

# **APPROPRIATE ASSESSMENT SCREENING REPORT**

**Proposed Variation No. 2 (a), (b), and (c)  
to the  
Kilkenny City and Environs Development Plan  
2014 – 2020**

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# Section 1 Introduction

## 1.1 Background

This is the Appropriate Assessment Screening Report for Variation No. 2 (a, b and c) to the Kilkenny City and Environs Development Plan 2014 – 2020 (KCEDP) in accordance with the requirements of Article 6(3) of the EU Habitats Directive<sup>1</sup>. This report is divided into the following three sections:

Section 1	Introduction
Section 2	Stage 1 Screening
Section 3	Conclusions

## 1.2 Legislative Context

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. 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 (Directive 2009/147/EC - codified version of Directive 79/409/EEC as amended), 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 (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (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 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

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<sup>1</sup> Directive 92/43/EEC

(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 judgments of the Court of Justice of the European Union (CJEU)<sup>2</sup>.

### 1.3 Stages of Appropriate Assessment

This Appropriate 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.

AA comprises up to four successive stages:

#### **Stage One: Screening**

The process which identifies the likely impacts upon a European Site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

#### **Stage Two: Appropriate Assessment**

The consideration of the impact on the integrity of the European Site of the project or plan, either alone or in combination with other projects or plans, with respect to the Site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

#### **Stage Three: Assessment of Alternative Solutions**

The process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the European Site.

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

An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

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.

In the case of this Appropriate Assessment Screening Report, it is found that the Variation only requires Stage 1 Screening.

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<sup>2</sup> Notably cases C-418/04 and C-183/05, in respect of failure to transpose elements of the Birds Directive and the Habitats Directive into Irish law.

## Section 2 Stage 1 Screening

### 2.1 Description of the Proposed Variation

#### 2.1.1 The Kilkenny City and Environs Development Plan 2014 - 2020

The Kilkenny City & Environs Development Plan 2014 - 2020 was prepared under the provisions of the Planning and Development Acts 2000-2015 to develop and improve the City & Environs (hereafter referred to as the City) in a sustainable manner. A separate Development Plan covers the wider Kilkenny County.

The Plan contents are best described through a list of the chapter headings:

1. Introduction
2. Demographic and Socio-Economic Trends
3. Core Strategy
4. Economic Development
5. Housing and Community
6. Recreation, Tourism & the Arts
7. Heritage
8. Infrastructure
9. Renewable Energy Strategy
10. Transport
11. Requirements for Developments

As the Core Strategy included in Chapter 3 of the Plan outlines, the focus for new development will be in the neighbourhoods of Loughmacask and the Western Environs. The estimated population increase for the whole city and environs is 2,077. The main objectives and ethos of the Plan can be summarised in the Council's Mission Statement (section 1.8) as follows: "Kilkenny Local Authorities aim to work in partnership with the people of Kilkenny and relevant agencies to deliver quality services and to promote sustainable economic, social and cultural development for current and future generations." The Plan provides a land use framework for the sustainable development of Kilkenny City and Environs. The Plan sets the strategic context for any lower-tier plans, such as Local Area Plans to be prepared in the city. In its making, the Plan had regard to all relevant planning and environmental policy and legislation including European Union directives, Ministerial guidelines and other national, regional and county plans and policies.

The Plan sets the strategic context for any lower-tier plans, such as Local Area Plans (LAPs) to be prepared in the city. There is one LAP in place for Loughmacask, and two other LAPs for the Western Environs and the City Centre have been incorporated into the Plan.

#### 2.1.2 Variation to the Plan

Variation No.2 to the Kilkenny City and Environs Development Plan is set out below:

- (a) To incorporate the requirements of the Urban Regeneration and Housing Act 2015, to apply Part V to developments of 10+ houses with 10% social housing requirement.
- (b) To align the minimum development standards for new apartments with the Department's *Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments*.
- (c) Change zoning objective from 'Community Facilities' to 'Residential' at St Josephs' Road, Kilkenny City

The Kilkenny City and Environs Development Plan has already undergone Appropriate Assessment (AA) in accordance with Article 6(3) of the Habitats Directive.

### **2.1.3 Environmental Protection Objectives**

The Kilkenny City and Environs Development Plan 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.

