

# **APPROPRIATE ASSESSMENT SCREENING REPORT**

## **Proposed Variation No. 1 to the Kilkenny City and County Development Plan 2021**

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# 1 Introduction

## 1.1 Background

This is the Appropriate Assessment Screening Report for Variation No. 1 to the Kilkenny City and County Development Plan 2021 (KCCDP) in accordance with the requirements of Article 6(3) of the EU Habitats Directive<sup>1</sup>. This report is divided into the following three sections:

- Section 1 Introduction
- Section 2 Stage 1 Screening
- Section 3 Conclusion

## 1.2 Legislative Context

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as “The Habitats Directive”, provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of Sites known as Natura 2000. These are candidate Special Areas of Conservation (cSACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (Directive 2009/147/EC - codified version of Directive 79/409/EEC as amended), hereafter referred to as European sites.

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (AA):

*“Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*

*If, in spite of a negative assessment of the implications for the [Natura 2000] site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

*Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”*

These requirements are implemented in the Republic of Ireland by the European Communities (Birds and Natural Habitats) Regulations 2011. These Regulations consolidate the European Communities

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<sup>1</sup> Directive 92/43/EEC

(Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in judgments of the Court of Justice of the European Union (CJEU)<sup>2</sup>.

### 1.3 Stages of Appropriate Assessment

This Appropriate Assessment has been prepared in accordance with the following guidance:

- *Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities.* Department of the Environment, Heritage and Local Government, 2010.
- Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, European Commission Environment DG, 2002.
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC.*
- European Commission, 2000.

AA comprises up to four successive stages:

#### **Stage One: Screening**

The process which identifies the likely impacts upon a European Site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

#### **Stage Two: Appropriate Assessment**

The consideration of the impact on the integrity of the European Site of the project or plan, either alone or in combination with other projects or plans, with respect to the Site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

#### **Stage Three: Assessment of Alternative Solutions**

The process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the European Site.

#### **Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain**

An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the plan should aim to avoid any impacts on European Sites by identifying possible impacts early in the plan-making process and writing the plan in order to avoid such impacts. Second, mitigation measures should be applied, if necessary, during the AA process to the point where no adverse impacts on the Site(s) remain. If the plan is still likely to result in impacts on European Sites, and no further practicable mitigation is possible, then it must be rejected. If no alternative solutions are identified and the plan is required for imperative reasons of overriding public interest (IROPI test) under Article 6(4) of the Habitats Directive, then compensation measures are required for any remaining adverse effect.

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<sup>2</sup> Notably cases C-418/04 and C-183/05, in respect of failure to transpose elements of the Birds Directive and the Habitats Directive into Irish law.

In the case of this Appropriate Assessment Screening Report, it is found that the Variation only requires Stage 1 Screening.

## 2 Stage 1 Screening

### 2.1 Description of the Proposed Variation

#### 2.1.1 The Kilkenny City and Environs Development Plan 2021

The Kilkenny City & County Development Plan 2021 was prepared under the provisions of the Planning and Development Act 2000, as amended, to develop and improve the City & County in a sustainable manner. Volume 1 of the KCCDP covers Kilkenny County and wider policy, and Volume 2 addresses the City specifically.

The Plan contents are best described through a list of the chapter headings:

##### Volume 1:

1. Introduction
2. Climate Change
3. Demographic and Socio-Economic Trends
4. Core Strategy
5. Economic Development
6. Housing and Community
7. Rural development
8. Open Space and Recreation
9. Heritage, Culture and the Arts
10. Infrastructure and Environment
11. Renewable Energy Strategy
12. Movement and mobility
13. Requirements for Developments

##### Volume 2: City Plan

1. Introduction
2. Core Strategy
3. Economic and Retail Strategy
4. Heritage strategy
5. Movement and mobility strategy
6. Kilkenny City Place-making
7. Infrastructure and Environment

As the Core Strategy included in Chapter 2 of Volume 2 of the Plan outlines, the focus for new development will be in the neighbourhoods of Loughmacask and the Breaghagh valley (formerly known as Western Environs). The estimated population increase for the whole city and environs is 4,144 (from 2016 to 2027). The main objectives and ethos of the Plan can be summarised in the Council's Mission Statement (section 1.7) as follows: *"Kilkenny County Council is committed to working with the people of Kilkenny to develop sustainable, connected, economically thriving and proud communities with the consideration of climate change embedded into all of our policies and services."*

The Plan provides a land use framework for the sustainable development of Kilkenny City and Environs. The Plan sets the strategic context for any lower-tier plans, such as Local Area Plans to

be prepared in the city. In its making, the Plan had regard to all relevant planning and environmental policy and legislation including European Union directives, Ministerial guidelines and other national, regional and county plans and policies.

The Plan sets the strategic context for any lower-tier plans, such as Local Area Plans (LAPs) and Masterplans to be prepared in the city. A Masterplan is in place for the Abbey Quarter, and for Loughmacask, and two other Masterplans for St. Canice's and the Fair Green are being prepared, and will be incorporated into the Plan.

### **2.1.2 Variation to the Plan**

Variation No.1 to the KCCDP is set out below:

To change the zoning on two sites, as part of the implementation of the Residential Zoned Land Tax, in Kilkenny City as follows:

- a) An area of approx. 0.6 hectares at Aut Even Farm, Freshford Road, Kilkenny City from 'Existing Residential' to 'Agriculture', to reflect the existing use, and align the zoning with the remainder of the agricultural enterprise.
- b) An area of approx. 0.2 hectares at Bleach Road, Kilkenny City from 'Existing Residential' to 'Amenity/Green Links/Biodiversity conservation/open space and recreation' to align with the Strategic Flood Risk Assessment recommendations for the site, with the inclusion of a site specific objective, Z17, as follows; *Z17 Any application for residential development at this location can include consideration for the provision of the private or semi-private, open space in the open space zoning, subject to a Site Specific Flood Risk Assessment.*

The Kilkenny City and County Development Plan has already undergone Appropriate Assessment (AA) in accordance with Article 6(3) of the Habitats Directive.

