

# Strategic Environmental Assessment Applicability Assessment Report

Paulstown Masterplan

March 2024



**Turley**

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**Client**

Kilkenny County Council

**Our reference**

KILX3007

March 2024

# 1. Introduction

- 1.1 The Paulstown Masterplan (hereafter referred to as 'the Plan') is a non-statutory plan commissioned by Kilkenny County Council (KCC) for Paulstown.
- 1.2 The purpose of the Plan is to guide the development of Paulstown into the future and to influence and deliver on real change for the village in order to make it a more attractive destination in which to live, work, visit and do business.
- 1.3 Turley <sup>1</sup> has been commissioned by KCC to carry out a Strategic Environmental Assessment (SEA) applicability screening of the plan.
- 1.4 SEA screening is defined in the relevant guidance documents<sup>2</sup> as *“the process for deciding whether a particular plan, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA.”*
- 1.5 The purpose of this document is to carry out an assessment to determine, if SEA applies to the Plan in accordance with the European Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (“SEA Directive”) as transposed by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435 of 2004), as amended.
- 1.6 This SEA Applicability Report provides the findings of this process for the Plan, which provides a pre-screening check, known as a Stage 1 Applicability Assessment, allowing for the rapid screening of environmental effects to determine whether or not an SEA is required, via Stage 2 Screening.

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<sup>2</sup> [Implementation of SEA Directive \(2001/42/EC\): Assessment of the Effects of Certain Plans and Programmes on the Environment- Guidelines for Regional Authorities and Planning Authorities \(Department of the Environment, Community and Local Government, 2004\)](#)

## 2. Strategic Environmental Assessment

### Overview

2.1 Strategic Environmental Assessment SEA is defined as “the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme before a decision is made to adopt that plan or programme.” (Department of the Environment, Community and Local Government, 2004).

2.2 The SEA process is comprised of the following steps:

- The Screening: This is a decision on whether or not SEA of a Plan or Programme is required. This is the current state of the SEA process to which this report relates. The preliminary stage to Screening is to determine if the SEA Directive applies to the Plan.

2.3 If the SEA is considered to be required following Screening, the following steps are required:

- Scoping: Consultation with the defined statutory bodies on the scope and level of detail to be considered in the assessment;
- Environmental Assessment: An assessment of the likely significant impacts on the environment as a result of the Plan or Programme;
- Preparation of an Environmental Report
- Consultation on the Plan or Programme and associated Environmental Report;
- Evaluation of the submissions and observations made on the Plan or Programme and Environmental Report; and
- Issuance of a SEA Statement identifying how environmental considerations and consultation have been integrated into the Final Plan or Programme.



Figure 2.1: Screening in the overall SEA Process (Source: EPC, Good Practice Guidance on Screening, 2021).

- 2.4 SEA is intended to provide the framework for influencing decision-making at an earlier stage when plans and programmes – which give rise to individual projects – are being developed. SEA should result in more sustainable development through the systematic appraisal of policy options.
- 2.5 This SEA Applicability Report provides the findings of this process for the Plan, which provides a pre-screening check, known as a Stage 1 Applicability Assessment, allowing for the rapid screening of environmental effects that do not require an SEA to determine whether or not an SEA is required via Stage 2 Screening.

## 3. Guidance and Legislation

### Legislative Overview

- 3.1 The SEA Directive – Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment – requires that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.
- 3.2 The objective of the SEA Directive is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans...with a view to promoting sustainable development.”* (Article 1 SEA Directive 2001).
- 3.3 Ireland made the decision to transpose the SEA Directive into Irish Law in 2004 through two separate statutory instruments or regulations, one specifically concerning specific listed town and country/land use plans (S.I. 436/2004) and one concerning all other sectors (S.I. 435/2004). The transposing regulations are as follows:
- European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations (S.I. 435/2004); and
  - Planning and Development (Strategic Environmental Assessment) Regulations (S.I. 436/2004).
- 3.4 Both pieces of legislation were amended in 2011 through the following amendment regulations:
- European Communities (Environmental Assessment of Certain Plans and Programmes) Amendment Regulations (S.I. 200/2011); and
  - Planning and Development (Strategic Environmental Assessment) Amendment Regulations (S.I. 201/2011).
- 3.5 The SEA Directive has also been given effect through other Irish Legislation. An example being, the Planning and Development Act [PDA] 2000, as amended, which includes a specific requirement to carry out and facilitate SEA alongside the preparation of the Regional Spatial and Economic Strategies; and the Water Services Act 2007, as amended, requires that: *“The purpose for which this Act is enacted includes giving effect to so much of the following as relates to water services”* – listing specifically Directive 2001/42/EC (EPA, Good Practice Guidance on Screening, 2021).

