

Screening Report for Appropriate  
Assessment Castlecomer  
Draft Local Area Plan  
2018-2024

Forward Planning  
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# 1 Introduction

The 2009 Castlecomer Local Area Plan (LAP) was due to expire in 2015, however Kilkenny County Council, under Section 19 of the Planning and Development Acts (2000 – 2015), extended the Castlecomer LAP until 15<sup>th</sup> February 2020. This Plan is now being reviewed and a new Draft Plan will be proposed for the period 2018-2024. This report is a Screening Report for Appropriate Assessment of the Draft Castlecomer LAP 2018 as required by Articles 6(3) and 6(4) of the European Habitats Directive.

The recommendations of the Departmental Guidelines on ‘Appropriate Assessment of Plans and Projects in Ireland’ (2009)<sup>1</sup> will be adhered to in the structure of this report. The purpose of screening is to establish whether the proposed plan or project (in this case the Draft LAP) either alone or in combination with other plans or projects, could have significant effects on any Natura 2000 site in view of the site’s conservation objectives. A Natura 2000 site is a European designated site – either a candidate Special Area of Conservation (cSAC) or a candidate Special Protection Area (cSPA). SACs are protected either because they are a habitat listed on Annex 1 of the Habitats Directive or are a habitat of species (other than birds) listed on Annex 2 of the Habitats Directive. Special Protection Areas are designated for the protection of birds listed on Annex 1 of the Birds Directive.

## 1.1 Legislative Context

The Appropriate Assessment process (AA) is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European Site. These sites consist of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and provide for the protection and long-term survival of Europe’s most valuable and threatened species and habitats.

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. In Ireland, 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 (79/409/ECC), 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. Article 6(3) establishes the requirement for 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.*”

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<sup>1</sup> Department of the Environment, Heritage and Local Government (2009) *Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities*

*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 (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).

If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project may nevertheless be carried out for “Imperative Reasons Of Overriding Public Interest”, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 network 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.

Appropriate Assessment should be based on best scientific knowledge and Planning Authorities should ensure that scientific data (ecological and hydrological expertise) is utilised. This report details a Screening process to inform the AA decision by the Planning Authority.

## **1.2 Source-Pathway-Receptor Model**

Ecological impact assessment of potential indirect impacts on European Sites is conducted utilising a standard SOURCE-PATHWAY-RECEPTOR model, where, in order for an indirect impact to be established all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism is sufficient to conclude that a potential effect is not of any relevance or significance.

- Source(s) – e.g. pollutant run-off from proposed works.
- Pathway(s) – e.g. groundwater connecting to nearby qualifying wetland habitats.
- Receptor(s) – Qualifying aquatic habitats and species of European sites.

This report determines if direct, indirect and cumulative adverse effects (however minor) will arise from the proposed draft plan.

### 1.3 Guidance

This Natura Impact Report 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.*
- *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, Office for Official Publications of the European Communities, Luxembourg (EC 2001);*
- *Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission. Office for Official Publications of the European Communities, Luxembourg (EC 2007).*
- *Flora (Protection) Order, 1999 (As amended 2016)*

In addition, a detailed online review of published scientific literature and 'grey' literature was conducted. This included a detailed review of the National Parks and Wildlife Website including mapping and available reports for relevant sites and in particular sensitive qualifying interests described and their conservation objectives. The EPA Envision Map-viewer ([www.epa.ie](http://www.epa.ie)) and available reports were also reviewed.

Definitions of conservation status, integrity and significance used in this assessment are defined in accordance with 'Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC' (EC, 2000).

- The conservation status of a natural habitat is defined as the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species;
- The conservation status of a species is defined as the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its population;
- The integrity of a European Site is defined as the coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified;
- Significant effect should be determined in relation to the specific features and environmental conditions of the protected site concerned by the plan or project, taking particular account of the site's conservation objectives.

## 1.4 Stages of Appropriate Assessment

There are four main stages in the AA process; the requirements for each depending on likely impacts to European Sites (SAC/ SPA).

### **Stage One: Screening**

Screening is the process that addresses and records the reasoning and conclusions in relation to the following:

- whether a plan or project is directly connected to or necessary for the management of the site, and
- whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project, in which case the screening process is repeated on the altered plan. The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage on grounds of no impact.

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

This stage considers whether the plan or project, alone or in combination with other projects or plans, will have adverse effects on the integrity of a Natura 2000 site, and includes any mitigation measures necessary to avoid, reduce or offset negative effects. If adequate mitigation is proposed to ensure no significant adverse impacts on European sites, then the process may end at this stage. However, if the likelihood of significant impacts remains, then the process must proceed to Stage 3.

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

This stage examines any alternative solutions or options that could enable the plan or project to proceed without adverse effects on the integrity of a Natura 2000 site. The process must return to Stage 2 as alternatives will require appropriate assessment in order to proceed. Demonstrating that all reasonable alternatives have been considered and assessed, and that the least damaging option has been selected, is necessary to progress to Stage 4.

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

Stage 4 examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project that will have adverse effects on the integrity of a Natura 2000 site to proceed in cases where it has been established that no less damaging alternative solution exists.

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

## **1.5 Relationship between the Appropriate Assessment process and the Plan**

Appropriate Assessment (AA) needs to be fully integrated with the various stages of the plan process in order to ensure that the ecological implications of the plan do not impact upon any areas designated as Natura 2000 sites. As the AA process has been managed by part of the Forward Planning team, interaction has occurred from the early stages of writing of the draft plan to impress the importance of protection of the Natura 2000 network and that the plan should be formulated to avoid adverse impacts on these sites. In addition the Strategic Environmental Assessment process has been taken into account in the appropriate assessment process. The screening of objectives and the assessment of objectives in the context of mitigation measures and potential impacts of the designated sites, has been an iterative process throughout each stage of the plan-making process.

### Stage One - Screening process

The Departmental [Guidelines](#) set out how a screening assessment should be structured, which can be broken into four steps.

Step 1: Description of plan or project. This should also include a determination as to whether the proposed plan or project can be excluded from AA requirements because it is directly connected with or is necessary for the management of the site.

