

**SEA SCREENING REPORT**

**Proposed Variation No. 5 to the Kilkenny City and Environs Development Plan  
2014 - 2020**

Kilkenny County Council

January 2018

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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 this report is to evaluate the requirement for SEA of the Proposed Variation to the KCEDP.

It is noted that the KCEDP was subject to a full SEA. The appropriate environmental authorities were consulted throughout that SEA process.

A full site specific SEA was further undertaken for the Abbey Quarter Masterplan in 2015. The proposed variation to the Kilkenny City and Environs Plan does not propose any material change to the zoning of the Masterplan area.

The appropriate environmental authorities were also consulted throughout that Masterplan 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

Objective 3N of the Kilkenny City & Environs Development Plan (Variation No.1) stated "To provide for park and walk facilities for car and bus/coach parking at a site or sites in close proximity to the Abbey Creative Quarter Masterplan<sup>1</sup> area to service both the Masterplan area and the city centre generally taking into account the mobility management plan for the city". Further to this objective, a detailed Parking Options Report was prepared by the Council in December 2017 to examine this issue.

The Report recommends amongst other things temporary car parking in the Masterplan area.

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<sup>1</sup> Kilkenny County Council & Reddy Architecture and Urbanism, Masterplan for the Abbey Creative Quarter, July 2015

The purpose of the proposed variation is to provide the necessary overarching policy framework to allow for temporary car parking in the Masterplan area notwithstanding the text of the Masterplan in section 4.1.6 .

An Urban Design Criteria and Development Code has recently been adopted by the Council in line with objective 3K. The code also addresses parking within the site and advocates the use of the area for temporary or meanwhile uses while development proposals are being formulated.

In the short term this objective is required to ensure that any potential conflicts between the Masterplan document ( Section 4.1.6) and the recommendations of the Urban Design Criteria and the Parking Options Report are clearly resolved and dealt with in a manner that gives certainty in the City and Environs Development Plan.

The proposed variation will also amend reference from “Abbey Creative Quarter” to “Abbey Quarter”.

### **Proposed Variation**

The full text of the proposed variation is outlined below and should be read in conjunction with the Kilkenny City and Environs Development Plan 2014-2020. The proposed changes to the text are shown as follows:

Deletions in ~~strikethrough~~

Insertions in *red italics*

### **Chapter 3: Core Strategy and Zoning**

Section 3.4.3 of Kilkenny City & Environs Development Plan

It is an objective of the Council

3H To provide for a linear park along the western bank of the River Nore connecting to the existing River Nore linear park north of Green’s Bridge and the existing River Nore linear park south of the Masterplan area (Canal Walk) (as indicated on Fig 3.4) subject to compliance with the Habitats and Birds Directives and the provisions of the Abbey ~~Creative~~ Quarter Masterplan.

3I To provide for an urban park in the vicinity of St. Francis Abbey (National Monument) incorporating the City Walls, Evan’s Turret and St. Francis’ Well taking into account the recommendations of the archaeological strategy developed in the preparation of the Abbey ~~Creative~~ Quarter Masterplan (as indicated on Fig 3.4) and subject to compliance with the Habitats and Birds Directives and the provisions of the Abbey ~~Creative~~ Quarter Masterplan.

3J To prepare a Heritage Conservation Plan for St. Francis Abbey, Evans’ Turret and St. Francis’ Well in the context of the existing City Wall conservation plan in conjunction with the Heritage Council, the Office of Public Works, the National Monuments Service, the Department of Arts, Heritage and the Gaeltacht and other relevant stakeholders.

3K To prepare urban design criteria and recommendations and archaeological recommendations for the implementation of the Abbey ~~Creative~~ Quarter Masterplan.

3L To finalise and adopt the Abbey ~~Creative~~ Quarter Masterplan and to incorporate it into the Kilkenny City & Environs Development Plan 2014-2020 as a separate future Variation.

3M To develop a low carbon energy strategy for the Masterplan area and advance the provision of near zero energy buildings on site.

3N To provide for park and walk facilities for car and bus/coach parking at a site or sites in close proximity to the Abbey ~~Creative~~ Quarter Masterplan area to service both the Masterplan area and the city centre generally taking into account the mobility management plan for the city.

3O To provide for housing within the Masterplan in the area north of the Central Access Scheme as

identified on fig 3.4

3P To provide for an urban street of pedestrian and cyclist priority between the Central Access Scheme and Bateman Quay crossing the River Breagagh at the existing bridge crossing. To provide for traffic management measures on the street such as to inhibit the flow of through traffic and heavy goods vehicles.