### **2.1.3 Environmental Protection Objectives**

The KCCDP has been subject to AA during its preparation and adoption/approval. The Appropriate Assessment process has informed the contents of the Development Plan during its development. The relevant provisions of the KCCDP in relation to biodiversity are presented in Appendix I of this report.

## **2.2 European sites in and within 15 km of the Plan Area**

### **2.2.1 cSACs and SPAs**

This section of the screening process describes the European sites within 15 km of the KCCDP area and those that are also hydrologically linked to the KCCDP area. Since both sites are located in Kilkenny City, governed by Volume 2 of the KCCDP, the plan area is taken as the area covered under Volume 2, Kilkenny City.

The location of European sites in relation to the land the subject of this Variation, is as follows:

The sites fall within Kilkenny City. Site A is located approx. 500m from the River Nore and Barrow SAC and the River Nore SPA. Site B is located within the River Nore and Barrow SAC, and approx. 20m to

the east of the River Nore SPA. The River Suir SAC is downstream from the River Nore/Barrow SAC and River Nore SPA.

These European sites are listed in Table 2.1 and illustrated in Figure 2.1 below.

In order to determine the potential for impacts from the Proposed Variation, information on the qualifying features, known vulnerabilities and threats to site integrity pertaining to any potentially affected European sites was reviewed. Background information on threats to individual sites and vulnerability of habitats and species that was used during this assessment included the following:

- Ireland's Article 17 Report to the European Commission "*Status of EU Protected Habitats and Species in Ireland*" (NPWS, 2019)
- Site Synopses
- NATURA 2000 Standard Data Forms

Since the conservation objectives for the European sites focus on maintaining the favourable conservation condition of the qualifying interests of each site, the screening process concentrated on assessing the potential implications of the Plan against the qualifying interests of each site.

### **2.2.2 Qualifying Interests (QIs) and Special Conservation Interests (SCIs)**

Relevant cSAC sites are selected for a range of different habitats and species listed on Annex I and Annex II of the habitats directive, known as Qualifying Interests (QIs).

Relevant SPA sites listed have been selected for the protection of endangered species of wild birds. Each SPA has been selected for one or a combination of the following:

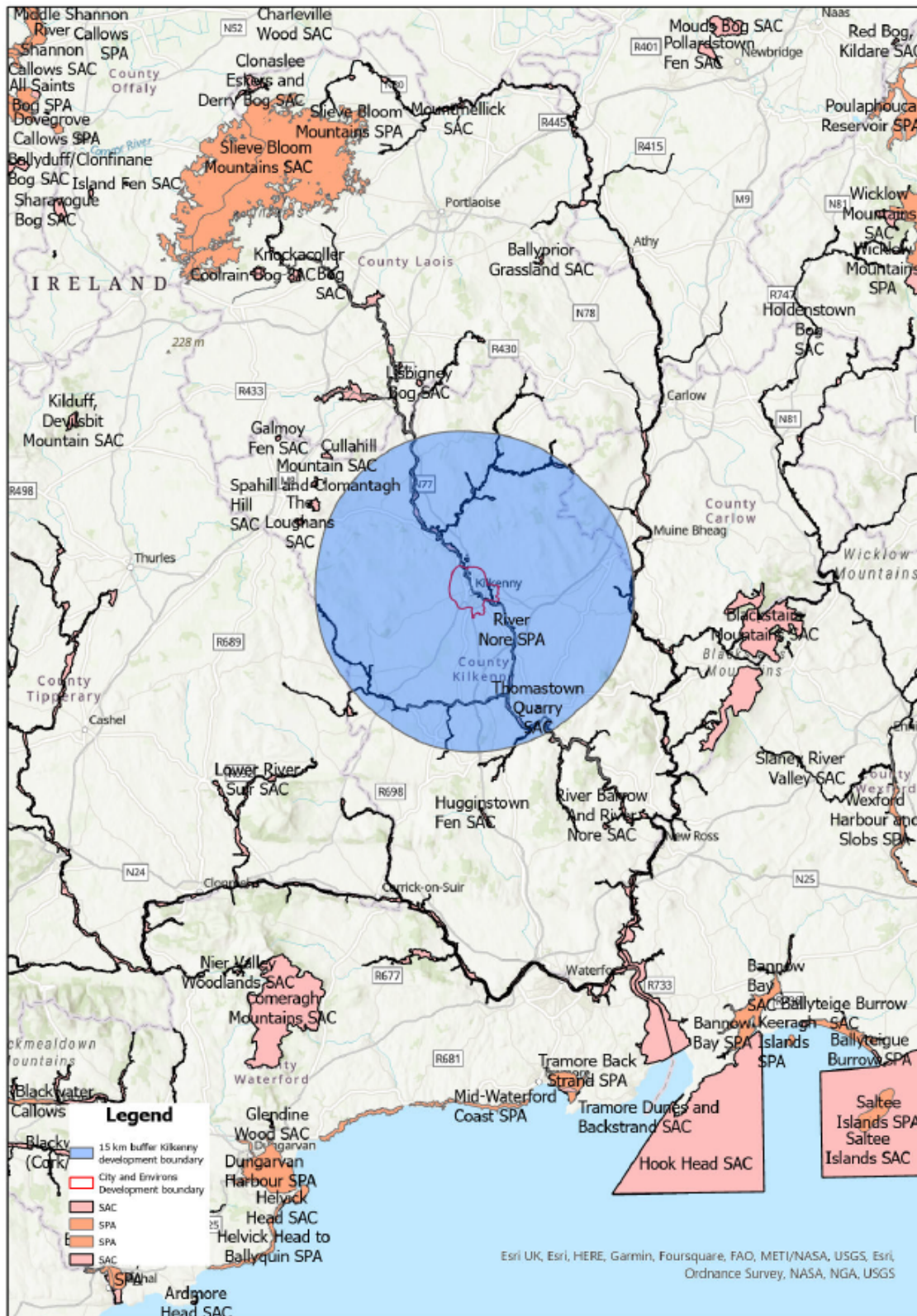
- Listed rare and vulnerable species (as listed on Annex I of EU Birds Directive 2009/147/EC);
- Regularly occurring migratory species, such as ducks, geese, and waders;
- Wetlands, especially those of international importance, which attract large numbers of migratory birds each year.

