

Draft Ferrybank-Belview Local Area Plan 2017-2023

**PROPOSED MATERIAL ALTERATIONS –  
SCREENING FOR APPROPRIATE ASSESSMENT**

Planning Department  
Kilkenny County Council  
2017

## 1. INTRODUCTION

### 1.1 Draft Ferrybank-Belview LAP 2017 – 2023

Material Alterations to the Draft Ferrybank-Belview Local Area Plan (LAP) 2017-2023 have been proposed by the Elected Members of Kilkenny County Council. These alterations have arisen following a review of the Chief Executive’s Report on submissions received during the public display period of the LAP by the Elected Members of the Council.

The Draft Ferrybank-Belview Local Area Plan (LAP) 2017-2023 was placed on public display from the 9<sup>th</sup> June 2017 until 4<sup>th</sup> August 2017. A Screening for Appropriate Assessment (Screening for AA) was also placed on display with the LAP.

A total of 41 submissions were received on the LAP. The issues raised by the submissions were summarised and the response and recommendation of the Chief Executive was provided in accordance with the Planning and Development Act 2000 (as amended). Following consideration of the Chief Executive’s Report on the submissions, the Elected Members decided to make a number of changes which are considered to be Material Alterations in response to a number of issues raised in the submissions.

In accordance with Section 20(3)(f) of the Planning and Development Act 2000, as amended, the Planning Authority shall determine if an appropriate assessment is required “to be carried out as respects one or more than one proposed material alteration of the draft local area plan”.

This report provides the assessment of the Proposed Material Alterations and screening of same. It also includes, as Appendix 1, an addendum to the AA Screening of the Draft Plan, to incorporate the issues raised in the submissions received to the Draft Plan and Screening.

## 2 PROPOSED MATERIAL ALTERATIONS ASSESSMENT

A review of the Proposed Material Alterations has been undertaken in **Table 2.1**. Where the potential for impacts has been identified, an assessment has been undertaken of likely significant effects.

**Table 2.1 – Assessment of likely significant effects**

Ref. no	Alteration Type	Identification of Potential Impacts	Assessment of likely Significant Effects
Figure 2.3 Zoning Map			
1	Include “Passive Open Space” land in the Milepost Infill zone.	Residential use may result in indirect damage / degradation of habitat and disturbance to species.	Construction of one house at this location will not have a significant effect on the qualifying interests of the European sites as identified as the nearest European site is located approx. 2km away from this site.
2	Change the zoning in Belview from	No impact on existing	N/A

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	PFI to RAB.	screening assessment	
3	Change the zoning on Glasshouse Road from PFI to RAB.	No impact on existing screening assessment	N/A
4	Change Abbey gate development to include within the existing residential zoning 8 existing bases to the south west of the lands numbered 26 to 33 on fig 24 (See CE's Report).	Increase in residential zoning of 0.16 hectares. Indirect damage / degradation of habitat and disturbance to species.	Construction of proposed new developments will not have a significant effect on the qualifying interests of the European sites as identified as the nearest European site is located approx. 900m away from this site.
5	Change zoning of car park site at District Centre from Residential to Urban Village.	No impact on existing screening assessment	N/A
6	Change Clover Meadows site - change phases 4 and 5 to Residential and phases 1 and 2 to Strategic Reserve.	Increase in residential zoning of 1.1 hectares. Indirect damage / degradation of habitat and disturbance to species.	Construction of proposed new developments will not have a significant effect on the qualifying interests of the European sites as identified as the sites are located approx. 1km away from this site.
<b>Changes to Figure 2.4 Development Objectives</b>			
7	Insert site specific objective 2A at Abbeygate: <i>Following completion of the services and more than 75% of the houses (i.e. more than 42 units), consideration will be given to additional housing on the adjacent strategic reserve lands notwithstanding the strategic reserve designation subject to the proper planning and sustainable development of the area.</i>	Increase in residential zoning. Indirect damage / degradation of habitat and disturbance to species.	Construction of proposed new developments will not have a significant effect on the qualifying interests of the European sites as identified as the nearest European site is located approx. 900m away from this site.
8	Amend 10F to reflect change in text objective, see 9 below	No impact on existing screening assessment	N/A
<b>Changes to Figure 10.1 Transport Concept</b>			
9	Objective 10F To provide a link northward across the New Ross railway line/Greenway at the Ross Abbey housing development to connect through to the Belmont Road (R711), and to the Clover Meadows development.	No impact on existing screening assessment	N/A
<b>Changes to Draft Plan text</b>			

