

Draft Loughmacask Masterplan
SEA Screening of Proposed Amendments,
including Proposed Material Amendments

Strategic
Assessment
**Built
Environment**

Client:

Kilkenny County Council

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1 Introduction

1.1 Purpose

This is the Strategic Environmental Assessment (SEA) Screening Report for the proposed amendments, including Proposed Material Alterations (PMA), to the Draft Loughmacask Masterplan (Draft Masterplan).

The purpose of this report is to inform whether or not the proposed amendments to the Draft Loughmacask Masterplan require SEA. This report should be read in conjunction with other associated documents including the:

- Draft Loughmacask Masterplan (August 2022);
- SEA Environmental Report for the Draft Loughmacask Masterplan (BSM, August 2022);
- Appropriate Assessment (AA) Screening and Natura Impact Report (NIR) for the Draft Loughmacask Masterplan (BSM, August 2022);
- Site Specific Flood Risk Assessment (SSFRA) for the Draft Loughmacask Masterplan (AWN, August 2022);
- Amended Draft Loughmacask Masterplan (April 2023); and
- Appropriate Assessment (AA) Screening Report for proposed amendments, including proposed material amendments to the Amended Draft Loughmacask Masterplan (BSM, April 2023).

1.2 The Process so far

Kilkenny Council prepared the non-statutory Draft Loughmacask Masterplan as a guiding design framework document envisioning the following for the area:

- A distinctive and vibrant neighbourhood, building on the existing locality and communities and providing an excellent quality of life with urban and rural amenities.
- A walkable urban quarter with day-to-day facilities and amenities within a 10-minute walk or cycle of homes - reducing private transport dependency and strengthening local communities.
- A new urban quarter that expands on and is integrated with the historic City Centre as well as the natural landscape of the Breaghagh river.
- Excellent provision of open space, green networks and local facilities that cater for local need, foster community growth and support health and well-being.
- A response to climate change, through sustainable transport, energy efficient building technologies, and a strong green infrastructure network including sustainable drainage (SuDS) utilising soakaways, swales, infiltration trenches, ponds and wetlands where feasible to assist with flood management.

The Draft Masterplan was prepared in tandem with:

- Strategic Environmental Assessment (SEA) – and the preparation of an Environmental Report and Non-Technical Summary of same;
- Appropriate Assessment (AA) – and the preparation of an AA Screening Report and Natura Impact Report (NIR); and
- Flood Risk Assessment (SSFRA) – and the preparation of a Site Specific Flood Risk Assessment (SSFRA).

The Draft Masterplan and above associated assessments were placed on public display between 26 August and 7 October 2022.

Draft Loughmacask Masterplan

SEA Screening of Proposed Amendments, including Proposed Material Amendments

One hundred and seventy five submissions and observations to the Draft Masterplan and associated documents were received during the consultation period.

A Chief Executive's (CE's) Report (March 2023) was prepared summarising the submissions and observations received, together with the response and recommendations of the Chief Executive to the issues raised for the Elected Members to consider.

The Members of Kilkenny County Council considered the CE's Report and resolved to amend the Draft Masterplan, including by means of Proposed Material Alterations (PMA). The proposed amendments, including PMA, have been screened for the requirement for AA and SEA.

1.2.1 Submissions in relation to Strategic Environmental Assessment

Specific submissions in relation to Strategic Environmental Assessment and/or the SEA Environmental Report which accompanied the Draft Plan on public display were received from the Environmental Protection Agency (EPA) and Geological Survey Ireland (GSI).

The EPA noted that:

- The guidance provided in '*SEA of Local Authority Land Use Plans – EPA Recommendations and Resources*' be taken into account in the final Environmental Reports.
- In finalising the Masterplan and integrating the SEA findings, the recommendations, key issues and challenges described in the EPA's state of the Environment Report '*Ireland's Environment – An Integrated Assessment 2020*' should be considered.
- Where monitoring identifies adverse impacts during the implementation of the Masterplan, the Council should ensure that suitable and effective remedial action is taken.
- A copy of the final SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process.

