

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

Kilkenny County Council

August 2016

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# Section 1 Introduction and Background

## 1.1 Introduction

Kilkenny County Council has prepared a proposed Variation to the Kilkenny City and Environs Development Plan (KCEDP) 2014-2020 (as varied) under Section 13 of the Planning and Development Act 2000 (as amended).

As Kilkenny County Council has not determined that the Proposed Variation would be likely to have significant environmental effects, the Proposed Variation has to be screened for the need to undertake Strategic Environmental Assessment (SEA). Screening is the process for deciding whether a particular plan - or variation to a plan -, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA. The purpose of the report is to evaluate the requirement for SEA of the Proposed Variation to the KCEDP.

It is noted that the Kilkenny City and Environs Development Plan 2014 - 2020 was subject to a full SEA. The appropriate environmental authorities were consulted throughout this SEA process.

## 1.2 Legislative Context

The SEA Directive was transposed into Irish Law through the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (Statutory Instrument Number (SI No. 435 of 2004) and the Planning and Development (SEA) Regulations 2004 (SI No. 436 of 2004). Both sets of Regulations became operational on 21 July 2004. These Regulations have been amended by the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (SI No. 200 of 2011) and the Planning and Development (SEA) (Amendment) Regulations 2011 (SI No. 201 of 2011).

Under Article 7 (13K) of the SEA Regulations, as amended, screening is required for the Proposed Variation. Schedule 2A '*Criteria for determining whether a plan is likely to have significant effects on the environment*' of the SEA Regulations, as amended, must be taken into account during the screening process.

The Proposed Variation is being made under Section 13 of the Planning and Development Act 2000 (as amended).

## **1.3 Content of the Proposed Variation**

Proposed 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.

This SEA Screening Report should be read in conjunction with the Proposed Variation document.

## **1.4 Consultation**

As part of the screening process, environmental authorities were notified that a submission or observation in relation to whether or not implementation of the Proposed Variation would be likely to have significant effects on the environment may be made to the Authorities (a period of 3 weeks was allowed for the reply).

A response was received from Cian O' Mahony, SEA Section, EPA. The comments made were taken into account in the determination of this screening report. The EPA did not advise that an SEA should be carried out.

## **1.5 Appropriate Assessment**

An Appropriate Assessment Screening under the Habitats Directive has been undertaken on the Proposed Variation and it has found that a Stage 2 Appropriate Assessment is not required and that there will be no impacts on the Natura 2000 network.

# Section 2 Determining whether SEA is required

## 2.1 Introduction

The following pages contain a completed reproduction of Schedule 2A '*Criteria for determining whether a plan is likely to have significant effects on the environment*' of the SEA Regulations, as amended.

These criteria have been taken into account in determining whether or not significant effects on the environment would be likely to arise.

It is only changes to the Plan which are considered; the existing Plan (2014-2020, as varied) has undergone full SEA already.

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<sup>1</sup> SEA Directive Article 4.3: Where plans and programmes form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy.

## 2.2 Schedule 2A: Part 1

### **1. The characteristics of the plan having regard, in particular, to: the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources**

There are three elements to Proposed Variation No. 2 (a, b and c)

- 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 2014 – 2020 was subject to a full SEA.

Variation No. 2(a) and (b) are proposed to ensure that the KCEDP is consistent with relevant planning legislation and Government guidance. The City Development Plan already provides for housing development with associated requirements in relation to the proportion of housing that must be social and affordable, monetary contributions and minimum development standards for new apartments. Variation No. 2 (a) and (b) provide for changes in relation to the proportion of housing that must be social and affordable, monetary contributions and minimum development standards for new apartments. In considering the potential for significant environmental effects, these changes are minor and would not be likely to result in significant environmental effects. Consequently further assessment is not required for Variation No. 2 (a) and (b).

Variation No. 2 (c) involves a change of zoning from 'Community Facilities' to 'Residential' on a site measuring approx 0.33Hectares in a predominantly residential area of 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 be likely to result in significant environmental effects. Consequently further assessment is not required for Variation No. 2 (c).

In relation to potential flooding, a SFRA was already carried out for the Kilkenny City and Environs Development Plan, 2014 – 2020. The subject site at St Joseph's Road is located outside of both Flood Zone A and B. In addition for the purposes of this proposed Variation 2 (c), the following sources of flood mapping have been consulted:

National Preliminary Flood Risk Assessment 2011 – none on subject sites  
Draft CFRAM floodmaps (1 in 100yr and 1 in 1000yr) – none on subject sites  
OPW Flood Events Mapping ([www.floodmaps.ie](http://www.floodmaps.ie)) – none on subject sites  
OPW Benefitting Lands – none on subject sites  
EPA Mineral Alluvial soils mapping – none on subject sites

None of these indicators suggest that there is any flood risk associated with the subject lands. Furthermore, no local knowledge has been presented which suggests that these lands are at elevated levels of flood risk. Any effects of developing these lands on flood risk elsewhere will be mitigated by the provisions that have already been integrated into the current Plan See Section 8.2.4 of KCEDP).

Arising from the degree to which the Plan sets a framework for projects and other activities the Variation would not be likely to result in significant environmental effects.

### **2. The characteristics of the plan having regard, in particular, to: the degree to which the**

## **plan influences other plans, including those in a hierarchy**

The Proposed Variation is not envisaged to significantly influence any lower tier plans

Arising from the degree to which the KCEDP influences other plans, the Proposed Variation would not be likely to result in significant environmental effects.

