

Draft Loughmacask Masterplan
AA Screening of Proposed Amendments
including Proposed Material Amendments

Strategic
Assessment
**Built
Environment**

Client:

Kilkenny County Council

Date:

20 April 2023

DOCUMENT CONTROL SHEET

6682_RP04_AA Screening of Proposed Amendments including Proposed Material Amendments

Project No. 6682
Client: Kilkenny County Council
Project Name: Draft Loughmacask Masterplan
Report Name: AA Screening of Proposed Amendments including Proposed Material Amendments
Document No. RP04
Issue No. 01
Date: 20/04/2023

This document has been issued and amended as follows:

Issue	Status	Date	Prepared	Checked
01	For issue	20 Apr 2023	MH	MH



Contents

- 1 Introduction..... 4
 - 1.1 Purpose 4
 - 1.2 The Process so far..... 4
 - 1.3 Next Steps 5
- 2 AA Screening of Proposed Amendments including Proposed Material Amendments 5
 - 2.1 Introduction 5
 - 2.2 Site-Specific Flood Risk Assessment (SSFRA) 5
 - 2.3 Strategic Environmental Assessment (SEA) 5
 - 2.4 AA Screening of Proposed Amendments, including Proposed Material Amendments..... 6
- 3 AA Screening Conclusion 10



1 Introduction

1.1 Purpose

This report comprises an Appropriate Assessment (AA) Screening Report for the proposed amendments, including Proposed Material Alterations (PMA), to the Draft Loughmacask Masterplan (Draft Masterplan).

The purpose of this report is to inform whether or not the proposed amendments to the Draft Loughmacask Masterplan require AA. This report should be read in conjunction with other associated documents including the:

- Draft Loughmacask Masterplan (August 2022);
- SEA Environmental Report for the Draft Loughmacask Masterplan (BSM, August 2022);
- Appropriate Assessment (AA) Screening and Natura Impact Report (NIR) for the Draft Loughmacask Masterplan (BSM, August 2022);
- Site Specific Flood Risk Assessment (SSFRA) for the Draft Loughmacask Masterplan (AWN, August 2022);
- Amended Draft Loughmacask Masterplan (April 2023); and
- Strategic Environmental Assessment (SEA) Screening Report for proposed amendments, including proposed material amendments to the Amended Draft Loughmacask Masterplan (BSM, April 2023).

1.2 The Process so far

Kilkenny Council prepared the non-statutory Draft Loughmacask Masterplan as a guiding design framework document envisioning the following for the area:

- A distinctive and vibrant neighbourhood, building on the existing locality and communities and providing an excellent quality of life with urban and rural amenities.
- A walkable urban quarter with day-to-day facilities and amenities within a 10-minute walk or cycle of homes - reducing private transport dependency and strengthening local communities.
- A new urban quarter that expands on and is integrated with the historic City Centre as well as the natural landscape of the Breaghagh River.
- Excellent provision of open space, green networks and local facilities that cater for local need, foster community growth and support health and well-being.
- A response to climate change, through sustainable transport, energy efficient building technologies, and a strong green infrastructure network including sustainable drainage (SuDS) utilising soakaways, swales, infiltration trenches, ponds and wetlands where feasible to assist with flood management.

The Draft Masterplan was prepared in tandem with:

- Strategic Environmental Assessment (SEA) – and the preparation of an Environmental Report and Non-Technical Summary of same;
- Appropriate Assessment (AA) – and the preparation of an AA Screening Report and Natura Impact Report (NIR); and
- Flood Risk Assessment (SSFRA) – and the preparation of a Site Specific Flood Risk Assessment (SSFRA).

The Draft Masterplan and above associated assessments were placed on public display between 26 August and 7 October 2022.

Draft Loughmacask Masterplan

AA Screening of Proposed Amendments including Proposed Material Amendments

One hundred and seventy five submissions and observations to the Draft Masterplan and associated documents were received during the consultation period.

A Chief Executive's (CE's) Report (March 2023) was prepared summarising the submissions and observations received, together with the response and recommendations of the Chief Executive to the issues raised for the Elected Members to consider.

The Members of Kilkenny County Council considered the CE's Report and resolved to amend the Draft Masterplan, including by means of Proposed Material Alterations (PMA). The proposed amendments, including PMA, have been screened for the requirement for AA and SEA.

1.3 Next Steps

The Amended Draft Masterplan together with a SEA Screening Report and an AA Screening Report (this report) will be placed on public display for a minimum of 4 weeks, during which submissions with respect to the proposed amendments, including proposed material alterations will be taken into account before the Masterplan is made.