## 2.2 European sites in and within 15 km of the Plan Area

### 2.2.1 cSACs and SPAs

This section of the screening process describes the European sites within 15 km of the KCEDP Plan Area. A distance of 15 km is currently recommended in the DoE document *Guidance for Planning Authorities*<sup>4</sup> 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 Variation to the KCEDP Plan Area is presented in Figure 2.1. Table 2-1 below lists the European sites that occur within 15 km of the lands referred to by the Variation to the KCEDP. The location of the site the subject of the zoning change in relation to European sites is illustrated in Figure 2.2 and Figure 2.3 below.

There has been three European sites identified within 15 km of the KCEDP; the River Barrow and River Nore cSAC (NPWS Site Code: 002162), River Nore SPA (NPWS Site Code: 004233), and Thomastown Quarry cSAC (NPWS Site Code: 002252). Two of these sites, River Nore and River Barrow cSAC and the River Nore SPA occur within the Plan Area.

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 Variation against the qualifying interests of each site.

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<sup>4</sup> DoEHLG (2010). Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities.

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**Table 2-1 European sites within 15 km of lands referred to by the Variation to the KCEDP**

Site Code	Site Name	Qualifying Feature	Threats to Site Integrity
002162	River Barrow and River Nore cSAC	<p>Annex I Habitats                      [1130] Estuaries                      [1140] Tidal Mudflats and Sandflats                      [1310] Salicornia mud                      [1320] Spartina swards                      [1330] Atlantic salt meadows                      [1410] Mediterranean salt meadows                      [3260] Floating River Vegetation                      [4030] Dry Heath                      [6430] Hydrophilous Tall Herb                      [7220] Petrifying Springs                      [91A0] Old Oak Woodlands                      [91E0] Residual Alluvial Forests</p> <p>Annex II Species                      [1016] Desmoulin's Whorlslug (<i>Vertigo moulinsiana</i>) [1029]                      Freshwater pearl mussel (<i>Margaritifera margaritifera</i>)                      [1092] White-clawed crayfish (<i>Austropotamobius pallipes</i>)                      [1095] Sea lamprey (<i>Petromyzon marinus</i>)                      [1096] Brook lamprey (<i>Lampetra planeri</i>)                      [1099] River lamprey (<i>Lampetra fluviatilis</i>)                      [1102] Allis shad (<i>Alosa alosa</i>)                      [1103] Twait shad (<i>Alosa fallax fallax</i>)                      [1106] Salmon (<i>Salmo salar</i>)                      [1421] Killarney fern (<i>Trichomanes speciosum</i>)                      [1990] Pearl mussel (<i>Margaritifera durrovensis</i>)                      [1355] Otter (<i>Lutra lutra</i>)</p>	<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.</p>
004233	River Nore SPA	[A229] Kingfisher ( <i>Alcedo atthis</i> )	<p>Threats ranked as having a medium negative impact have been recorded for this site; landfill, land reclamation, drying out, and 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.</p>
002252	Thomastown Quarry cSAC	[7220] Petrifying springs	<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>



