

Kilkenny County Council



# **THOMASTOWN LOCAL AREA PLAN 2019-2025**

Appropriate Assessment Screening Report for  
Proposed Material Alterations

January 2019



## **1 Introduction**


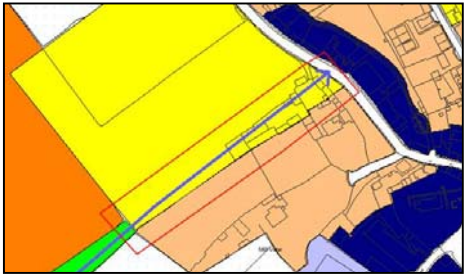
The Draft Thomastown Local Area Plan (LAP) was placed on public display from the 8<sup>th</sup> of November 2018 until 20<sup>th</sup> of December 2018. A Screening for Appropriate Assessment (Screening for AA) was also placed on display alongside the LAP. The Chief Executive's Report on submissions and observations received in respect of the Draft LAP was submitted to Elected Members of Kilkenny county Council for their consideration on 21<sup>st</sup> of January 2019. It was resolved by the Members to alter the Draft Thomastown LAP in accordance with the recommendations of the Chief Executive, and these alterations are considered to constitute a Material Alteration to the Draft LAP. This report provides the assessment of the Proposed Material Alterations and screening of same. This report is an addendum to the Screening for Appropriate Assessment published with the Draft LAP on the 8<sup>th</sup> of November 2018 and should be read in conjunction with same.

## **2 Screening**

### **2.1 REVIEW OF PROPOSED MATERIAL ALTERATIONS**

The Proposed Material Alterations are numbered 1 to 19 and a review 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

No.	Proposed Material Alteration	Identification of Potential Impacts	Assessment of likely Significant Effects
MA1	Amend Land Use Zoning Map from Open Space to Agriculture 	The proposed material alteration does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP	None
MA2	Amend Land Use Zoning Map from open space/new residential to mixed use 	The proposed material alteration does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP	
MA3	Remove section 1.6.10 in its entirety and renumber sections.	The proposed material alteration is a text-based change that does not influence ecological processes and therefore there is no source for potential effects identified.	None
MA4	No. 4(a); Insert new Objective AAO1.1 under Section 1.5 as follows; <i>NHO1.1; To ensure that any plan or project within the functional area of the Planning Authority is subject to</i>	Proposed material alteration 4 (a + b) is relocating the objective within the LAP and does not introduce any additional sources for effects that were not already considered in the existing	None.

	<p><i>appropriate assessment in accordance with the Guidance Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 20093 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.</i></p> <p><b>No. 4(b)</b> Remove objective NHO1.1 under Section 8.5 and renumber (Note; objective moved to Section 1.5 see Proposed Material Alteration No. 4 (a))</p>	AA Screening for the Draft LAP	
<b>MA5</b>	<p>Amend Strategic Objective in Section 3.3 as follows; <b>SO3</b>; To facilitate the development of high quality, integrated residential neighbourhoods that cater for an appropriate demographic mix and deliver, where possible, community, recreation and amenity facilities in tandem with housing <i>and to encourage, through new development and road schemes, improvements to enhance the approach roads to the town.</i></p>	The proposed material alteration is positive and does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP.	None
<b>MA6</b>	<p>Amend CSO 1.4 as follows; CSO1.4: To manage the provision of one off housing on lands zoned as 'Agriculture' and 'Open Space'. Limited one off housing will be permitted, <i>in accordance with policy set out under Section 6.4 in these zones subject to compliance with the criteria set out in Appendix A (Land Use Zoning Objectives).</i></p>	The proposed material alteration is a text-based change that does not influence ecological processes and therefore there is no source for potential effects identified.	None
<b>MA7</b>	<p>Insert additional text under Section 5.2; <i>The employment ratio of 0.682 for Thomastown as set out in Appendix 2 of the NPF (Population and Employment in Urban Settlements in the Southern Regional Assembly area) suggests that the ratio of jobs to workers in Thomastown is somewhat below the 1.06 average for the region. Accordingly the LAP focuses on supporting the creation and continued maintenance of local employment as well as facilitating sustainable transport initiative in order to improve ease of access to and from Thomastown, supporting commercial/tourist activities and ease of access to neighbouring employment centres. Also, in order to facilitate employment initiatives, a significant area of land</i></p>	The proposed material alteration is a text-based change that does not influence ecological processes and therefore there is no source for potential effects identified.	None