Step 2: to identify relevant Natura sites and compilation of information on their qualifying interests and conservation objectives.

Step 3: to establish whether the plan is likely to have effects on the Natura 2000 sites, followed by a determination of whether there is a risk that the effects identified could be significant.

### Step 4: Screening statement with conclusions

If the effects are deemed to be significant, potentially significant, or uncertain, or the screening process becomes overly complicated, then the process must proceed to full Appropriate Assessment. If screening establishes that there is no potential for significant effects, the project can proceed as proposed. Following the screening assessment, if it can be concluded that there are unlikely to be significant effects on the Natura 2000 sites, it should be good practice to complete the Finding of No Significant Effects Report which should be made available to relevant stakeholders.

## 2 Screening

### 2.1 Introduction to Screening

This stage of the process identifies any likely significant impacts upon European Sites from a project or plan, either alone or in combination with other projects or plans. The screening phase was progressed in the following stages. A series of questions are asked during the Screening Stage of the AA process in order to determine:

- Whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of a European Site.
- Whether the project will have a potentially significant effect on a European Site, either alone or in combination with other projects or plans, in view of the site's conservation objectives or if residual uncertainty exists regarding potential impacts.

An important element of the AA process is the identification of the "Qualifying Interests" of European Sites requiring assessment. Qualifying Interests are the habitats and species for which each European Site has been designated and afforded protection. It is also vital that the threats to the ecological / environmental conditions that are required to support Qualifying Interests are considered as part of the assessment.

Site specific conservation objectives have been designed to define favourable conservation status for a particular habitat or species at that site. According to the European Commission interpretation document 'Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC', paragraph 4.6(3) states:

"The integrity of a site involves its ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the site's conservation objectives."

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing,
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats,
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and



- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

### **2.1.1 Desktop Studies**

The ecological desktop study completed for the Draft Plan in October 2016 comprised the following elements:

- Identification of European Sites within 15km with identification of potential pathways links for specific sites (if relevant) greater than 15km from the proposed development study area;
- Review of the NPWS site synopsis and conservation objectives for European Sites with identification of potential pathways from the proposed development (Full site synopses are available at <http://www.npws.ie/protectedsites/>)

## **2.2 Step 1: Description of plan or project**

The Castlecomer Local Area Plan consists of strategies, policies, objectives and maps for the plan area of Castlecomer, Co. Kilkenny. The Plan will last for a period of 6 years from the date of its adoption. The Plan also contains development management guidelines to ensure that the agreed objectives and policies are complied with from adoption.

The draft Castlecomer LAP study area covers an area of approximately 2.99 sq kilometres adjacent to the River Dinin, which is a tributary of the river Nore. The plan provides for the zoning of lands for SAC/Biodiversity/Green links, Open space, Agriculture, Industrial, Mixed use, General Business, Community Facilities, New Residential, Existing Residential and Low Density Residential.

The Plan Area has been significantly reduced (by 1.3 sq kilometres) since the previous plan (2009 plan, as amended in 2012), with large reductions in both the Agricultural and the Residential Zonings. This reduction, in combination with significant water Quality improvements resulting from the upgraded wastewater treatment facility, represents a much reduced environmental impact as compared the previous plan.

Each of these zoning categories allow for specific uses, which are detailed in Appendix 1 of the Draft LAP.

The Draft LAP is not directly connected with or necessary to the management of any Natura 2000 site.

### **Draft Plan Vision**

The vision for Castlecomer as set out in the Draft LAP is “to ensure that the people of Castlecomer can enjoy a good quality of life with improved employment prospects, easy access to social, economic and social services with improved linkages between the town and the Discovery Park to facilitate improved tourism development for the town centre.”

### **2.2.1 Relationship with other Relevant Plans and Programmes**

A number of relevant policy documents have informed the preparation of this LAP including the following:

### ***2.2.1.1 The National Spatial Strategy***

The NSS states that whilst farm-based employment is falling, the quality of life attractions and scale of rural towns, with a population between 1,500 and 5,000, form strong attractions for residential, small and medium enterprise development.

The NSS identifies that these strengths should be capitalised on by local authorities through local planning and development promotion activities, with the support of urban renewal and other improvement initiatives, improvements to water services and improved capacity for development through, for example, better access to back-land areas. In this way these smaller towns can offer a distinctive alternative for people attracted to the quality of life such towns can offer.

### ***2.2.1.2 Regional Planning Guidelines***

Castlecomer is identified as a district town in the RPGs for the South East. A district town should perform an important role in driving the development of a particular spatial component of the overall region. The attractiveness of smaller towns and villages also lies in their capacity to accommodate employment, residential and other functions on the basis of their comparative advantage in terms of lower costs and a quality of life that is attractive to many people.

The RPGs state that Castlecomer is located in a rural area that has experienced varying degrees of population growth. It has well developed services and community facilities and has the capacity to accommodate additional growth (subject to certain physical infrastructural investments).

### ***2.2.1.3 Kilkenny County Development Plan 2014-2020***

Castlecomer is defined as a district town in the Kilkenny County Development Plan 2014 – 2020 (CDP). The CDP also highlights the role of the Local Area Plans in setting out in detail the Council's requirements for all new development, including such considerations of density, layout and design requirements, public transport and road infrastructure, community facilities, open space and recreational facilities.

### ***2.2.1.4 Environmental Protection Objectives***

The Draft Plan is subject to a number of high level environmental protection policies and objectives with which it must comply. Examples of Environmental Protection Objectives include the aims of the EU Habitats Directive which is to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory of Member States and the purpose of the Water Framework Directive which is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which, among other things, prevents deterioration in the status of all water bodies and protects, enhances and restores all waters with the aim of achieving good status.

## **2.3 Step 2: Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.**

In compliance with the Departmental Guidance, this includes any Natura 2000 sites within or adjacent to the plan area, any sites within 15 km of the area, and depending on the likely impacts of the plan and the

sensitivities of the receptors (qualifying habitats and species), could be further than 15 km away. Considering that this Draft LAP is a land use plan for a limited area, and not a development proposal, it is considered that sites further than 15 km away will not be affected. A full Natura Impact Assessment was carried out for the County Development Plan 2014-2020<sup>2</sup>, which assessed the impacts of the CDP on all Natura 2000 sites in the vicinity of the county. This LAP sits at a lower level in the plan-making hierarchy.

