

APPROPRIATE ASSESSMENT SCREENING REPORT

Proposed Variation No. 4
to the
Kilkenny City and Environs Development Plan
2014 – 2020

Kilkenny County Council

September 2017

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1 Introduction

1.1 Background

This is the Appropriate Assessment Screening Report for Variation No. 4 to the Kilkenny City and Environs Development Plan 2014 – 2020 (KCEDP) in accordance with the requirements of Article 6(3) of the EU Habitats Directive¹. This report is divided into the following three sections:

- 1) Introduction
- 2) Stage 1 Screening
- 3) Conclusions

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.”

¹ Directive 92/43/EEC

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 (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 judgements 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 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

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.

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.

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 2014 - 2020

The Kilkenny City & Environs Development Plan 2014 - 2020 was prepared under the provisions of the Planning and Development Acts 2000-2015 to develop and improve the City & Environs (hereafter referred to as the City) in a sustainable manner. A separate Development Plan covers the wider Kilkenny County.

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

1. Introduction
2. Demographic and Socio-Economic Trends
3. Core Strategy
4. Economic Development
5. Housing and Community
6. Recreation, Tourism & the Arts
7. Heritage
8. Infrastructure
9. Renewable Energy Strategy
10. Transport
11. Requirements for Developments

Chapter 3 Core Strategy and Zoning of the Plan outlines the development strategy for the city. The main objectives and ethos of the Plan can be summarised in the Council's Mission Statement (section 1.8) as follows: *"Kilkenny Local Authorities aim to work in partnership with the people of Kilkenny and relevant agencies to deliver quality services and to promote sustainable economic, social and cultural development for current and future generations."* 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.

2.1.2 Proposed Variation to the Plan

Proposed Variation 4 to the Kilkenny City and Environs Development Plan is to incorporate the Vacant Site Levy (VSL) provisions as introduced by the Urban Regeneration and Housing Act 2015. The VSL is to incentivise the development of vacant sites in urban areas, and is a site activation measure, to ensure that vacant or underutilised land in urban areas is brought into beneficial use. As part of the Act, Planning Authorities must include an objective in their Development Plans for the development and renewal of areas in need of regeneration and must establish a vacant site register.

There are no changes to the zoning map (or any maps) proposed under this Variation.

The Kilkenny City and Environs Development Plan 2014-2020 underwent Appropriate Assessment Screening (AA) in accordance with Article 6(3) of the Habitats Directive³.

³ [Natura Impact Report for the Kilkenny City & Environs Development Plan 2014-2020 Appropriate Assessment \(AA\)](#)

2.1.3 Environmental Protection Objectives

The Kilkenny City and Environs Development Plan was subject to AA during its preparation and adoption/approval. The Appropriate Assessment process informed the contents of the Development Plan during its development. The relevant provisions of the KCEDP 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 KCEDP Plan area.

Those European sites that occur within 15km of the Plan Area 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, 2013)
- 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 2.1 and Table 2.2.

Table 2-1 European sites within 15 km of lands referred to by the Variation to the KCEDP