Following the public consultation period, a further Interim Chief Executive's Report is prepared and the Members must consider the Draft Masterplan, the alterations to the Draft Masterplan, any Environmental Reports and the Interim Chief Executive's Report on any submissions received and decide whether to make the Masterplan with or without the proposed alterations.

2 AA Screening of Proposed Amendments including Proposed Material Amendments

2.1 Introduction

There is a potential link between the Draft Masterplan area and both the River Barrow and River Nore SAC and the River Nore SPA, via disturbance (human activity) and emissions to water during construction and operation.

This section examines whether the proposed amendments, including PMA, to the Draft Loughmacask Masterplan (Amended Draft Masterplan) would be likely to have significant effects on European sites in accordance with Article 6(3) of the EU Habitats Directive and Section 177U of the Planning and Development Act 2000, as amended.

2.2 Site-Specific Flood Risk Assessment (SSFRA)

SSFRA is being undertaken to inform the preparation of the Draft Masterplan. It is confirmed that:

- The proposed amendments, including PMA, are minor in nature and are not contrary to the requirements of *"The Planning System and Flood Risk Management Guidelines for Planning Authorities"* (DEHLG / OPW, 2009); and
- The proposed amendments, including PMA, do not require consideration under a 'Justification Test'.

The conclusions of the SSFRA process for the Draft Masterplan (August 2022) are unchanged.

2.3 Strategic Environmental Assessment (SEA)

The proposed amendments including Proposed Material Amendments have been screened for SEA in accordance with the relevant criteria set out in Schedule 1 *'Criteria for determining whether a Plan or Programme (or Modification thereto) is likely to have significant effects on the environment'* of the Planning and Development (SEA) Regulations, as amended. Taking account of the content of the proposed amendments, including proposed material amendments, and the measures that are already integrated in the Draft Loughmacask Masterplan, which that contribute towards environmental protection, environmental management and sustainable development, it is determined that potential effects arising from the proposed amendments, including proposed material

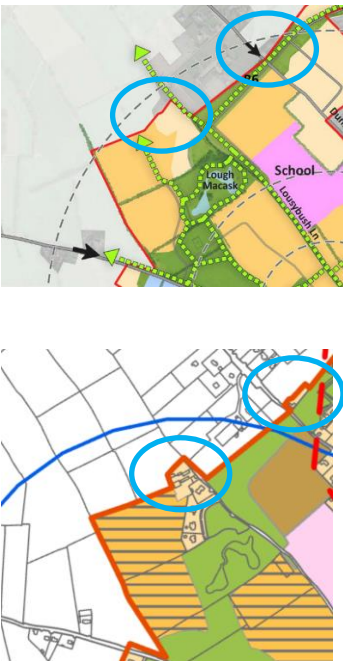
amendments, will not result in significant environmental impacts. Strategic Environmental Assessment (SEA) is not required for the proposed amendments, including proposed material amendments, to the Draft Loughmacask Masterplan.

2.4 AA Screening of Proposed Amendments, including Proposed Material Amendments

The detail of the proposed amendments, including proposed material amendments (PMA), is set out in the Amended Draft Loughmacask Masterplan.

Table 2.1 below examines whether the proposed amendments, including PMA, would be likely to have significant effects on European sites (specifically the River Nore SPA and the River Barrow and River Nore SAC), thereby requiring the undertaking of Appropriate Assessment (AA)).

Table 2.1 AA Screening of Proposed Amendments, including Proposed Material Amendments

SEA Amend. Ref.	Proposed Amendment, including Proposed Material Amendments (refer to Amended Draft Masterplan (April 2023) for detail)	AA Screening Consideration
<p>PA 001</p>	<p>A minor amendment to the boundary of the masterplan as presented on mapping / figures in the Draft Masterplan has been updated throughout to reflect the land use zoning boundary in the Kilkenny City and County Development Plan 2021-2027 – refer to extracts below:</p>  <p style="text-align: center;">Boundary in Draft Masterplan</p> <p style="text-align: center;">Boundary in Amended Draft Masterplan</p>	<p>Minor clarification reflecting position in the Kilkenny City and County Development Plan 2021-2027. The City Plan has been subject to SEA and Appropriate Assessment.</p> <p>The clarification screens out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>
<p>PA 002</p>	<p>Section 4.0 of the Draft Masterplan has been updated to reflect challenges facing ‘The Butts’, including those related to traffic management, regeneration</p>	<p>Update of receiving environment and challenges facing The Butts’.</p> <p>The updates screen out for requirement for SEA.</p>