GSI requested that references to GSI data or maps be attributed to 'Geological Survey Ireland' in the final Environmental Reports.

The aspects raised by the EPA and GSI will be addressed in the final Environmental Reports and plan-making process.

1.3 Next Steps

The Amended Draft Masterplan together with a SEA Screening Report (this report), and an AA Screening Report of the proposed amendments, including proposed material amendments, will be placed on public display for a minimum of 4 weeks, during which submissions with respect to the proposed amendments, including proposed material alterations will be taken into account before the Masterplan is made.

Following the public consultation period, a further Interim Chief Executive's Report is prepared and the Members must consider the Draft Masterplan, the alterations to the Draft Masterplan, any Environmental Reports and the Interim Chief Executive's Report on any submissions received and decide whether to make the Masterplan with or without the proposed alterations.

2 SEA Screening of Proposed Amendments including Proposed Material Amendments

2.1 Introduction

This section examines whether the proposed amendments, including PMA, to the Draft Loughmacask Masterplan (Amended Draft Masterplan) would be likely to have significant environmental effects (and thus would warrant the

undertaking of SEA). This examination takes account of relevant criteria set out in Schedule 1 ‘Criteria for determining whether a Plan or Programme (or Modification thereto) is likely to have significant effects on the environment’ of the Planning and Development (SEA) Regulations, as amended¹, (see Section 2.5).

2.2 Site Specific Flood Risk Assessment (SSFRA)

SSFRA has been undertaken to inform the preparation of the Draft Masterplan. It is confirmed that:

- The proposed amendments, including PMA, are minor in nature and are not contrary to the requirements of “The Planning System and Flood Risk Management Guidelines for Planning Authorities” (DEHLG / OPW, 2009); and
- The proposed amendments, including PMA, do not require consideration under a ‘Justification Test’.

2.3 Appropriate Assessment (AA)

Appropriate Assessment (AA) is an impact assessment process under the Habitats Directive² relating to Natura 2000, or European sites - these being sites designated or proposed for designation by virtue of their ecological importance. The Habitats Directive, together with its transposing Birds and Natural Habitats Regulations 2011, as amended, and the Planning and Development Act 2000, as amended, provide for the requirement to screen for the potential for effects on European sites. If the effects are deemed to be significant or potentially significant or uncertain, then Stage 2 AA must be undertaken with the preparation of a Natura Impact Report (NIR).

The Draft Masterplan has been subject to Stage 2 AA and a Natura Impact Report was placed on public display alongside the Draft Masterplan, the SEA Environment Report and SSFRA.

An AA screening process has also been undertaken on the proposed amendments, including PMA, and has determined that they would not affect the integrity of the Natura 2000 network of sites and therefore, a Stage 2 AA for the proposed amendments, including PMA, is not required.

2.4 SEA Screening of Proposed Amendments, including Proposed Material Amendments

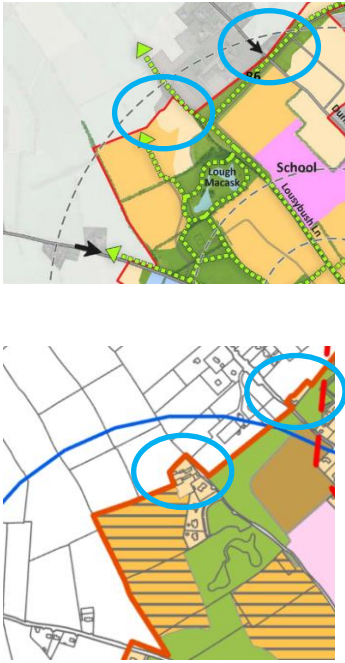
The detail of the proposed amendments, including proposed material amendments (PMA), is set out in the Amended Draft Loughmacask Masterplan (April 2023). Table 2.1 below examines whether the proposed amendments, including PMA, would be likely to have significant environmental effects (and thus would warrant the undertaking of Strategic Environmental Assessment (SEA)).