### Guidance Documents

- 3.6 A number of national guidance documents on SEA were reviewed in the preparation of this SEA Screening Report including:
- SEA Screening Good Practice Guidance (EPA, 2021)

- Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland (EPA, 2003)
- Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment – Guidelines for Regional Authorities and Planning Authorities (Department of the Environment, Community and Local Government, 2004)
- Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment (European Commission, ND)
- SEA Resource Manual for Local and Regional Planning Authorities (EPA, 2015)
- Integrating Climate Factors into Strategic Environmental Assessment in Ireland – A Guidance Note (EPA, 2019)
- Synthesis Report on Developing Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland (EPA, 2019)

## 4. Paulstown Masterplan

### **Legislative Background**

- 4.1 The Paulstown Masterplan (hereafter Masterplan) is a non-statutory Plan, commissioned by KCC for the settlement of Paulstown. The Plan was produced in collaboration with local residents, in addition to professional guidance and input from the design team. The Masterplan was developed through an iterative review and assessment process with the Strategic Projects and Public Realm Team (SPPR).

### **Scope and Description of the Plan**

- 4.2 The new Plan will guide the development of Paulstown into the future and is designed to influence and deliver real change for the Town in order to make it a more attractive destination in which to live, work, visit and do business.
- 4.3 The Paulstown Masterplan sets out a high-level, sustainable vision for future development in Paulstown, in line with national, regional, and local planning policy. It is informed by planning policies and quantitative data, but also local community engagement. Through the stakeholder workshop events in Paulstown, local community had the opportunity to directly shape their town's masterplan document.
- 4.4 The masterplan is designed to positively addresses key issues and challenges in Paulstown and sets a new benchmark for public realm and town centre design, transforming Paulstown into an inviting and sustainable settlement, and enabling it to realise its full potential.
- 4.5 The Masterplan outlines placemaking ideas but also demonstrates funding streams that will support the delivery of the key masterplan interventions. The Masterplan document is the first specific planning and development document for Paulstown and that provides an in-depth planning, environmental, socio-economic and cultural analysis of the town.
- 4.6 Paulstown is a village located in south Co. Kilkenny, c.19km east of Kilkenny City. The village is rural in character and contains architectural heritage assets, including both Shankill Castle and Paulstown Castle. These features not only contribute to the tourism and recreational aspects of this settlement, but are features that the local community is proud of. Today, it helps to retain a strong sense of community ownership and pride and adds to Paulstown's identity.
- 4.7 The aim of this Masterplan is to ensure that Paulstown has the right objectives and projects in place to tackle issues of urban form, structure and identity and above all, to become a better place to live, work and run a business, ensuring the vitality and vibrancy of the village into the future.

### **Overview of the Plan.**

- 4.8 Taking into account the Town Centre First policy objectives, our baseline analysis of the village and the feedback received from the local community, we have developed a set



of principles to help guide the ideas, actions, and strategies for the Masterplan. These are:

1. **Streets and Public Spaces** – Provision of upgraded public realm and public amenity spaces to provide an attractive, vibrant core of Paulstown.
2. **Movement** – Improved connectivity between residential developments, local amenities/facilities, with Main Street, as well as its surrounds, as connectivity is fundamental to the social and economic success of a town.
3. **Heritage and identity** – celebrate the culture and heritage of Paulstown, defining its image and making it a destination for visitors.
4. **Built Form and Use** – Reuse of existing vacant/derelict buildings to provide new community facilities and/or tourism offerings.
5. **Vitality and Vibrancy** – ensure Paulstown is an economically viable community with the capacity to generate income and employment necessary to maintain or improve the village.
6. **Sustainability and Climate Resilience** – Resilient towns and villages promote sustainable development, well-being, and inclusive growth. The interventions toolkit has been arranged to align with the 6 no. placemaking themes (guiding principles), under which there is a broad range of intervention opportunities.