The features for which SPAs have been selected are referred to as Special Conservation Interests (SCIs).

Those QIs and SCIs for which sites are selected are presented in Table 2.2.



Figure 2.1 European sites in the vicinity of the Plan area



**Table 2-1 European sites within 15 km of lands referred to by the Variation to Volume 2 of the KCCDP (Kilkenny City) or hydrologically linked to the plan area**

Site Name	SAC Site Code	SPA Site Code	Sites within 5/10/15km of Kilkenny City boundary			Hydrologically linked to plan area
			5km	10km	15km	
<b>Within Co. Kilkenny</b>						
<b>Callahill Mountain</b>	000831	-----				No No
<b>Hugginstown Fen</b>	000404	-----				No No
<b>Galmoy Fen</b>	001858	-----				No No
<b>Spa Hill &amp; Clomantagh Hill</b>	000849	-----				No No
<b>The Loughans</b>	000407	-----				No No
<b>Thomastown Quarry</b>	002252	-----				Yes No
<b>Lower River Suir</b>	002137	-----				No Yes
<b>River Barrow &amp; Nore</b>	002162	-----	Yes			Yes
<b>River Nore</b>	002162	0004233	Yes			Yes
<b>Adjacent Counties:</b>						
<b>Ballyprior Grassland</b>	002256	-----				No No
<b>Blackstairs Mountain</b>	000770	-----				No No
<b>Lisbigney Bog</b>	000869					No No
<b>Comeragh Mountains</b>	001952	-----				No No
<b>Tramore Dunes and Backstrand</b>	000671	004027				No No*
<b>Bannow Bay</b>	000697	004033				No No*
<b>Slaney River Valley</b>	000781	-----				No No
<b>Mid-Waterford Coast SPA</b>	-----	004193				No No*

\*The distance between the area affected by the Variation and the SAC/SPA boundary is extensive, and the hydrological link is tenuous at best due to the dilution factor of the Celtic Sea.

**Table 2.2 List of European sites within 15kms and/or hydrologically connected to Kilkenny City- Qualifying Interests (QIs) and Special Conservation Interests (SCIs)**

Site code & name	Qualifying interests	Special Areas of Conservation Conservation Objectives	Threats to site integrity
002137  Lower River Suir	<p>Priority status - Listed in Annex I of HD:</p> <ul style="list-style-type: none"> <li>▪ Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) (91E0)</li> <li>▪ Yew Woodlands - <i>Taxus baccata</i> woods of the British Isles (91J0)</li> </ul> <p>Listed in Annex I of HD:</p> <ul style="list-style-type: none"> <li>▪ Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) (1330)</li> <li>▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) (1410)</li> <li>▪ Floating river vegetation - water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation (3260)</li> <li>▪ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles (91A0)</li> <li>▪ Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels (6430)</li> </ul> <p>Listed on Annex II of HD:</p> <ul style="list-style-type: none"> <li>▪ Sea Lamprey (<i>Petromyzon marinus</i> - 1095)</li> <li>▪ River Lamprey (<i>Lampetra</i></li> </ul>	<p>Site specific Conservation Objectives (Version 1, March 2017)</p> <ul style="list-style-type: none"> <li>• To restore the favourable conservation condition of Atlantic salt meadows</li> <li>• To restore the favourable conservation condition of Mediterranean salt meadows</li> <li>• To maintain the favourable conservation condition of Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation</li> <li>• To maintain the favourable conservation condition of Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</li> <li>• To restore the favourable conservation condition of Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</li> <li>• To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>)*</li> <li>• To restore the favourable conservation condition of <i>Taxus baccata</i> woods of the British Isles*</li> <li>• To restore the favourable conservation condition of Freshwater Pearl Mussel</li> <li>• To maintain the favourable conservation condition of White-clawed Crayfish</li> <li>• To restore the favourable conservation condition of Sea Lamprey</li> </ul>	<p>From NATURA 2000 - STANDARD DATA FORM (2015-12)</p> <ul style="list-style-type: none"> <li>▪ Urbanised areas, human habitation</li> <li>▪ Landfill, land reclamation and drying out, general</li> <li>▪ Cultivation</li> <li>▪ dykes and flooding defense in inland water systems</li> <li>▪ Pollution to surface waters (limnic, terrestrial, marine &amp; brackish)</li> <li>▪ reclamation of land from sea, estuary or marsh</li> <li>▪ invasive non-native species</li> <li>▪ Sylviculture, forestry</li> <li>▪ Fertilisation</li> <li>▪ Discharges</li> <li>▪ port areas</li> </ul>

