



TO: JOHN MC CORMACK, DIRECTOR OF SERVICES
FROM: DENIS MALONE, SENIOR PLANNER
SUBJECT: DETERMINATION OF REQUIREMENT FOR STRATEGIC ENVIRONMENTAL ASSESSMENT OR APPROPRIATE ASSESSMENT OF PROPOSED MODIFICATIONS TO VARIATION 2
DATE: 8TH AUGUST 2011

I refer to the requirement under Section 13 (6)(aa) of the Planning and Development (Amendment) Act 2010 in relation to considering whether or not proposed modifications to Proposed Variation 2 to the County Development Plan requires a Strategic Environmental Assessment or Appropriate Assessment or both.

In accordance with Section 13 (6) of the Planning and Development Act, 2000 (as amended) a Manager's Report was prepared on submissions to Variation 2 under Section 13(2) of the Planning and Development Act, 2000 (as amended). Following consideration of this Manager's Report at the Council meeting on the 18th July 2011, the Council resolved to make the Variation with further modifications.

These proposed modifications are attached and should be read in conjunction with Proposed Variation 2.

The proposed modifications as set out in this report have been assessed to determine whether a Strategic Environmental Assessment or Appropriate Assessment or both would be required. It has been determined that the modifications proposed are not considered to have significant effects on the environment or will not adversely affect the integrity of a European Site and they do not result in a requirement for SEA or AA.

Recommendation

I therefore recommend that neither a Strategic Environmental Assessment nor Appropriate Assessment is required for the proposed alterations to proposed Variation 2 to Kilkenny County Development Plan 2008-2014.

Denis Malone,
Senior Planner

Chapter 3 Core Strategy

Move text from Introduction to Variation to Chapter 3:

The retail strategy for the City and County was adopted in 2008 and is three years old. This Core Strategy does not change the fundamental assumptions in relation to the strategic location of retail development within the County. It does alter the expected population levels within the timeframe of the Development Plan. Since its adoption there has also been a significant change in the economic situation within the country. In particular the economic outlook is pessimistic in the short term and is subject to some uncertainty. Having considered the time frame to the review of the County and City Development Plans (*commencing in 2012*) it is considered more appropriate at this time to review the implementation of the retail strategy in the light of the new Core Strategy. Subsequently, when the retail strategy is reviewed it will take account of the core strategy. (P7b)

Minor text change - no significant environmental effect.

PS17 To encourage development on Phase 1 lands (residential) and prohibit development of Phase 2 lands in the settlements of Freshford, Goresbridge, Kells, Mullinavat, Slieverue, Stoneyford, Bennettsbridge, *New Ross* and Kilmacow during the lifetime of the County Development Plan. (P15)

Clarification to text – no significant environmental effect.

Chapter 5: Economic Development

Table 5.1: County Retail Hierarchy (P11)

Level/Retail Function	Centre
Level 1 Major Town Centre/County Town	Kilkenny City
Tier 1 Level 2 "Gateway Suburban Local Centre" ¹	Ferrybank/Belview
Tier 2 Level 2 Sub County Town	Callan Thomastown
Tier 3 Level 2 Sub County Town	Castlecomer Graigenamanagh
Level 3 Town	No designated Centre
Level 4 Village Centre	
Level 4 Neighbourhood Centre	As designated for Kilkenny City & Environs and Waterford Environs

No significant environmental effect from modification.

¹ "Gateway Suburban Local Centre" above the level of the District Centre definition contained in the Retail Planning Guidelines but below the level of town centre. This is to allow for the re-configuration/expansion of the existing centre of additional level 2 type comparison shopping.

5.8.5.2 Waterford City Environs

ACTION: To complete an integrated retail study ~~by September 2008~~ which will inform the members of Kilkenny County Council as to whether a centre for Ferrybank should be designated as a town or district centre. (P11)

Minor text change - no significant environmental effect.

Chapter 9 Infrastructure and Environment

9.4.1 National Road Network

The N29 National route was developed to service the Belview Port area and considerable investment has taken place there in the provision of road, water, and wastewater infrastructure. The Port and its development is one of the key economic drivers for the County and the Region. In order to facilitate development of identified lands around the port for industrial and port related services it will be necessary to allow limited form of access to the N29. It is the intention of the Planning Authority to develop a policy for the N29 in conjunction with the NRA.

Action: To develop a policy response to access from the N29 Port road to industrial zoned lands in the Belview area in conjunction with the National Roads Authority.