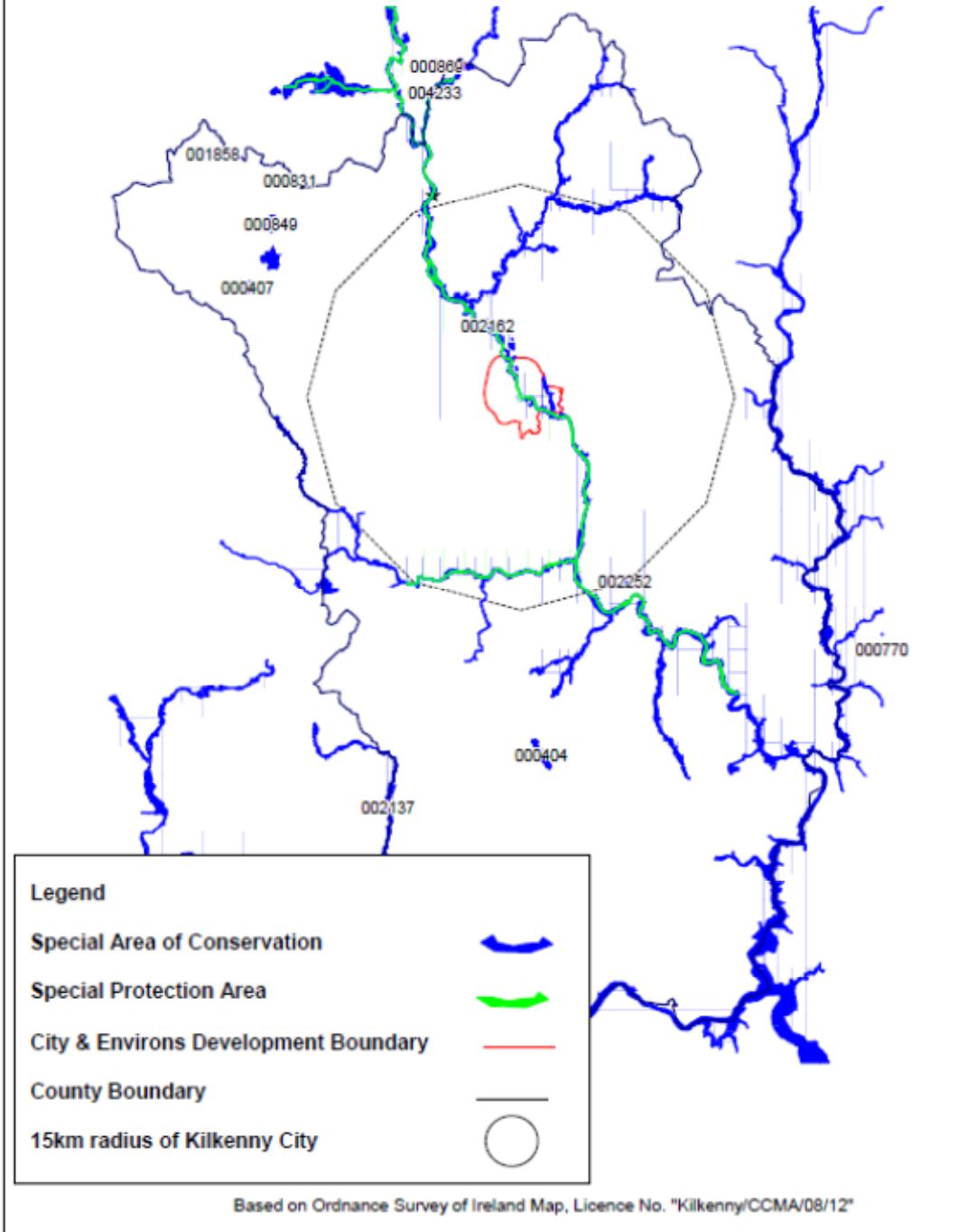
Site Code	Site Name	Qualifying Interests	Threats to Site Integrity
002162	River Barrow and River Nore cSAC	<p>Annex I Habitats [1130] Estuaries [1140] Tidal Mudflats and Sandflats [1310] Salicornia mud [1320] Spartina swards [1330] Atlantic salt meadows [1410] Mediterranean salt meadows [3260] Floating River Vegetation [4030] Dry Heath [6430] Hydrophilous Tall Herb [7220] Petrifying Springs [91A0] Old Oak Woodlands [91E0] Residual Alluvial Forests</p> <p>Annex II Species [1016] Desmoulin's Whorlshell (<i>Vertigo moulinsiana</i>) [1029] Freshwater pearl mussel (<i>Margaritifera margaritifera</i>) [1092] White-clawed crayfish (<i>Austropotamobius pallipes</i>) [1095] Sea lamprey (<i>Petromyzon marinus</i>) [1096] Brook lamprey (<i>Lampetra planeri</i>) [1099] River lamprey (<i>Lampetra fluviatilis</i>) [1102] Allis shad (<i>Alosa alosa</i>) [1103] Twaite shad (<i>Alosa fallax fallax</i>) [1106] Salmon (<i>Salmo salar</i>) [1421] Killarney fern (<i>Trichomanes speciosum</i>) [1990] Pearl mussel (<i>Margaritifera durrovensis</i>) [1355] Otter (<i>Lutra lutra</i>)</p>	<p>The principal threats to the River Barrow and River Nore cSAC are pollution caused by increased fertiliser application, sewage and industrial waste. Species for which the site is designated are highly susceptible to siltation and pollution of water courses. Proposed developments in the vicinity of the cSAC may give rise to siltation and run-off of pollutants. The river has also been designated for its population of otter, a species vulnerable to the felling of mixed wood and scrub. Otters may become displaced due to disturbance in proximity to the cSAC.</p>