<p><b>Ch. 1</b></p>	<p><b>Introduction and Strategic Context</b></p> <p>The alterations to Chapter 1 are all minor in nature, and relate to the relationship between the Plan and other contextual documents.</p>	<p>No impact on existing screening assessment</p>	<p>N/A</p>
<p><b>Ch. 2</b></p>	<p><b>Core Strategy &amp; Zoning</b></p> <p>These changes are minor edits to Table 2.3 Capacity of land zoned for housing units, reflecting the changes to zoning as outlined under the Changes to Figure 2.3 Zoning above.</p> <p>Additional section <i>2.8 Core Strategy Objectives</i>. This alteration includes the possibility of an increase to the Residential units at this location, within the Strategic Reserve zone (see point 7 above).</p>	<p>Increase in residential zoning. Indirect damage / degradation of habitat and disturbance to species.</p>	<p>Construction of proposed new developments will not have a significant effect on the qualifying interests of the European sites as identified as the nearest European site is located approx. 900m away from this site.</p>
<p><b>Ch. 3</b></p>	<p><b>Area identity</b></p> <p>These changes are minor in nature, relating to correction of references.</p> <p>There is also a change to broaden an objective to include more than the Sallypark Road.</p>	<p>No impact on existing screening assessment</p>	<p>N/A</p>
<p><b>Ch. 4</b></p>	<p><b>Chapter 4: Economic Development and Retailing</b></p> <p>This text change states that the food processing industries at Christendom will be encouraged to relocate. No location or timeframe has been specified.</p> <p>A change in policy relates to additional office capacity at the District Centre.</p> <p>There is an addition of a reference for the criteria for assessing retail applications. This is minor in nature, relating to a correction of references.</p>	<p>No impact on existing screening assessment</p>	<p>N/A</p>

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<b>Ch. 5</b>	<p><b>Belview Industrial Area</b></p> <p>The changes in this chapter are all intended as mitigation for any development proposal at Belview, to reduce impacts on residential amenity.</p>	No impact on existing screening assessment	N/A
<b>Ch. 6</b>	<p><b>Ch. 6 Community and Housing</b></p> <p>This is a change to the requirements to qualify under the rural housing policy.</p>	No impact on existing screening assessment	N/A
<b>Ch. 7</b>	<p><b>Ch. 7 Heritage</b></p> <p>This is a clarification relating to the boundary of the LAP area and the location of the SACs.</p> <p>These two development management standards are intended as additional protective measures for the SAC.</p>	No impact on existing screening assessment	N/A
<b>Ch. 8</b>	<p><b>Recreation, Tourism and the Arts</b></p> <p>This is a statement of support, but no specific project is outlined.</p>	No impact on existing screening assessment	N/A
<b>Ch. 9</b>	<p><b>Infrastructure and Environment</b></p> <p>There is a change to provide clarification in relation to the capacity of the WWTP.</p> <p>This is a proposed change to correct references in relation to the Seveso Directive.</p>	No impact on existing screening assessment	N/A
<b>Ch. 10</b>	<p><b>Transport</b></p> <p>A proposed change is to insert a reference to the National Cycle Manual.</p> <p>An alteration is proposed to include a connection to the Clover Meadows development. This is a conceptual</p>	No impact on existing screening assessment	N/A