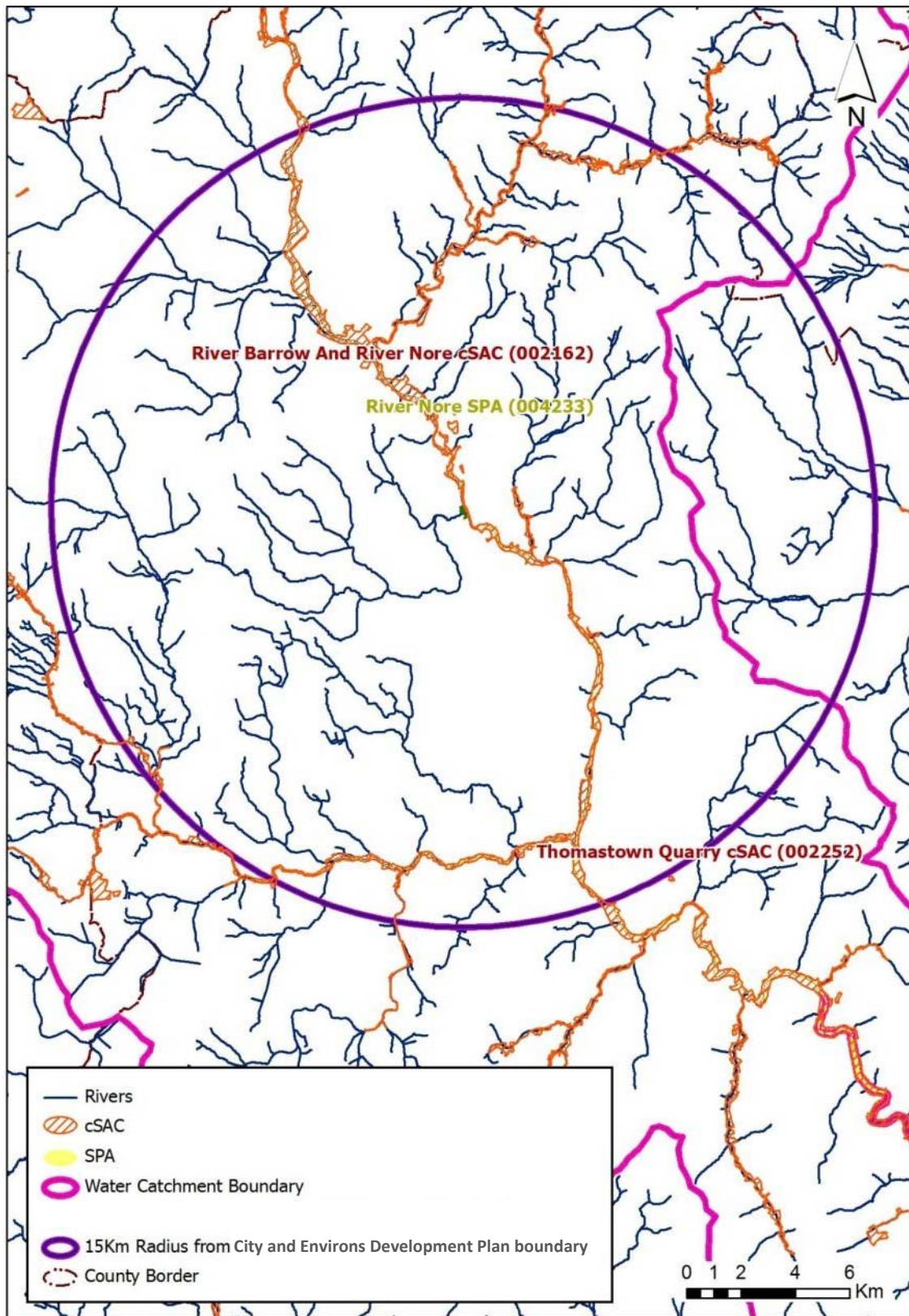


Figure 2.1: Location of European Sites in Relation to the Kilkeny City and Environs Development Plan 2014 – 2020

## 2.3 Assessment Criteria

### 2.3.1 Is the Plan Necessary to the Management of European Sites?

Under the Habitats Directive, plans that are directly connected with or necessary to the management of a European site do not require AA. For this exception to apply, management is required to be interpreted narrowly as nature conservation management in the sense of Article 6(1) of the Habitats Directive. This refers to specific measures to address the ecological requirements of annexed habitats and species (and their habitats) present on a site(s). The relationship should be shown to be direct and not a by-product of the plan, even if this might result in positive or beneficial effects for a site(s).

The primary purpose of the Variation to the KCEDP 2014 - 2020 is not the nature conservation management of the sites. Therefore, the Variation to the KCEDP is not considered by the Habitats Directive to be directly connected with or necessary to the management of European designated sites.

### 2.3.2 Elements of the Variation with Potential to Give Rise to Effects

There are three amendments as part of the Proposed Variation. These have been assessed in relation to their potential to result in effects on European Sites within and beyond the Plan area taking into account the baseline, the content of the Proposed Variation and other plans and programmes. The potential for each of the changes to impact on European sites is presented in Table 2-2.

As outlined in the European Commission Environment DG document "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", impacts that require consideration can be categorised under a number of headings:

- Loss / reduction of habitat area (e.g. due to the development of new projects);
- Disturbance to Key Species (e.g. increased public access to protected sites, or during the construction phase of infrastructure projects);
- Habitat or species fragmentation;
- Reduction in species density; and
- Changes in key indicators of conservation value such as decrease in water quality / quantity (e.g. through inadequate wastewater treatment, run-off of pollutants during construction and operation of developments, agricultural runoff).

In summary it is concluded that adverse impacts on European sites will not occur due to the implementation of the Variation.