There is one Natura site situated partly within the plan area: the River Dinin forms part of site code 002162, the River Barrow and River Nore cSAC. There are two additional Natura sites within a 15 km distance from the LAP boundary; the River Nore SPA, site code 004233 and Lisbigney bog, site code 000869.

**Table 2.1: Natura Sites within 15km of the LAP boundary**

Site Name	SAC Site Code	SPA Site Code	Distance from LAP boundary
River Barrow & Nore	2162		Within LAP boundary
River Barrow & Nore		4233	8km
Lisbigney Bog	869		9km

### 2.3.1.1 NPWS site synopses

The following is a brief description of the three sites within 15km as taken from the site synopses published by the NPWS. Full site synopses are available at <http://www.npws.ie/protectedsites/>

Figure 1 shows the distribution of Natura 2000 sites within a 15km radius of the Plan area.

- River Barrow and River Nore cSAC (002162)

This site runs through the LAP area. The site is a candidate SAC selected for the following habitats and species listed on the E.U. Habitats Directive – (a) priority habitats on Annex I - alluvial wet woodlands and petrifying springs, (b) habitats listed on Annex I - old oak woodlands, floating river vegetation, estuary, tidal mudflats, *Salicornia* mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs, and (c) species listed on Annex II – Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, *Vertigo moulinsiana* and the plant Killarney Fern.

Eutrophic tall herb vegetation occurs in association with the various areas of alluvial forest and elsewhere where the flood-plain of the river is intact. Floating River Vegetation is well represented in the Barrow and in the many tributaries of the site. Dry Heath at the site occurs in pockets along the steep valley sides of the rivers especially in the Barrow Valley and along the Barrow tributaries where they occur in the foothills of the Blackstairs Mountains.

Dry Heath at the site generally grades into wet woodland or wet swamp vegetation lower down the slopes on the river bank. Saltmeadows occur at the southern section of the site in old meadows where the embankment has been breached, along the tidal stretches of in-flowing rivers below Stokestown House, in a narrow band on the channel side of Common Reed beds and in narrow fragmented strips along the open

<sup>2</sup> Kilkenny County Council, *Kilkenny County Development Plan 2014-2020* (2014)

shoreline. *Salicornia* and other annuals colonising mud and sand are found in the creeks of the saltmarshes and at the seaward edges of them. The estuary and the other Habitats Directive Annex I habitats within it form a large component of the site.

Seventeen Red Data Book plant species have been recorded within the site, most in the recent past. The site is very important for the presence of a number of EU Habitats Directive Annex II animal species including Freshwater Pearl Mussel, Freshwater Crayfish, Salmon, Twaite Shad, three Lamprey species - Sea, Brook and River, the marsh snail *Vertigo moulinsiana* and Otter. This is the only site in the world for the hard water form of the Pearl Mussel *M. m. durrovensis* and one of only a handful of spawning grounds in the country for Twaite Shad. The freshwater stretches of the River Nore main channel is a designated salmonid river. The upper stretches of the Barrow and Nore are very important for spawning. The site is of ornithological importance for a number of E.U. Birds Directive Annex I species including Greenland White-fronted Goose, Whooper Swan, Bewick's Swan, Bartailed Godwit, Peregrine and Kingfisher.

Overall, the site is of considerable conservation significance for the occurrence of good examples of habitats and of populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively. Furthermore it is of high conservation value for the populations of bird species that use it. The occurrence of several Red Data Book plant species including three rare plants in the salt meadows and the population of the hard water form of the Pearl Mussel which is limited to a 10 km stretch of the Nore, add further interest to this site.

- River Nore SPA (0004233)

The site is selected as proposed for protection for the conservation of the Kingfisher (*Alcedo atthis*), species listed on Annex I of the E.U. Birds Directive.

- Lisbigney Bog cSAC (000869)

This former lake basin, now criss-crossed by streams, is located approximately 9 km northwest of Castlecomer. Although referred to as a bog, this site is in reality a wetland dominated by fen vegetation.

### **2.3.1.2 Additional information**

In addition to the site synopses, the NPWS also publishes other reports and documents, including Conservation Management Plans, Threat Response Plans and Species Action Plans.

A Conservation Management Plan was published in 2005 for Lisbigney bog. No other Conservation Management Plan is available for the other sites. The NPWS have published a number of Species Action Plans including one for the Killarney Fern, which has been identified in the River Barrow and Nore cSAC. An Otter Threat Response Plan was also published, and otters are included in this cSAC. A Bats Species Plan was published in 2008. One type of bat has been listed as conservation aspects for the River Barrow/Nore cSAC by the NPWS (NPWS Site Synopsis, 2005).

A second Draft Nore Sub-basin Management Plan for the Freshwater Pearl Mussel was published in March 2010.

### **2.3.1.3 Previous Appropriate Assessments for Castlecomer**

As part of the making of the 2009 Castlecomer LAP, an Appropriate Assessment was carried out by Openfield Ecological Services. This found that there were some aspects of the Draft Plan that could have

possible significant impacts on the conservation status of the River Barrow/Nore cSAC. Mitigation measures were recommended to prevent any impact on the cSAC. It should be noted that these mitigation measures are also included in the current Draft LAP.

In 2009, as part of an application by Kilkenny County Council for a discharge license for the Castlecomer WWTP, an AA was carried out by Sweeney Consultancy<sup>3</sup>. This studied the EPA water quality data and found that the effluent from Castlecomer WWTP was having no significant impact on the biological water quality of the river. This wastewater treatment plant has since been upgraded.

#### ***2.3.1.4 Summary of Natura 2000 sites***

Table 1 below sets out all relevant sites together with their qualifying interests, the conservation objectives and threats to the site's integrity based on their qualifying interests.