	<p><i>fluviatilis</i> - 1099)</p> <ul style="list-style-type: none"> <li>▪ Brook Lamprey (<i>Lampetra planeri</i>- 1096)</li> <li>▪ Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i> - 1029)</li> <li>▪ Crayfish (<i>Austropotamobius pallipes</i> - 1092)</li> <li>▪ Twaite Shad (<i>Alosa fallax</i> - 1103)</li> <li>▪ Atlantic Salmon (<i>Salmo salar</i>- 1106)</li> <li>▪ Otter (<i>Lutra lutra</i> - 1355)</li> </ul>	<ul style="list-style-type: none"> <li>• To restore the favourable conservation condition of Brook Lamprey</li> <li>• To restore the favourable conservation condition of River Lamprey</li> <li>• To restore the favourable conservation condition of Twaite Shad</li> <li>• To restore the favourable conservation condition of Atlantic Salmon</li> <li>• To maintain the favourable conservation condition of Otter</li> </ul> <p>* indicates a priority habitat under the Habitats Directive</p>	
002162 River Barrow and River Nore cSAC	<p>Annex I - priority habitat</p> <ul style="list-style-type: none"> <li>▪ Alluvial wet woodlands - Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) (91E0)</li> <li>▪ Petrifying springs - Petrifying springs with tufa formation (<i>Cratoneurion</i>) (7220)</li> </ul> <p>Annex I</p> <ul style="list-style-type: none"> <li>▪ Old oak woodlands - Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles (91A0)</li> <li>▪ Floating river vegetation - Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation (3260)</li> <li>▪ Estuary – (1130)</li> <li>▪ Tidal mudflats - <i>Spartina</i> swards (<i>Spartinion maritimae</i>) (1320)</li> </ul>	<p>Site specific Conservation Objectives (Version 1.0, July 2011)</p> <ul style="list-style-type: none"> <li>• To maintain the favourable conservation condition of Desmoulin's whorl snail</li> <li>• To maintain the favourable conservation condition of White-clawed crayfish</li> <li>• To restore the favourable conservation condition of Sea lamprey</li> <li>• To restore the favourable conservation condition of Brook lamprey</li> <li>• To restore the favourable conservation condition of River lamprey</li> <li>• To restore the favourable conservation condition of Twaite shad</li> <li>• To restore the favourable conservation condition of Salmon</li> <li>• To maintain the favourable conservation condition of Estuaries</li> <li>• To maintain the favourable conservation condition of the Mudflats and sandflats not covered by seawater at low tide</li> <li>• To maintain the favourable conservation condition of</li> </ul>	<p>From NATURA 2000 - STANDARD DATA FORM (2015-12)</p> <ul style="list-style-type: none"> <li>▪ Forest and Plantation management &amp; use</li> <li>▪ Pollution to surface waters (limnic, terrestrial, marine &amp; brackish)</li> <li>▪ use of fertilizers (forestry)</li> <li>▪ intensive cattle grazing</li> <li>▪ Erosion</li> <li>▪ sand and gravel quarries</li> <li>▪ Forestry activities not referred to above</li> <li>▪ human induced changes in hydraulic conditions</li> <li>▪ Changes in abiotic conditions</li> <li>▪ invasive non-native species</li> <li>▪ agricultural intensification</li> <li>▪ modifying structures of inland water courses</li> <li>▪ intensive fish farming, intensification</li> <li>▪ Water abstractions from surface waters</li> <li>▪ Peat extraction</li> <li>▪ Fishing and harvesting aquatic resources</li> </ul>

<p>continued . . .</p> <p>002162</p> <p>River Barrow and River Nore cSAC</p>	<ul style="list-style-type: none"> <li>▪ <i>Salicornia</i> mudflats - <i>Salicornia</i> and other annuals colonizing mud and sand (1310)</li> <li>▪ Atlantic salt meadows - (<i>Glaucopuccinellietalia maritimae</i>) (1330)</li> <li>▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) (1410)</li> <li>▪ Dry heath - European dry heaths (4030)</li> <li>▪ Eutrophic tall herbs - Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels (6430)</li> </ul> <p>Annex II</p> <ul style="list-style-type: none"> <li>▪ Sea Lamprey - <i>Petromyzon marinus</i> (1095)</li> <li>▪ River Lamprey - <i>Lampetra fluviatilis</i> (1099)</li> <li>▪ Brook Lamprey - <i>Lampetra planeri</i> (1096)</li> <li>▪ Freshwater Pearl Mussel - <i>Margaritifera margaritifera</i> (1029)</li> <li>▪ Nore Freshwater Pearl Mussel - (<i>Margaritifera durrovensis</i>) (1990)</li> <li>▪ Crayfish - <i>Austropotamobius pallipes</i> (1092)</li>   <li>▪ Twait Shad - <i>Alosa fallax</i> (1103)</li> <li>▪ Atlantic Salmon - <i>Salmo salar</i> (1106)</li> </ul>	<p><i>Salicornia</i> and other annuals colonizing mud and sand</p> <ul style="list-style-type: none"> <li>• To restore the favourable conservation condition of Atlantic salt meadows</li> <li>• To restore the favourable conservation condition of Otter</li> <li>• To restore the favourable conservation condition of Mediterranean salt meadows</li> <li>• To maintain the favourable conservation condition of Killarney Fern</li> <li>• To restore the favourable conservation condition of the Nore freshwater pearl mussel</li> <li>• To maintain the favourable conservation condition of Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</li> <li>• To maintain the favourable conservation condition of European dry heaths</li> <li>• To maintain the favourable conservation condition of Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</li> <li>• To maintain the favourable conservation condition of Petrifying springs with tufa formation (<i>Cratoneurion</i>)</li> <li>• To restore the favourable conservation condition of Old oak woodland with <i>Ilex</i> and <i>Blechnum</i></li> <li>• To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</li> </ul>	<ul style="list-style-type: none"> <li>▪ port areas</li> <li>▪ removal of hedges and copses or scrub</li> <li>▪ Industrial or commercial areas</li> <li>▪ reduction in migration/ migration barriers</li> <li>▪ dredging/ removal of limnic sediments</li> <li>▪ dykes and flooding defence in inland water systems</li> <li>▪ netting</li> <li>▪ Leisure fishing</li> </ul>
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	<ul style="list-style-type: none"> <li>▪ Otter – <i>Lutra lutra</i> (1355)</li> <li>▪ Desmoulin's Whorl Snail - <i>Vertigo moulinsiana</i> (1016)</li> <li>▪ Killarney Fern – <i>Trichomanes speciosum</i> (1421)</li> </ul>		
002252 Thomastown Quarry	<p>Priority status - Listed in Annex I of HD</p> <ul style="list-style-type: none"> <li>▪ Petrifying springs with tufa formation (Cratoneurion) (7220)</li> </ul>	<p>Site specific Conservation Objectives (Version 1, 2019):</p> <p>To maintain the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion)* in Thomastown Quarry SAC.</p>	<p>From NATURA 2000 - STANDARD DATA FORM (2015-12)</p> <p>K04.01 competition</p> <p>A04.03 abandonment of pastoral systems, lack of grazing</p> <p>E01 Urbanised areas, human habitation</p>

