

**Kilkenny County Council**



# **THOMASTOWN LOCAL AREA PLAN 2019-2025**

**Strategic Environmental Assessment  
Screening Report for Proposed  
Material Alterations**

January 2019  
Forward Planning



## 1. INTRODUCTION

Material Alterations to the Draft Thomastown Local Area Plan (LAP) 2019 have been proposed by the Elected Members of Kilkenny County Council. These alterations have arisen following consideration by the Elected Members of the Council of the Chief Executives Report on submissions received during the public display period of the Draft Thomastown Local Area Plan 2019. A total of 19 submissions were received on the Draft Local Area Plan.

The issues raised by the submissions were summarised and the response and recommendation of the Chief Executive was provided in accordance with the Planning and Development Act 2000 (as amended).

As part of the Strategic Environmental Assessment process, all land use plans, including the Draft LAP, must undergo a formal 'test' or be screened to see if they would have likely significant effects on the environment. In order to comply with Section 20(3)(f) of the Planning and Development Act 2000, as amended, the PA must make a determination whether an SEA is required "to be carried out in respect to one or more than one proposed material alteration of the draft local area plan", this report has been prepared and considers whether the material alterations to the LAP will have any likely significant environmental effects, and as such, would therefore require the preparation of a Strategic Environmental Assessment (SEA). In order to assess whether the Material Alterations proposed by the Elected Members of Kilkenny County Council of the Plan require full Strategic Environmental Assessment, Kilkenny County Council carried out this SEA Screening exercise which identified if any of the proposed material alterations, as outlined in the public consultation document entitled 'Proposed Material Alterations to the Draft Thomastown Local Area Plan 2019, would be likely to have significant impacts on the environment.

## 2. SEA SCREENING ANALYSIS


Table 1 below examines whether each of the Proposed Material Alterations would be likely to have significant environmental effects (and thus would warrant the undertaking of Strategic Environmental Assessment). The text of the Draft Thomastown Local Area Plan is shown in its normal font. Proposed deletions are shown in blue strikethrough text. Proposed additions are shown as red italic text.


Effects encompass the full range of effects, including those arising cumulatively – such as those potentially arising as a result of interactions with other Proposed Material Alterations, the provisions of the Draft Plan and other plans and programmes.

The examination takes account of the criteria set out in Schedule 2A ‘Criteria for determining whether a plan is likely to have significant effects on the environment’ of the SEA Regulations, as amended, and will be updated to take account of any submissions or observations received from environmental authorities.



**TABLE 1; Screening of Proposed Material Alterations**

No.	Proposed Material Alteration	Strategic Environmental Assessment Screening
MA1	<p data-bbox="279 350 961 378"><i>Amend Land Use Zoning Map from Open Space to Agriculture</i></p> 	<p data-bbox="1602 350 1976 849">Taking into account the measures that have been already integrated into the Draft Plan which provide for and contribute towards environmental protection, environmental management and sustainable development, it is determined that all potential effects arising from MA1: either are present already (positive) and will be further contributed towards; or will be mitigated so as not to be significant (negative).</p> <p data-bbox="1602 886 1976 1312">MA1 proposes the amendment of the land use zoning map from open space to agriculture. Future development of these lands would have to be subject to the provisions of the LAP that includes various provisions relating to sustainable development and the protection and management of the environment. Considering all of the above, there would be no significant</p>

		<p>environmental effects arising, SEA is not required to be undertaken on this alteration.</p>
<p><b>MA2</b></p>	<p><i>Amend Land Use Zoning Map from open space/new residential to mixed use</i></p> 	<p>Taking into account the measures that have been already integrated into the Draft Plan which provide for and contribute towards environmental protection, environmental management and sustainable development, it is determined that all potential effects arising from MA2: either are present already (positive) and will be further contributed towards; or will be mitigated so as not to be significant (negative). Future development of these lands would have to be subject to the provisions of the LAP that includes various provisions relating to sustainable development and the protection and management of the environment.</p> <p>Considering all of the above, there would be no significant environmental effects arising, SEA is not required to be undertaken on this alteration.</p>