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<sup>3</sup> Sweeney Consultancy *Appropriate Assessment of Biological Impacts of Castlecomer WWTP on Special Area of Conservation 002162* (May 2009)

Figure 1 – Natura 2000 sites within 15km of the Castlecomer Local Area Plan



Table 2.2: Summary of Natura 2000 sites within 15 km of plan area

Special Areas of Conservation			
Site code & name	Qualifying interests	Conservation Objectives	Threats to site integrity
002162 River Barrow and River Nore cSAC	<p>Annex I - priority habitat</p> <ul style="list-style-type: none"> <li>▪ Alluvial wet woodlands - Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) (91E0)</li> <li>▪ Petrifying springs - Petrifying springs with tufa formation (<i>Cratoneurion</i>) (7220)</li> </ul> <p>Annex I</p> <ul style="list-style-type: none"> <li>▪ Old oak woodlands - Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles (91A0)</li> <li>▪ Floating river vegetation - Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation (3260)</li> <li>▪ Estuary – (1130)</li> <li>▪ Tidal mudflats - <i>Spartina</i> swards (<i>Spartinion maritimae</i>) (1320)</li> <li>▪ <i>Salicornia</i> mudflats - <i>Salicornia</i> and other annuals colonizing mud and sand (1310)</li> <li>▪ Atlantic salt meadows - (<i>Glaucopuccinellietalia maritimae</i>) (1330)</li> <li>▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) (1410)</li> <li>▪ Dry heath - European dry heaths (4030)</li> <li>▪ Eutrophic tall herbs - Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels (6430)</li> </ul> <p>Annex II</p> <ul style="list-style-type: none"> <li>▪ Sea Lamprey - <i>Petromyzon marinus</i> (1095)</li> <li>▪ River Lamprey - <i>Lampetra fluviatilis</i> (1099)</li> <li>▪ Brook Lamprey – <i>Lampetra planeri</i> (1096)</li> <li>▪ Freshwater Pearl Mussel – <i>Margaritifera margaritifera</i> (1029)</li> <li>▪ Nore Freshwater Pearl Mussel – (<i>Margaritifera durrovensis</i>) (1990)</li> <li>▪ Crayfish – <i>Austropotamobius pallipes</i> (1092)</li> <li>▪ Twaite Shad – <i>Alosa fallax</i> (1103)</li> <li>▪ Atlantic Salmon – <i>Salmo salar</i> (1106)</li> </ul>	<p>Generic Conservation Objective:</p> <p>To maintain the Annex I habitats and Annex II species for which the cSAC has been selected at favourable conservation status.</p>	<ul style="list-style-type: none"> <li>▪ Fragmentation, abundance of alien invasive species, sub-optimal grazing regimes, drainage.</li> <li>▪ Land reclamation, drainage.</li> <li>▪ Invasive alien species, sub-optimal grazing.</li> <li>▪ Eutrophication, overgrazing, excessive fertilisation, afforestation, introduction of invasive alien species.</li> <li>▪ Aquaculture, fishing, coastal development and water pollution.</li> <li>▪ Aquaculture, fishing, bait digging, removal of fauna, reclamation of land, coastal protection works and invasive species.</li> <li>▪ Hard coastal defence structures, sea-level rise.</li> <li>▪ Invasive species, natural erosion, accretion cycles and storms.</li> <li>▪ Overgrazing by sheep or cattle, and erosion. Presence of common cordgrass invasive species. Loss of habitats due to infilling and reclamation.</li> <li>▪ Over-grazing by cattle or sheep</li> <li>▪ Infilling and reclamation.</li> <li>▪ Afforestation, over-burning, over-grazing, under-grazing and bracken invasion.</li> <li>▪ Invasive species, arterial drainage and agricultural improvement at the river edge.</li> <li>▪ Weirs restricting access to spawning beds. Channel maintenance which removes silt deposits and gravel shoals used by lampreys.</li> <li>▪ Poor substrate quality due to increased growth of algal and macrophyte vegetation as a result of severe nutrient enrichment, as well as physical siltation.</li> <li>▪ Poor quality of river substrate.</li> <li>▪ Introduction of diseases transmitted by</li> </ul>

continued . . . 002162 River Barrow and River Nore cSAC	<ul style="list-style-type: none"> <li>▪ Otter – <i>Lutra lutra</i> (1355)</li> <li>▪ Desmoulin's Whorl Snail - <i>Vertigo moulinsiana</i> (1016)</li> <li>▪ Killarney Fern – <i>Trichomanes speciosum</i> (1421)</li> </ul>		<ul style="list-style-type: none"> <li>▪ introduced American crayfish.</li> <li>▪ Restricted access to spawning grounds due to weirs.</li> <li>▪ Diseases, parasites, water pollution.</li> <li>▪ Road kill, fishing nets and lobster pots.</li> <li>▪ Drainage of wetlands and riparian management, spread of urban development.</li> <li>▪ Modifications to the site's hydrology, through pollution, or woodland clearance.</li> </ul>
<b>Site code &amp; name</b>	<b>Qualifying interests</b>	<b>Conservation Objectives</b>	<b>Threats to site integrity</b>
000869 Lisbigney Bog	<ul style="list-style-type: none"> <li>• Desmoulin's Whorl Snail - <i>Vertigo moulinsiana</i> (1016)</li> <li>• [7210] *Calcareous fens with Great Fen-sedge <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> (*priority habitat)</li> </ul>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	<ul style="list-style-type: none"> <li>• Drying out of habitats</li> <li>• Drainage and burning</li> </ul>
<b>Special Protection Area</b>			
<b>Site code &amp; name</b>	<b>Qualifying interests</b>	<b>Conservation Objectives</b>	<b>Threats to site integrity</b>
River Nore 0004233 SPA	<ul style="list-style-type: none"> <li>▪ Kingfisher (<i>Alcedo atthis</i>)</li> </ul>	Generic Conservation Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	<ul style="list-style-type: none"> <li>▪ Disturbance, Water Quality, Invasive Species.</li> </ul>



### 2.3.2 Additional information

Every six years, the NPWS publish a report on the conservation status of habitats and species protected under the Habitats Directive. The second report was published in 2008<sup>4</sup>. The third assessment report was published in 2013. Volume 2<sup>5</sup> (Habitats) and Volume 3<sup>6</sup> (Species) contain the detailed reports and relevant scientific information, including the conservation status of each SAC and the SPA by habitats and species. Table 2.3 sets out the conservation status of the SAC and SPA within/adjacent to the plan boundary for both 2008 and 2013.