## SPA

		Special Protection Area	
Site code & name	Special Conservation Interests	Conservation Objectives	Threats to site integrity
River Nore 0004233 - SPA	<ul style="list-style-type: none"> <li>▪ Kingfisher (<i>Alcedo atthis</i>)</li> </ul>	<p>Generic Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Kingfisher</p>	<p>From NATURA 2000 - STANDARD DATA FORM (2015-10)</p> <ul style="list-style-type: none"> <li>▪ Landfill, land reclamation and drying out, general port areas</li> </ul>

## 2.3 Assessment Criteria

### 2.3.1 Is the Plan Necessary to the Management of European Sites?

Under the Habitats Directive, plans that are directly connected with or necessary to the management of a European site do not require AA. For this exception to apply, management is required to be interpreted narrowly as nature conservation management in the sense of Article 6(1) of the Habitats Directive. This refers to specific measures to address the ecological requirements of annexed habitats and species (and their habitats) present on a site(s). The relationship should be shown to be direct and not a by-product of the plan, even if this might result in positive or beneficial effects for a site(s).

The primary purpose of the Variation to the KCCDP 2021 is not the nature conservation management of the sites. Therefore, the Variation to the KCCDP is not considered by the Habitats Directive to be directly connected with or necessary to the management of European designated sites.

### 2.3.2 Elements of the Variation with Potential to Give Rise to Effects

The Proposed Variation is intended to adjust the zoning to reflect the existing Agricultural use on Site 1a, and to align with the Strategic Flood Risk Assessment recommendations for the Site 1b.

The Development Plan has been subject to Appropriate Assessment. The changes have been assessed in relation to their potential to result in effects on European Sites within and beyond the Plan area taking into account the baseline, the content of the Proposed Variation and other plans and programmes. The potential for each of the changes to impact on European sites is presented in Table 2-3.

As outlined in the European Commission Environment DG document *“Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC”*, impacts that require consideration can be categorised under a number of headings:

- Loss / reduction of habitat area (e.g. due to the development of new projects);
- Disturbance to Key Species (e.g. increased public access to protected sites, or during the construction phase of infrastructure projects);
- Habitat or species fragmentation;
- Reduction in species density; and
- Changes in key indicators of conservation value such as decrease in water quality / quantity (e.g. through inadequate wastewater treatment, run-off of pollutants during construction and operation of developments, agricultural runoff).

In summary it is concluded that adverse impacts on European sites will not occur due to the implementation of the Variation.

**Table 2-3: Summary of the individual elements of the Variation and the potential for these to give rise to impacts on European sites**

Variation	Potential effects on European Sites
<p>1a. To rezone an area of approx. 0.6 hectares at Aut Even Farm, Freshford Road, Kilkenny City from 'Existing Residential' to 'Agriculture', to reflect the existing use, and align the zoning with the remainder of the agricultural enterprise.</p>	<p>The site was zoned for Existing Residential in the KCCDP, and is currently in active use as mix of farm and commercial grain storage and open yards.</p> <p>There is no direct impact on any European site. There would be potential for indirect impact for the intensification of this area for agriculture, however mitigation measures exist in the KCCDP which are adequate to ensure that the integrity of the European sites will not be significantly affected as a result of potential impacts of the proposed variation. The site is located approx. 500m from the SAC, on the far side of the Freshford Road (R693) to the River Nore. Any planning application or Part 8 proposal will be subject to its own, project level, appropriate assessment.</p> <p>As this site is currently in use for the Agricultural zoning proposed, the proposed change has no potential effect on European sites.</p>
<p>1b. To rezone an area of approx. 0.2 hectares at Bleach Road, Kilkenny City from 'Existing Residential' to 'Amenity/Green Links/Biodiversity conservation/open space and recreation' to align with the Strategic Flood Risk Assessment recommendations for the site, with the inclusion of a site specific objective, Z17, as follows; Z17 Any application for residential development at this location can include consideration for the provision of the private or semi-private, open space in the open space zoning, subject to a Site Specific Flood Risk Assessment.</p>	<p>The site was already zoned for Existing Residential in the KCCDP, and this change is to rezone the area to an open space zoning, which would have less development potential than the current zoning. The permitted uses include open space, sports clubs, recreational buildings, stands, pavilions, agricultural uses, halting sites and public service installations.</p> <p>This site is located within the SAC, but this Variation proposes a down-zoning of the land, and a reduction in development potential, and as such this is not a significant direct impact on any European site. This area may be developed for open space, however mitigation measures exist in the KCCDP which are adequate to ensure that the integrity of the European sites will not be significantly affected as a result of potential impacts of the proposed variation. Any planning application or Part 8 proposal will be subject to its own, project level, appropriate assessment.</p> <p>As the zoning change involves a reduction in the development potential on the site, the proposed change has no potential significant effect on European sites.</p>

### 2.3.3 Identification of Potential Likely Effects

This section documents the final stage of the screening process and determines the likelihood of impacts to arise on individual European sites. It has used the information collected on the sensitivity of each European site and describes any effects of the implementation of the Variation with respect to this site.

In determining the potential for effects, a number of factors have been taken into account. Firstly, the sensitivity and reported threats to the European site. Secondly, the individual elements of the Variation and other plans and programmes and the potential effect they may cause on the site were considered.

The outcome of this screening is presented in Table 2-4 below. In summary, taking into consideration the provisions of the variation together with the overarching provisions contained in the KCCDP, there is no



potential for effects on any European site and therefore there is no need to advance to Stage II Appropriate Assessment.

**Table 2-4 Screening of European sites**

Site Name	Potential for impacts	Stage 2 AA required
River Barrow and River Nore SAC	None. See also Section 2.3.2	No
Lower River Suir SAC	None. See also Section 2.3.2	No
River Nore SPA	None. See also Section 2.3.2	No
Thomastown Quarry SAC	None. See also Section 2.3.2	No

The Variation does not introduce any additional sources for effects that were not considered by the existing KCCDP which was subject to its own Appropriate Assessment.

