

Strategic Environmental Assessment (SEA)

Screening of: Proposed Amendments to the Bennettsbridge Draft Local Area Plan

1 Introduction

In accordance with Section 20 (3)(e) of the Planning and Development Act, 2000 (as amended) Kilkenny County Council is proposing a number of amendments to the Bennettsbridge Draft Local Plan. These amendments have arisen following the Elected Members review of the Manager's Report on Submissions received under Section 20(3)(c) of the Planning and Development Act, 2000.

In accordance with the Planning and Development (Strategic Environmental Assessment) Regulations 2004 Section 14A, where a planning authority proposes to amend a local area plan the planning authority shall, prior to giving notice under Section 20 (3), consider whether or not implementation of the amended plan would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A of the Regulations.

As part of the process of preparing a Draft Local Area Plan (LAP) for Bennettsbridge and having regard to the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No 436 of 2004), Kilkenny County Council considered whether to carry out Strategic Environmental Assessment (SEA) on the plan and determined that a Strategic Environmental Assessment was not required in respect of the Draft LAP for Bennettsbridge. This determination was made in January 2009. The assessment of this issue was based on the criteria set down in the SEA Guidelines and Annex II of the SEA EU Directive (2001) for determining likely significance of environmental effects.

A copy of the original screening report and the Draft LAP is available at:
http://www.kilkennycoco.ie/eng/Services/Planning/Local%20Area%20Plans/Plans_Under_Review/Bennettsbridge_Local_Area_Plan.html

The proposed amended draft plan shall now be assessed, taking account of Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulations 2004.

2. Assessment in terms of Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulations 2004.

1. The characteristics of the plan having regard, in particular to the following:

- **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 LAP will seek to provide adequately zoned land that will ensure housing needs, limited industrial development, community facilities, and services are accommodated in conjunction with an upgrade of infrastructural constraints that exist for the area.

The gross area of the LAP lands is approximately 73 hectares. The current wastewater treatment facility for Bennettsbridge is at capacity. The existing wastewater treatment plant for the village consists of a septic tank, which discharges directly to the river Nore. The design capacity for this septic tank is 400 persons. A full secondary treatment system has been approved and will be able to cater for a population equivalent (P.E) of 1953 persons. Based on

current wastewater treatment constraints related to the LAP lands, there will be significant constraints on the amount of land to be developed until the wastewater treatment facility has been upgraded.

In considering and meeting the needs of the community the LAP will have regard to the protection and enhancement of the natural and built environment and will assist in achieving the principles of sustainability.

- **The degree to which the plan influences other plans, including those in a hierarchy;** - The amended Draft Bennettsbridge LAP will not influence any other land use plans rather the LAP will be influenced itself by a hierarchy of national (National Spatial Strategy), regional (Regional Planning Guidelines) and local plans (Kilkenny County Development Plan). The LAP will be influenced by the policies and objectives as set out in the Kilkenny County Development Plan 2008-2014.
- **The relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development;** - The amended Draft Bennettsbridge LAP will be made pursuant to the provisions of the Planning and Development Act 2000 Sections 18-20, as amended. As such the plan will seek to achieve development in a sustainable manner, through the protection and enhancement of its natural, architectural and archaeological heritage.
- **Environmental problems of relevance to the plan;** - The LAP area is located within the South Eastern River Basin District and the south eastern Nore water region (HA15). The river Nore runs through Bennettsbridge. The river Nore is categorised as an RPA nutrient sensitive river. The river has a water quality rating of 3-4 which is defined as being of moderate status. Under the Water Framework Directive the Nore River is defined as being "at risk of failing to meet good status by 2015". Policies and objectives are outlined in Section 4.10 of the LAP to ensure the protection of the River Nore from any future development in Bennettsbridge.

The groundwater sources for Bennettsbridge are categorised as 1b – water body is thought to be at risk of failing to achieve good status pending further investigation. Groundwater protection will be of significance in the production of an LAP for the lands. At present the wastewater treatment facility is at capacity and the LAP contains policies and objectives in Section 4.11.2 to ensure that the approved wastewater treatment plant is of an adequate standard to cater for any increase of supply. Section 4.11.3 requires all new developments to use the principles of Sustainable Drainage Systems (SuDS).

