



Draft Kilkenny County Development Plan 2014-2020 and Strategic Environmental Assessment (SEA) Environmental Report Environmental Protection Agency Comments 6th of August 2013

The comments below relate to the integration of the environmental considerations and recommendations that have been set out in the Environmental Report, as well as the additional information highlighted by the EPA, within the Plan. Suggestions are put forward for consideration with a view to addressing the integration of a number of key environmental considerations within the Draft Kilkenny County Development Plan, hereafter referred to “the Plan”,

The EPA is a statutory Environmental Authority under the SEA Regulations. The EPA’s role in SEA in relation to Land Use Plans focuses on promoting full integration of the findings of the Environmental Assessment into the Plan.

The Plan clearly reflects the integration of the SEA, FRA and AA into the Plan. In particular aspects such as water quality, landscape character, biodiversity, public transport provision and flood risk management are taken into account to a significant degree in the Plan.

It is noted that the Plan includes a significant number of specific “development management standards” in addition to a lesser number of objectives. Consideration should be given to clarifying whether these development management standards represent a strict policy framework (similar to the role policies have within other Local Authority County Development Plans, providing firm commitments to address/manage/protect specific issues) or whether they are broader level commitments.

It is noted the Plan includes many specific objectives and “development management standards” for protecting environmental sensitivities / vulnerabilities. There may, however, be merits in considering producing the renewable energy strategy (RES) currently integrated within the Plan as a separate document to the County development Plan and assessing this RES separately under the requirements of the SEA and Habitats Directives.

This approach has been carried out in a number of other Local Authorities (Clare, Kerry, Galway, and Mayo for example) and allows for a more detailed assessment of specific aspects of RES developments. It also provides for the assessment of likely significant effects associated with renewable energy developments, alternative development scenarios for siting renewable energy developments and also taking into consideration the specific mitigation measures, / monitoring aspects that may be required.

The proposed County Heritage Plan, Biodiversity Plan, and Green Infrastructure Strategy, as committed to in the Plan, in addition to the existing Landscape Character Strategy and Draft County Development Plan policy Framework should inform the preparation of the RES and any developments arising out of the implementation of the RES.

In *subsection 11.4 Ports & Rivers* the intention so facilitate and promote the development of Belview port and its associated industrial and distribution activities. There would be merits in considering the inclusion of a commitment in the Plan to the preparation of a ‘*Belview Port and Environs Master Plan*’, to ensure the sustainable development of the port area and provide for the integration of issues such as transportation services, land use development, protection of environmental sensitivities- water, habitats and associated species including

fisheries and the provision of appropriate critical infrastructure service e.g. The requirements of the SEA, Habitats and Floods Directives in particular again should be taken into account. You are also referred to other port development plans which have been carried out in the last two years (Dun Laoghaire Port, Rosslare Harbour, Shannon Foynes, Dublin Port) which may be of assistance in the preparation of any proposed similar plans for the port of Belview.

The use of relevant maps and tables has been included throughout the document and are welcomed. There would, however, be merits in including a cumulative environmental sensitivity map, showing the overlapping environmental sensitivities within the Plan area. The benefit of such a map would be to highlight the areas of overlapping vulnerability which should be afforded particular protection in implementing any developments in those areas.

SECTION 1: DEVELOPMENT PLAN

The comments below relate to the Development Plan. Comments and suggestions in this Section are put forward for consideration and mainly relate to the key stages and outputs of the SEA Process.

Chapter 3 – Core Strategy

Consideration should be given in *Section 3.5 Rural Settlement Strategy* to ensuring rural residential development is in keeping with the principles of proper planning and sustainable development.

Chapter 4 – Economic Development

It is noted in *4.1 Introduction*, at a national level a number of Government publications have been taken into consideration. You are referred to the National Rural Development Plan, currently undertaking SEA, which should be referenced and relevant aspects integrated as appropriate.