## 2.4 Other Plans and Programmes

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combinations with the plan or project, have the potential to adversely impact upon European sites.

The existing City & County Development Plan 2021 to which the Proposed Variation relates, was subject to its own Appropriate Assessment process that determined *“Having incorporated mitigation measures, it is concluded that the Kilkenny City and County Development Plan 2021-2027 is not foreseen to give rise to any significant effects on the integrity of European Sites, alone or in combination with other plans or projects”*<sup>3</sup>.

It has been determined that the individual parts of the Proposed Variation will not result in any effects on European Sites.

Taking into account all of the above it is determined that there are no ‘in-combination’ effects arising from the Proposed Variation.

Table 2-5 lists the plans or programmes that relate to the Development Plan to which this Proposed Variation relates.

<sup>3</sup> Kilkenny City & County Development Plan 2021-2027- Consolidated Natura Impact Report

Table 2-5 Plans &amp; Programmes Likely to Cause In-Combination Effects

Legislation, Plan, etc.	Summary of high-level aim/ purpose/ objective	Summary of lower level objectives, actions etc.	Relevance to the Plan
<b>Regional level</b>			
Southern Regional Economic and Spatial Strategy 2019-2031	The Regional Spatial and Economic Strategy provides a long-term strategic planning and economic framework for the Southern Region in order to support the implementation of the National Planning Framework.	The Southern Regional Economic and Spatial Strategy includes provisions for its nine counties, Cork, Clare, Kerry, Limerick, Tipperary, Waterford, Carlow, Kilkenny and Wexford. The Region's nine counties are administered by 10 local authorities; Cork includes Cork City Council and Cork County Council.	Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.
Integrated Implementation Plan 2019-2024	The priorities in the Integrated Infrastructure Plan align with objectives and priorities focusing on improving public and sustainable transport.	The Implementation Plan identifies investment proposals for a number of areas including: <ul style="list-style-type: none"> <li>• Bus</li> <li>• Light Rail;</li> <li>• Heavy Rai;</li> <li>• Integration Measures and Sustainable Transport Investment;</li> <li>• Integrated Service Plan; and</li> <li>• ☐ Integration and Accessibility.</li> </ul>	Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.

Legislation, Plan, etc.	Summary of high-level aim/ purpose/ objective	Summary of lower level objectives, actions etc.	Relevance to the Plan
NPWS Conservation Plans and/or Conservation Objectives for SACs and SPAs	<p>Management planning for nature conservation sites has a number of aims.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>• To identify and evaluate the features of interest for a site</li> <li>• To set clear objectives for the conservation of the features of interest</li> <li>• To describe the site and its management</li> <li>• To identify issues (both positive and negative) that might influence the site</li> <li>• To set out appropriate strategies/management actions to achieve the objectives</li> </ul>	<p>Conservation objectives for SACs and SPAs (i.e. sites within the Natura 2000 network) have to be set for the habitats and species for which the sites are selected.</p> <p>These objectives are used when carrying out appropriate assessments for plans and projects that might impact on these sites.</p>	<p>Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.</p>
Groundwater Protection Schemes	<p>A Groundwater Protection Scheme provides guidelines for the planning and licensing authorities in carrying out their functions, and a framework to assist in decision-making on the location, nature and control of developments and activities in order to protect groundwater.</p>	<p>A Groundwater Protection Scheme aims to maintain the quantity and quality of groundwater, and in some cases improve it, by applying a risk assessment-based approach to groundwater protection and sustainable development.</p>	<p>Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.</p>

<p><b>Local Economic and Community Plans (LECPs), including the Kilkenny LECP 2023</b></p>	<p>Vision Statement: By 2028 Kilkenny will be a future-ready, citizen-centric and welcoming county that is climate resilient, provides jobs, attracts highly productive businesses, delivers inclusive services and celebrates creativity.</p>	<p>High-Level Goals and Objectives</p> <ul style="list-style-type: none"> <li>• Goal 1: To ensure that climate action is embraced, and that our actions and interventions are embedded across all areas of the LECP in order to contribute positively to the global climate and biodiversity crisis affecting our citizens and support Ireland to achieve its climate and biodiversity goals and obligations.</li> <li>• Goal 2: To build a resilient, sustainable business base and support new and existing businesses to grow, be enterprising and take advantage of new opportunities.</li> <li>• Goal 3: To realise the economic and social value of Kilkenny’s built and natural heritage, its cultural reputation and offer, and its growing tourism, creative and cultural sectors.</li> <li>• Goal 4: To ensure our rural economy and communities are supported to develop sustainably.</li> <li>• Goal 5: To increase the number of economically active people in the County by ensuring access to further and higher education infrastructure and to lifelong learning for every working age resident who wants to work to enhance their educational qualifications and achieve the skills required.</li> <li>• Goal 6: To grow the number of third level graduates working in County Kilkenny.</li> </ul>	<p>Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.</p>
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Legislation, Plan, etc.	Summary of high-level aim/ purpose/ objective	Summary of lower level objectives, actions etc.	Relevance to the Plan
		<ul style="list-style-type: none"> <li>• Goal 7: To reduce inequalities and promote and enhance the importance of health and wellbeing.</li> <li>• Goal 8: To reduce the number of people living in deprivation and promote community development, community resilience, climate justice, integration, diversity and social inclusion.</li> <li>• Goal 9: To develop increased local capacity and improve targeting of social investment through increased engagement and participation with local community groups that will deliver improved community facilities, supports and services.</li> <li>• Goal 10: To support the provision of appropriate community supports and services for new and existing housing developments.</li> </ul>	
<p><b>Land Use Plans in force within Kilkenny and in other adjoining planning authorities. This includes Development Plans and Local Area Plans</b></p>	<p>Outline planning objectives for land use development.</p> <ul style="list-style-type: none"> <li>• Strategic framework for planning and sustainable development including those set out in National Planning Framework and Regional Economic and Spatial Strategies.</li> <li>• Set out the policies and proposals to guide development in the specific Local Authority area.</li> </ul>	<p>Identify future infrastructure, development and zoning required.</p> <ul style="list-style-type: none"> <li>• Protect and enhances amenities and environment.</li> <li>• Guide planning authority in assessing proposals.</li> <li>• Aim to guide development in the area and the amount of nature of the planned development.</li> <li>• Aim to promote sustainable development.</li> <li>• Provide for economic development and protect natural environmental, heritage.</li> </ul>	<p>Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.</p>