002252	Thomastown Quarry cSAC	[7220] Petrifying springs	Two threats were ranked as having a high negative impact for this site ⁴ ; K04.01: competition (flora), and A04.03 abandonment of pastoral systems, lack of grazing, both of which impacts are caused inside the site. One external threat was recorded; E01, Urbanised areas, human habitation. A proposed road scheme adjacent to this site poses the threat of direct habitat loss and indirect hydrological impacts. No other threats are known to this site.
Site Code	Site Name	Special Conservation Interests	Threats to Site Integrity
004233	River Nore SPA	[A229] Kingfisher (Alcedo atthis)	Two threats ranked as having a medium negative impact were recorded for this site ⁵ ; J.0201: landfill, land reclamation, drying out, and D.0301 pressures from port areas. The site is also susceptible to alterations in hydrology and disturbance. The site is of national importance for its Kingfisher population. Kingfisher are likely to be vulnerable to disturbance effects of development works in proximity of the site. Any loss or disturbance to bankside habitat could also impact on the breeding population.

⁴ Natura 2000 –Standard Data form for SITE IE002252, Update 2015-12

⁵ Natura 2000 –Standard Data form for SITE IE0004233, Update 2015-10

Proposed Variation 4 to the Kilkenny City & Environs Development Plan 2014-2020
Figure 2.1: European sites in Kilkenny City and within 15km of the city



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 this Variation to the KCEDP 2014 - 2020 is not the nature conservation management of the sites. Therefore, the Variation to the KCEDP 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 incentivise the development of vacant or underutilised land in urban areas, through the application of the Vacant Site Levy. The levy will only be applied on land that is already zoned under the current City & Environs Development Plan, therefore there will be no change to the effects already examined during the preparation and adoption/approval of the Plan.

The changes to text 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 2-2.

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

Variation text	Potential effects on European Sites
<p>Section 3.2: additional text outlining Vacant Site Levy provisions as provided under the Urban Regeneration and Housing Act 2015</p>	<p>The proposed text has no potential effect on European sites.</p>
<p>Additions to objective 3A (changes in red): To promote the redevelopment and renewal of areas identified having regard to the core strategy, that are in need of regeneration, in order to prevent—</p> <p>(i) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,</p> <p>(ii) urban blight and decay,</p> <p>(iii) anti-social behaviour, or</p> <p>(iv) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.</p>	<p>There is no direct impact on any European site. There would be potential for indirect impact for the redevelopment and renewal of areas identified, however mitigation measures exist in the Kilkenny City and Environs Development Plan in Sections 1.3, 1.5, 6.1, 7.2, 8.1, 8.2 and 11.17 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.</p> <p>The potential impacts of redevelopment and renewal of land in the City Plan were assessed as part of the appropriate assessment for the City plan. This variation is not increasing the overall amount of land. Therefore the changes are not significant.</p> <p>The proposed text has no potential effect on European sites.</p>
<p>Additional text outlining how the levy will be applied:</p> <p><i>The levy may be applied to all identified 'Regeneration' land and 'Residential' land in existing land use zonings. In particular, the areas covered by the following zoning objectives are considered to constitute regeneration land:</i></p> <ul style="list-style-type: none"> • <i>General Business</i> • <i>Mixed Use</i> • <i>Business Park</i> <p><i>Other regeneration zonings may be identified in relevant Local Area Plans.</i></p>	<p>There is no direct impact on any European site. There would be potential for indirect impact for the redevelopment and renewal of areas identified, however mitigation measures exist in the Kilkenny City and Environs Development Plan in Sections 1.3, 1.5, 6.1, 7.2, 8.1, 8.2 and 11.17 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.</p> <p>The potential impacts of redevelopment and renewal of land in the City Plan were assessed as part of the appropriate assessment for the City plan. This variation is not increasing the overall amount of land. Therefore the changes are not significant.</p> <p>The proposed text has no potential 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 these sites.