*3Q To provide for temporary car parking (meanwhile uses) as outlined in the Urban Design Code (completed on foot of Objective 3k) and the Parking Options Report (completed on foot of objective 3N) within the Masterplan area.*

Apart from allowing for temporary car parking as a meanwhile use whilst the Abbey Quarter is being developed in a phased manner, the proposal does not vary any other elements of the KCEDP.

## **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 (a period in excess of 3 weeks was allowed for the reply).

The comments made by the EPA have been taken into account in the determination of this screening report.

## **1.5 Appropriate Assessment**

An Appropriate Assessment Screening under the Habitats Directive was also undertaken on the proposed Variation.

## Section 2 Determining whether SEA is required

### 2.1 Introduction

The following pages contain a 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) and the Masterplan for the Abbey Quarter site has undergone full SEA already<sup>2</sup>. This proposed variation arises from studies commissioned in accordance with previous Variation 1.

### 2.2 Referral to Environmental Authorities:

A Draft Screening report, 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 environmental authorities in line with Article 13A(4)(a) of the Planning and Development Regulations (Strategic Environmental Assessment) 2004.

The EPA commented that “there is merit in including in the SEA Screening report, a description of the status (and any related monitoring or maintenance considerations) of existing surface water drainage / SUDS infrastructure within the area covered by the Variation.”

These comments were taken into consideration. All surface water runoff is already captured in the existing surface water drainage system. As the site is currently already covered in hardstanding, there will be no increased runoff from the proposed temporary use. At project design stage the potential impact on Natura 2000 sites of the proposed temporary use will be comprehensively addressed so as to avoid impact.

### 2.3 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***

Both the Kilkenny City and Environs Development Plan 2014 – 2020 and the site Masterplan were subject to a full SEA.

Variation 5 is proposed to ensure that the KCEDP reflects the provisions of the temporary car parking provision recommended in the Parking Options study commissioned on foot of Variation 1 to the KCEDP, which was also subject to SEA.

**There is no change in zoning proposed under this Variation and in the KCEDP the proposed uses are permissible within this “General Business” zoning.** The changes are relatively minor, to ensure that temporary parking can be allowed on the site. Therefore this would not be likely to result in significant

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<sup>2</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.

environmental effects. The effects of temporary parking are reversible in that it can/will be removed. An Appropriate Assessment Screening under the Habitats Directive will also be undertaken on the proposed Variation.

Although both the KCEDP and the Masterplan were subject to AA, any further refined development proposal will also be subjected to Stage 1 AA screening, or if required, Stage 2 AA which will consider all potential impacts on proximate Natura 2000 sites such as the River Barrow/river Nore SAC and the River Nore SPA.

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.

Potential adverse effects arising from implementation of the Plan as varied (see table below) would be consistent with those considered by the environmental assessments already undertaken on this part of the Plan; Proposed Variation No. 5 does not propose anything that would exceed the previously considered environmental envelope of effects. There are various provisions that have been integrated into both the City Development Plan and the Masterplan that will ensure that any potential adverse effects arising from this Proposed Variation, alone or in-combination with the other parts of the Plan or in-combination with other plans and programmes, will be mitigated – these are detailed on the table below and include many measures requiring the protection of surface waters and implementation of appropriate systems. All lower-tier projects are required to comply with the measures specified below. In addition to these measures there are further, detailed measures contained within the Abbey Quarter Masterplan that all lower-tier projects are required to comply with (Section 1.4 of Masterplan).

**Table 1: Selected provisions from the Kilkenny City Development 2014-2020 and potential adverse effects, if unmitigated**

Environmental/ Component	Potential Significant Adverse Effect, if unmitigated, of implementing the Plan as varied by Proposed Variation No. 5	Kilkenny City Development Plan Provision (Existing, already in force policy/objective/development management standard)
<b>Biodiversity and Flora and Fauna</b>	<p>Loss of/disturbance to biodiversity with regard to Natura 2000 Sites, including the River Barrow and River Nore candidate Special Area of Conservation and the River Nore Special Protection Area</p> <p>Loss of/disturbance to biodiversity with regard to ecological connectivity and non-designated biodiversity</p> <p>Loss</p>	<p><i>See also measures on this table under Soil, Water, Flood Risk Management and Drainage and Water Services</i></p> <p>To implement the provisions of Articles 6(3) and 6(4) of the EU Habitats Directive</p> <p>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.</p> <p>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.</p> <p>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</p> <p>To implement, in partnership with the Kilkenny Heritage Forum and all relevant stakeholders, a County Heritage Plan and County Biodiversity Plan</p>