4.9 Within the following section are a series of ideas to reinforce these placemaking pillars, with a focus on physical enhancements to the public realm alongside opportunities for events, activation, and branding. The proposals are individual actions within the Masterplan. Each proposal is recognised as playing a unique and important role in fulfilling the town’s Masterplan principles:

**Table 4.1: Paulstown Masterplan Interventions**

| Placemaking Theme         | ID | Project                  | Description  |
|---------------------------|----|--------------------------|--|
| Streets and Public Spaces | 1  | Public Realm Enhancement | There is an opportunity to enhance the public realm within Paulstown through the preparation of a comprehensive public realm enhancement scheme. The scheme will include new, level pavements which will support active travel choices and will serve the community. |
|                           | 2  | New Natural Walkway      | A new natural walkway between Main Street and Scoil Bhride to improve permeability within the town, providing safe access to the school from the residential developments along Main Street. In turn, this will  |

|                       |   |                               |  |
|-----------------------|---|-------------------------------|--|
|                       |   |                               | also reduce traffic within the area. In addition, a combination of the proposed interventions (including No. 3, No. 5 and No. 8) will also create new tourism opportunities, increase biodiversity, provide new green public spaces and a focus on heritage.   |
|                       | 3 | New Public Amenity space      | New areas of public amenity space located on lands surrounding the existing playground on Whitehall.   |
| Movement              | 4 | Road and Footpath Improvement | Feedback from stakeholders and a site visit revealed whilst there are footpaths on either side of the R712 and Main Street, these could be improved. The introduction of pedestrian crossings and signalised junctions, for example, at the crossroads between Main Street, Goresbridge Road and the R448, has the potential to improve vehicular and pedestrian safety and circulation. |
|                       | 5 | Cycling and Walking           | One of the popular themes which emerged from the stakeholder engagement was a requirement for better walking routes and infrastructure, including the creation of new routes.  |
|                       | 6 | Rail Halt                     | Participants in several groups at the engagement event felt that the town could benefit from the creation of a halt along the railway line.  |
| Heritage and Identity | 7 | Façade Improvements           | Vacancy and dereliction have been highlighted as an issue within the town. The quality and appearance of buildings is important to ensure they contribute positively to the historic streetscape.  |
|                       | 8 | Celebrate Heritage            | The town has untapped potential to become a tourist destination, particularly in relation to Shankill Castle and its associated lands and forest.  |
|                       | 9 | Signage and Wayfinding        | Several participants at the engagement event highlighted the lack of a distinct identity for Paulstown, on both the approach to the town and within the  |