	<i>has been zoned for industrial development to the north of the town and there is also significant development capacity the mixed use lands at Ladyswell Street. In addition to these there is acknowledged capacity for employment generating uses, primarily service sector jobs that can currently be accommodated within the town centre.</i>		
<b>MA8</b>	Insert new objective COMO1.1 under Section 6.1.1 as follows; <b>COMO1.1;</b> <i>To support and facilitate the provision of multi-functional community facilities to meet the needs of the youth population of Thomastown.</i>	The proposed material alteration is positive and does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP.	None
<b>MA9</b>	Insert new objective COMO1.2 under Section 6.1.1 as follows; <b>COMO1.2;</b> <i>To continue to work with healthcare service providers and key stakeholders, including the HSE, to support their investment in healthcare operations at the St Columba's Hospital Complex in Thomastown.</i>	The proposed material alteration is positive and does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP.	None
<b>MA10</b>	Amend objective VSO1.2 as follows; <b>VSO1.2;</b> <i>To promote the sustainable development of vacant residential and regeneration sites in Thomastown through the application of the Urban Regeneration and Housing Act 2015, Vacant Site Levy, on lands zoned 'Town Centre' and 'Mixed Use' for Regeneration, and 'New Residential', 'Low Density Residential' and 'Existing Residential' for housing.</i>	The proposed material alteration is a text-based change that does not influence ecological processes and therefore there is no source for potential effects identified.	None
<b>MA11</b>	Insert new objective GIO1.3 under Section 7.1 as follows; <b>GIO1.3;</b> <i>To protect and maintain the open character of the landscape from the Station Road to the ridge line including the row of mature trees along the southern boundary of these lands and to assess these trees for their suitability for a Tree Preservation Order.</i>	The proposed material alteration is positive and does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP.	None
<b>MA12</b>	Insert new objective OSO2.3 under Section 7.2.1 as follows; <b>OSO2.3;</b> <i>To support and facilitate the provision of safe access points to the river, subject to appropriate environmental and flood risk assessments.</i>	The proposed material alteration is positive and does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP.	The objective includes for appropriate environmental assessments at the time when such plans may be brought forward to develop this access point. As this objective is subject to a feasibility assessment stage, there is no

			potential for impact at this stage.
<b>MA13</b>	Amend Policy ARC 1 under Section 8.3 as follows; <b>ARC1</b> ; It is the policy of the Council to safeguard the archaeological heritage, <i>including underwater archaeological heritage</i> , in the LAP area....	The proposed material alteration is positive and does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP.	None
<b>MA14</b>	Insert new objective ARCO1.3 under Section 8.3 as follows; <i>ARCO1.3; To require an Archaeological (including underwater) Impact Assessment of proposals for developments, where appropriate, due to their location, size, or nature that may have implications for the archaeological heritage of the town.</i>	The proposed material alteration is positive and does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP.	None
<b>MA15</b>	Insert new objective ACAO1.4 under Section 8.3 as follows; <i>ACAO1.4; To support the sensitive restoration and reuse of heritage buildings, to address dereliction and vacancy in the town centre and promote appropriate uses subject to good conservation principles.</i>	The proposed material alteration is positive and does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP.	None
<b>MA16</b>	Insert new objective INFO1.2 under Section 10.2 as follows; <i>INFO1.2; To have regard to the suite of development objectives from Irish Water set out in Appendix D of this Local Area Plan in assessing applications for new development within the plan area.</i>	The proposed material alteration is positive and does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP.	None
<b>MA17</b>	Amend objective INFO3.3 under Section 10.4 as follows; <b>INFO3.3</b> ; To support and co-operate with the OPW in delivering flood alleviation work under the South Eastern CFRAM Programme, <i>whilst maximising the protection of the integrity of the medieval town.</i>	The proposed material alteration is positive and does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP.	None
<b>MA18</b>	Amend <b>Agriculture</b> Note in <b>Appendix A: Land Use Zoning Objectives</b> as follows; <del>Residential, or Caravan Park, development within the flood zones (as identified in the Strategic Flood Risk Assessment of this LAP or other superceding document) will not be permissible. Extensions and expansions of existing uses will be considered on their own merits.</del> <i>Flood Risk: All proposed development within this zone which falls within flood zone A or B shall be subject to a site specific</i>	The proposed material alteration is a text-based change that does not influence ecological processes and therefore there is no source for potential effects identified.	None



	<i>flood risk assessment. No highly vulnerable uses (as set out in the Flood Risk Management Guidelines) other than extensions to existing structures and uses, will be permitted within Flood Zone A or B. Less vulnerable uses will also not be allowed within Flood Zone A other than extensions to existing structures and uses as set out in the Flood Risk Management guidelines.</i>		
<b>MA19</b>	Insert new Appendix D to include suite of appropriate Objectives/Policies for Water Services as recommended by Irish Water.	The proposed material alteration is positive and does not introduce any additional sources for effects that were not already considered in the existing AA Screening for the Draft LAP.	None



## **2.2 IN-COMBINATION EFFECTS WITH OTHER PLANS AND PROGRAMMES**

In combination assessment aims to identify at an early stage any possible significant in-combination 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 impacts in combination with the Draft Thomastown LAP were presented in the Screening for AA published with the Draft Thomastown 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.

### **3 SCREENING AND CONCLUSIONS**

The likely impacts that will arise from the Draft Thomastown Local Area Plan 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 19 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 Thomastown Local Area Plan 2019 will not have a significant effect on European Sites and a Stage 2 Appropriate Assessment is not required.

Appendix 1  
AA Screening Determination

**TO:** SEAN MCKEOWN, DIRECTOR OF SERVICES  
**FROM:** DENIS MALONE, SENIOR PLANNER  
**SUBJECT:** APPROPRIATE ASSESSMENT (AA) SCREENING DETERMINATION UNDER THE  
PLANNING AND DEVELOPMENT ACTS 2000 (AS AMENDED) FOR:  
Material Alterations to the Draft Thomastown Local Area Plan

An Appropriate Assessment (AA) screening determination has been made by Kilkenny County Council regarding Material Alterations to the Draft Thomastown Local Area Plan 2018 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 Thomastown 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 2000 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 Proposed 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.

  
Denis Malone,  
Senior Planner

Date 30/1/2019