

**Report to inform Appropriate Assessment Screening
For Proposed Variation No. 3 to the
Kilkenny City and County Development Plan
2021 – 2027**

Kilkenny County Council

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1 Introduction

1.1 Background

This is the Appropriate Assessment Screening Report for Variation No. 3 to the Kilkenny City and County Development Plan 2021 – 2027 (KCCDP) in accordance with the requirements of Article 6(3) of the EU Habitats Directive¹. 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

¹ 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)².

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 in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, European Commission Notice, Journal of the European Union, 2021; and Practice Note PN01: Appropriate Assessment Screening for Development Management, Office of the Planning Regulator, 2021.
- 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

² 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.

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.

2 Stage 1 Screening

2.1 Description of the Proposed Variation

2.1.1 The Kilkenny City and County Development Plan 2021 – 2027

The Kilkenny City & County Development Plan 2021 – 2027 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 Kilkenny City and County Development Plan 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

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 County. 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 and county and when prepared, will be incorporated into the City and County Plan.

2.1.2 Variation to the Plan

This Variation is proposed to change the zoning of 0.18 hectares (0.45 acres) of lands within an existing green space / neighbourhood park in Loughboy, Kilkenny City and County Development Plan 2021 (KCCDP).

This Variation entails the following:

- to change the zoning of an area of green space, covering approx. 0.18 hectares (0.45 acres), at Loughboy in Kilkenny City from 'Open Space' to 'Existing Residential', in order to accommodate housing suitable for older persons / persons with disabilities on the lands highlighted (See Figure 1).

It should be noted that the proposed variation is to provide for a maximum of 6 no. housing units. The proposed changes will not impact on the overall Core Strategy of the Development Plan. The spatial distribution of the projected growth remains and continues to demonstrate that the Development Plan and its objectives are consistent with the national and regional development objectives set out in the NPF and the RSES.

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



Figure 1: Proposed Variation Site outlined in red

2.1.3 Environmental Protection Objectives

The Kilkenny City and County Development Plan 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 Kilkenny City and County Development Plan area and those that are also hydrologically linked to the Plan area.

Since the subject sites is 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.

European sites within 15km of the County 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 Qualifying interests and Special Conservation Interests for which sites are selected are presented in Table 2.1.

