



**Screening for Appropriate Assessment (AA)
Determination under:
The Planning and Development Act 2000 (as amended)**

for:

**Proposed Material Alterations to the
Draft Kilkenny City and County Development Plan 2021-2027**

A Screening for Appropriate Assessment (AA) Determination is being made by Kilkenny County Council regarding Proposed Material Alterations to the Draft Kilkenny City and County Development Plan 2021-2027.

Section 12 (7) (aa) of the Planning and Development Act 2000 (as amended), requires, inter alia, a determination to be made as to whether Proposed Material Alterations to the Draft Plan warrant the undertaking of AA.

The existing Draft Plan has already been informed by a Stage 2 AA and a Natura Impact Report has been prepared. As part of that AA, it was identified that the Plan may, if unmitigated, have significant effects on 10 (no.) European sites. Plan elements that could potentially affect the integrity of European sites include:

- Provisions for sectors such as climate action, economic development and tourism, housing and community development, open space and recreation, heritage and culture, infrastructure and environment, renewable energy and movement and mobility; and
- Loading pressures from the operational phase of developments – these sources could result in habitat loss, disturbance effects, interactions with water quality and habitat fragmentation.

Mitigation was integrated into the Draft Plan that allowed the Natura Impact Report to conclude that that the Draft Plan is not foreseen to give rise to any significant effects on designated European sites, alone or in combination with other plans or projects¹. The Draft Plan and AA Natura Impact Report were placed on public display and submissions were invited. Some of these submissions resulted in Material Alterations being proposed to the Plan.

Taking into account the measures that have been already integrated into the Draft Plan that provide for and contribute towards environmental protection, environmental management and sustainable development, the AA process identified that there is no potential for effects to arise on the integrity of any European site as a result of the Proposed Material Alterations.

However, the AA screening process takes into account the need to undertake Stage 2 AA when mitigation is being proposed. As certain Proposed Material Alterations (see table below) could be considered to be mitigation in relation to Plan elements that could potentially affect the integrity of European sites, further to the mitigation already integrated into the Draft Plan, the AA process identified that it would be prudent to undertake Stage 2 AA.

¹ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.

Volume	Alteration Ref. (Draft Plan Chapter and Section is provided)
Volume 1 County Text	1.3 Appropriate Assessment
	4.3.2 Waterford MASP
	5.2.5.1.1 Mount Juliet Estate
	9.2.1 Protected habitats and species ²
	9.2.5 Woodland, Trees and Hedgerows
	9.2.6 Inland Waters-, Rivers, Streams and Groundwater
	9.3 Built Heritage
	10.1.4 Water Supply and Treatment
	10.2.7 Surface Water Drainage
	10.3.2 Grid Development Management Requirements:
	11.6.10 Development Management Guidance
	12.10 Universal Design
Volume 1 County Maps	Figure 4.5 Settlement boundary for Ballyragget
	Figure 5.1 Mount Juliet

The undersigned, having carefully considered the information referred to above agrees with and adopts the reasoning and conclusion presented above. The undersigned hereby determines pursuant to Section 12 (7) of the Planning and Development Act 2000, as amended, and for the purposes of Article 6(3) of the Habitats Directive that Stage 2 AA is required for the above Proposed Material Alterations.

The AA Natura Impact Report that accompanies the Proposed Material Alterations is part of the ongoing and overall AA process that is being undertaken alongside the preparation of the Plan. All Plan and AA related documentation will be considered by the planning authority in advance of the adoption of the Plan and a final AA Determination will be undertaken by the planning authority at adoption. An AA Conclusion Statement will be prepared following adoption, which will detail the AA process undertaken for the Plan.

Signed: 

Denis Malone,
Senior Planner

Date: 24/6/2021

² Additions under this heading were recommended by the AA process, including on foot of submissions made during public display of the Draft Plan and associated documents, and are necessary in order to more fully demonstrate that the Plan will not affect the integrity of any European site.