	of/disturbance to biodiversity with regard to listed species	<p>To allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space.</p> <p>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.</p> <p>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</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Ensure, as far as is possible, that the potential for spread of invasive species is examined as part of any application.</p> <p>To promote the use of native plants and seeds from indigenous seed sources in all landscape projects</p> <p>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.</p>
<b>Population and Human Health</b>	Spatially concentrated deterioration in human health	<p><i>See also measures on this table under Soil, Water, Water Services, Air and Climatic Factors and Flood Risk Management</i></p> <p>To ensure the highest standards of environmental protection in the assessment of planning applications for all development proposals.</p> <p>To integrate the planning and sustainable development of the county with regard to the social, community and cultural requirements of the county and its population.</p>
<b>Soil</b>	Damage to the hydrogeological and ecological function of soil	<p><i>See also measures on this table under Biodiversity, Flora and Fauna, Water, Water Services and Flood Risk Management</i></p> <p>Development will be encouraged and facilitated where it can be demonstrated that the development of the potentially contaminated site will result in a recreational and social benefit to the local area/community provided that identified remediation measures for the lands are carried out. The Council will require that a detailed investigation is carried out and appropriate measures are taken to ensure that the land is treated properly before development takes place.</p> <p>The Council will consult the Geological Survey of Ireland when considering undertaking, approving or authorising developments which are likely to affect Geological Sites.</p>
<b>Water</b>	Potential interactions with the status of water bodies (River Nore, River Breagagh and groundwater) and entries to the WFD Register of Protected Areas <sup>[1]</sup> , arising	<p><i>See also measures on this table under Biodiversity, Flora and Fauna, Soil, Water Services and Flood Risk Management</i></p> <p>Meet in full the requirements of the E.U. Urban Waste Water Treatment and Water Framework Directives.</p> <p>To have regard to the Groundwater Protection Scheme and the Water Services Acts 2007 &amp; 2012 in decision-making on the location, nature and control of developments and activities in order to protect groundwater.</p> <p>To promote compliance with environmental standards and objectives established: for bodies of surface water, by the European Communities (Surface Waters) Regulations 2009;</p>

<sup>[1]</sup> The River Nore is a designated Salmonid water under SI 293 of 1988 and groundwater under the area is listed on the Register for groundwater that is used for drinking water.