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 2-3 below. In summary, taking into consideration the provisions of the variation together with the overarching provisions contained in the KCEDP, there is no potential for effects on any European site and therefore there is no need to advance to Stage II Appropriate Assessment.

Table 2-3 Screening of European sites

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

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 combination with the plan or project, have the potential to adversely impact upon European sites.

The existing City Development Plan 2014-2020 to which the Proposed Variation relates was subject to its own Appropriate Assessment Screening process that determined “Having incorporated mitigation measures, it is considered that the Kilkenny City & Environs Development Plan will not have a significant adverse effect on Natura 2000 sites, and that the integrity of the Natura 2000 sites will not be adversely affected”.

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 2-4 lists the plans or programmes that relate to the City Development Plan to which this Proposed Variation relates.

Table 2-4 Plans & Programmes Likely to Cause In-Combination Effects

Directive	Purpose
International	
EU Water Framework Directive (2000/60/EC)	Objectives seek to maintain and enhance the quality of all surface waters in the EU.
EU Freshwater Fish Directive (78/659/EEC)	Objectives seek to protect those fresh water bodies identified by Member States as waters suitable for sustaining fish populations. For those waters it sets physical and chemical water quality objectives for salmonid waters and cyprinid waters.
EU Groundwater Directive (2006/118/EC)	This directive establishes a regime, which sets underground water quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater.
EU Floods Directive (2007/60/EC)	The Floods Directive applies to river basins and coastal areas at risk of flooding. With trends such as climate change and increased domestic and economic development in flood risk zones, this poses a threat of flooding in coastal and river basin areas.
Nitrates Directive (91/676/EEC)	This Directive has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and preventing further pollution.
The Urban Wastewater Treatment Directive (91/271/EEC)	The primary objective is to protect the environment from the adverse effects of discharges of urban wastewater, by the provision of urban wastewater collecting systems (sewerage) and treatment plants for urban centres. The Directive also provides general rules for the sustainable disposal of sludge arising from wastewater treatment.
Sewage Sludge Directive (86/278/EEC)	Objective is to encourage the appropriate use of sewage sludge in agriculture and to regulate its use in such a way as to prevent harmful effects on soil, vegetation, animals and man. To this end, it prohibits the use of untreated sludge on agricultural land unless it is injected or incorporated into the soil.
The Integrated Pollution Prevention Control Directive (96/61/EC)	Objective is to achieve a high level of protection of the environment through measures to prevent or, where that is not practicable, to reduce emissions to air, water and land from industrial sources.
National	
National Spatial Strategy 2002-2020	Objectives of the NSS are to achieve a better balance of social, economic and physical development across Ireland, supported by more effective planning.

Directive	Purpose
Grid 25 Grid Link with Regional Option	Grid25 is a high-level strategy outlining how EirGrid intends to undertake the development of the electricity transmission grid in the short, medium and longer terms, to support a long-term sustainable and reliable electricity supply. The Grid25 strategy thereby seeks to implement the provisions of the 2007 Government White Paper on Energy - “Delivering a Sustainable Energy Future for Ireland” in terms of development of electricity transmission infrastructure. The Grid25 Implementation Programme (IP) is a practical strategic overview of how the early stages of Grid25 are intended to be implemented.
Energy Policy framework 2007-2020, Governments White Paper	This policy states that the Government is committed to delivering a significant growth in renewable energy as a contribution to fuel diversity in power generation with a 2020 target of 33% electricity consumption
Irish Water’s Water Services Strategic Plan 2015 and associated Proposed Capital Investment Plan 2014-2016	This Water Services Strategic Plan sets out strategic objectives for the delivery of water services over the next 25 years up to 2040. It details current and future challenges which affect the provision of water services and identifies the priorities to be tackled in the short and medium term.
Regional	
Regional Planning Guidelines for the South-East Region 2010 – 2022.	Policy document which aims to direct the future growth of the South-East Area over the medium to long term and works to implement the strategic planning framework set out in the National Spatial Strategy (NSS)
Ireland’s First National Cycle Policy Framework (2009)	<ul style="list-style-type: none"> • Outlines objectives and actions aimed at developing a strong cycle network in Ireland • Sets out 19 specific objectives, and details the 109 actions, aimed at ensuring that a cycling culture is developed
Local	
Kilkenny City and Environs Development Plan 2014 – 2020 Kilkenny County Development Plan 2014-2020 Carlow County Development Plan 2015 – 2021 Laois County Development Plan 2012-2018 North Tipperary County Development Plan 2010 South Tipperary County Development Plan 2009 Waterford County Development Plan 2011 – 2017 Waterford City Development Plan 2013 – 2019 Wexford County Development Plan 2013 - 2019	Overall strategies for the proper planning and sustainable development of the administrative area of the relevant Local Authorities.