<b>MA3</b>	Remove section 1.6.10 in its entirety and renumber sections.	Change will not result in environmental effect. Therefore, SEA is not required for this alteration.
<b>MA4</b>	<p><b>No. 4(a);</b> Insert new Objective AAO1.1 under Section 1.5 as follows; <i><b>NHO1.1; 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, 20093 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.</b></i></p> <p><b>No. 4(b)</b> Remove objective NHO1.1 under Section 8.5 and renumber (Note; objective moved to Section 1.5 see Proposed Material Alteration No. 4 (a))</p>	<p>This proposed alteration does not change the intention of the objective and will not result in environmental effects and therefore SEA is not required.</p> <p>Relocation within the plan and amendment of objective does not require SEA.</p>
<b>MA5</b>	Amend Strategic Objective in Section 3.3 as follows; <b>SO3;</b> To facilitate the development of high quality, integrated residential neighbourhoods that cater for an appropriate demographic mix and deliver, where possible, community, recreation and amenity facilities in tandem with housing <i>and to encourage, through new development and road schemes, improvements to enhance the approach roads to the town.</i>	This Proposed Alteration would add to the Draft Plan provisions relating to new development including road schemes. Taking into account the measures that have been already integrated into the Draft Plan which provide for and contribute towards environmental protection, environmental management and sustainable development, it is determined that all potential effects arising from this Proposed Material Alteration: either are present already (positive) and will be further contributed towards; or



		will be mitigated so as not to be significant (negative). Consequently, further assessment is not required.
<b>MA6</b>	Amend CSO 1.4 as follows; CSO1.4: To manage the provision of one off housing on lands zoned as 'Agriculture' and 'Open Space'. Limited one off housing will be permitted, <i>in accordance with policy set out under Section 6.4</i> in these zones subject to compliance with the criteria set out in Appendix A (Land Use Zoning Objectives).	Text provides additional clarity. SEA is not required.
<b>MA7</b>	Insert additional text under Section 5.2; <i>The employment ratio of 0.682 for Thomastown as set out in Appendix 2 of the NPF (Population and Employment in Urban Settlements in the Southern Regional Assembly area) suggests that the ratio of jobs to workers in Thomastown is somewhat below the 1.06 average for the region. Accordingly the LAP focuses on supporting the creation and continued maintenance of local employment as well as facilitating sustainable transport initiative in order to improve ease of access to and from Thomastown, supporting commercial/tourist activities and ease of access to neighbouring employment centres. Also, in order to facilitate employment initiatives, a significant area of land has been zoned for industrial development to the north of the town and there is also significant development capacity the mixed use lands at Ladyswell Street. In addition to these there is acknowledged capacity for employment generating uses, primarily service sector jobs that can currently be accommodated within the town centre.</i>	Text provides additional clarity. SEA is not required.
<b>MA8</b>	Insert new objective COMO1.1 under Section 6.1.1 as follows; <b>COMO1.1;</b> <i>To support and facilitate the provision of multi-functional community facilities to meet the needs of the youth population of Thomastown.</i>	This Proposed Alteration would add to the Draft Plan provisions relating to community facilities. Taking into account the measures that have been already integrated into the Draft Plan which provide for and contribute towards environmental protection, environmental management and sustainable development, it

		is determined that all potential effects arising from this Proposed Material Alteration: either are present already (positive) and will be further contributed towards; or will be mitigated so as not to be significant (negative). Consequently, further assessment is not required
<b>MA9</b>	Insert new objective COMO1.2 under Section 6.1.1 as follows; <b>COMO1.2;</b> <i>To continue to work with healthcare service providers and key stakeholders, including the HSE, to support their investment in healthcare operations at the St Columba's Hospital Complex in Thomastown.</i>	Proposed Material Alteration will not result in environmental effect.  Therefore, SEA is not required for this alteration.
<b>MA10</b>	Amend objective VSO1.2 as follows; <b>VSO1.2;</b> To promote the sustainable development of vacant residential and regeneration sites in Thomastown through the application of the Urban Regeneration and Housing Act 2015, Vacant Site Levy, on lands zoned ' <i>Town Centre</i> ' and ' <i>Mixed Use</i> ' for Regeneration, and ' <i>New Residential</i> ', ' <i>Low Density Residential</i> ' and ' <i>Existing Residential</i> ' for housing.	Text provides additional clarity.  SEA is not required.
<b>MA11</b>	Insert new objective GIO1.3 under Section 7.1 as follows; <b>GIO1.3;</b> <i>To protect and maintain the open character of the landscape from the Station Road to the ridge line including the row of mature trees along the southern boundary of these lands and to assess these trees for their suitability for a Tree Preservation Order.</i>	This alteration proposes a specific objective that provides for protective measures with regard to landscape amenity and will not result in environmental effects.  SEA not required.
<b>MA12</b>	Insert new objective OSO2.3 under Section 7.2.1 as follows; <b>OSO2.3;</b> <i>To support and facilitate the provision of safe access points to the river, subject to appropriate</i>	This Proposed Alteration would add to the Draft Plan provisions