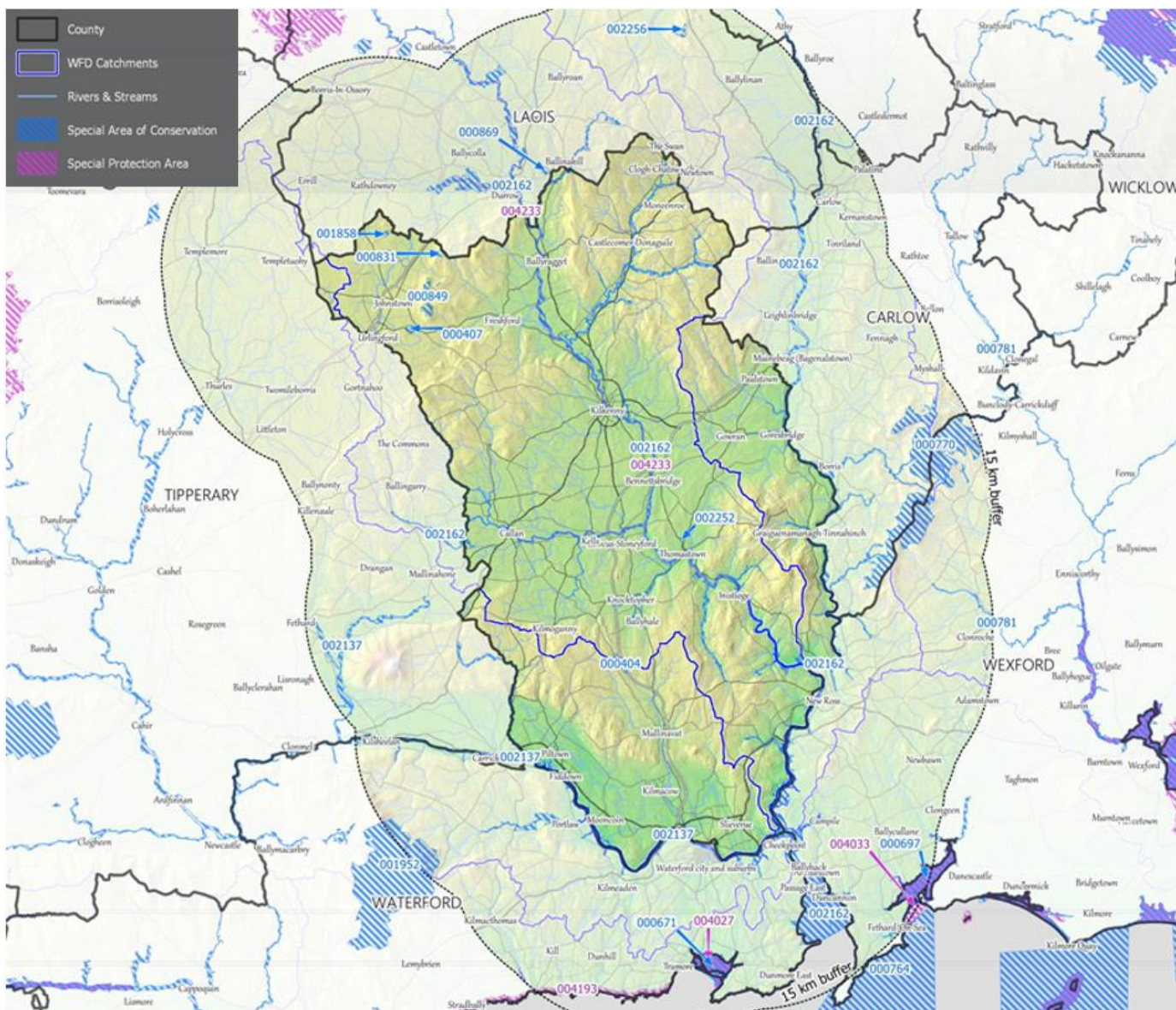


Figure 2.1: European Sites within and within 15 km of County Kilkenny

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 proposed Variation to the Kilkenny City and County Development Plan is not the nature conservation management of the sites. Therefore, the Variation to the Plan 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 change the zoning of 0.18 hectares (0.45 acres) of lands within an existing green space / neighbourhood park in Loughboy, Kilkenny City and County Development Plan 2021 (KCCDP).

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 2.1.

Table 2.1 examines whether there is potential for effects on Environmental Sites considering information as illustrated above and in Appendix 1.

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).

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 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”³.

It has been determined that 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.

³ Kilkenny City & County Development Plan 2021-2027- Consolidated Natura Impact Report

Table 2.1 List of European sites within 15kms and/or hydrologically connected to Kilkenny County- Qualifying Interests (QIs) and Special Conservation Interests (SCIs)