Bennettsbridge is currently served from the Bennettsbridge Water Supply Scheme which is primarily a rural water scheme, serving the area between Kilkenny City to the north and Thomastown to the south. The LAP lands are served from this water supply scheme. A preliminary water audit for the Bennettsbridge Rural Water Service Scheme (RWSS) illustrates that the scheme has a high percentage of Unaccounted for Water (UFW) a figure which exceeds international standards.

There are no IPCC licensed facilities or licensed waste facilities in the LAP area and there is no air quality data available for the LAP lands. Bennettsbridge is located in Zone D as defined by the Air Quality Regulations.

The Record of Monuments and Places (RMP) for Co. Kilkenny identifies two sites within Bennettsbridge. These include site KK024-10601 which is centered on the bridge and is

classified as “bridge site possible”. This refers to a bridge predating the present bridge which spans the Nore at this point. Sites KK024-03401/KK024-03402 are located to the east of the village and are classed as an “enclosure site”. Site KK024-032 is located to the south west of the site and is classed as an “enclosure site”. Site KK024-033 is located on the site of Mosse Mill and is classed as a building. Site KK024-031001 & 002 a Church and Graveyard are located to the north of the village.

RMP Number	Townland	Classification
KK024-031001	Bennettsbridge	Church
KK024-031002	Bennettsbridge	Graveyard
KK024-032	Bennettsbridge	Enclosure
KK024-033	Bennettsbridge	Building
KK024-03401	Bennettsbridge	Enclosure site
KK024-03402	Bennettsbridge	Enclosure Site
KK024-010601	Bennettsbridge	Bridge site possible

Bennettsbridge has four protected structures recorded in the current Kilkenny County Development Plan 2008-2014, listed under appendix G. The Mosse Mill located on the right bank downstream of the bridge is listed as a protected structure C19 in the County Development Plan. It is also included in NIAH for County Kilkenny under reference number 12312011. Kells mill located on the left bank of the river is listed under RPS number D113 and recorded in the NIAH as 12312007. The bridge at Bennettsbridge is listed under RPS number C18 and contained in the NIAH survey of the village as 12312010. The Garda station has also been included in the RPS under reference number C21 and in the NIAH survey as 12312006. It will be necessary to protect the archaeological value and setting of the sites and monuments of importance through the exercise of development management powers.

The River Nore runs through the centre of Bennettsbridge. The River Nore and River Barrow are a candidate Special Area of Conservation (SAC) – site code 002162 – selected for alluvial wet woodlands and petrifying springs, priority habitats on Annex 1 of the EU Habitats Directive. Appropriate Assessment screening has been carried out on this LAP in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC). This screening has been carried out to assess the effects of the policies and objectives of the LAP on the SAC.

Bennettsbridge is located in the Lowlands Area (Nore Valley) of the Landscape Appraisal of the Kilkenny County Development Plan. The lands in this area are described as being ‘the most extensive lowland area in the county’ where the terrain is ‘generally smooth although undulating in certain areas, with vegetative/wooded slopes rising from the river valley’. The generally flat topography allows long distance and extensive visibility. The slopes of the river valley conform to the general river valley pattern. Natural vegetation generally occurs on the floodplain slopes and riverbanks.

Policies and objectives set out in the amended Draft LAP will ensure that impacts on the landscape character of the area are kept to a minimum.

- **The relevance of the plan for the implementation of European Union legislation on the environment;** - Issues relating to EU legislation on the Environment have been addressed by the County Development Plan 2008-2014. The Bennettsbridge LAP will be produced in line with the policies and objectives as set out in the Kilkenny County Development Plan.