	<i>environmental and flood risk assessments.</i>	relating to infrastructure. Taking into account the measures that have been already integrated into the Draft Plan which provide for and contribute towards environmental protection, environmental management and sustainable development, it is determined that all potential effects arising from this Proposed Material Alteration: either are present already (positive) and will be further contributed towards; or will be mitigated so as not to be significant (negative). Consequently, further assessment is not required.
<b>MA13</b>	Amend Policy ARC 1 under Section 8.3 as follows; <b>ARC1;</b> It is the policy of the Council to safeguard the archaeological heritage, <i>including underwater archaeological heritage</i> , in the LAP area....	Text provides additional clarity. SEA is not required.
<b>MA14</b>	Insert new objective ARCO1.3 under Section 8.3 as follows; <i>ARCO1.3; To require an Archaeological (including underwater) Impact Assessment of proposals for developments, where appropriate, due to their location, size, or nature that may have implications for the archaeological heritage of the town.</i>	No potential effects will arise from this text change. SEA is not required.
<b>MA15</b>	<i>Insert new objective ACAO1.4 under Section 8.3 as follows;</i> <b>ACAO1.4;</b> <i>To support the sensitive restoration and reuse of heritage buildings, to address dereliction and vacancy in the town centre and promote appropriate uses subject to good conservation principles.</i>	Contributes towards positive effects as a result of increasing brownfield development and reducing greenfield development. Restoration also presents potential effects during construction.

		<p>This Proposed Alteration would add to the Draft Plan provisions relating to infrastructure. Taking into account the measures that have been already integrated into the Draft Plan which provide for and contribute towards environmental protection, environmental management and sustainable development, it is determined that all potential effects arising from this Proposed Material Alteration: either are present already (positive) and will be further contributed towards; or will be mitigated so as not to be significant (negative). Consequently, further assessment is not required. SEA is not required.</p>
<p><b>MA16</b></p>	<p><i>Insert new objective INFO1.2 under Section 10.2 as follows;</i>  <b>INFO1.2;</b> <i>To have regard to the suite of development objectives from Irish Water set out in Appendix D of this Local Area Plan in assessing applications for new development within the plan area.</i></p>	<p>No potential effects will arise from the inclusion of the development objectives from Irish Water.</p> <p>SEA is not required.</p>
<p><b>MA17</b></p>	<p>Amend objective INFO3.3 under Section 10.4 as follows;  <b>INFO3.3;</b> To support and co-operate with the OPW in delivering flood alleviation work under the South Eastern CFRAM Programme, <i>whilst maximising the protection of the integrity of the medieval town.</i></p>	<p>Positive effects on protection of setting of archaeological heritage. Taking into account the measures that have been already integrated into the</p>

		<p>Draft Plan which provide for and contribute towards environmental protection, environmental management and sustainable development, it is determined that all positive effects arising from this Proposed Material Alteration are present already and will be further contributed towards. Consequently, further assessment is not required</p>
<p><b>MA18</b></p>	<p>Amend <b>Agriculture</b> Note in <b>Appendix A: Land Use Zoning Objectives</b> as follows;  <del>Residential, or Caravan Park, development within the flood zones (as identified in the Strategic Flood Risk Assessment of this LAP or other superceding document) will not be permissible. Extensions and expansions of existing uses will be considered on their own merits.</del>  <i>Flood Risk: All proposed development within this zone which falls within flood zone A or B shall be subject to a site specific flood risk assessment. No highly vulnerable uses (as set out in the Flood Risk Management Guidelines) other than extensions to existing structures and uses, will be permitted within Flood Zone A or B. Less vulnerable uses will also not be allowed within Flood Zone A other than extensions to existing structures and uses as set out in the Flood Risk Management guidelines.</i></p>	<p>The proposed alteration provides clarification to in landuse zoning objectives and does not alter the provisions of the plan and will not result in environmental effects.</p> <p>SEA is not required.</p>
<p><b>MA19</b></p>	<p>Insert new Appendix D to include suite of appropriate Objectives/Policies for Water Services as recommended by Irish Water.</p>	<p>No potential effects will arise from the inclusion of the development objectives from Irish Water.</p> <p>SEA is not required.</p>

### **3. SCHEDULE 2A ASSESSMENT**

**1. The characteristics of the plan having regard, in particular, to the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.**

The changes proposed by the Material Alterations relate to the provisions of the Draft Thomastown LAP which provides a framework for land use planning in Thomastown, County Kilkenny.

Proposed Material Alterations encompass changes to the text and maps of the Draft LAP.

**2. The characteristics of the plan having regard, in particular, to the degree to which the plan influences other plans, including those in a hierarchy.**

The proposed Material Alterations are being made to the Draft Thomastown LAP which is directly influenced by the County Development Plan and higher tier land use plans. On examination of the various proposed Material Alterations provided under Section 4, arising from the degree to which the proposed Material Alterations and associated Thomastown LAP influence other plans, there are no proposed Material Alterations that would be likely to result in significant environmental effects.

No further SEA is required.