Legislation, Plan, etc.	Summary of high-level aim/ purpose/ objective	Summary of lower level objectives, actions etc.	Relevance to the Plan
<b>Kilkenny County Council Culture and Creativity Strategy 2023</b>	The opportunity embraced within the Kilkenny Culture and Creativity Strategy 2023–2027 is to support people’s participation, inclusion and expression within communities, and further strengthen local creative economies.	This plan identifies five strategic priorities with clear objectives to fulfil the Council’s creative vision for Kilkenny: <ul style="list-style-type: none"> <li>— Enable best practice delivery of culture and creativity</li> <li>— Increase and diversify participation in culture and creativity</li> <li>— Support culture and creativity in rural and urban areas</li> <li>— Engage children and young people in culture and creativity</li> <li>— Communicate the value of culture and creativity</li> </ul>	Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.
<b>Kilkenny’s Statement of Tourism Strategy and work programme 2017-2022</b>	Underpin the Councils’ support for the tourism industry in Kilkenny over the next five years.	Sets out a vision, goals, objectives, and aligns with national tourism policy, national initiatives, regional objectives and the objectives of the Council’s adopted Local Economic Community Plan. It is intended that the Strategy and Work Programme will support the delivery of the objectives of the LECP, support Kilkenny Tourism, and support local community tourism initiatives.	Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.
<b>Kilkenny County Council’s Climate Change Adaptation Strategy 2019-2024</b>	In accordance with the provisions of the Climate Action and Low Carbon Development Act 2015, Kilkenny County Council published its Climate Change Adaptation Strategy in 2019.	Recommends actions for adaptation and mitigation options. The Strategy includes a number of policy recommendations to ensure County remains resilient to climate change and those recommendations have been included in this Development Plan.	Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.

Legislation, Plan, etc.	Summary of high-level aim/ purpose/ objective	Summary of lower level objectives, actions etc.	Relevance to the Plan
<b>Southern Regional Waste Management Plan 2015-2021</b>	Gives effect to national and EU waste policy, and address waste prevention and management (including generation, collection and treatment) over the period 2015-2021.	Strategic Objectives for: <ul style="list-style-type: none"> <li>• Prevention</li> <li>• Resource Efficiency</li> <li>• Coordination</li> <li>• Infrastructure Planning</li> <li>• Enforcement and Regulations</li> <li>• Protection</li> <li>• ☑ Other Wastes</li> </ul>	Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.
<b>Kilkenny Noise Action Plan 2019-2023</b>	The Noise Action Plan is designed with the twin aims of: <ul style="list-style-type: none"> <li>• Avoiding significant adverse health impacts from noise, and</li> <li>• Preserving environmental noise quality where it is good</li> </ul>	Under the Regulations, Kilkenny County Council is the action planning authority responsible for the creation and implementation of the Noise Action Plan for County Kilkenny. The Noise Action Plan for County Kilkenny is based on strategic noise mapping carried out for County Kilkenny and is based solely on road traffic noise.	Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.

Legislation, Plan, etc.	Summary of high-level aim/ purpose/ objective	Summary of lower level objectives, actions etc.	Relevance to the Plan
<b>Fáilte Ireland Tourism plans and strategies, including those relating to the Ireland's Ancient East brands</b>	Fáilte Ireland's work includes preparing various plans and strategies for Ireland's Ancient East and other brands and initiatives. These plans are subject to their own environmental assessment processes and any project arising is required to be consistent with and conform with the provisions of all adopted/approved Statutory Policies, Strategies, Plans and Programmes, including provisions for the protection and management of the environment	Some of Fáilte Ireland's plans and strategies include various projects relating to land use and infrastructural development, including those relating to development of land or on land and the carrying out of land use activities. Many of these projects exist already while some are not currently in existence. The Statutory Policies, Strategies, Plans and Programmes that provide for different projects undergo a variety of environmental assessments. These assessments ensure that environmental effects are considered, including: those arising from new and intensified uses and activities; and those arising from various sectors such as tourism.	Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.
<b>Various existing, planned and emerging projects provided for by the above plans and programmes</b>	These projects have been provided for by higher-level plans and programmes	These projects will contribute towards the development of the area to which the Plan relates and/or wider area and will contribute towards environmental protection and management.	Where new land use developments or activities occur as a result of this legislation, plan, programme, etc., individually or in combination with others, potential in combination effects (see Section 2.4 and 2.3.3) may arise. Implementation of the Plan needs to comply with all environmental legislation and align with and cumulatively contribute towards – in combination with other users and bodies and their plans etc. – the achievement of the objectives of the regulatory framework for environmental protection and management.



### 3 Conclusion

The requirement for a Stage 2 AA would arise if the Variation to the KCCDP would have the potential to have effects on a Natura 2000 site. This screening report evaluates the Variation to see if it needs to be the subject of a Stage 2 AA. It finds that the Variation to the KCCDP has been formulated to ensure that uses, developments and effects arising from permissions based upon the Variation (either individually or in combination with other plans or projects) shall not give rise to effects on the integrity of any Natura 2000 sites.

The Variation does not introduce any additional sources for effects that were not considered by the existing KCCDP which was subject to its own Appropriate Assessment.

Therefore, in accordance with the Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, it is concluded that the Variation does not require any further assessment to demonstrate compliance with the Directive.