Site Code	European site	Distance from Variation site (km)	Qualifying Features (Qualifying Interest and Special Conservation Interests)	Potential effects (refer also to Sections 2.3.2 above)	Pathway for Significant Effects	Potential for In-Combination Effects
000404	Hugginstown Fen SAC	22.7	Alkaline fens [7230]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
000407	The Loughans SAC	21.7	Turloughs [3180]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
000831	Cullahill Mountain SAC	23.59	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
000849	Spahill and Clomantagh Hill SAC	21.31	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
001858	Galmoy Fen SAC	28.75	Alkaline fens [7230]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
002137	Lower River Suir SAC	37.60	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91EO], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330], Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410], Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260], Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430], Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0], <i>Taxus baccata</i> woods of the British Isles [91J0], <i>Margaritifera margaritifera</i> [1029], <i>Austropotamobius pallipes</i> [1092], <i>Petromyzon marinus</i> [1095], <i>Lampetra planeri</i> [1096], <i>Lampetra fluviatilis</i> [1099], <i>Alosa fallax fallax</i> [1103], <i>Salmo salar</i> [1106], <i>Lutra lutra</i> [1355]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
002162	River Barrow and River Nore SAC	0.83	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91EO], Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Reefs [1170], <i>Salicornia</i> and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330], Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410], Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260], European dry heaths [4030], Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430], Petrifying springs with tufa formation (Cratoneurion) [7220], Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0], <i>Vertigo moulinsiana</i> [1016], <i>Margaritifera margaritifera</i> [1029], <i>Austropotamobius pallipes</i> [1092], <i>Petromyzon marinus</i> [1095], <i>Lampetra planeri</i> [1096], <i>Lampetra fluviatilis</i> [1099], <i>Alosa fallax fallax</i> [1103], <i>Salmo salar</i> [1106], <i>Lutra lutra</i> [1355], <i>Trichomanes speciosum</i> [1421], <i>Margaritifera durrovensis</i> [1990]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
002252	Thomastown Quarry SAC	13.27	Petrifying springs with tufa formation (Cratoneurion) [7220]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No

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004233	River Nore SPA	0.86	Kingfisher <i>Alcedo atthis</i> [A229]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
000869	Lisbigney Bog SAC	25.56	Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210], <i>Vertigo moulinsiana</i> [1016]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
000770	Blackstairs Mountains SAC	29.8	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010], European dry heaths [4030]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
000671	Tramore Dunes and Backstrand SAC	54.10	Mudflats and sandflats not covered by seawater at low tide [1140], Annual vegetation of drift lines [1210], Perennial vegetation of stony banks [1220], <i>Salicornia</i> and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330], Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410], Embryonic shifting dunes [2110], Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
004027	Tramore Back Strand SPA	54.10	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Wetland and Waterbirds [A999]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
000781	Slaney River Valley SAC	44.5	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], Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330], Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410], Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260], Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0], <i>Margaritifera margaritifera</i> [1029], <i>Petromyzon marinus</i> [1095], <i>Lampetra planeri</i> [1096], <i>Lampetra fluviatilis</i> [1099], <i>Alosa fallax fallax</i> [1103], <i>Salmo salar</i> [1106], <i>Lutra lutra</i> [1355], <i>Phoca vitulina</i> [1365]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
002256	Ballyprior Grassland SAC	38.6	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
004193	Mid-Waterford Coast SPA	55.1	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Peregrine (<i>Falco peregrinus</i>) [A103] Herring Gull (<i>Larus argentatus</i>) [A184] Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
000697	Bannow Bay SAC	50.3	Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Annual vegetation of drift lines [1210], Perennial vegetation of stony banks [1220], <i>Salicornia</i> and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330], Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410], Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>) [1420], Embryonic shifting dunes [2110], Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No

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004033	Bannow Bay SPA	52.9	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Pintail (<i>Anas acuta</i>) [A054] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
001952	Comeragh Mountains SAC	45.5	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110], Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260], Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010], European dry heaths [4030], Alpine and Boreal heaths [4060], Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110], Calcareous rocky slopes with chasmophytic vegetation [8210], Siliceous rocky slopes with chasmophytic vegetation [8220], <i>Drepanocladus vernicosus</i> [1393]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No
000764	Hook Head SAC	57	Large shallow inlets and bays [1160], Reefs [1170], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	There are no provisions in the plan that introduce any sources for effects to the land use of the SAC. As there are no sources with pathways for effects, no further assessment is required.	No	No

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

Table 2.2 lists the plans or programmes that relate to the Development Plan to which this Proposed Variation relates.