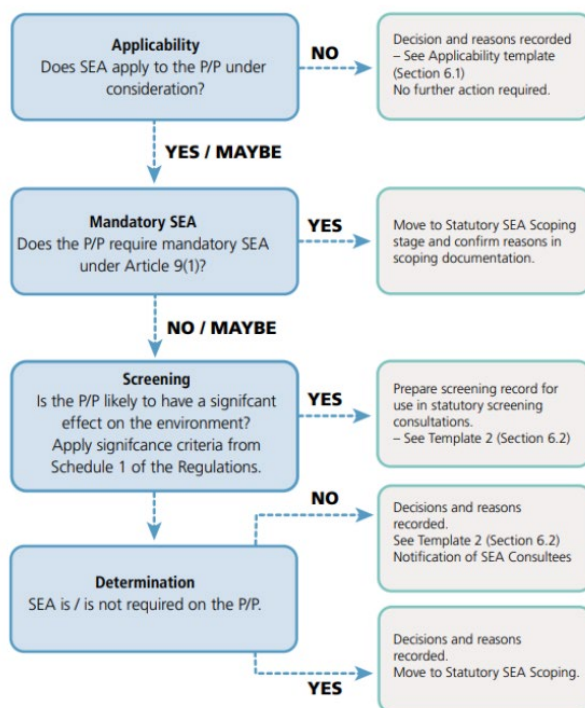
|                               |    |   |   |
|-------------------------------|----|---|---|
|                               |    |   | town. The introduction of wayfinding signage for visitors, both on foot and car, in conjunction with proposed tourism initiatives to create a sense of place.   |
| Built Form and Land Use       | 10 | Community Hall  | The community hall is located at the GAA Club, which is on the periphery of Paulstown. The proposal to relocate the community hall to the centre of the town will bring the facility into the heart of the town and ensure that all members of the community can access community facilities. |
|                               | 11 | Diocese Grounds   | The Diocese Grounds present an opportunity to enhance the public amenities and facilities within Paulstown.   |
|                               | 12 | Feasibility – Independent Living/ later living Facility | A feasibility study should be carried out to explore the potential to provide later living accommodation on lands south of the R712.  |
| Vibrancy                      | 13 | Programme to tackle vacancy and dereliction             | Feedback from the local community revealed that vacancy and dereliction were a significant issue within the town. This issue is also a key priority within the National Town Centre First Policy Framework.   |
|                               | 14 | Broadband   | A small number of residents said they would like to see improvements in broadband connections. Improving local connectivity is essential to promote new economic opportunities arising from digital connectivity.   |
| Sustainability and Resilience | 15 | Landscaping   | Additional landscaping measures throughout the town in conjunction with other interventions, particularly in the short term, will not only contribute to the biodiversity of the town, but will enhance the overall appearance, making it an attractive destination town.                     |
|                               | 16 | EV Charging   | EV charging should be considered in new development proposals going forward.  |

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## 5. SEA Screening Methodology

### SEA Screening Methodology

- 5.1 The procedure follows the SEA Decision Tree adapted from research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes (P/P) in Ireland (Scott and Marsden, 2000), the adaptation of such is shown in **Figure 5.1** below.
- 5.2 According to the EPA guidance, the screening process comprises three principal stages:
- 1. Applicability
  - 2. Screening
  - 3. Determination
- 5.3 EPA guidance for the Screening process is outlined in **Figure 5.1**



**Figure 5.1: SEA Screening Process under S.I. 435/2004, as amended. Source: EPA Good Practice Guidance on Screening, 2021)**

- 5.4 The guidance states that the overall characteristics of the plan or programme should first be considered, by means of Stage 1 ‘Applicability’ check to see if it falls within the requirements of the SEA Directive.
- 5.5 Should this stage 1 Applicability check determine that the plan or programme is of a type that falls within the requirements of the SEA Directive, the potential



## Stage 1 'Applicability'

5.7 The Applicability Stage of Screening consists of a four-step process. As outlined in Table 5.1 below:

**Table 5.1: Stage 1 'Applicability' Steps Source: (EPA, Good Practice Guide on Screening, 2001).**

|         |   |
|---------|---|
| Step 1: | <p>Establish the status of the plan or programme-making body.</p> <p>Is the P/P prepared and/or adopted by an authority at national, regional, or local level or prepared by an authority for adoption through a legislative procedure by Parliament or Government?</p>   |
| Step 2: | <p>Establish the nature of the plan or programme.</p> <p>Is the P/P required by legislative, regulatory, or administrative provisions?</p>  |
| Step 3: | <p>Check the plan or programme is not exempt.</p> <p>Is the sole purpose of the P/P for national defence, civil emergency, or finance / budget?</p>   |
| Step 4: | <p>Check if the plan or programme requires mandatory SEA.</p> <p>Is the P/P prepared for agricultural, forestry, fisheries, energy, industry, transport, waste management, water management, telecoms, tourism, town and country planning or land use 13 and does the P/P set the framework for future development consent of projects listed in the Annexes of the EIA Directive;</p> <p>Or;</p> <p>Will the P/P require assessment under Article 6 or 7 of the EU Habitats Directive?</p> |

5.8 There are three possible outcomes following Stage 1 Applicability Screening:

- **The SEA Directive does not apply:** The P/P is not of a type which falls within the remit of the SEA Directive / SEA Regulations. It is recommended as good practice to keep a note of the deliberations alongside the P/P on the relevant website, alongside the AA screening determination. There is no requirement to notify the environmental authorities.
- **The SEA Directive does apply:** The P/P is of a type which falls within the remit of the SEA Directive / SEA Regulations and requires mandatory SEA. Proceed to SEA Scoping and statutory consultation with the designated environmental

authorities. The Screening outcome should be confirmed within the SEA Scoping Report.