	<p>from:</p> <ul style="list-style-type: none"> <li>- Changes in quality, flow and/or morphology; and</li> <li>- Increases in outflow at waste water treatment plant as a result of increases in population.</li> </ul>	<p>for groundwater, by the European Communities (Groundwater) Regulations 2010; which standards and objectives are included in the South East River Basin Management Plan.</p>
<b>Flood Risk</b>	Increase in flood risk	<p><i>See also measures on this table under Human Health</i></p> <p>To adopt a comprehensive risk-based planning approach to flood management to prevent or minimise future flood risk. In accordance with the Guidelines, the avoidance of development in areas where flood risk has been identified shall be the primary response</p> <p>To promote compliance with environmental standards and objectives established: for bodies of surface water, by the European Communities (Surface Waters) Regulations 2009 and for groundwater, by the European Communities (Groundwater) Regulations 2010; which standards and objectives are included in the South East River Basin Management Plan.</p> <p>To complete the mapping of source protection areas and to map Source Protection Areas for any new public water supply schemes as appropriate.</p> <p>Where flood risk may be an issue for any proposed development, a flood risk assessment shall be carried out that is appropriate to the scale and nature of the development and the risks arising. This FRA shall be undertaken in accordance with the Flood Risk Management Guidelines.</p> <p>All new development must be designed and constructed to meet the following minimum flood design standards: Where streams open drains or other watercourses are being culverted - the minimum permissible culvert diameter is 900mm. (Access should be provided for maintenance as appropriate.); To give adequate allowance for climate change in designing surface water proposals a multiplication factor of 1.2 shall be applied to all river return periods up to 100 years except in circumstances where the OPW have provided advice specifying the particular multiplication factor for return periods up to 100 years.; In the case of rainfall a multiplication factor of 1.1 shall be applied to rainfall intensities to make allowance for climate change requirements.; In the design of surface water systems, regard shall be had to the Greater Dublin Regional Code of Practice for Drainage Works<sup>114</sup> and associated GSDSDS technical documents.</p> <p>Development must, so far as is reasonably practicable, incorporate the maximum provision to reduce the rate and quantity of runoff e.g.: Hard surface areas (car parks, etc.), should be constructed in permeable or semi-permeable materials, On site storm water ponds to store and/or attenuate additional runoff from the development should be provided, Soak-aways or french drains should be provided to increase infiltration and minimise additional runoff.</p> <p>Individual developments shall be obliged, in all cases where surface water drainage measures are required, to provide a surface water drainage system separated from the foul drainage system.</p> <p>In the case of single dwellings or extensions, except in circumstances where an existing surface water drainage system is available to the proposed site for development and which, in the opinion of the planning authority has adequate capacity to accommodate the identified surface water loading, surface water shall be disposed of, in its entirety within the curtilage of the development site by way of suitably sized soak holes.</p> <p>In the case of brown-field development, while existing surface water drainage measures will be taken into account, some attenuation measures for surface water may be required at the discretion of the planning authority in the interests of balanced and sustainable development</p> <p>In line with the above Kilkenny Local Authorities will consider all drainage proposals consistent with SuDS (Sustainable Drainage Systems).</p> <p>For developments adjacent to watercourses of a significant conveyance capacity any structures (including hard landscaping) must be set back from the edge of the watercourse to allow access for channel clearing/maintenance. A setback of 5m-10m is required depending on the width of the watercourse. Development consisting of construction of embankments, wide bridge piers, or similar structures will not normally be permitted in or across flood plains or river channels.</p>
<b>Water Services</b>	The need to provide adequate and appropriate	<p><i>See also measures on this table under Human Health</i></p> <p>Prioritise the upgrading of the Purcellsinch wastewater treatment plant.</p> <p>Investigate the feasibility of installing anaerobic digestion facilities at the Purcellsinch</p>

	water services (it is the function of Irish Water to provide for such needs)	wastewater treatment plant Implement the programme as outlined in the Water Services Investment Programme.
<b>Air and Climatic Factors and Sustainable Transport</b>	Failure to contribute towards sustainable transport and associated impacts (energy usage and emissions to air including noise and greenhouse gases)	<p><i>See also measures on this table under Human Health</i></p> <p>To prepare a Climate Change Adaptation plan following the adoption of the Development Plan</p> <p>To review the progress of the Climate Change Strategy, report on the progress to date and thereafter develop a Climate Change Adaptation strategy and action plan in line with national policy</p> <p>Prepare and implement traffic management and calming schemes for the City &amp; Environs in line with the 3 year Roads Programmes.</p> <p>To review the Mobility Management Plan (2009) and adopt a new MMP for the period 2015-2020</p> <p>Complete the demarcation of the Gateways as depicted on the map and prioritise pedestrian and cyclist movement within the Gateways.</p> <p>To prepare and support the implementation of a Green Infrastructure Strategy for Kilkenny city and environs, as resources allow.</p> <p>Complete the River Nore Linear Park within the lifetime of the Plan.</p> <p>Plan for the provision of the Greensbridge Way and the Ossory Bridge connection.</p> <p>To ensure that developments which are subject to the requirements of the Air Pollution Act 1987 and Air Pollution (Licensing of Industrial Plant) Regulations 1988 or any subsequent regulations meet appropriate emission standards and other relevant national and international standards.</p> <p>To seek to minimise noise and dust through the planning process by ensuring that the design of developments incorporate measures to prevent or mitigate the transmission of dust, noise and vibration, where appropriate</p> <p>Ensure traffic noise levels are considered as part of all new developments along the N77 and N10, or other roads as identified in the Noise Action Plan.</p> <p>Require planning applications to demonstrate the development proposal's accessibility for pedestrians and cyclists. Planning applications for residential/commercial or mixed use developments need to:</p> <p>Demonstrate detailed layouts and design which reflect the importance of walking and cycling by providing safe and direct access to local services and public transport nodes.</p> <p>Demonstrate how walking and cycling is integrated with open space provision.</p> <p>Demonstrate that the proposal is easily accessible to pedestrians and cyclists alike with the layouts displaying high internal pedestrian and cyclist permeability.</p> <p>Show a high quality of internal routes which are safe, secure and convenient for users.</p> <p>Require that adequate covered facilities for the secure parking of bicycles are provided at convenient locations close to building entrances in order to encourage cycling. The number of bicycle parking spaces required will be in accordance with Table T1 below.</p>
<b>Waste Management</b>	Increases in waste levels	<p>To implement the Joint Waste Management Plan for the South East Region</p> <p>To have regard to the waste produced by proposed developments including the nature and amount of waste produced and proposed method of disposal.</p> <p>Proposed apartment and housing developments must be appropriately laid out to enable the implementation of three bin collection systems.</p> <p>Proposed apartment, housing and commercial developments must be either serviced by existing infrastructure or make appropriate provision for bring sites in their layout. The sites shall be made available to the Council at the developer's own expense and will be maintained by the Council or its agents. Adequate access must be provided in developments to service proposed bring sites.</p> <p>For significant construction/demolition projects, the developer shall include construction and demolition waste management plans, to be prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects. These plans should seek to focus on waste minimisation in general and optimise waste prevention, re-use and recycling opportunities, and shall provide for the segregation of all construction wastes into recyclable, biodegradable and residual wastes.</p> <p>For any development, the developer shall ensure that all operations at the site during the construction and demolition phase shall be managed and programmed in such a manner as to minimise waste production and that procedures are in place to deal with any litter arising.</p>
<b>Archaeological and</b>	Effects on the Zone of	<p><i>See also measures on this table under Landscape</i></p> <p>Protect archaeological sites and monuments (including their setting), underwater</p>