Table 2.2 Plans & 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 Variation
Regional level			
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.	Implementation of the Variation 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.
NPWS Conservation Plans and/or Conservation Objectives for SACs and SPAs	Management planning for nature conservation sites has a number of aims. These include: <ul style="list-style-type: none"> • To identify and evaluate the features of interest for a site • To set clear objectives for the conservation of the features of interest • To describe the site and its management • To identify issues (both positive and negative) that might influence the site • To set out appropriate strategies/management actions to achieve the objectives 	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. These objectives are used when carrying out appropriate assessments for plans and projects that might impact on these sites.	Implementation of the Variation 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.
Groundwater Protection Schemes	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.	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.	Implementation of the Variation 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>Local Economic and Community Plans (LECPs), including the Kilkenny LECP 2023</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"> • 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. • 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. • 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. • Goal 4: To ensure our rural economy and communities are supported to develop sustainably. • 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. • Goal 6: To grow the number of third level graduates working in County Kilkenny. • Goal 7: To reduce inequalities and promote and enhance the importance of health and wellbeing. • Goal 8: To reduce the number of people living in deprivation and promote community development, community 	<p>Implementation of the Variation 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 Variation
		resilience, climate justice, integration, diversity and social inclusion. <ul style="list-style-type: none"> • 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. • Goal 10: To support the provision of appropriate community supports and services for new and existing housing developments. 	
Land Use Plans in force within Kilkenny and in other adjoining planning authorities. This includes Development Plans and Local Area Plans	Outline planning objectives for land use development. <ul style="list-style-type: none"> • Strategic framework for planning and sustainable development including those set out in National Planning Framework and Regional Economic and Spatial Strategies. • Set out the policies and proposals to guide development in the specific Local Authority area. 	Identify future infrastructure, development and zoning required. <ul style="list-style-type: none"> • Protect and enhances amenities and environment. • Guide planning authority in assessing proposals. • Aim to guide development in the area and the amount of nature of the planned development. • Aim to promote sustainable development. • Provide for economic development and protect natural environmental, heritage. 	Implementation of the Variation 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. <ul style="list-style-type: none"> – 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 Variation
<p>Kilkenny County Council Culture and Creativity Strategy 2023</p>	<p>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.</p>	<p>This plan identifies five strategic priorities with clear objectives to fulfil the Council’s creative vision for Kilkenny:</p> <ul style="list-style-type: none"> — Enable best practice delivery of culture and creativity — Increase and diversify participation in culture and creativity — Support culture and creativity in rural and urban areas — Engage children and young people in culture and creativity — Communicate the value of culture and creativity 	<p>Implementation of the Variation 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.</p> <p>– the achievement of the objectives of the regulatory framework for environmental protection and management.</p>
<p>Kilkenny’s Statement of Tourism Development Strategy and Action Plan 2023 – 2028</p>	<p>Underpin the Councils’ support for the tourism industry in Kilkenny over the next five years.</p>	<p>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.</p>	<p>Implementation of the Variation 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.</p> <p>– the achievement of the objectives of the regulatory framework for environmental protection and management.</p>
<p>Kilkenny County Council’s Climate Change Adaptation Strategy 2019-2024</p>	<p>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.</p>	<p>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.</p>	<p>Implementation of the Variation 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.</p> <p>– 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 Variation
<p>National Waste Management Plan for a Circular Economy 2024-2030</p>	<p>Gives effect to national and EU waste policy, and address waste prevention and management (including generation, collection and treatment) over the period 2024 – 2030.</p>	<p>Strategic Objectives for:</p> <ul style="list-style-type: none"> • Prevention • Resource Efficiency • Coordination • Infrastructure Planning • Enforcement and Regulations • Protection • Other Wastes 	<p>Implementation of the Variation 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>Fáilte Ireland Tourism plans and strategies, including those relating to the Ireland’s Ancient East brands</p>	<p>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</p>	<p>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.</p>	<p>Implementation of the Variation 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>Various existing, planned and emerging projects provided for by the above plans and programmes</p>	<p>These projects have been provided for by higher-level plans and programmes</p>	<p>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.</p>	<p>Implementation of the Variation 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>

3 Conclusion

Stage 1, AA Screening for Proposed Variation no. 3 must be undertaken. This report, which is intended to inform the AA determination, has demonstrated that implementation of the Proposed Variation if not foreseen to have any likely significant effects on any European site.