Potential effects encompass the full range of effects, including those arising through potential interaction between proposed amendments (and PMA) and through potential in-cumulation with the provisions of other plans and programmes. The screening takes account of the relevant criteria as set out in Schedule 1 ‘Criteria for determining whether a plan Plan or Programme (or Modification thereto) is likely to have significant effects on the environment’ of the SEA Regulations, as amended (refer to Section 2.5 of this report).

¹ S.I. No. 435 of 2004 as amended by S.I. No. 200 of 2011

² Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

Table 2.1 SEA Screening of Proposed Amendments, including Proposed Material Amendments

SEA Amend. Ref.	Proposed Amendment, including Proposed Material Amendments (refer to Amended Draft Masterplan (April 2023) for detail)	SEA Screening Consideration
PA 001	<p>A minor amendment to the boundary of the masterplan as presented on mapping / figures in the Draft Masterplan has been updated throughout to reflect the land use zoning boundary in the Kilkenny City and County Development Plan 2021-2027 – refer to extracts below:</p>  <p style="text-align: center;">Boundary in Draft Masterplan</p> <p style="text-align: center;">Boundary in Amended Draft Masterplan</p>	<p>Minor clarification reflecting position in the Kilkenny City and County Development Plan 2021-2027. The City Plan has been subject to SEA and Appropriate Assessment.</p> <p>Screens out for requirement for AA. No likely significant environmental effects.</p> <p>SEA is not required.</p>
PA 002	<p>Section 4.0 of the Draft Masterplan has been updated to reflect challenges facing ‘The Butts’, including those related to traffic management, regeneration and integration with new development at Loughmacask. The Amended Masterplan notes that:</p> <p><i>“This Masterplan provides for addressing these issues in consultation with the local community and stakeholders.</i></p> <p><i>The regeneration of The Butts Area and its further integration into the new Loughmacask area is the one of the aims of this study.”</i></p> <p>Key Challenges and Opportunities in ‘The Butts’ on Figure 4.5 have been replaced with the ‘Existing Key Elements’.</p>	<p>Update of receiving environment and challenges facing The Butts’.</p> <p>Screens out for requirement for AA. No likely significant environmental effects.</p> <p>SEA is not required.</p>

SEA Amend. Ref.	Proposed Amendment, including Proposed Material Amendments (refer to Amended Draft Masterplan (April 2023) for detail)	SEA Screening Consideration
PA 003	Section 5.1.1 of the Draft Masterplan has been updated to reflect approach to proposals for 'The Butts', and to recognise the Plan will enhance the existing heritage and green heritage of the area.	Update of aims of the Masterplan. Likely positive effects on human beings, biodiversity, cultural heritage and landscape. Screens out for requirement for AA. No likely significant environmental effects. SEA is not required.
PA 004	Figures 5.3 and 5.4 of Section 5.1.3 of the Draft Masterplan has been updated to include the reference to Road Objective R7 – as already provided for in the Kilkenny City and County Development Plan 2021-2027. Reference '5a' added to existing objective.	Reflects objective for proposed road as provided for in Kilkenny City and County Development Plan 2021-2027. The City Plan has been subject to SEA and Appropriate Assessment. Screens out for requirement for AA. No likely significant environmental effects. SEA is not required.
PA 005	Section 5.1.4 and Figure 5.5 of the Draft Masterplan has been updated to include an additional proposed change bullet-point: <ul style="list-style-type: none"> • <i>"The Butts neighbourhood area to be designated as a "Special Regeneration Area."</i> The reference to the 'Special Regeneration Area' has also been added to Figures 5.6, 6.1, 6.2, 6.14 and 6.0 The Masterplan.	'The Butts' is being designated as a Special Regeneration Area to allow for proposals to be addressed in consultation with the local community and stakeholders. Likely positive effects on human beings. Screens out for requirement for AA. No likely significant environmental effects. SEA is not required.
PA 006	Section 6.1 of the Draft Masterplan has been updated to note that <i>'The Butts neighbourhood area is to be designated as a "Special Regeneration Area" as shown on Figure 6.2'.</i>	'The Butts' is being designated as a Special Regeneration Area to allow for proposals to be addressed in consultation with the local community and stakeholders. Likely positive effects on human beings. Screens out for requirement for AA. No likely significant environmental effects. SEA is not required.
PA 007	Under Section 6.0 text addressing 'The Butts Enhancement Potential' has been replaced under <i>'The Butts Special Regeneration Area'</i> so that <i>"any proposals will be only be on foot of further engagement and consultation with the local residents and stakeholders"</i> .	'The Butts' is being designated as a Special Regeneration Area to allow for proposals to be addressed in consultation with the local community and stakeholders. Likely positive effects on human beings.