<p><b>Architectural Heritage</b></p>	<p>Archaeological Potential, St. Francis Abbey, Kilkenny Town wall, Evans Tower, entries to the Record of Monuments and Places and other archaeological heritage</p> <p>Effects on entries to the Records of Protected Structures, National Inventory of Architectural Heritage and Architectural Conservation Areas (St. Canice's ACA and City Centre ACA) and other architectural heritage</p>	<p>archaeology, and archaeological objects, including those that are listed in the Record of Monuments and Places, and in the Urban Archaeological Survey of County Kilkenny or newly discovered sub-surface and underwater archaeological remain</p> <p>Endeavour to preserve in situ all archaeological monuments, whether on land or underwater, listed in the Record of Monuments and Places (RMP), and any newly discovered archaeological sites, features, or objects by requiring that archaeological remains are identified and fully considered at the very earliest stages of the development process and that schemes are designed to avoid impacting on the archaeological heritage.</p> <p>Ensure that development within the vicinity of a Recorded Monument is sited and designed appropriately so that it does not seriously detract from the setting of the feature or its zone of archaeological potential. Where upstanding remains of a Recorded Monument exist a visual impact assessment may be required to fully determine the effect of any proposed development.</p> <p>To require archaeological assessment, surveys, test excavation and/or monitoring for planning applications in areas of archaeological importance if a development proposal is likely to impact upon in-situ archaeological monuments, their setting and archaeological remains.</p> <p>Require the retention of surviving medieval plots and street patterns and to facilitate the recording of evidence of ancient boundaries, layouts etc. in the course of development.</p> <p>To protect and retain the historic integrity of the city walls, in accordance with the Kilkenny City Walls Conservation Plan.</p> <p>To seek the conservation of St Francis Abbey and its setting</p> <p>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.</p> <p>To ensure the protection of the architectural heritage of Kilkenny City &amp; Environs by including all structures considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in the Record of Protected Structures.</p> <p>To respond to the Ministerial recommendation to include in the Record of Protected Structures, structures which have been identified as being of Regional, National or International significance in the National Inventory of Architectural Heritage survey of the city and county published in 2006.</p> <p>To carry out a review of the Record of Protected Structures for the functional area of Kilkenny City and Environs</p> <p>To ensure the preservation of the special character of each ACA listed )above and within the county particularly with regard to building scale, building lines, height, general land use, building materials, proportions, historical plot sizes, historic street furniture and paving</p> <p>To designate ACAs where appropriate and provide a local policy framework for the preservation of the character of these areas.</p> <p>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.</p> <p>To improve the visual appearance of the car parking area at the Market Yard and to ensure a high standard of architectural design for any development at Bateman Quay.</p>
<p><b>Landscape</b></p>	<p>Occurrence of adverse visual impacts especially with respect to protected views and prospects</p>	<p><i>See also measures on this table under Biodiversity, Flora and Fauna, Archaeological Heritage and Architectural Heritage</i></p> <p>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.</p> <p>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.</p> <p>To protect views and prospects identified on Figure 7.5 by requiring new development or extensions to existing development to be designed and located so as not to have a significant impact on its character.</p> <p>To encourage street layouts in newly developed areas which create new vistas to existing and new landmarks, in particular within brownfield sites, the Western Environs and the Loughmacask Local Area Plan lands.</p>