**Table 2-2: Summary of the individual elements of the Variation and the potential for these to give rise to impacts on European sites**

Variation text	Potential effects on European Sites
2 (a) To incorporate the requirements of the Urban Regeneration and Housing Act 2015, to apply Part V to developments of 10+ houses with 10% social housing requirement.	The Kilkenny City and Environs Development Plan already provides for housing development with associated requirements in relation to the proportion of housing that must be social and affordable, and monetary contributions. Variation No. 2 (a) and (b) provide for changes in relation to the proportion of housing that must be social and affordable and monetary contributions for new apartments. In considering the potential for significant environmental effects, these changes are minor and would not result in effects on European Sites.
2 (b) To align the minimum development standards for new apartments with the Department's Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments.	The Kilkenny City and Environs Development Plan already provides for housing development with associated requirements in relation to minimum development standards for new apartments. Variation No. 2 (a) and (b) provide for changes in relation to minimum development standards for new apartments. In considering the potential for significant environmental effects, these changes are minor and would not result in effects on European Sites.

2 (c) Change zoning objective from 'Community Facilities' to 'Residential' at St Josephs' Road, Kilkenny City	Taking into account the extent of land to which Proposed Variation 2 (c) relates, the location of these lands and the nature of both land use zoning objectives, "Community Facilities" and "Residential" (both of which provide for built development), this change is relatively minor and would not result in effects on European Sites.
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### 2.3.3 Identification of Potential Likely Effects

This section documents the final stage of the screening process and determines the likelihood of impacts to arise on individual European sites. It has used the information collected on the sensitivity of each European site and describes any effects of the implementation of the Variation with respect to these sites.

In determining the potential for effects, a number of factors have been taken into account. Firstly, the sensitivity and reported threats to the European site. Secondly, the individual elements of the Variation and other plans and programmes and the potential effect they may cause on the site were considered.

The outcome of this screening is presented in Table 2-3 below. In summary, taking into consideration the provisions of the variation together with the overarching provisions contained in the KCEDP, there is no potential for effects on any European site and therefore there is no need to advance to Stage II Appropriate Assessment.

**Table 2-3 Screening of European sites**

Site Name	Potential for impacts	Stage 2 AA required
River Barrow and River Nore cSAC	None. See also Section 2.3.2.	No
River Nore SPA	None. See also Section 2.3.2.	No
Thomastown Quarry cSAC	None. See also Section 2.3.2.	No

## 2.4 Other Plans and Programmes

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.

The existing City Development Plan 2014-2020 to which the Proposed Variation relates was subject to its own Appropriate Assessment Screening process that determined "Having incorporated mitigation measures, it is considered that the Kilkenny City & Environs Development Plan will not have a significant adverse effect on Natura 2000 sites, and that the integrity of the Natura 2000 sites will not be adversely affected".

It has been determined that the individual parts of the Proposed Variation will not result in any effects on European Sites.

Taking into account all of the above it is determined that there are no 'in-combination' effects arising from the Proposed Variation.

Table 2-4 lists the plans or programmes that relate to the City Development Plan to which Proposed Variation No. 2 relates.