In *subsection 4.8.1.2 Edge of Centre* in proposals to consider developing opportunity sites, such as the former Kilkenny Mart and former Smithwicks Brewery Site adjacent to the Rivers Nore and Breaghagh, the Plan should highlight the requirements of the Habitats, Floods, Water Framework and EIA Directives in particular.

Chapter 6 – Rural Development

The inclusion of *subsection 6.2.1 Food Harvest 2020* and the breakdown of sectoral targets are noted.

In *Section 6.5.1 Sustainable Forest Management (SFM)*, there would also be merits in including a reference to the Forestry Policy Review which is currently at the consultation stage and for which SEA has been applied. Consideration should be given to ensuring that the relevant recommendations of the Forest Review are reflected as appropriate into the Plan.

Chapter 7 – Recreation, Tourism and the Arts

In proposing to support and develop walking and cycling routes within the Plan area, consideration should be given to ensuring consultation with the NPWS in relation to the provision of buffer zones, lighting, route construction/maintenance aspects etc. to avoid potential for impacts on or disturbance to protected habitats and species.

The Agency acknowledges the intention to implement a County Heritage Plan and County Biodiversity Plan. There would however be merits in specifying the timescale within the

lifetime of the Plan by which these will be completed. The commitment to prepare a Green Infrastructure Strategy for the Plan area is also noted.

In relation to *section 7.3.4 Development associated with Water Sports*, in addition to ensuring development will not have adverse effects on Natura 2000 sites, the Plan should also require that the type of development is appropriate to the risk of flooding identified in the area, and in accordance with the Flood Risk Management Guidelines (DEHLG/OPW, 2009). The Plan should also ensure that it is not in conflict with objectives of the Water Framework Directive.

It is noted in Section 7.4.1.1 that the Nore Linear Park, as proposed includes provision for a number of footpaths, cycleways and pedestrian bridges. Consideration should be given to establishing an environmental management plan to take account of construction, maintenance, flood risk, waste management, and impacts on biodiversity etc. The potential effects on Freshwater Pearl Mussel catchments including the Nore catchment should be assessed and appropriate mitigation measures incorporated as relevant.

Chapter 8 - Heritage

The intention to protect ecological corridors/linkages/networks outside designated sites is also acknowledged.

Chapter 9 – Infrastructure & Environment

Consideration should be given in Section 9.1.2 Water Supply, to including a commitment to provide the appropriate mitigation measures to address the issues associated with public water supplies present on the EPA's Remedial Action List for the Plan area, namely Inistioge Water Supply and Kilkenny City (Radestown) Water Supply.

In *Section 9.2.8 Water Quality*, the last paragraph in subsection 9.2.8.1 Water Framework Directive should be considered as a specific Objective or “Development Management Standard”.

Consideration should also be given to strengthening the third bullet point in *subsection 9.2.8.4 Water Quality Development Management Standards*. There would be merits in providing a stronger commitment to implement the Water Services Act than “*to have regard to*” in the context of ensuring the protection of groundwater.

In *subsection 9.2.9.1 Flood Management Objective*, In the context of providing clarity, consideration should be given to referring specifically to the full name of the *Planning System and Flood Risk Management - Guidelines for Planning Authorities* (DEHLG/OPW, 2009).

The Objective in *subsection 9.2.12.1* relating to the implementation of the Joint Waste Management Plan for the South East Region is acknowledged. Consideration should be given to taking into account the requirements of the SEA and Habitats Directives in particular in relation to screening for likely significant effects in accordance with S.I. No. 435 of 2004, as amended by S.I. No. 200 of 2011. It is noted that a reconfiguration of the Waste Management Authorities is currently underway. Plans prepared under the new reconfiguration should take into account the requirements of the SEA and Habitats Directives.

Chapter 10 Renewable Energy Strategy

Consideration should be given to amending the strategic aim in this chapter as follows “*To promote and facilitate, in a sustainable manner, all forms of renewable energies and improvements in energy efficiencies as a response to climate change*”.