		<p>Where the Council believes development has the potential to either diminish or enhance significant views into and/or out of the city and environs, it may require that a visual impact assessment be carried out prior to development being undertaken on any site.</p> <p>Safeguard the importance of significant archaeological or historic landscapes from developments that would unduly sever or disrupt the relationship, connectivity and/or inter-visibility between sites.</p> <p>To seek the protection, and enhancement of significant historic gardens, parklands and designed landscapes in the city and environs, their setting and views to and from them</p> <p>To require an assessment of the potential visual, heritage and environmental impacts of proposals to floodlight buildings and structures</p> <p>To ensure that any development occurring along the River Nore will be sensitive in its design and mindful of its proximity to the river.</p>
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**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**

Apart from specifically allowing for temporary parking within the Masterplan area, the Proposed Variation is not envisaged to significantly influence any lower tier plans.

Arising from the degree to which the proposal development 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 and the Abbey Quarter Masterplan have both undergone SEA. These processes integrated environmental considerations into the Plans and concluded that the Plans are based on the broad principles of sustainable development.

The site is in a city centre location. A Flood Risk Assessment (FRA) for the Masterplan area was undertaken in 2015 alongside the preparation of the Masterplan. The FRA has identified lands that are at elevated levels of flood risk within the Masterplan area and has facilitated the integration of flood risk management considerations into the Masterplan. This Variation does not affect the zoning of the site. The site is zoned for General Business, and parking is a permissible use under this zoning, therefore an SFRA is not required for this Proposed Variation.

Arising from the relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development and regeneration, 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 in 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 and the Masterplan for the site 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 SEA process for the KCEDP 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.

## **2.4 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 2.3).

**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 2.3).

**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 2.3).

**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 2.3).

**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 2.3).

**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 2.3).

**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 2.3).

c) **intensive land-use.**

The Proposed Variation would not be likely to result in significant environmental effects (see also Section 2.3). 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 2.3).

## **2.5 Conclusion**

Proposed Variation 5 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 considered 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, taking account of the relevant criteria set out in Schedule 2A of the Regulations and the comments from the EPA, the Planning Authority finally determined that the implementation of the proposed variation would not be likely to have significant effects on the environment, and any submission or observation received from the environmental authorities.

## Appendix A: Screening Determination for SEA:

**Comhairle Chontae Chill Chainnigh**

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

Fónamh don Phobal - Caomhnú don Oldhreach

**Kilkenny County Council**

County Hall, John Street, Kilkenny, R95 A39T.

Serving People – Preserving Heritage



### **Strategic Environmental Assessment Screening Determination under the Planning and Development Acts 2000-2017 for:**

#### **Proposed Variation 5 to the Kilkenny City and Environs Development Plan 2014 - 2020**

A Strategic Environmental Assessment Screening determination has been made by Kilkenny County Council regarding Proposed Variation 5. Article 13 (K) of the Planning and Development Regulations (Strategic Environmental Assessment) 2004 requires, inter alia, a determination to be made as to whether the Proposed Variation warrants the undertaking of environmental assessment.

The Proposed Variation is in order to:


- provide the necessary overarching policy framework to allow for temporary car parking and permanent multi storey car parking in the Abbey Creative Quarter Masterplan area. This is considered necessary in the short term, notwithstanding the potential advances in motorised technology in the future and the impact of any revised mobility management plan for the City and Environs.

In accordance with the requirements of Article 13K, a 'screening' of the proposed Variation was undertaken in respect of SEA. A Draft Screening report, 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 environmental authorities in line with Article 13A(4)(a) of the Planning and Development Regulations (Strategic Environmental Assessment) 2004.

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.

Taking into account the findings of the SEA process that are detailed in an SEA Screening Report that accompanies this Determination, Kilkenny County Council have determined that the Proposed Variation to the Kilkenny County Development Plan 2014-2020 would not be likely to have significant effects on the environment, therefore an environmental assessment is not required.

Signed   
Denis Malone  
Senior Planner

Date 30/1/2018