No significant environmental effect from this Action – the land is already zoned but this relates only to provision of access.

9.8.4: Sustainability and Energy Efficiency in Buildings

IE39 *To require that planning applications demonstrate that due consideration has been given to the Technical Guidance Documents of the Building Regulations.*

Potential positive effect.

9.10.2 Groundwater

Kilkenny County Council requires that ~~sites~~ **all new applications** will be assessed in accordance with the EPA manual entitled ~~Wastewater Treatment Manuals: Treatment Systems for Single Houses (2000)~~ as ~~may be replaced or updated by the EPA's Code of Practice – Wastewater Treatment and Disposal Systems for serving Single Houses (p.e. ≤ 10), also referred to as EPA 2009 or such guidance as may replace this guidance.~~ The person carrying out the assessment will be suitably qualified *and on the Council's approved panel of Site Suitability Assessors.*

Potential positive effect.

9.12.5 Flooding

Policy IE89: To prepare flood zone maps as part of ~~future~~ *the review of any Development or Local Area Plans*, as information becomes available. (P1)

Policy IE91: For any development, where flood risk may be an issue, a flood risk assessment should be carried out that is appropriate to the scale and nature of the development and the risks arising. ~~The onus is on the applicant to assess whether there is a flood risk issue and how it will be addressed in any proposed development.~~ *The applicant is primarily responsible in the first instance for assessing whether there is a flood risk issue and how it will be addressed in the development they propose.*

Policy IE92: “Development that is vulnerable to flooding will not be permitted in an area identified as ~~being at high (Flood Zone A) or moderate (Flood Zone B)~~ *subject to flood risk (as set out in the Guidelines)*, without a site specific flood risk assessment. *Any development will not be permitted unless the criteria as set out in the Justification Test are satisfied”* (P1)

Minor text changes - no significant environmental effect.

9.13 Control of Major Accident Hazards Directive (Seveso II Directive)

There are ~~two~~ *three* Seveso II sites within the county; Grassland Fertilisers (Kilkenny) Ltd., Palmerstown on the Tullaroan Road in Kilkenny City, Nitrofert Ltd., Raheen, New Ross, Co. Kilkenny *and Trans-Stock Warehousing and Cold Storage in Christendom, Ferrybank, Co. Kilkenny.* (P2)

IE95: In order to reduce the risk and limit the consequences of major industrial accidents, it is the policy of the Councils to consult with the Health and Safety Authority when assessing proposals for development *of*, in or near sites which area identified under the COMAH (Seveso II) Directive. (P2)

Potential positive effect.

Chapter 10 Requirements for New Development

10.6 Apartments

Table 10.1 Minimum apartment sizes

Apartment type	Minimum floor area
Two bedrooms	65 sqm 73 sqm

No significant environmental effect from modification.

Mapping changes:

1 County Development Plan - Change legend on Figure 3.3 Rural Settlement Areas from 'Smaller Settlements' to 'Rural Service Centres'. (P8b)

Minor text change - no significant environmental effect.

2 New Ross - Indicate HSA consultation distance on New Ross zoning map (P2)

Minor clarification - no significant environmental effect.

3 Kells:

- a) Align the zoning with the site boundary covered by Planning ref. 06/2209 – change 0.16ha from Phase 2 to Residential. (P4)

Minor change in zoning of 0.16 ha – no significant environmental effect – not adjoining cSAC.

- b) Change the SFRA to incorporate the Flood Risk study that was undertaken for 08/1494 and change the zoning on this site to reflect the findings of this PFRA. (P4)

Change in zoning of 0.6 ha from residential to open space on site in proximity to cSAC, potential positive effect.

4 Mooncoin:

Amend the settlement boundary to include for entire site as submitted (Submission Ref. P10) behind the existing nursing home in Mooncoin with a specific objective that the site be used only for voluntary housing for the elderly. (P10)

Inclusion of additional land within Mooncoin's settlement boundary which is governed by specific policy, PS16, relating to development within the settlement boundary. No significant environmental effect.

Strategic Flood Risk Assessment – Appendix 1 to Strategic Environmental Assessment Screening

Section 4: Maps of Flood Risk Indicators

- Kells – change to boundary to include for point raised in Submission P4
- New Ross – change to boundary to include flood zone mapping from Wexford County Council

Clarification to flood risk indicator maps – potential positive effect.