### 2.3.3 Consultation with NPWS

The NPWS were consulted in a meeting that took place with the Kilkenny Office on the 9<sup>th</sup> of October 2014 and subsequently discussions followed by phone. In relation to this screening they highlighted issues to be considered as part of this screening assessment. The issues raised were as follows;

1. There is potential for structured recreation and the construction of buildings to impact the SAC
2. The SAC should be distinguished from the Discovery Park in the LAP
3. Changes to the wastewater treatment plant and improvements to water quality should be mentioned in the screening report.
4. The Industrial site to the east of the town should be included in the assessment

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<sup>4</sup> NPWS, [\*The Status of EU Protected Habitats and Species in Ireland\*](#), 2008

<sup>5</sup> NPWS, [\*The Status of EU Protected Habitats and Species in Ireland 2013, Habitat Assessments, Volume 2\*](#), 2013

<sup>6</sup> NPWS, [\*The Status of EU Protected Habitats and Species in Ireland 2013, Species Assessments, Volume 3\*](#), 2013

**Table 2.3 Conservation status of Natura 2000 sites (habitats and species) in Plan area**

Site Name	Site Code/Ref	Habitats	Conservation Status		Species	Conservation Status	
			2008	2013 (Trend)		2008	2013 (Trend)
River Barrow & River Nore	002162	Estuaries [1130]	Poor	Inadequate (improving)	Vertigo moulinsiana [1016]	Bad	Inadequate (declining)
		Mudflats and sandflats not covered by seawater at low tide [1140]	Poor	Inadequate (improving)	Margaritifera margaritifera [1029]	Bad	Bad (declining)
		Salicornia and other annuals colonizing mud and sand [1310]	Poor	Inadequate (declining)	Austropotamobius pallipes [1092]	Poor	Inadequate (stable)
		Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]	Poor	Inadequate (stable)	Petromyzon marinus [1095]	Poor	Bad (Stable)
		Mediterranean salt meadows (Juncetalia maritimi) [1410]	Poor	Inadequate (stable)	Lampetra planeri [1096]	Good	Favourable (N/A)
					Lampetra fluviatilis [1099]	Good	Favourable (N/A)
					Alosa fallax [1103]	Bad	Bad (Stable)
					Salmo salar (only in fresh water) [1106]	Bad	Inadequate (stable)
					Lutra lutra [1355]	Poor	Favourable (N/A)
					Trichomanes speciosum [1421]	Good	Favourable (N/A)
					Margaritifera durrovensis (Margaritifera margaritifera) [1990]	Bad	Bad (declining)

River Nore SPA	004233				<i>Alcedo atthis</i> [breeding ] Kingfisher	Amber <sup>7</sup>	Amber
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<sup>7</sup> BirdWatch Ireland and the RSPB NI have agreed a list of priority bird species for conservation action on the island of Ireland. These Birds of Conservation Concern in Ireland are published in a list known as the BoCCI List. The most recent list (2014-2019) was published in early 2014, see <http://www.birdwatchireland.ie/LinkClick.aspx?fileticket=EjODk32LNcU%3d&tabid=178>. In this BoCCI List, birds are classified into three separate lists (Red, Amber and Green), based on the conservation status of the bird and hence conservation priority. The **Red List** birds are of high conservation concern, the **Amber List** birds are of medium conservation concern and the **Green List** birds are not considered threatened.

### 2.3.4 Literature Review

The [Screening Assessment for the Regional Planning Guidelines](#)<sup>8</sup> carried out in August 2010 detailed the key issues for the region and this found that adequate waste water treatment is the key issue to be addressed.

The Natura Impact Report for the County Development Plan 2014-2020 has also been reviewed and this identified that many of the qualifying interests of the Natura 2000 sites in Co. Kilkenny are water dependent and so negative effects on water quality and quantity may have significant effects on the integrity of Natura 2000 sites.

#### 2.3.4.1 Previous Appropriate Assessments for Castlecomer LAP

As part of the making of the previous Castlecomer LAP (2009), an Appropriate Assessment was carried out by Openfield Ecological Services in 2008 on the Draft LAP.

A screening was carried out for Amendment 1 to the Castlecomer LAP in 2011. This found that the Amendment was not likely to have any significant effects on any Natura 2000 sites. A review of both of these assessments is detailed below.

#### Conclusion of Literature Review:

The AA stated that implementing the avoidance and mitigation measures in relation to the impacts highlighted, would reduce the impacts to neutral. This remains valid in the current Draft LAP. This AA screening does not replace the existing AA and as outlined, the relevant objectives will still stand. This Screening report is supplementary to assess the alterations proposed under the Draft Plan.

### 2.4 Step 3: Assessment of likely Effects

This is assessed by using available information and data, through a literature survey and consultation with the National Parks and Wildlife Service. This is followed by a determination of whether there is a risk that effects identified could be significant. All potential impacts are identified including those that are direct, indirect and cumulative.

**Table 2.4 - Elements of the Draft Plan and the Potential for Significant Effects on European Sites**

Element of the Draft Plan	Potential significant effects
<b>Operational Phase</b>	
Increase in population	Increased flows of domestic wastewater Increased abstraction of water Discharge of untreated surface water from paved surfaces Noise disturbance, increased dust due to construction traffic at construction stage
Increase in business/industrial activities	Increased flows of wastewater Increased abstraction of water Discharge of untreated surface water from paved

<sup>8</sup> [Regional Planning Guidelines for the South-East Region 2010-2022 Environmental Report & Habitats Directive Assessment](#), 2010

	surfaces Noise disturbance, increased dust due to construction traffic at construction stage
<b>Construction Phase</b>	
New (commercial, industrial, residential) development, eg there are a total of 10.7 hectares zoned for new residential development to accommodate 112 additional households over the period of the plan.	The provision for new developments may potentially lead to the run-off of silt and other harmful pollutants to watercourses. This may lead to adverse impacts on the water dependant European sites. There may also be effects due to construction traffic and related activities, such as noise disturbance and increased dust. This provision may potentially lead to: Changes in indicators of conservation value (water quality), and Disturbance of key species
Development within the boundary of the European site	There is one SAC located within the Plan boundary and development here may lead to a reduction in habitat area.