- **The SEA Directive may apply:** The P/P may be within the remit of the SEA Directive as either it relates to use of a small area at local level or minor modifications to a relevant P/P, it is a P/P which may set the framework for future development consent even though not listed as a P/P type, or there is uncertainty in relation to any of the provisions considered at the Applicability Stage, and so a case-by-case determination will be required. Proceed to Stage 2 Screening.

5.9 An Applicability Screening template ('Template 1') is provided in the EPA guidance document and is utilised in Section 6.1 of this SEA Screening Report.

### Stage 2 Screening

5.10 Stage 2 consists of determining, on a case-by-case basis, if SEA is required for a Plan or Programme which has characteristics that may give rise to significant effects or for which there is uncertainty on key characteristics. Although an SEA Screening Report is not a mandatory requirement in the legislation it has become embedded good practice and is the recommended approach in this guidance note.

5.11 The Screening Stage consists of a four-step process, outlined in Table 5.2, as set out in the EPA's Good Practice Guide on SEA Screening Report.

**Table 5.2: Summarised Stage 2 'Screening' Steps Source: (EPA, Good Practice Guidance on Screening, 2021).**

|         |   |
|---------|---|
| Step 5: | Describe the characteristics of the P/P and the receiving environment including any environmental problems. |
| Step 6: | Identify the potential for significant environmental effects.   |
| Step 7: | Statutory consultation with Designated Environmental Authorities.   |
| Step 8: | Draft Determination.  |

5.12 Stage 2 of the SEA Screening methodology consists of an environmental significance screening, which may be undertaken to assess whether a plan or programme, which has not been screened out by the 'Applicability Stage', is likely to result in significant environmental effects and should therefore, be taken forward for SEA.

5.13 An SEA Screening template ('Template 2') is provided in the EPA guidance document and is utilised in Section 6.1 of this SEA Screening Report.

5.14 Annex II of the SEA Directive sets out the "statutory" criteria that should be addressed when undertaking the 'Screening Stage'. Annex II of the SEA Directive is transposed into national legislation as Schedule 1 'Criteria for determining whether a Plan or



Programme (or Modification thereto) is likely to have significant effects on the Environment' of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended.

5.15 The 'Significance Criteria' and sub-criteria are outlined below.

*"4. The characteristics of the plan or programme, or modification to a plan or programme, having regard, in particular to:*

- *The degree to which the plan or programme, or modification to a plan or programme, sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;*
- *The degree to which the plan or programme, or modification to a plan or programme, influences other plans including those in a hierarchy;*
- *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;*
- *Environmental problems relevant to the plan or programme, or modification to a plan or programme;*
- *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 and programmes linked to waste management or water protection).*

*5. 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 cumulative nature of the effects;*
- *The transboundary nature of the effects;*
- *The risks to human health or the environment (e.g. due to accidents);*
- *The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);*
- *The value and vulnerability of the area likely to be affected due to:*
  - *- special natural characteristics or cultural heritage*
  - *- exceeded environmental quality standards or limit values;*
  - *- intensive land-use.*

*The effects on areas or landscapes which have a recognised national, European Union or international protection status.”*

### **Stage 3 ‘Determination’**

- 5.16 As soon as practicable after making the final determination as to whether SEA is required or not, the plan maker should make a copy of the decision, including, as appropriate, for reasons for requiring or not requiring an environmental assessment, available for public inspection at the P/P offices and on the website.
- 5.17 The P/P maker should also send a copy of the final determination to the relevant SEA environmental authorities notified during screening. This determination should stay linked to the P/P or modification on the website to ensure transparency and provide important information on decision making during the lifetime of the P/P or if any modifications are made.