Draft Loughmacask Masterplan

AA Screening of Proposed Amendments including Proposed Material Amendments

SEA Amend. Ref.	Proposed Amendment, including Proposed Material Amendments (refer to Amended Draft Masterplan (April 2023) for detail)	AA Screening Consideration
	<p>and integration with new development at Loughmacask. The Amended Masterplan notes that:</p> <p><i>“This Masterplan provides for addressing these issues in consultation with the local community and stakeholders.</i></p> <p><i>The regeneration of The Butts Area and its further integration into the new Loughmacask area is the one of the aims of this study.”</i></p> <p>Key Challenges and Opportunities in ‘The Butts’ on Figure 4.5 have been replaced with the ‘Existing Key Elements’.</p>	<p>The requirement for AA is excluded.</p>
PA 003	<p>Section 5.1.1 of the Draft Masterplan has been updated to reflect approach to proposals for ‘The Butts’, and to recognise the Plan will enhance the existing heritage and green heritage of the area.</p>	<p>Update of aims of the Masterplan.</p> <p>The updates are positive and will benefit the environment, including biodiversity.</p> <p>The updates screen out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>
PA 004	<p>Figures 5.3 and 5.4 of Section 5.1.3 of the Draft Masterplan has been updated to include the reference to Road Objective R7 – as already provided for in the Kilkenny City and County Development Plan 2021-2027.</p> <p>Reference ‘5a’ added to existing objective.</p>	<p>Reflects objective for proposed road as provided for in Kilkenny City and County Development Plan 2021-2027. The City Plan has been subject to SEA and Appropriate Assessment.</p> <p>The updates screen out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>
PA 005	<p>Section 5.1.4 and Figure 5.5 of the Draft Masterplan has been updated to include an additional proposed change bullet-point:</p> <ul style="list-style-type: none"> • <i>“The Butts neighbourhood area to be designated as a “Special Regeneration Area.”</i> <p>The reference to the ‘Special Regeneration Area’ has also been added to Figures 5.6, 6.1, 6.2, 6.14 and 6.0 The Masterplan.</p>	<p>‘The Butts’ is being designated as a Special Regeneration Area to allow for proposals to be addressed in consultation with the local community and stakeholders.</p> <p>The updates screen out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>
PA 006	<p>Section 6.1 of the Draft Masterplan has been updated to note that <i>‘The Butts neighbourhood area is to be designated as a “Special Regeneration Area” as shown on Figure 6.2’.</i></p>	<p>‘The Butts’ is being designated as a Special Regeneration Area to allow for proposals to be addressed in consultation with the local community and stakeholders.</p>

Draft Loughmacask Masterplan

AA Screening of Proposed Amendments including Proposed Material Amendments

SEA Amend. Ref.	Proposed Amendment, including Proposed Material Amendments (refer to Amended Draft Masterplan (April 2023) for detail)	AA Screening Consideration
		<p>The updates screen out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>
PA 007	<p>Under Section 6.0 text addressing 'The Butts Enhancement Potential' has been replaced under <i>'The Butts Special Regeneration Area'</i> so that <i>"any proposals will be only be on foot of further engagement and consultation with the local residents and stakeholders"</i>.</p> <p>The new text includes the objective: <i>"Objective 6a: No proposal for housing development shall be brought forward for statutory planning approval by the Council within The Butts "Special Regeneration Area" as delineated until such time as there is proactive engagement with the residents and stakeholders on the specific development proposal(s)."</i></p>	<p>'The Butts' is being designated as a Special Regeneration Area to allow for proposals to be addressed in consultation with the local community and stakeholders.</p> <p>The updates screen out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>
PA 008	<p>Section 6.2 of the Draft Masterplan has been updated to include the following new objective: <i>"Objective 6b: To carry out a route selection for the most advantageous connection from The Butts to the Breagagh Valley Park, with due regard to ecology, heritage and amenity."</i></p>	<p>The proposal for a connection from The Butts to the Breagagh Valley Park will be protective in that it must have regard to ecology, heritage and amenity.</p> <p>The new objective screens out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>
PA 009	<p>Section 6.2 of the Draft Masterplan has been updated to include the following new objective: <i>"Objective 6c: To prioritise that route selection and construction of connecting inner orbital route (R7 in the City and County Development Plan 2021-2027) from the Kilmanagh Road to the Freshford Road."</i></p>	<p>Reflects objective for proposed road as provided for in Kilkenny City and County Development Plan 2021-2027. The City Plan has been subject to SEA and Appropriate Assessment.</p> <p>The new objective screens out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>
PA 010	<p>Section 6.2 of the Draft Masterplan has been updated to include the following new objective: <i>"Objective 6d: To investigate, how the Objective R6 (Vol 2 Chapter 5 of the City & County Development Plan) can be connected with the Tullaroan Road subject to appropriate traffic management regime."</i></p>	<p>Reflects objective for proposed connection as provided for in Kilkenny City and County Development Plan 2021-2027. The City Plan has been subject to SEA and Appropriate Assessment.</p> <p>The new objective screens out for requirement for SEA.</p>