#### 2.4.1 Identification of Potential Likely Significant Effects

The effects above are now examined in relation to the qualifying interests of each European site as set out in Table 2.2 above.

Sites are screened out based on one or a combination of the following criteria:

- where it can be shown that there are no hydrological links between activities permitted under the Castlecomer LAP and the site to be screened;
- where the site is located at such a distance from Castlecomer LAP that impacts are not foreseen;
- where it is that known threats or vulnerabilities at a site cannot be linked to potential impacts that may arise from implementation of the Draft Plan.

There are 3 Natura 2000 sites within 15km of the plan area, including one within the plan area (River Dinin, a tributary of the River Nore). The qualifying interests and threats to the site integrity as set out in Table 1 are referred to in assessing the likely direct, indirect or secondary impacts or likely changes to the sites.

- River Barrow/River Nore cSAC (002162)

This site runs through the plan area. The main threats to the site and current damaging activities include high inputs of nutrients into the river system from agricultural run-off and private sewage plants, overgrazing within the woodland areas and invasion by non-native species. The water quality of the site remains vulnerable. However, potential threats to water quality are not anticipated having regard to the provisions of the Draft Plan.

The RPGs identified water quality and waste water treatment as being the pressure topic for this cSAC. It found that the provisions of Waste Water Discharge (Authorisation) Regulations SI no. 684 of 2007 and application of Departmental Circular letter PD7/09, in combination with the provisions of DoEHLG Water Services Investment Programme would be sufficient mitigation, as they control projects which may impact on the cSAC. Furthermore the Castlecomer WWTP was upgraded in 2016 to include for nutrient removal thus reducing nitrates in the outfall.

- River Nore SPA (site code 4233)

The site synopsis for the River Nore SPA does not include detail on the threats to this SPA, however, having consulted with the Ranger for the NPWS, Jimi Conroy, it is considered that disturbance, water quality and invasive species are the main threats. The site is located almost ten kilometres away from the LAP area, therefore the threat of disturbance, and the related threat of invasive species, is not considered significant.

- Lisbigney Bog

This site is located approx. 9 km from the Castlecomer LAP boundary. The main threats to this site are drainage and burning, neither of which will be affected by development in Castlecomer.

**Table 2.5 Screening of European Sites within 15 km of the LAP Boundary**

European Site	Distance	Description of potential significant impacts on qualifying interests	Potential for Significant Effects	Potential for In-Combination Effects
River Barrow/River Nore SAC (002162)	Within LAP Boundary	<p>The site is of considerable conservation significance for the occurrence of good examples of habitats and of populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively. The main threats to the site and current damaging activities include high inputs of nutrients into the river system from agricultural run-off and several sewage plants, overgrazing within the woodland areas and invasion by non-native species. The agriculture zoned lands within the Draft Plan have however been significantly reduced from the 2009 plan and are not extensive. As discussed above, the WWTP was upgraded in 2016 which has resulted in an improvement to the quality of the discharge to the River Dinin. All new development in the town will connect to public water and wastewater and will therefore not have any individual pathways to the SAC.</p> <p>The RPGs identified water quality and waste water treatment as being the pressure topic for this SAC. It found that the provisions of Waste Water Discharge (Authorisation) Regulations SI no. 684 of 2007 and application of Departmental Circular letter PD7/09, in combination with the provisions of DoEHLG Water Services Investment Programme would be sufficient mitigation, as they control projects which may impact on the SAC.</p> <p>An improvement is that the River Nore/Barrow SAC has now been separated from the Discovery park in that it has received a new, separate zoning which will focus on its conservation and as such, has the objective "To reserve riverfront within the SAC for green links / biodiversity / conservation purposes and to accommodate limited links across the river". Uses allowed in the SAC will be Biodiversity projects and works associated with the conservation and</p>	No	Yes

	<p>management of the River Nore/River Barrow Special Area of Conservation.</p> <p>Two pedestrian bridges are still proposed to cross the SAC, both of which were assessed in the previous Local Area Plan. These projects will individually be subjected to their own phase 1 screenings and if required, full phase 2 appropriate assessments.</p> <p>An industrial area has been identified to the East of the plan area adjacent to a tributary of the river Dinin, and although not adjacent to the SAC, the SAC is located downstream from the site. The purpose of the zoning of the site is the relocation of a single commercial entity and the objective is to <i>“To create a low impact, low density mixed employment related development of high quality design to minimise the visual impact and environmental impact at this location”</i>. The mandatory objectives for the site further require that any proposed development assess and protect the riparian vegetation along the site boundary, assess impacts on water quality, with particular regard to the high water table and ensure protection of mature trees on site. The development of the site is subject to connection to the mains water and public sewer. Site development will be subject to its own AA assessment which should consider surface water runoff and the potential use of SUDS. To the south of the plan area, a small portion of the site is zoned as Existing residential and Industrial to reflect existing land uses.</p> <p>In relation to construction phase impacts, all developments will follow best practice guidelines to minimise any potential impacts and will include their own AA process.</p> <p>In light of the above, the Plan is foreseen to have low effects on the conservation objectives of the Natura 2000 sites. The development envisaged under the plan, in combination with the expansion of other settlements further up-stream, may however have in combination effects on one European sites; the River Nore/Barrow. Change in water quality is the main pressure topic for this site.</p>		
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River Nore pSPA (004233)	8km	<p>Disturbance, water quality and invasive species are the main threats</p> <p>This site is designated for wading bird populations. Any effects to water quality are thought to be very low due to the distance between the site and the Plan Area. Also, best practice construction methods will be undertaken by all developments within the Plan Area to minimise any effects at source. The largest threat to the qualifying interests would be due to noise and physical disturbance. Therefore, there are no effects foreseen to the conservation objects of the SPA.</p> <p>The distance between the Plan Area and the SPA boundary is extensive, and the hydrological link is low. Therefore, the Plan is foreseen to have very low effects on the conservation objectives of the Natura 2000 sites.</p>	No	No
Lisbigney Bog SAC (000869)	9km	<p>This site is designated for Desmoulin's Whorl Snail and calcareous fens which is a propriety habitat. The main threats to this site are drainage and burning, neither of which will be affected by development within the plan area given the significant distance and lack of hydrological links between the two sites. Therefore, the Plan is foreseen to have negligible effects on the conservation objectives of the Natura 2000 sites.</p>	No	No