2. 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 Bennettsbridge LAP will see a change in land use for some of the 73 hectares. The main environmental effects of the proposed LAP will be with regard to:
 - Increase in waste generation – waste issues will be addressed in the plan and policies and objectives regarding recycling are included in Section 4.14 of the amended Draft.
 - Greater water supply demand – the LAP will ensure that sufficient water supply will be made available to meet the needs of the LAP area (see Section 4.11.1).
 - Wastewater collection and treatment – the existing wastewater treatment plant in the town will have to be upgraded before implementation of the proposals from the LAP. It will be a policy of the LAP to ensure that any future development within the LAP lands coincides with the extension of the public sewage network during the lifetime of the LAP. Approval has been granted to upgrade the existing wastewater treatment plant, which consists of a septic tank and has a design capacity for 400 persons, to a full secondary wastewater treatment process capable of treating from a population equivalent to 2000 persons (see Section 4.11.2).
 - Loss of localised biodiversity due to loss of agricultural land and existing trees and hedgerows – Policies and Objectives from the LAP will ensure that local biodiversity loss will be as minimal as possible. Development management should ensure that existing trees and hedgerows are retained wherever possible (see Section 4.10.5).
 - Increase in traffic generation – Policies and objectives in the LAP will ensure that traffic problems or potential problems are alleviated through proper design recommendations (see Section 4.6)Policies and objectives outlined in the LAP will seek to mitigate and reduce any adverse impacts resulting from development of the LAP lands.
- **The cumulative nature of effects;** - It is not anticipated that the amended Draft Bennettsbridge LAP will experience any unacceptable cumulative environmental effects as a result of the policies and objectives contained within the LAP.
- **The transboundary nature of the effects;** - The policies and objectives of the amended Draft Bennettsbridge LAP will have no national, regional or inter county transboundary effects.
- **The risks to human health or the environment;** - The policies and objectives set out in the Bennettsbridge LAP seek to reduce any potential impact to human health of the proposed development. There will be limited risks to the environment from the proposals set out in the LAP. The River Nore, a cSAC runs through the centre of the LAP lands and policies and objectives outlined in Section 4.10 of the LAP are intended to safeguard this SAC from any detrimental environmental affects. Appropriate Assessment screening has also been carried out as part of this LAP process to assess the effects of the policies and objectives of the LAP on the SAC, in line with requirements of Part 6(3) of the Habitats Directive. This determined that an Appropriate Assessment was not required. Through this process, policy NH2 was amended with the addition of the following:

Any proposed developments that have the potential to impact on a Natura 2000 site will be subject to a project level appropriate assessment. No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura

2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

- **The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected);** - The LAP covers a geographical area of some 73 hectares. At present Bennettsbridge has a population of approximately 700 people. Based on the County Housing Strategy preferred scenario the projected population growth for the area is for an additional 136 people during the lifetime of this plan to 2015.
- **The value and vulnerability of the area likely to be affected due to:**
 - a). **special natural characteristics or cultural heritage;** - The LAP lands are located within the Nore Valley, an area which is perceived as being scenic and special in landscape terms. Policies and objectives outlined in Section 4.10, policy NH3 of the LAP will ensure that this 'special' natural characteristic is protected from any future development.

The LAP lands have significant archaeological heritage as outlined above. It is considered appropriate that an objective will be provided within the LAP that will ensure any planning applications that may, due to its location, size and nature, and which may have implications for the archaeological heritage should be subject to archaeological testing and monitoring (see Section 4.9).
 - b). **exceeded environmental quality standards or limit values;** - Environmental policies and objectives contained within the LAP will ensure that the impact of the proposed development on existing habitats, species and the value of the existing landscape are kept to a minimum.
 - c.) **intensive land use;** - The proposed LAP introduces zoning to Bennettsbridge. As such, it is considered likely that the future developments resulting from the new zoning will intensify land uses within the LAP area to a degree that would not adversely impact upon the existing natural and built environment. Quality design standards and guidelines shall be provided in the LAP with appropriate policies and objectives which will seek to reduce the potentially negative impact of the increased land uses within the area, see Section 7.
- **The effects on areas or landscapes which have a recognised national, European Union or international protection status;** - The River Nore and Barrow are a cSAC – site code 002162. Appropriate Assessment screening has been carried out as part of this LAP process to ascertain if the LAP will have any impacts on this SAC and it was determined that an AA was not required. Policies and objectives outlined in the LAP will ensure the continued environmental protection of these areas, see policy NH2 as amended (discussed on previous page).

3.0 Determination in Terms of Article 14A

In terms of the provisions of Article 14A of the Regulations, following the appropriate consultation period the planning authority shall determine whether or not implementation of the amended Draft LAP would be likely to have significant effects on the environment, taking account of the relevant criteria set out in Schedule 2A of the Regulations and from any submission or observation received from the environmental authorities.

SEA Screening Assessment for Amended Draft Bennettsbridge LAP

It is considered that the amended Draft Bennettsbridge LAP as detailed above would not be likely to have significant effects on the environment. Policies and objectives outlined in the amended Draft LAP will ensure that environmental impacts are kept to a minimum. The proposed LAP will follow strict policies and objectives as set out in the Kilkenny County Development Plan 2008-2014. It is considered that the environmental effects of the amended Draft LAP would be minimal.

In view of the above it is considered that a Strategic Environmental Assessment would not be required in respect of the amended Draft LAP for Bennettsbridge.