## 6. SEA Screening

### Stage 1 – SEA ‘Applicability’

- 6.1 As outlined in Section 5.2, Stage 1 ‘Applicability’ of the SEA Screening methodology constitutes the use of Template 1, based upon the relevant Applicability steps. Template 1 is reproduced as Table 6.1.

**Table 6.1: Template 1 Stage 1 ‘Applicability’ of SEA Screening. Source: (EPA, Good Practice Guidance on Screening, 2021)**

|                                       | General Details   |   |
|---------------------------------------|---|---|
|                                       | Type and Title of P/P:  | Paulstown Masterplan  |
|                                       | Name of P/P Maker:  | Kilkenny County Council   |
|                                       | Date:   | 2024  |
| Step 1 of the Applicability Screening | Status of the P/P maker   |   |
|                                       | Is the P/P prepared and/or adopted by an authority at national, regional or local level or prepared by an authority for adoption through a legislative procedure by Parliament or Government? | <p>Yes.</p> <p>KCC is the authority responsible for local government in Co. Kilkenny, Ireland. As a county council, it is governed by the Local Government Act 2001. A competent authority for the purpose of SEA is defined under S.I. No. 435 of 2004 as “the authority which is, or the authorities which are jointly, responsible for the preparation of a plan or programme, or modification to a plan or programme”.</p> <p>As such, the Plan can be considered a document prepared by ‘an authority’ at a local level.</p> |
|                                       | Is the P/P required by legislative, regulatory or administrative provisions?  | <p>No.</p> <p>As outlined in the Section 1 (Introduction), the plan has been prepared to guide the development of Paulstown into the future and to influence and deliver on change for the village in order to make it a more attractive destination in which to live, work, visit and do business. The Plan is not a statutory document and therefore, it is not required under legislative, regulatory or administrative provisions. As such a SEA is not required and no further steps are required.</p>                       |

### Outcome of Stage 1 Applicability

- 6.2 Following the Stage 1 Applicability Screening outcome and the SEA Decision Tree as adapted from the research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland Source (Scott and Marsden, 2001) which was shown in Figure 5.2 above. **It has been determined that the SEA Directive does not apply to the Plan as shown in Figure 6.1.** Therefore, the Plan will not be taken to stage 2 Screening to determine whether SEA is necessary.



**Figure 6.1: Outcome of Stage 1 Applicability Screening, as adapted from the research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland. Source (Scott and Marsden, 2001)**

## 7. Conclusion

- 7.1 As outlined in Section 6, it has been determined that the SEA Directive does not apply to the Plan. The Plan is a type of Plan / Programme which does not fall within the remit of the SEA Directive / SEA Regulations.
- 7.2 SEA is intended to provide the framework for influencing decision-making at an earlier stage when plans and programmes – which give rise to individual projects – are being developed. SEA should result in more sustainable development through the systematic appraisal of policy options. This SEA Applicability Report provides the findings of this process for the Plan, which provides a pre-screening check, known as a Stage 1 Applicability Assessment, allowing for the rapid screening of environmental effects that do not require a SEA to determine whether an EIA is required via Stage 2 Screening.
- 7.3 This SEA Applicability Report assesses the Paulstown Masterplan’s 16 no. proposed interventions including the New Natural Walkway (see Intervention 2), new public amenity space (see Intervention 3), and the creation of a Rail Halt (see Intervention 6), Signage and Wayfinding (see Intervention 9), and façade improvement (see Intervention 7). It is noted that the Masterplan does not exempt any of the 16 no. interventions and related development from the formal planning application or Part 8 determination process. As required, they will be subject to their own planning permission process, including the assessment of environmental impact.
- 7.4 While the Plan is prepared by a local authority, the Plan is a non-statutory plan and it is also not required by legislative, regulatory, or administrative provisions.
- 7.5 As outlined above, on the basis of this SEA Applicability Assessment it has been determined the SEA Directive does not apply, there is no requirement to inform the Paulstown Masterplan.

## Appendix 1: Reference

Department of the Environment, Community and Local Government (2004). Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment- Guidelines for Regional Authorities and Planning Authorities DECLG.

EPA. (2003). Synthesis Report on Developing A Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes In Ireland. EPA.

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The logo for Turley, featuring the word "Turley" in a bold, dark blue, sans-serif font.