### 2.4.1.1 Water Quality

The Castlecomer WWTP was upgraded in 2016 to provide for increased nutrient removal. The upgraded plant includes nutrient removal and the design capacity is 2500pe. There is sufficient capacity available in this WWTP for the expansion of the town under this plan.

In addition, it should be noted that individual construction projects will be subject to their own Appropriate Assessment. This is enshrined in the County Development Plan (2014-2020) and these objectives will also be included within the draft LAP as follows:

- 1A To implement the provisions of Articles 6(3) and 6(4) of the EU Habitats Directive.**
- 1B 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<sup>9</sup> 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.**

This will ensure that any proposal which may have an effect on water quality in the plan area will be subject to assessment at project level stage.

Indicators of water quality are available as part of the Water Framework Directive (WFD), which established a framework for the protection of all waters including rivers, lakes, estuaries, coastal waters, groundwater, canals and other artificial bodies for the benefit of everyone. Under the WFD, the River Dinin in Castlecomer, which forms part of the River Barrow and River Nore SAC, is of good status.

Plans and projects for the River Barrow/Nore catchments could possibly result in 'in combination' impacts. The RPGs identified a risk of significant impact from Carlow, Kilkenny and New Ross. The RPGs outlined that the Carlow Town Plan (2009) stated that an upgrade to treatment plant of 70,000 p.e. is expected to be completed by 2013. Domestic population serviced cannot exceed 25,000 p.e. unless this upgrade has taken place. The RPGs also stated that sufficient capacity exists in the WWTP in Kilkenny (Purcellsinch) but that the plant required nutrient removal and plans were underway in this regard. The [Natura Impact Report for the Kilkenny City & Environs Development Plan](#)<sup>10</sup> stated that the EIS application for a major upgrade of the plant was approved by An Bord Pleanála<sup>11</sup>. Irish Water is now the responsible authority for such upgrades, and as of November 2014, they advised that Nutrient removal (Phosphorus) was installed in 2013 and is now operating and that an upgrade of the Inlet works would take place in the medium term.

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<sup>9</sup> The Department of the Environment, Community and Local Government, [Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities](#), 2009

<sup>10</sup> Planning Department, Kilkenny Borough and County Councils, [Natura Impact Report for the Kilkenny City & Environs Development Plan](#), 13<sup>th</sup> June 2014

<sup>11</sup> An Bord Pleanála ref. PL10 .JA0011, Kilkenny City Purcellsinch Wastewater Treatment Plant upgrade and Sludge Management Hub Centre

The in-combination impact of development in the Suir and Barrow/Nore catchment was examined through the [Natura Impact Report for the Kilkenny County Development Plan](#)<sup>12</sup>. This found that it was unlikely that the County Development Plan would cause significant effects on water quality.

The RPGs also found that the provisions of Waste Water Discharge (Authorisation) Regulations SI no. 684 of 2007 and application of Departmental Circular letter PD7/09, in combination with the provisions of DoEHLG Water Services Investment Programme would be sufficient mitigation, as they control projects which may impact on the SAC.

It is also anticipated that 'Sustainable Urban Drainage' (SUDS) will be fully integrated with the LAP, thereby minimising the potential impact of pollutant run-off from surface water.

Regular assessments of the waste water output and capacity of the Treatment Plants are undertaken by the local authorities. This will provide an indication of the potential significant effects resulting from the plan.

In light of these factors it is believed that the potential for negative impacts on water quality are not significant and that there will be no changes to the sites.

#### **2.4.2 Other Plans and Programs**

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.

Table 2.6 outlines plans or programmes that may interact with the Draft LAP to cause in-combination effects to European sites. As demonstrated in the Literature Review, a Screening Assessment was carried out for the Regional Planning Guidelines, which would have considered the plans or programmes at International and National level, therefore only the Regional and Local level plans/programmes will be considered here.

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<sup>12</sup> Planning Department, Kilkenny County Council, [Natura Impact Report for the Kilkenny County Development Plan](#), May 2014

**Table 2.6 Plans & Projects Likely to Cause In-Combination Effects**

Plan/programme	Purpose	Interactions resulting in Cumulative Impacts	Consideration of impacts	Potential for Significant Effects
<b>Regional Planning Guidelines for The South East 2010-2022</b>	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 NSS.	Potential in-combination impacts may arise where there is a requirement to provide for new infrastructure. Provision of infrastructure may result in: Alteration of hydrology Deterioration in water quality Disturbance during construction / operation	No risk of likely significant in-combination effects will result as one of the aims of the RPGs (Strategic Vision) is to “ <i>conserve the region’s characteristic environment, landscape and heritage assets</i> ”.	No
<b>Kilkenny County Development Plan 2014-2020</b>  <b>Carlow County Development Plan 2015- 2021</b>  <b>Laois County Development Plan 2017 - 2023</b>	Overall strategies for the proper planning and sustainable development of the administrative area of the relevant Local Authorities. Include provisions relating to housing, economic (including tourism), community, transport and infrastructural development.	Provision of infrastructure may result in: Alteration of hydrology Deterioration in water quality Disturbance during construction / operation	No risk of likely significant in-combination effects will result as each of the Development Plans contain policies and objectives for the improvement of environmental quality, and to ensure the protection of European sites.	No

## **2.5 Stage 4 Conclusion**

Having examined the Natura 2000 sites within 15km of the plan area, having consulted with the NPWS, having reviewed the previous AAs carried out for the 2009 LAP and the 2012 Amendment, and having examined the potential for effects on European Sites of the plan (direct, indirect and cumulative adverse effects), it is concluded that this Plan will not have any likely significant effects on any European Natura 2000 Site.