### **3. *The characteristics of the plan having regard, in particular, to: the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development***

The KCEDP has undergone SEA. This process integrated environmental considerations into the Plan and concluded that the Plan is based on the broad principles of sustainable development.

Arising from the relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development, the Proposed Variation would not be likely to result in significant environmental effects.

### **4. *The characteristics of the plan having regard, in particular, to: environmental problems relevant to the plan***

Environmental problems arise where there is a conflict between current environmental conditions and legislative targets.

Through its provisions relating to environmental protection and management, the existing KCEDP contributes towards ensuring that environmental problems do not get worse and, where possible, it contributes towards amelioration.

Taking the above into account, arising from environmental problems relevant to the Plan and Proposed Variation, the Proposed Variation would not be likely to result in significant environmental effects.

### **5. *The characteristics of the plan having regard, in particular, to: the relevance of the plan for the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection)***

The KCEDP relates to the land use sector and does not directly relate to other sectors such as agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications or tourism.

The KCEDP relates primarily to the land use sector and has already undergone SEA. This process integrated considerations with regard to EU and national legislation on the environment into the Plan, including those relating to the waste management and the Water Framework Directive.

Taking the above into account, arising from the relevance of the Plan for the implementation of European Union legislation on the environment, the Proposed Variation would not be likely to result in significant environmental effects.

## **2.3 Schedule 2A: Part 2**

### **1. 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 Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

### **2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the cumulative nature of the effects**

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

### **3. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the transboundary nature of the effects**

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

### **4. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the risks to human health or the environment (e.g. due to accidents)**

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

### **5. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)**

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

### **6. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the value and vulnerability of the area likely to be affected due to:**

#### **a) special natural characteristics or cultural heritage;**

The Proposed Variation would not be likely to result in significant environmental effects on special natural characteristics or cultural heritage (see Section 2.2).



**b) exceeded environmental quality standards or limit values, and;**

The Proposed Variation would not be likely to result in significant environmental effects with respect to exceeded environmental quality standards or limit values (see also Section 2.2).

**c) intensive land-use.**

The Proposed Variation would not be likely to result in significant environmental effects (see also Section 2.2). The Proposed Variation does not provide for intensive land use.

**7. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the effects on areas or landscapes which have a recognised national, European Union or international protection status**

The Proposed Variation would not be likely to result in significant environmental effects on areas or landscapes which have a recognised national, European Union or international protection status (see also Section 2.2).

## 2.4 Conclusion

Proposed Variation No. 2 to the Kilkenny City and Environs Development Plan 2014 - 2020 has been examined against Schedule 2A '*Criteria for determining whether a plan is likely to have significant effects on the environment*' of the SEA Regulations, as amended, and it has been determined that the Proposed Variation would not be likely to result in significant environmental effects.

In terms of the provisions of Article 13K(4) of the Regulations, following the appropriate consultation period the Planning Authority shall determine whether or not implementation of the proposed variation would be likely to have significant effects on the environment, taking account of the relevant criteria set out in Schedule 2A of the Regulations and any submission or observation received from the environmental authorities. In this regard, a decision was taken on the 19<sup>th</sup> August 2016 to not carry out an SEA and in accordance with Article 13K(5)(b) the environmental authorities were notified of this decision on the 19<sup>th</sup> August 2016.

## APPENDIX 1 SEA 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.



Fóinamh don Phobal - Caomhnú don Oidhreacht

Serving People – Preserving Heritage

**TO:** MARIA MELIA, DIRECTOR OF SERVICES  
**FROM:** DENIS MALONE, SENIOR PLANNER  
**SUBJECT:** STRATEGIC ENVIRONMENTAL ASSESSMENT OF VARIATION 2 TO  
KILKENNY CITY AND ENVIRONS DEVELOPMENT PLAN 2014 - 2020  
**DATE:** 19<sup>TH</sup> AUGUST 2016

I refer to the requirement under article 13K of the Planning and Development Regulations (Strategic Environmental Assessment) 2004 in relation to considering whether or not a proposed Variation to a Development Plan would be likely to have significant effects on the environment.

In accordance with the requirements of Article 13K, a 'screening' of the proposed Variation was undertaken in respect of SEA. A letter setting out the Council's considerations with regard to the relevant criteria for determining whether the Variation was likely to have significant impacts on the environment as set out in Schedule 2A of S.I. No. 436/2004 was submitted to the following environmental authorities:

- The Minister for the Environment, Community and Local Government, and
- The Minister for Communications, Energy and Natural Resources,
- The Minister for Arts, Heritage and the Gaeltacht,
- The Minister Agriculture, Food and the Marine,
- The Environmental Protection Agency, and
- Adjoining Local Authorities

None of the authorities advised that a Strategic Environmental Assessment should be carried out; the information contained in the response received from the EPA has been taken into account.

The SEA screening, which had regard to the criteria set out in schedule 2A of S.I. No. 436/2004, did not indicate that that the proposed Variation was likely to have significant impacts on the environment.

### Recommendation

I therefore recommend that a Strategic Environmental Assessment is **not required** for the proposed Variation 2 to Kilkenny City and Environs Development Plan 2014-2020, as per the provisions of the Planning & Development Regulations 2001-2015.

  
Denis Malone,  
Senior Planner

I agree with the above recommendation.

  
Maria Melia,  
Director of Services