Draft Loughmacask Masterplan

AA Screening of Proposed Amendments including Proposed Material Amendments

SEA Amend. Ref.	Proposed Amendment, including Proposed Material Amendments (refer to Amended Draft Masterplan (April 2023) for detail)	AA Screening Consideration
		The requirement for AA is excluded.
PA 011	<p>Section 6.3 of the Draft Masterplan has been updated to remove reference to proposed modifications to the existing playing fields and walking track west of Fr. McGrath Centre and at Water Barrack.</p> <p>In addition bullet-point F has been amended to remove reference to modifications and is replaced with:</p> <p><i>“F Existing playing fields with walking track, playground and MUGA”</i></p>	<p>Removal of proposed modifications to existing amenity / open space.</p> <p>The updates screen out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>
PA 012	<p>Section 6.4 of the Draft Masterplan has been updated to include the following new objective:</p> <p><i>“Objective 6e: To consider what additional traffic management measures could be implemented to mitigate the impact of additional traffic from already approved developments within the plan area on the wider transport network and reduce / eliminate the use of internal streets in The Butts (rat running) at peak hours.”</i></p>	<p>Objective seeks to reduce effect of additional traffic from approved developments on ‘The Butts’.</p> <p>The new objective screens out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>
PA 013	<p>The legend for Figure 6.15 under Section 6.3 of the Draft Masterplan has been updated to note that <i>‘The Butts’ will be designated as a Special Regeneration Area’</i>.</p>	<p>‘The Butts’ is being designated as a Special Regeneration Area to allow for proposals to be addressed in consultation with the local community and stakeholders.</p> <p>The update screens out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>
PA 014	<p>Section 6.7 of the Draft Masterplan has been updated to include the following new objective:</p> <p><i>“Objective 6f: Subject to the appropriate Zoning being in place and a Traffic Impact Assessment, additional housing developments (over and above the permitted quantum of housing) with access off the Tullaroan Road will not be permitted unless a clear timeframe for delivery of the necessary extent of support road infrastructure Objective R7 (being either Kilmanagh Road to Tullaroan road) or (the Tullaroan Road to Freshford road) in the City and County Development Plan is in place.”</i></p>	<p>Objective seeks to reduce effect of additional traffic from potential future developments on masterplan area.</p> <p>The new objective screens out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>

SEA Amend. Ref.	Proposed Amendment, including Proposed Material Amendments (refer to Amended Draft Masterplan (April 2023) for detail)	AA Screening Consideration
PA 015	<p>Section 7.0 of the Draft Masterplan has been updated to note completion of the screening of the proposed amendments, including proposed material amendments, for SEA and AA.</p> <p>The sub-section on SSFRA has also be updated to note that the proposed amendments, including proposed material amendments, do not give rise to any implications for the SSFRA completed for the Draft Masterplan (AWN, August 2022).</p>	<p>Text reflects the screening of the proposed amendments, including proposed material amendments, for AA and SEA.</p> <p>The updates screen out for requirement for SEA.</p> <p>The requirement for AA is excluded.</p>

3 AA Screening Conclusion

This screening for the requirement for AA for the proposed amendments, including proposed material amendments, has been made in accordance with the EU Habitats Directive (Article 6(3)) and Section 177U of the Planning and Development Act 2000 as amended.

Taking account of the content of the proposed amendments, including proposed material amendments, and the measures that are already integrated in the Draft Loughmacask Masterplan, which contribute towards environmental protection, environmental management and sustainable development, it is determined that there is no possibility of there being any significant effects on European sites, specifically the River Barrow and River Nore SAC and the River Nore SPA, arising from the proposed amendments, including proposed material amendments.

Therefore, it is concluded that Appropriate Assessment (AA) is not required for the proposed amendments, including proposed material amendments, to the Draft Loughmacask Masterplan.

Brady Shipman Martin

DUBLIN

Mountpleasant Business Centre
Ranelagh
Dublin 6
+353 1 208 1900

CORK

Penrose Wharf Business Centre
Penrose Wharf
Cork
+353 1 208 1900

LIMERICK

11 The Crescent
Limerick
+353 1 208 1900

mail@bradyshipmanmartin.com
www.bradyshipmanmartin.com