	<p>route, see points 8 and 9 above.</p> <p>A reference to School Travel Plans is proposed.</p> <p>An additional development management standard is proposed, in relation to Construction Environment Management Plans, as additional mitigation measures to lessen effects on residential amenity and the environment.</p>		
<b>Ch. 12</b>	<p><b>Implementation and Finance</b></p> <p>A proposed change is to reflect a recent planning application reference 16/872, and removes reference to one access point.</p>	No impact on existing screening assessment	N/A
<b>Appendix 1</b>	<p><b>Land use zones</b></p> <p><b>Milepost Infill Zone</b></p> <p>A proposed change is to allow for one house within the Milepost Infill zone, on the basis that the three protected cottages will be brought back into residential use, see Change 1 above.</p> <p><b>Passive Open Space/Green Links/Biodiversity Conservation</b></p> <p>This change is allow for 'essential infrastructure' within the Passive Open Space zone.</p>	<p>Residential use may result in indirect damage / degradation of habitat and disturbance to species.</p> <ul style="list-style-type: none"> <li>• Infrastructure may result in indirect damage / degradation of habitat and disturbance to species.</li> <li>• Emissions to water (from hard surface areas)</li> <li>• Excavation requirements</li> </ul>	<p>Construction of one house at this location will not have a significant effect on the qualifying interests of the European sites as identified as the nearest European site is located approx. 2km away from this site.</p> <p>Objective IB of the LAP will ensure that any plan or project will be subject to appropriate assessment.</p>

### **3 In-combination effects with other plans and programmes**

Cumulative impact assessment aims to identify at an early stage any possible significant in-combination or cumulative effects/impacts of the Draft LAP with other such plans or projects on the integrity of European Sites. Plans and projects with the potential to lead to cumulative impacts in combination with the Draft LAP were presented in the Screening for AA published with the Draft LAP, and an assessment in relation to each presented. It is expected that the Proposed Material Alterations as set out above, will not lead to in-combination impacts with other plans and programmes.

### **4 Screening and Conclusions**

The likely impacts that will arise from the Draft LAP alone and in combination with other plans and programmes have been examined in the context of a number of factors that could potentially have a significant effect on European Sites. Each of the Proposed Material Alterations to the Draft LAP has now been assessed. It is determined that no European site within 15km of the LAP area will be adversely affected. It is also considered unlikely that hydrologically connected European sites, outside the 15km range, will be adversely affected.

Therefore, the previous finding of no significant effects remains.

On the basis of the findings of this Screening for Appropriate Assessment of the Proposed Material Alterations, it is concluded that the proposed Draft LAP will not have a significant effect on European Sites and a Stage 2 Appropriate Assessment is not required.

## Appendix 1: Addendum to AA Screening of Draft

**Table 2.4 Elements of the Draft Plan and the Potential for Effects on European Sites**

Element of the Draft Plan	Potential effects
<b>Construction phase</b>	
<i>New infrastructural development, including walking and cycling routes, and a bridge</i>	<p><i>The provision for new developments may potentially lead to the run-off of silt and other harmful pollutants to watercourses. This may lead to adverse impacts on the water dependant European sites. There may also be effects due to construction traffic and related activities, such as noise disturbance and increased dust.</i></p> <p><i>This provision may potentially lead to: Changes in indicators of conservation value (water quality), and Disturbance of key species</i></p>

**Table 2.5 Elements of the Draft Plan and the Potential for Effects on European Sites**

European Site	Distance	Description of potential significant impacts on qualifying interests	Potential for Significant Effects	Potential for In-Combination Effects
River Suir SAC (002137)	Within LAP boundary	<p>This SAC runs through the study area, see Maps 3 and 4. For the most part, appropriate zonings have been applied, such as Passive Open Space and Water Compatible development, to ensure no change to the site. There are some very small areas where the zoning objectives appear to conflict with the SAC, see Maps 3 &amp; 4. However, these areas merely reflect the current uses, such as the port quay in Belview, and any development will still be subject to project level appropriate assessment.</p> <p>The potential threats as a result of developments facilitated by this plan are to water quality, from inadequate treatment of sewage, or threats from abstractions or discharges to the river or into the river catchment, <i>and also to the SAC from construction of the proposed riverside walkways and the bridge. Objectives are now included in relation to a requirement for Construction Environment Management Plans in advance of the construction of transportation infrastructure, including bridges and cycleways. An objective is also included in relation to directional lighting.</i></p> <p>The RPGs also identified water quality and waste water treatment as being the pressure topic for this SAC. There have been improvements to the water</p>	No	Yes