SEA Amend. Ref.	Proposed Amendment, including Proposed Material Amendments (refer to Amended Draft Masterplan (April 2023) for detail)	SEA Screening Consideration
	<p>The new text includes the objective:</p> <p><i>“Objective 6a: No proposal for housing development shall be brought forward for statutory planning approval by the Council within The Butts “Special Regeneration Area” as delineated until such time as there is proactive engagement with the residents and stakeholders on the specific development proposal(s).”</i></p>	<p>Screens out for requirement for AA. No likely significant environmental effects.</p> <p>SEA is not required.</p>
<p>PA 008</p>	<p>Section 6.2 of the Draft Masterplan has been updated to include the following new objective:</p> <p><i>“Objective 6b: To carry out a route selection for the most advantageous connection from The Butts to the Breagagh Valley Park, with due regard to ecology, heritage and amenity.”</i></p>	<p>‘The proposal for a connection from The Butts to the Breagagh Valley Park will be protective in that it must have regard to ecology, heritage and amenity.</p> <p>Screens out for requirement for AA. No likely significant environmental effects.</p> <p>SEA is not required.</p>
<p>PA 009</p>	<p>Section 6.2 of the Draft Masterplan has been updated to include the following new objective:</p> <p><i>“Objective 6c: To prioritise that route selection and construction of connecting inner orbital route (R7 in the City and County Development Plan 2021-2027) from the Kilmanagh Road to the Freshford Road.”</i></p>	<p>Reflects objective for proposed road as provided for in Kilkenny City and County Development Plan 2021-2027. The City Plan has been subject to SEA and Appropriate Assessment.</p> <p>Screens out for requirement for AA. No likely significant environmental effects.</p> <p>SEA is not required.</p>
<p>PA 010</p>	<p>Section 6.2 of the Draft Masterplan has been updated to include the following new objective:</p> <p><i>“Objective 6d: To investigate, how the Objective R6 (Vol 2 Chapter 5 of the City & County Development Plan) can be connected with the Tullaroan Road subject to appropriate traffic management regime.”</i></p>	<p>Reflects objective for proposed connection as provided for in Kilkenny City and County Development Plan 2021-2027. The City Plan has been subject to SEA and Appropriate Assessment.</p> <p>Screens out for requirement for AA. No likely significant environmental effects.</p> <p>SEA is not required.</p>
<p>PA 011</p>	<p>Section 6.3 of the Draft Masterplan has been updated to remove reference to proposed modifications to the existing playing fields and walking track west of Fr. McGrath Centre and at Water Barrack.</p> <p>In addition bullet-point F has been amended to remove reference to modifications and is replaced with:</p>	<p>Removal of proposed modifications to existing amenity / open space.</p> <p>Screens out for requirement for AA. No likely significant environmental effects.</p> <p>SEA is not required.</p>