Implementation of the Proposed Variation no. 3 as part of the Development Plan must demonstrate compliance with the requirements of environmental and planning legislation and planning and licensing processes, including existing provisions of relevant land use plan(s) and policy documents such as the National Planning Framework, the Regional Spatial and Economic Strategy and policies, objectives and environmental provisions contained in the existing Kilkenny City and County Development Plan 2021 - 2027. The KCCDP was subject to AA and SEA processes that determined there is no risk of likely significant effects to any European site as a result of the implementation of the Plan.

The AA screening process considered potential effects that may arise during implementation of the Proposed Variation. Through an assessment of the sources for effects and an evaluation of the Proposed Variation it was determined that the existing City and County Development Plan accounts for development within Co. Kilkenny.

It is concluded that the Proposed Variation no. 3 will not give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects etc. Consequently, a Stage 2 AA is not required to be undertaken for this Proposed Variation.



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)
<p>Biodiversity and Flora and Fauna</p>	<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>
<p>Water</p>	<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—</p> <ul style="list-style-type: none"> for bodies of surface water, by the European Communities (Surface Waters) Regulations 2009; for groundwater, and groundwater by European Union Environmental Objectives

	(Groundwater) (Amendment) Regulations 2016.
Flood Risk	<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>
Soil	<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

	<p>Comhairle Chontae Chill Chainnigh Halla an Chontae Sraid Eoin Cill Chainnigh R95 A39T Pobail agus Áiteanna Inbhuanaithe a Chruthú</p>	<p>Kilkenny County Council County Hall John Street Kilkenny R95 A39T Creating Sustainable Communities and Places</p>	
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Screening for Appropriate Assessment (AA) Determination under the Habitats Directive¹ (and Planning and Development Act, 2000 as amended) for:

Proposed Variation 3 to the Kilkenny City and County Development Plan 2021

A Screening for Appropriate Assessment (AA) determination is being made by Kilkenny County Council regarding Proposed Variation 3. In order to comply with the requirements of Section 177U of the Planning and Development Act 2000, as amended, and pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would adversely affect the integrity of any European site(s), this Appropriate Assessment determination is being made by Kilkenny County Council relating to the potential for Proposed Variation 3 to result in a likely significant effect on any European site.

Variation no. 3 entails the following:

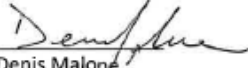
- To change the zoning of an area of green space, covering approx. 0.18 hectares (0.45 acres), at Loughboy in Kilkenny City from 'Open Space' to 'Existing Residential', in order to accommodate housing suitable for older persons / persons with disabilities.

In carrying out this Screening for AA, the Council is taking into account matters including those specified under Part XAB of the Planning and Development Act, 2000, as amended, including:

- The existing Kilkenny City and County Development Plan 2021 - 2027 including all associated Appropriate Assessment documentation,
- The Report to inform AA Screening prepared for Proposed Variation no. 3

The Report to inform AA Screening demonstrates that the implementation of the proposed Variation will not give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects etc. The Report to inform AA Screening has been carefully considered and its reasoning and conclusion agreed with and adopted, allowing a determination to be made that Proposed Variation no. 3 will not give rise to any likely significant effect on any European site.

Taking into account all of the above, it is determined that Proposed Variation no. 3 will not give rise to any likely significant effect on any European Site, and that Stage 2 AA is not required to be undertaken on the Proposed Variation.

Signed 
Denis Malone
Senior Planner

¹ Council Directive [Council Directive 92/43/EEC](#)

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