6.1.

Table 6.1: **Table 6.1 Template 1 Stage 1 ‘Applicability’ of SEA Screening.** [Source: EPA, Good Practice Guidance on Screening, 2021]

	General Details	
	Type and Title of P/P:	Ballyragget Masterplan
	Name of P/P Maker:	Kilkenny County Council
	Date:	2024
Step 1 of the Applicability Screening	Status of the P/P maker	
	Is the P/P prepared and/or adopted by an authority at national, regional or local level or prepared by an authority for adoption through a legislative procedure by Parliament or Government?	<p>Yes.</p> <p>KCC is the authority responsible for local government in Co. Kilkenny, Ireland. As a county council, it is governed by the Local Government Act 2001. A competent authority for the purpose of SEA is defined under S.I. No. 435 of 2004 as “the authority which is, or the authorities which are jointly, responsible for the preparation of a plan or programme, or modification to a plan or programme”.</p> <p>As such, the Plan can be considered a document prepared by ‘an authority’ at a local level.</p>
	Is the P/P required by legislative, regulatory or administrative provisions?	<p>No.</p> <p>As outlined in Section 1 (Introduction), the plan has been prepared to guide the development of Ballyragget into the future and to influence and deliver change for the town to make it a more attractive destination in which to live, work, visit and do business. The Plan is not a statutory document and therefore, it is not required under legislative, regulatory or administrative provisions. As such a SEA is not required and no further steps are required.</p>

## Outcome of Stage 1 Applicability

- 6.2 Following the Stage 1 Applicability Screening outcome and the SEA Decision Tree as adapted from the research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland Source (Scott and Marsden, 2001) which was shown in Figure 5.1 above. **It has been determined that the SEA Directive does not apply to the Plan as shown in Figure 6.1.** Therefore, the Plan will not be taken to stage 2 Screening to determine whether SEA is necessary.



**Figure 6.1:** Outcome of Stage 1 Applicability Screening, as adapted from the research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland. [Source: Scott and Marsden, 2001]

## 7. Conclusion

- 7.1 As outlined in Section 6, it has been determined that the SEA Directive does not apply to the Plan. The Plan is a type of Plan / Programme which does not fall within the remit of the SEA Directive/ SEA Regulations.
- 7.2 SEA is intended to provide the framework for influencing decision-making at an earlier stage when plans and programmes – which give rise to individual projects – are being developed. SEA should result in more sustainable development through the systematic appraisal of policy options. This SEA Applicability Report provides the findings of this process for the Plan, which provides a pre-screening check, known as a Stage 1 Applicability Assessment, allowing for the rapid screening of environmental effects that do not require a SEA to determine whether an EIA is required via Stage 2 Screening.
- 7.3 This SEA Applicability Report assesses the Ballyragget Masterplan's 20 no. proposed interventions including the Town Loop Walk (see Intervention 2), the upgrade of the existing Fair Green (see Intervention 3), and the creation of a new town car-park (see Intervention 4), as well as smaller-scale interventions such as Wayfinding (see Intervention 8) and Town Gateways (see Intervention 10). It is noted that the Masterplan does not exempt any of the 20 no. interventions and related development from the formal planning application or Part 8 determination process. As required, they will be subject to their own planning permission process, including the assessment of environmental impact.
- 7.4 While the Plan is prepared by a local authority, the Plan is a non-statutory plan and it is also not required by legislative, regulatory, or administrative provisions.
- 7.5 As outlined above, on the basis of this SEA Applicability Assessment it has been determined that the SEA Directive does not apply, there is no requirement to inform the Ballyragget Masterplan.
- 7.6 As outlined in Section 6, it has been determined that the SEA Directive does not apply to the Plan. The Plan is a type of Plan / Programme which does not fall within the remit of the SEA Directive / SEA Regulations.

## Appendix 1: References

Department of the Environment, Community and Local Government (2004). Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment- Guidelines for Regional Authorities and Planning Authorities DECLG.

EPA. (2003). Synthesis Report on Developing A Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes In Ireland. EPA.

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EPA. (2013). SEA Resource Manual for Local and Regional Planning Authorities .

EPA.EPA (2019) Integrating Climatic Factors into Strategic Environmental Assessment in Ireland - A Guidance Note. EPA

EPA. (2021). Good Practice Guidance on Screening. Environmental Protection Agency, Ireland.

European Commission (2001), Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment. European Commission.

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