SEA Amend. Ref.	Proposed Amendment, including Proposed Material Amendments (refer to Amended Draft Masterplan (April 2023) for detail)	SEA Screening Consideration
	<i>"F Existing playing fields with walking track, playground and MUGA"</i>	
PA 012	Section 6.4 of the Draft Masterplan has been updated to include the following new objective: <i>"Objective 6e: To consider what additional traffic management measures could be implemented to mitigate the impact of additional traffic from already approved developments within the plan area on the wider transport network and reduce / eliminate the use of internal streets in The Butts (rat running) at peak hours."</i>	Objective seeks to reduce effect of additional traffic from approved developments on 'The Butts'. Likely positive effects on human beings. Screens out for requirement for AA. No likely significant environmental effects. SEA is not required.
PA 013	The legend for Figure 6.15 under Section 6.3 of the Draft Masterplan has been updated to note that <i>'The Butts' will be designated as a Special Regeneration Area'</i> .	'The Butts' is being designated as a Special Regeneration Area to allow for proposals to be addressed in consultation with the local community and stakeholders. Likely positive effects on human beings. Screens out for requirement for AA. Screens out for requirement for AA. SEA is not required.
PA 014	Section 6.7 of the Draft Masterplan has been updated to include the following new objective: <i>"Objective 6f: Subject to the appropriate Zoning being in place and a Traffic Impact Assessment, additional housing developments (over and above the permitted quantum of housing) with access off the Tullaroan Road will not be permitted unless a clear timeframe for delivery of the necessary extent of support road infrastructure Objective R7 (being either Kilmanagh Road to Tullaroan road) or (the Tullaroan Road to Freshford road) in the City and County Development Plan is in place."</i>	Objective seeks to reduce effect of additional traffic from potential future developments on masterplan area. Likely positive effects on human beings. Screens out for requirement for AA. No likely significant environmental effects. SEA is not required.
PA 015	Section 7.0 of the Draft Masterplan has been updated to note completion of the screening of the proposed amendments, including proposed material amendments, for SEA and AA. The sub-section on SSFRA has also be updated to note that the proposed amendments, including proposed material amendments, do not give rise to	Text reflects the screening of the proposed amendments, including proposed material amendments, for AA and SEA Screens out for requirement for AA. No environmental effects. SEA is not required.

SEA Amend. Ref.	Proposed Amendment, including Proposed Material Amendments (refer to Amended Draft Masterplan (April 2023) for detail)	SEA Screening Consideration
	any implications for the SSFRA completed for the Draft Masterplan (AWN, August 2022).	

2.5 Schedule 1 Assessment

The following provides a response to the *Criteria for determining whether a Plan or Programme (or Modification thereto) is likely to have significant effects on the Environment*, as set out in Schedule 1 of the *European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004* (S.I. No. 435 of 2004) as amended by *European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011* (S.I. No. 200 of 2011).

1. The characteristics of the plan or programme or modification to a plan or programme, having regard 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.

The Loughmacask Masterplan is a non-statutory design framework, which will offer non-statutory guidance to supplement the provisions as set out in the Kilkenny City & County Development Plan 2021-2027. As such, the policy context for the Masterplan is set by higher level statutory plans.

The proposed amendments, including proposed material amendments, do not change or effect the degree to which the Draft Masterplan sets a guiding framework for area, either with regard to the location, nature, size and operating conditions or by allocating resources, and would not be likely to result in significant environmental effects (see responses under Table 2.1 above and in this Schedule 1 assessment).

- the degree to which the plan or programme, or modification to a plan or programme, influences other plans, including those in a hierarchy.

The Loughmacask Masterplan is a non-statutory design framework, which will offer non-statutory guidance to supplement the provisions as set out in the Kilkenny City & County Development Plan 2021-2027. As such, the policy context for the Masterplan is set by higher level statutory plans and the Masterplan does not supersede policies and / or objectives in other plans.

The proposed amendments, including proposed material amendments, do not change or effect the degree to which the plan interacts with other plans, including those in a hierarchy and would not be likely to result in significant environmental effects (see responses under Table 2.1 above and in this Schedule 1 assessment).

- the relevance of the plan or programme, or modification to a plan or programme, for the integration of environmental considerations in particular with a view to promoting sustainable development.

Promotion of sustainable development is one of the key objectives of the Draft Loughmacask Masterplan.

The proposed amendments, including proposed material amendments, do not alter the overall relevance of the plan for the integration of environmental considerations in particular with a view

to promoting sustainable development and would not be likely to result in significant environmental effects (see responses under Table 2.1 above and in this Schedule 1 assessment).