**3. The characteristics of the plan having regard, in particular, to the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development.**

The Draft Thomastown LAP, to which the Proposed Material Alterations relate, has undergone SEA Screening. Taking the above and the examination of the various proposed Material Alterations provided under Section 4 into account, arising from the degree to which the proposed Material Alterations and associated Local Area Plan are relevant for the integration of environmental considerations with a view to promoting sustainable development, there are no Proposed Material Alterations that would be likely to result in significant environmental effects.

Therefore, no SEA is required.

**4. The characteristics of the plan having regard, in particular, to environmental problems relevant to the plan.**

Environmental problems arise where there is a conflict between current environmental conditions and legislative targets. Through its provisions relating to environmental protection and management, the Draft Plan contributes towards ensuring environmental conditions do not worsen and, where possible, contributes towards their amelioration.

No further SEA is required.

**5. The characteristics of the plan having regard, in particular, to: the relevance of the plan for the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection)**

The Draft LAP relates to the land use sector and has undergone SEA Screening. This process integrated considerations with regard to EU and national legislation on the environment into the Plan, including those relating to the waste management and the Water Framework Directive. Taking the above and the examination of the Proposed Material Alterations provided

under Section 2.3 into account, arising from the relevance of the Proposed Material Alterations for the implementation of European Union legislation on the environment, the Proposed Material Alterations would not be likely to result in significant environmental effects.

## **PART 2**

### **1. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the probability, duration, frequency and reversibility of the effects.**

The Proposed Material Alterations would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Proposed Material Alterations provided under Section 2.3).

### **2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the cumulative nature of the effects**

The Proposed Material Alterations would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Proposed Variation provided under Section 2.3).

### **3. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the transboundary nature of the effects**

The Proposed Material Alterations would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Proposed Variation provided under Section 2.3).

### **4. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the risks to human health or the environment (e.g. due to accidents**

The Proposed Material Alterations would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Proposed Variation provided under Section 2.3).

### **5. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)**

The Proposed Material Alterations would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Proposed Variation provided under Section 2.3).

### **6. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the value and vulnerability of the area likely to be affected due to:**

#### **a) special natural characteristics or cultural heritage;**

The Proposed Material Alterations would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Proposed Material Alterations provided under Section 2.3).

#### **b) exceeded environmental quality standards or limit values, and;**

The Proposed Material Alterations would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Proposed Variation provided under Section 2.3).

**c) intensive land-use.**

The Proposed Material Alterations would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Proposed Variation provided under Section 2.3).

**7. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the effects on areas or landscapes which have a recognised national, European Union or international protection status**

The Proposed Material Alterations would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Proposed Material Alterations provided under Section 2.3).



## 5. CONCLUSION

It is not anticipated that the Proposed Material Alterations to the Draft Thomastown LAP will have likely significant environmental effects and at this stage in the process it is considered that an SEA will not be required.

This screening takes into account relevant criteria set out in Schedule 2A 'Criteria for determining whether a plan is likely to have significant effects on the environment' of the Planning and Development (SEA) Regulations 2004 (as amended). Taking into account the content of the Proposed Material Alterations and the measures that have already been integrated into the Draft Plan that contribute towards environmental protection, environmental management and sustainable development, it is determined that potential effects arising from the Proposed Material Alterations are either present already (beneficial) and will be further contributed towards or will be mitigated so as not to be significant (adverse).

Therefore, it is determined that Strategic Environmental Assessment is not required for the Proposed Material Alterations.

## Appendix A Screening Determination for SEA

**TO:** SEAN MCKEOWN, DIRECTOR OF SERVICES  
**FROM:** DENIS MALONE, SENIOR PLANNER  
**SUBJECT:** STRATEGIC ENVIRONMENTAL ASSESSMENT DETERMINATION OF MATERIAL ALTERATIONS TO DRAFT THOMASTOWN LOCAL AREA PLAN

I refer to the requirement under article 14A(2) of the Planning and Development Regulations (Strategic Environmental Assessment) 2004 in relation to considering whether or not implementation of a Local Area Plan would be likely to have significant effects on the environment.

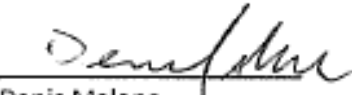
In accordance with the requirements of Article 14A, a 'Screening' of the Material Alterations to the proposed Draft Thomastown Local Area Plan was undertaken in respect of SEA.

None of the alterations are considered to have significant impacts on the environment.

### **Recommendation**

I therefore recommend that a Strategic Environmental Assessment is **not required** for the Material Alterations to the Draft Thomastown Local Area Plan, as per the provisions of the Planning & Development Regulations 2001-2018.

The Environmental Authorities shall be informed of this decision, as per Article 14(A)(6)(b) of the 2001-2018 Regulations.

  
Denis Malone,  
Senior Planner

Date: 30/1/2019