## **3 Conclusion**

A Habitats Directive Screening Assessment was carried out on the Castlecomer draft LAP 2018. Preparation of the assessment included consultation with the NPWS Conservation Ranger to identify any areas of concern and also a review of the previous Appropriate Assessments carried out in 2008 for the Draft Castlecomer LAP, and the screening carried out in 2011 for Amendment No. 1.

A review of conservation objectives and threats to site integrity of any Natura site within 15 km of the Draft Plan area was undertaken to identify sites that may be impacted by the Draft Plan. This found that the site most likely to be affected is the River Barrow/Nore cSAC. The main threat identified is to water quality. However, the newly upgraded WWTP at Castlecomer has improved the discharge to the area and this has the capacity to deal with all waste water arising from the area. In addition, the Draft Plan proposes a significant reduction in the amount of land available for development from that contained in the 2009 LAP as amended in 2012.

It is concluded that this Draft Plan (either individually or in combination with other plans or projects) shall not give rise to significant effects on the integrity of any Natura 2000 sites and it can proceed as proposed, without a need for full Appropriate Assessment.

A Finding of No Significant Effects Report (attached at end of this report) is proposed.

## 4 Finding of no significant effects report

- **Name of project or plan:**  
Castlecomer Draft Local Area Plan

- **Name and location of Natura 2000 sites:**

Site Name	SAC Site Code	SPA Site Code	Distance from LAP boundary
River Barrow & Nore	002162		Within LAP boundary
River Barrow & Nore		0004233	8 km west of LAP boundary (11 km southwest along river)
Lisbigney Bog	00869		9 km northwest

- **Description of the project or plan:**  
Review of the current 2009 Local Area Plan. The Draft LAP will reduce the amount of land available for development in line with the Core Strategy of the County Development Plan.

- **Is the project or plan directly connected with or necessary to the management of the site (provide details)?**

The Draft Plan is not directly connected to the management of any Natura 2000 sites.

- **Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?**

The Draft LAP is set within the framework of higher level plans including the County Development Plan, the Regional Planning Guidelines and National Spatial Strategy.

As the Draft LAP will facilitate reduced levels of growth than previously envisaged under the Castlecomer LAP 2009, the potential for significant effects on the Natura 2000 sites within or adjoining the county have been reduced.

### The assessment of significance of effects

- **Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.**

The Draft LAP is set within the framework of higher level plans including the existing County Development Plan and any Variations, the Regional Planning Guidelines and the National Spatial Strategy. As the Draft LAP will facilitate reduced levels of growth than previously envisaged under the Castlecomer LAP 2009, the potential for significant effects on the Natura 2000 sites within or adjoining the plan area will be reduced.

The County Development Plan and LAP contains existing policies for the conservation and protection of Natura 2000 sites, and also for the protection of non-designated sites; however the Draft LAP proposes increased protection for Natura 2000 sites with particular regard to projects which have the potential for significant effects on the protected site or its nature conservation objectives.

- **Explain why these effects are not considered significant.**

Policies in the existing 2009 LAP and the Kilkenny County Development Plan 2014-2020, together with the proposed policies in the Draft LAP 2017, provide for the protection and conservation of

Natura 2000 habitats, animal and bird species and provide for the protection of water quality in the area.

- **List of agencies consulted: provide contact name and telephone or e-mail address.**

National Parks and Wildlife Service, Jimi Conroy, Conservation Ranger

jimi.conroy@npws.ie

- **Response to consultation**

Consultation with NPWS Conservation Ranger carried out as part of the Castlecomer LAP process, both by meeting and telephonic conversation. The highlighted issues are considered as part of the assessment. In addition this report will be forwarded to the National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

### **Data collected to carry out the assessment**

- **Who carried out the survey**

Kilkenny County Council, Forward Planning Section.

- **Sources of Data**

Department of Housing, Planning, Community and Local Government; European Commission; Kilkenny County Council; EPA; National Parks and Wildlife Service.

- **Level of assessment completed**

Desktop studies

- **Where can the full results of the assessment be accessed and viewed**

Council Office: Planning Counter, Kilkenny County Council, County Hall, John's Street, Kilkenny.

Website: [www.kilkennycoco.ie](http://www.kilkennycoco.ie)

## Appendix 1: Screening Determination

**TO:** MARY MULHOLLAND, DIRECTOR OF SERVICES  
**FROM:** DENIS MALONE, SENIOR PLANNER  
**SUBJECT:** APPROPRIATE ASSESSMENT (AA) SCREENING DETERMINATION OF THE CASTLECOMER DRAFT LOCAL AREA PLAN UNDER THE PLANNING AND DEVELOPMENT ACTS 2000-2017

An Appropriate Assessment (AA) Screening determination has been made by Kilkenny County Council regarding the Draft Castlecomer Local Area Plan 2017 in accordance with the EU's Habitats Directive 6(3) and Section 177U of the Planning and Development Act 2000 (as amended).

The Draft LAP sets out the vision and direction for the future development of the Castlecomer town area. Proposed land use plans must undergo a formal 'test' or 'screening' to ascertain whether they are likely to result in any significant adverse effects on specific sites designated for their nature conservation importance. These sites are those designated under the European Commission's Natura 200 network of sites (hereafter termed 'European sites'). European sites are designated on the basis of the presence of certain habitats and species that are deemed to be of international importance. The Irish Government, and planning authorities, have a legal obligation to protect these sites. The Habitats Directive requires the screening of plans and projects. If the screening process results in a judgement that likely significant effects may occur or cannot be ruled out, then a more detailed assessment is required.

The AA screening process for this Draft LAP has found that the Draft LAP 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 Draft LAP for Castlecomer will not, individually or in combination with other plans, result in any effects on European Sites and consequently Stage 2 AA is not required.



Denis Malone  
Senior Planner

Date 25/9/2017