- environmental problems relevant to the plan or programme, or modification to a plan or programme.

The proposed amendments, including proposed material amendments, do not change or effect environmental problems relevant to the plan, other than providing for improved traffic management and enhance protection of the environment, and would not be likely to result in significant environmental effects (see responses under Table 2.1 above and in this Schedule 1 assessment).

- the relevance of the plan or programme, or modification to a plan or programme, for the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection).

The proposed amendments, including proposed material amendments, do not change or effect the relevance of the plan for the implementation of European Union legislation on the environment and would not be likely to result in significant environmental effects (see responses under Table 2.1 above and in this Schedule 1 assessment).

2. 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 amendments, including proposed material amendments, do not change or effect the probability, duration, frequency and reversibility of effects and would not be likely to result in significant environmental effects (see responses under Table 2.1 and in this Schedule 1 assessment).

- the cumulative nature of the effects.

The proposed amendments, including proposed material amendments, do not change or effect the cumulative nature of effects and would not be likely to result in significant environmental effects (see responses under Table 2.1 and in this Schedule 1 assessment).

- the transboundary nature of the effects.

The proposed amendments, including proposed material amendments, do not give rise to effects of a transboundary nature and would not be likely to result in significant environmental effects (see responses under Table 2.1 and in this Schedule 1 assessment).

- the risks to human health or the environment (e.g. due to accidents).

The proposed amendments, including proposed material amendments, do not change or effect risks to human health or the environment, other than providing for improvements in traffic management, and would not be likely to result in significant environmental effects (see responses under Table 2.1 and in this Schedule 1 assessment).

- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).

The proposed amendments, including proposed material amendments, do not change or effect the magnitude or spatial extent of effects and would not be likely to result in significant environmental effects (see responses under Table 2.1 and in this Schedule 1 assessment).

- the value and vulnerability of the area likely to be affected due to:

a) special natural characteristics or cultural heritage;

The proposed amendments, including proposed material amendments, do not change or effect special natural characteristics or cultural heritage other than providing for enhanced protection of

cultural heritage and would not be likely to result in significant environmental effects (see responses under Table 2.1 and in this Schedule 1 assessment).

b) exceeded environmental quality standards or limit values;

The proposed amendments, including proposed material amendments, do not change or effect environmental quality standards or limit values, other than providing for enhanced protection of the environment and would not be likely to result in significant environmental effects (see responses under Table 2.1 and in this Schedule 1 assessment).

c) intensive land-use.

The proposed amendments, including proposed material amendments, do not change or effect intensive land use and would not be likely to result in significant environmental effects (see responses under Table 2.1 and in this Schedule 1 assessment).

- the effects on areas or landscapes which have a recognised national, European Union or international protection status.

The proposed amendments, including proposed material amendments, have been screened for Appropriate Assessment and has determined that they would not affect the integrity of the Natura 2000 network of sites and therefore, a Stage 2 AA for the proposed amendments, including PMA, is not required.

The proposed amendments, including proposed material amendments, do not effect areas or landscapes of recognised national, European or international protection status, other than in ensuring their protection, and would not be likely to result in significant environmental effects (see responses under Table 2.1 and in this Schedule 1 assessment).

3 SEA Screening Conclusion

This screening for the requirement for SEA for the proposed amendments, including proposed material amendments, has taken account of the relevant criteria set out in Schedule 1A '*Criteria for determining whether a plan is likely to have significant effects on the environment*' of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004) as amended by European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011, (S.I. No. 200 of 2011).

Taking account of the content of the proposed amendments, including proposed material amendments, and the measures that are already integrated in the Draft Loughmacask Masterplan, which contribute towards environmental protection, environmental management and sustainable development, it is determined that potential effects arising from the proposed amendments, including proposed material amendments, will not result in significant environmental impacts.

Therefore, it is concluded that Strategic Environmental Assessment (SEA) is not required for the proposed amendments, including proposed material amendments, to the Draft Loughmacask Masterplan.

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