3 Conclusion

The requirement for a Stage 2 AA would arise if the Variation to the KCEDP 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 KCEDP 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.

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 Development Plan Provisions (policy/objective/development management standard) relating to Biodiversity and Flora and Fauna, including:

- To implement the provisions of Articles 6(3) and 6(4) of the EU Habitats Directive
- To 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.
- To protect and where possible enhance the natural heritage sites designated in National legislation (the Wildlife Acts and the Flora Protection Order). This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan.
- 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, gardens 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. Where the loss of habitats and features of the wider countryside is unavoidable as part of a development, to ensure that appropriate mitigation and/or compensation measures are put in place, to conserve and enhance biodiversity and landscape character and green infrastructure networks. The Council will promote the planting of native tree and shrub species, by committing to using native species (of local provenance wherever possible) in its landscaping work and on Council property
- To implement, in partnership with the Kilkenny Heritage Forum and all relevant stakeholders, a County Heritage Plan and County Biodiversity Plan
- To allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space.
- Ensure that an ecological impact assessment is carried out 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.
- Proposals must demonstrate that they will not adversely affect any habitats and/or species of interest or compromise the river's function as a green infrastructure corridor
- To consult with Inland Fisheries Ireland and the National Parks and Wildlife Service prior to undertaking, approving or authorising any works or development which may have an impact on rivers, streams and waterways.
- To protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to the landscape character of the city and environs, and to ensure that proper provision is made for their protection and management, when undertaking, approving or authorising development.
- To ensure that when undertaking, approving or authorising development that sufficient information is provided to enable an assessment of impacts on woodlands, trees, and hedgerows.
- Retain hedgerows, and other distinctive boundary treatment such as stone walls, when undertaking, approving or authorising development; where the loss of the existing boundary is unavoidable as part of development, to ensure that a new hedgerow is planted using native species, and species of local provenance to replace the existing hedgerow and/or that the wall is re-built using local stone and local vernacular design.
- Ensure, as far as is possible, that the potential for spread of invasive species is examined as part of any application.
- To promote the use of native plants and seeds from indigenous seed sources in all landscape projects
- 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.

APPENDIX II AA Screening Determination

Comhairle Chontae Chill Chainnigh

Halla an Chontae, Sráid Eoin, Cill Chainnigh, R95 A39T.

Fónamh don Phobal - Caomhnú don Oidhreacht

Kilkenny County Council

County Hall, John Street, Kilkenny, R95 A39T.

Serving People – Preserving Heritage



Appropriate Assessment (AA) Screening Determination under the Planning and Development Acts 2000-2015 for:

Proposed Variation 4 to the Kilkenny City & Environs Development Plan 2014 - 2020


An Appropriate Assessment (AA) Screening determination has been made by Kilkenny County Council regarding Proposed Variation 4.

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.

The Proposed Variation is to incorporate the Vacant Site Levy (VSL) provisions as introduced by the Urban Regeneration and Housing Act 2015. The VSL is to incentivise the development of vacant sites in urban areas, and is a site activation measure, to ensure that vacant or underutilised land in urban areas is brought into beneficial use. As part of the Act, Planning Authorities must include an objective in their Development Plans for the development and renewal of areas in need of regeneration and must establish a vacant site register.

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, Kilkenny County Council have determined that the Proposed Variation to the Kilkenny City and Environs Development Plan 2014-2020 will not result in any effects on European Sites and consequently Stage 2 AA is not required.

Signed 
Denis Malone
Senior Planner

Date 13/9/2017