**Table 2-4 Plans & Programmes Likely to Cause In-Combination Effects**

Directive	Purpose
<b>International</b>	
EU Water Framework Directive (2000/60/EC)	Objectives seek to maintain and enhance the quality of all surface waters in the EU.
EU Freshwater Fish Directive (78/659/EEC)	Objectives seek to protect those fresh water bodies identified by Member States as waters suitable for sustaining fish populations. For those waters it sets physical and chemical water quality objectives for salmonid waters and cyprinid waters.
EU Groundwater Directive (2006/118/EC)	This directive establishes a regime, which sets underground water quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater.
EU Floods Directive (2007/60/EC)	The Floods Directive applies to river basins and coastal areas at risk of flooding. With trends such as climate change and increased domestic and economic development in flood risk zones, this poses a threat of flooding in coastal and river basin areas.
Nitrates Directive (91/676/EEC)	This Directive has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and preventing further pollution.
The Urban Wastewater Treatment Directive (91/271/EEC)	The primary objective is to protect the environment from the adverse effects of discharges of urban wastewater, by the provision of urban wastewater collecting systems (sewerage) and treatment plants for urban centres. The Directive also provides general rules for the sustainable disposal of sludge arising from wastewater treatment.
Sewage Sludge Directive (86/278/EEC)	Objective is to encourage the appropriate use of sewage sludge in agriculture and to regulate its use in such a way as to prevent harmful effects on soil, vegetation, animals and man. To this end, it prohibits the use of untreated sludge on agricultural land unless it is injected or incorporated into the soil.
The Integrated Pollution Prevention Control Directive (96/61/EC)	Objective is to achieve a high level of protection of the environment through measures to prevent or, where that is not practicable, to reduce emissions to air, water and land from industrial sources.
<b>National</b>	
National Spatial Strategy 2002-2020	Objectives of the NSS are to achieve a better balance of social, economic and physical development across Ireland, supported by more effective planning.
Grid 25	Grid25 is a high-level strategy outlining how EirGrid intends to undertake the development of the electricity transmission grid in the short, medium and longer terms, to support a long-term sustainable and reliable electricity supply. The Grid25 strategy thereby seeks to implement the provisions of the 2007 Government White Paper on Energy - "Delivering a Sustainable Energy Future for Ireland" in terms of development of electricity transmission infrastructure. The Grid25 Implementation Programme (IP) is a practical strategic overview of how the early stages of Grid25 are intended to be implemented.
Energy Policy framework 2007-2020, Governments White Paper	This policy states that the Government is committed to delivering a significant growth in renewable energy as a contribution to fuel diversity in power generation with a 2020 target of 33% electricity consumption
Irish Water's Water Services Strategic Plan 2015 and associated Proposed Capital Investment Plan 2014-2016	This Water Services Strategic Plan sets out strategic objectives for the delivery of water services over the next 25 years up to 2040. It details current and future challenges which affect the provision of water services and identifies the priorities to be tackled in the short and medium term.
<b>Regional</b>	
Regional Planning Guidelines for the South-East Region 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 National Spatial Strategy (NSS)
Ireland's First National Cycle Policy Framework (2009)	<ul style="list-style-type: none"> <li>• Outlines objectives and actions aimed at developing a strong cycle network in Ireland</li> <li>• Sets out 19 specific objectives, and details the 109 actions, aimed at ensuring that a cycling culture is developed</li> </ul>
<b>Local</b>	
Kilkenny City and Environs Development Plan 2014 – 2020 Kilkenny County Development Plan 2014-2020 Carlow County Development Plan 2015 – 2021 Laois County Development Plan 2012-2018 North Tipperary County Development Plan 2010 – 2016 South Tipperary County Development Plan 2009 – 2015 Waterford County Development Plan 2011 – 2017 Waterford City Development Plan 2013 – 2019 Wexford County Development Plan 2013 - 2019	Overall strategies for the proper planning and sustainable development of the administrative area of the relevant Local Authorities.

## **Section 3 Conclusion**

The requirement for a Stage 2 AA would arise if the Variation to the KCEDP would have the potential to have effects on a Natura 2000 site. This screening report evaluates the Variation to see if it needs to be the subject of a Stage 2 AA. It finds that the Variation to the KCEDP has been formulated to ensure that uses, developments and effects arising from permissions based upon the Variation (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 Variation does not require any further assessment to demonstrate compliance with the Directive.

## APPENDIX I

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

**Kilkenny City Development Plan Provisions (policy/objective/development management standard) relating to Biodiversity and Flora and Fauna, including:**

- 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.



Fónamh don Phobal - Caomhnú don Oidhreacht

Serving People – Preserving Heritage

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

#### Proposed Variation 2 to the Kilkenny City and Environs Development Plan 2014 - 2020

An Appropriate Assessment (AA) Screening determination has been made by Kilkenny County Council regarding Proposed Variation 2 to the Kilkenny City and Environs Development Plan 2014 – 2020.

Section 12 (7) of the Planning and Development Act 2000 (as amended), requires, inter alia, a determination to be made as to whether Proposed Variation 2 warrants the undertaking of AA.

The Proposed Variation:

- (a) To incorporate the requirements of the Urban Regeneration and Housing Act 2015, to apply Part V to developments of 10+ houses with 10% social housing requirement.
- (b) To align the minimum development standards for new apartments with the Department's *Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments*.
- (c) Change zoning objective from 'Community Facilities' to 'Residential' at St Josephs' Road, Kilkenny City

The AA screening process has found that the Variation does not require any further assessment to demonstrate compliance with the Directive in accordance with the Methodological guidance on the provision 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 Proposed Variation 2 to the Kilkenny City and Environs Development Plan 2014 – 2020 will not result in any effects on European Sites and consequently Stage 2 AA is not required.

Denis Malone  
Senior Planner

Date

19/8/2016

I agree with the above recommendation:

Maria Melia,  
Director of Services

Date

19/8/2016