Your attention is drawn to the guidance document *Methodology for Local Authority Renewable Energy Strategies* (SEAI, 2013) which should be referenced and integrated as appropriate into the Plan and RES.

The inclusion of *Figure 10.2 Wind Energy Development Strategy* is acknowledged. There would be merits in including a combined environmental vulnerabilities map, showing the location of designated European and National conservation sites, groundwater vulnerable areas, designated landscape character areas / view / prospects, freshwater pearl mussel supporting rivers etc. This would place the “*preferred*”, “*open for Consideration*” and “*Unsuitable*” areas as marked on the map, in the context of their location and environmental sensitivities.

In *Section 10.5.4 Wind Energy Policy Areas*, the table on page 159 seems to allow for the provision of individual turbines and auto producers (large industry/energy producer) to be acceptable in areas deemed unsuitable for wind energy development. The situations where these proposals would be considered acceptable should be clarified. It should be ensured that the potential for cumulative effects and other likely significant effects in particular should be taken into account in any such proposals and protection of environmental sensitivities be ensured.

The inclusion of the tables showing the identified potential impacts arising from the different renewable energy technologies being considered (biomass, anaerobic digestors, combined heat & power, hydro-power, heat pumps and geothermal) are noted. The proposed mitigation measures in the Plan should be assessed against these potential impacts to ensure they are sufficiently robust to manage/avoid any potential significant effects. It should also be ensured that any proposals for renewable energy developments take into account the requirements of the SEA, Habitats, EIA, Water Framework and Floods Directives as relevant and appropriate. There would be merits in including a commitment to require an environmental management plan be prepared for proposed renewable energy developments, to take account of aspects such as siting, construction, operation, maintenance, waste management, transportation etc.

Chapter 11 - Transport

The Agency acknowledges the commitment to support Waterford City Council in the provision of high quality bus based transport system serving Waterford City, through provision of a suitable site for a park and ride facility in Kilkenny. The determination of the location of a preferred site should take into account the requirements of the SEA, Habitats Directives and Floods respectively in particular.

SECTION 2: ENVIRONMENTAL REPORT

The comments below relate to the Strategic Environmental Assessment Process and the Environmental Report. Comments and suggestions in this Section are put forward for consideration and mainly relate to the key stages and outputs of the SEA Process.

1. Relationship with Other Plans / Programmes

There would be merits in taking into consideration and including a reference as relevant to the National Rural Development Plan, currently under preparation and also Draft Fresh Water Pearl Mussel Sub-Basin Management Plans for the Nore, Clodiagh, Mountain, Ballymurphy and Aughavaud catchments.

2. Existing Environment

In section 3.4 Population and Human Health, the inclusion of *Table 3.9 Core Strategy Population Allocation* is noted. There would be merits in providing additional columns for “capacity of critical service infrastructure”, and “compliance status” in order to show how growth in the various settlements proposed compares to the ability to provide adequate and appropriate treatment and has sufficient capacity to meet the population growth predicted.

In relation to *Section 3.5.3.3 Extractive Industries*, consideration should be given to taking into account, as relevant and appropriate the EU guidance in relation to “*Undertaking Non-Energy Extractive Activities in Accordance with Natura 2000 Requirements*”.

http://ec.europa.eu/environment/nature/natura2000/management/docs/neei_n2000_guidance.pdf

The inclusion of *Table 3.11 Water Quality in Co. Kilkenny 2008-2011* in *Section 3.6 Water* is acknowledged. It clearly shows that there has been a reduction in the seriously polluted rivers, however there has also been a reduction in the number of unpolluted rivers. The summary of how water quality has changed since 2008 is noted. The Agency also acknowledges the inclusion of the relevant aspects of the Integrated Water Quality Report for the South East (EPA, 2012) as relevant to the Plan area.