	<p>services in the area and specifically the new waste water treatment plant has improved the quality of discharge to the Suir. The WWTP has sufficient capacity for the development envisaged under this Draft LAP.</p> <p>There may be in combination effects from upstream WWTPs, such as from Waterford City, Clonmel and Carrick-on-Suir WWTPs and from other developments in the vicinity.</p>		
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Table 2.6 Plans & Projects Likely to Cause In-Combination Effects				
Plan/programme	Purpose	Interactions resulting in Cumulative Impacts	Consideration of impacts	Potential for Significant Effects
Waterford to New Ross Greenway	Plan for the provision of a cycle route along the old New Ross-Waterford Railway line	An Appropriate Assessment was undertaken for this project.	<i>This Greenway has a small footprint. The policies and objectives within the plan limit any potential effects to water quality through robust construction management protocols. The lighting objectives within the Greenway are also tailored specifically for biodiversity. The potential effects of this Greenway are very low and temporary, associated predominantly with the construction phase. The operational phase effects are negligible considering the conservation objectives of the European Sites in close proximity to the site. As interactions with water quality are considered within the NIR of the Waterford to New Ross Greenway, it is understood that landscape barrier effects for biodiversity may be a concern. Ensuring that developments within the LAP area use directional lighting designed specifically for biodiversity will minimise any potential in combination effects. Otter (Lutra lutra) are the only terrestrial qualifying interest species within the adjacent European Sites and these are a light tolerant species.</i>	No

## Appendix 2: Determination on AA

**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

**TO:** Mary Mulholland, Director of Services  
**FROM:** Nicolaas Louw, Senior Executive Planner  
**SUBJECT:** APPROPRIATE ASSESSMENT (AA) SCREENING DETERMINATION UNDER THE PLANNING AND DEVELOPMENT ACTS 2000-2017 FOR:  
Material Alterations to the Draft Ferrybank Belview Local Area Plan 2017

An Appropriate Assessment (AA) Screening determination has been made by Kilkenny County Council regarding Material Alterations to the Draft Ferrybank Belview Local Area Plan 2017 in accordance with the EU's Habitats Directive 6(3) and Section 177U of the Planning and Development Act 2000 (as amended).

The Draft LAP sets out the vision and direction for the future development of the Ferrybank-Belview area. Proposed land use plans must undergo a formal 'test' or 'screening' to ascertain whether they are likely to result in any significant adverse effects on specific sites designated for their nature conservation importance. These sites are those designated under the European Commission's Natura 200 network of sites (hereafter termed 'European sites'). European sites are designated on the basis of the presence of certain habitats and species that are deemed to be of international importance. The Irish Government, and planning authorities, have a legal obligation to protect these sites. The Habitats Directive requires the screening of plans and projects. If the screening process results in a judgement that likely significant effects may occur or cannot be ruled out, then a more detailed assessment is required.

The AA screening process for the Material Alterations to the Draft LAP has found that the Material Alterations do not require any further assessment to demonstrate compliance with the Directive in accordance with the methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

Taking into account the findings of the AA process that are detailed in an AA Screening Report that accompanies this Determination, Kilkenny County Council have determined that Material Alterations to the Draft LAP, either independently or in combination, will not result in any effects on European Sites and consequently Stage 2 AA is not required.

  
Mary Mulholland,  
Director of Services

Date 28/9/2017