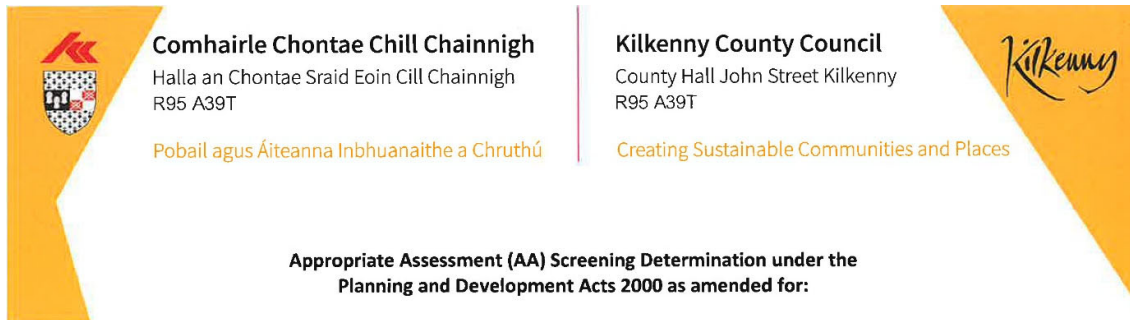
## APPENDIX I

## Kilkenny City and County Development 2021 Environmental Provisions relating to Biodiversity, Flora and Fauna, Water, Flood Risk and Soil.

Environmental/ Component	Kilkenny City and County Development Plan 2021 Provision (Existing, already in force policy/objective/development management standard)
<b>Biodiversity and Flora and Fauna</b>	<p><i>See also measures on this table under Soil, Water, Flood Risk Management and Water Services</i></p> <p>To implement the provisions of Articles 6(3) and 6(4) of the EU Habitats Directive and 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>The Council will protect and, where possible, enhance the natural heritage sites designated under EU legislation and national legislation (Habitats Directive, Birds Directive, European Communities (Birds and Natural Habitats) Regulations 2011 and Wildlife Acts). This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan.</p> <p>To ensure that development proposals, where relevant, improve the ecological coherence of the Natura 2000 network and encourage the retention and management of landscape features that are of major importance for wild fauna and flora as per Article 10 of the Habitats Directive.</p> <p>Ensure that an ecological impact assessment is carried out, by suitably qualified professional(s), 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>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 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.</p> <p>To ensure that appropriate mitigation and/or compensation measures to conserve biodiversity, landscape character and green infrastructure networks are required in developments where habitats are at risk or lost as part of a development.</p> <p>The Council will also protect and, where possible, enhance the plant and animal species and their habitats that have been identified under European legislation (Habitats and Birds Directive) and protected under national Legislation (European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011), Wildlife Acts 1976-2010 and the Flora Protection Order (SI94 of 1999).</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>Water</b>	<p><i>See also measures on this table under Biodiversity, Flora and Fauna, Soil, Water Services and Flood Risk Management</i></p> <p>To implement the measures of the River Basin Management Plan, including continuing to work with communities through the Local Authority Waters Programme to restore and improve water quality in the identified areas of action.</p> <p>To have regard to the Groundwater Protection Scheme and to comply with the Water Services Acts 2007 as amended in decision-making on the location, nature and control of developments and activities in order to protect groundwater.</p> <p>Council will promote compliance with environmental standards and objectives established— for bodies of surface water, by the European Communities (Surface Waters) Regulations 2009;</p>

	for groundwater, and groundwater by European Union Environmental Objectives (Groundwater) (Amendment) Regulations 2016.
<b>Flood Risk</b>	<p>To adopt a comprehensive risk-based planning approach to flood management to prevent or minimise future flood risk.</p> <p>The Council will ensure that new developments do not reduce the effectiveness or integrity of any existing or new flood defence infrastructure, and will facilitate the provision of new, or the reinforcement of existing, flood defences and protection measures where necessary.</p> <p>Where flood risk may be an issue for any proposed development, a detailed flood risk assessment should be carried out appropriate to the scale and nature of the development and the risks arising. In particular, any area within or adjoining flood zone A or B, or flood risk area, shall be the subject of a site-specific Flood Risk Assessment appropriate to the type and scale of the development being proposed. This shall be undertaken in accordance with the Planning System and Flood Risk Management – Guidelines and the Strategic Flood Risk Assessment accompanying this Plan.</p>
<b>Soil</b>	<p><i>See also measures on this table under Biodiversity, Flora and Fauna, Water, Water Services and Flood Risk Management</i></p> <p>The Council will consult the Geological Survey of Ireland when considering undertaking, approving or authorising developments which are likely to affect County Geological Sites. In some locations, in consultation with landowners, it may be possible to access geological and geo-morphological features of interest, and the Council will support and facilitate this where appropriate.</p>

## APPENDIX II AA Screening Determination



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

**Proposed Variation 1 to the Kilkeny City and County Development Plan 2021**

An Appropriate Assessment (AA) Screening determination has been made by Kilkeny County Council regarding Proposed Variation 1.


Section 12 (7) of the Planning and Development Act 2000 (as amended), requires, inter alia, a determination to be made as to whether the Proposed Variation warrants the undertaking of AA.

Variation No. 1 to the **Kilkeny City and County Development Plan** proposes to rezone:

- a) An area of approx. 0.6 hectares at Aut Even Farm, Freshford Road, Kilkeny City from 'Existing Residential' to 'Agriculture', to reflect the existing use, and align the zoning with the remainder of the agricultural enterprise. See Figure 1a.
- b) An area of approx. 0.2 hectares at Bleach Road, Kilkeny City from 'Existing Residential' to 'Amenity/Green Links/Biodiversity conservation/open space and recreation' to align with the Strategic Flood Risk Assessment recommendations for the site, with the inclusion of a site specific objective, Z17, as follows; *Z17 Any application for residential development at this location can include consideration for the provision of the private or semi-private, open space in the open space zoning, subject to a Site Specific Flood Risk Assessment.*

The AA screening process has found that the proposed Variation does 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, Kilkeny County Council have determined that the Proposed Variation 1 to the Kilkeny City and County Development Plan 2021 is not likely, alone or in-combination with other plans or projects, to have a significant effect on any European Sites in view of their conservation objectives, and it is not considered necessary to undertake any further stages of the Appropriate Assessment process.

Signed   
**Denis Malone**  
**Senior Planner**

Date 2/10/2023