The Plan should ensure that water quality is protected in accordance with the requirements of the Water Framework Directive and associated South East River Basin Management Plan. The EU’s *Common Implementation Strategy for the Water Framework Directive (2000/60/EC) – Guidance Document No. 20*, in particular *Section 3.5 Key Issues for Article 4.7* should be taken into account to ensure that any proposed land use zoning or development associated with the Plan is not in breach of the requirements of the Water Framework Directive.

Section 3.6.6 Flooding, consideration should be given to including a reference to the Suir CFRAMS and its associated SEA, which is currently under preparation. The Plan should ensure a commitment is given to integrating the relevant aspects of the Suir and South East CFRAMS into the Plan and lower level Plans, upon the adoption of the respective CFRAMS.

In *Section 3.11 Landscape*, the inclusion of *Table 3.15 Review of adjoining Development Plans* in relation to landscape sensitivity is welcomed and acknowledged.

3. Environmental Objectives

For the Environmental Protection Objectives, consideration should be given to amending *Biodiversity Objective B1* to also take into account the need to protect ecological linkages / corridors connecting designated sites. Ecological corridors are also of importance to protecting undesignated sites / species and habitats.

4. Alternatives Assessment

The inclusion of *Table 5.3 Assessment of Alternatives* is acknowledged. There would be merits however in including a summary of the full range of effects (Schedule 2B[f]) including cumulative effects. The potential for cumulative effects in combination with other relevant Plans/ Programmes and Projects should also be assessed.

It is noted that given the preferred alternative (Alternative 1) seeks to include aspects of Alternative 2, (which relates to less restrictive development), it should be ensured that the principles of proper planning and sustainable development are fully taken into account. The



Plan should seek to avoid ribbon development and ensure development is only permitted where appropriate critical service infrastructure is established. In areas where connection to the main drainage is unfeasible, the Plan should promote that the *Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e ≤ 10)*, (EPA, 2009) is implemented as appropriate.

5. Mitigation Measures

Section 7 Mitigation Measures summarises the proposed mitigation measures in the various chapters of the Plan and is noted. It is noted that the Plan does not provide a coded reference system for the many objectives and “development management standards”. Including such a reference system would allow for specific objectives/development management standards be described in more clarity. It would also facilitate monitoring and associated reporting of implementation of the Plan.

There would also be merits in summarising how the SEA, FRA and AA have influenced the Plan in terms of recommended changes to existing Policies/Objectives and boundary / zoning changes.

6. Monitoring Measures

It is noted in *Section 8 Development Plan Monitoring*, paragraph 4 on page 87, indicates that if an objective has a negative impact on the environment, it may be necessary to review the objectives of the Plan or to take some other form of intervention, such as through the making of a variation. It should be clarified how this will be monitored however.

The requirements of the SEA, EIA, Habitats, Water Framework and Floods Directives and associated Irish legislation should also be taken into account. The inclusion of *Table 8.1 Monitoring Proposals for Environmental Categories*, showing the indicators, monitoring frequencies and sources of date for the various environmental criteria is noted. Consideration should be given to including thresholds for which appropriate action will be taken if adverse effects are identified.

SECTION 3: STRATEGIC FLOOD RISK ASSESSMENT

Although no detailed SFRA has been carried out at a County level, an assessment of the various settlements risk of flooding has been carried out. It is acknowledged that 5 settlements within the Plan area are identified as “Areas for further assessment” (AFAs) on flood risk (Ballyhale, Ballyragget, Freshford, Inistioge and Mullinavat). It is also acknowledged that the Plan provides a commitment to integrate the Flood Risk Management Guidelines (OPW, 2009). The recommendations of the SFRA, which include the removal / rezoning of certain lands with specific settlements and shown on the maps and as described in the SFRA are acknowledged.

Consideration should be given to including a specific commitment to fully integrate the relevant aspects / recommendations of the Suir and South East CFRAMS respectively upon their adoption.