

**Appropriate Assessment (AA)  
In line with the Requirements of Article 6(3) of the EU Habitats Directive**

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

Table of Contents

Section 1	Introduction and Terms of Reference
Section 2	Screening Matrix
Section 3	Finding of no significant effects report matrix
Section 4	Conclusions

## 1 Introduction

Screening for Appropriate Assessment of the Draft LAP was carried out in October 2008 and it was determined that an Appropriate Assessment was not required.

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 requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC), this report evaluates the proposed amended Draft Bennettsbridge LAP to see if it needs to be subject to an appropriate assessment. In accordance with the relevant EU Guidance – Assessment of plans and projects significantly affecting Natura 2000 sites (Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC), a 'Screening matrix' and a 'Finding of no significant effects matrix' have been completed. These can be found in Sections 2 and 3 of this report. The conclusions of this evaluation are set out in Section 4 of this report.

A copy of the original screening report and a copy of the Draft LAP is available at:  
[http://www.kilkennycoco.ie/eng/Services/Planning/Local%20Area%20Plans/Plans\\_Under\\_Review/Bennettsbridge\\_Local\\_Area\\_Plan.html](http://www.kilkennycoco.ie/eng/Services/Planning/Local%20Area%20Plans/Plans_Under_Review/Bennettsbridge_Local_Area_Plan.html)

### 1.2 Terms of Reference

Appropriate assessment is an assessment carried out under Article 6(3) of the Habitats Directive.

Article 6(3) of the Habitats Directive states:

*'any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.'*

Article 6(4) states:

*'if, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of economic or social nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.'*

## Section 2 Screening Matrix

### Brief Description of the Project or Plan

The Draft Plan was published in January 2009 for a six week public display period. Twelve submissions were received to the Draft Plan and following a review of these submissions a number of amendments were recommended by the County Manager and agreed with the Elected Members. These proposed amendments to the Draft will commence public display on June 5<sup>th</sup> 2009.

The proposed amended LAP is intended to provide for the proper planning and sustainable development for Bennettsbridge for duration of six years from adoption in 2009, unless amended. It consists of a written statement and maps which give a graphic representation of the proposals of the Plan, indicating land use and other development standards together with various local objectives.

The overall goal of this LAP is to grow Bennettsbridge into a safe, attractive and viable village by providing for sustainable expansion and development appropriate to and integrated with the existing village and to further enhance the role of Bennettsbridge as a destination for the arts and crafts and attraction for visitors.

The purpose of this LAP is to set out a strategy for the proper and sustainable development of Bennettsbridge. Given the designation of Bennettsbridge as a 'Small Town/Village' under the recently adopted Kilkenny County Development Plan, the relevant policies that apply to Smaller Towns/Villages are set out in the Development Plan as follows:

*PS 10 To strengthen the service centre role of smaller towns and villages.*

*PS 11 To ensure that new residential development in smaller towns and villages is of a design, layout, character and scale which fits well with the town or village involved and presents a high quality living environment.*

*PS 12 To revitalise existing villages through the promotion of development within them (particularly on infill sites, vacant sites and on backlands), in preference to continued ribbon development on the approach roads. This will promote the efficient use of available public infrastructure and services.*

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 2014.

Such an increase in the local population needs to be achieved in conjunction with the provision of an increase in local employment. The growth of Bennettsbridge in line with these targets would achieve, inter alia, the following key policy objectives in line with the Development Plan:

- a strengthening of the service centre role of Bennettsbridge both in terms of the town proper and its immediate hinterland;
- maintaining the vitality and viability of the existing village and in particular ensuring the sustained provision of existing services, such as schools, shops, sports clubs, etc.;
- the avoidance of unsustainable ribbon development in the adjoining countryside by ensuring the designation of appropriate zoned lands adjacent the existing village and thereby an efficient use of existing and planned service infrastructure.

The land use zoning framework which will form part of the proposed amended Draft LAP will need to translate the population horizon as set out above into the provision of an adequate amount of zoned

land in the village which can cater for the anticipated population increase. The designation of future lands will need to be particularly guided by and adhere to objective PS12 of the County Development Plan (as quoted above) by designating lands particularly on infill sites, vacant sites and on backlands.

### Brief Description of the Natura 2000 sites

The only candidate Special Areas of Conservation (cSAC) in the Bennettsbridge area is listed in the table below. The map on the following page shows the location of this SAC within the context of Bennettsbridge. Site synopses may be accessed on the National Parks and Wildlife Service's website at [www.npws.ie/ConservationSites/](http://www.npws.ie/ConservationSites/).

Individual site maps are also on this website.

Site Code	Site Name
002162	River Barrow and River Nore

### *Assessment Criteria*

**Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to the Natura 2000 sites.**

The Plan has been formulated to ensure that uses, developments and effects arising from permissions based upon this Plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of any Natura 2000 sites.

**Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 sites by virtue of:**

- size and scale;  
No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites arising from their size or scale shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
- land take;  
No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites arising from their land take shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
- distance from the Natura 2000 site or key features of the site;  
No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites or their key features arising from their proximity shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
- resource requirements (water abstraction etc.)  
No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites arising from their resource requirements shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
- emissions (disposal to land, water or air);  
No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites arising from their emissions (disposal to land, water or air) shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
- excavation requirements;  
No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites arising from their excavation requirements shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
- transportation requirements;  
No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites arising from their transportation requirements shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

- duration of construction, operation, decommissioning, etc. ;  
No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites arising from their duration of construction, operation, decommissioning etc. shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
- other ;  
No projects giving rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites arising from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

**Describe any likely changes to the sites arising as a result of:**

- reduction of habitat area ;  
No projects giving rise to reduction of habitat areas for Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
- disturbance to key species ;  
No projects giving rise to significant disturbance to key species in Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
- habitat or species fragmentation ;  
No projects giving rise to significant habitat or species fragmentation of Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
- reduction in species density ;  
No projects giving rise to significant reduction of species density on Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
- changes in key indicators of conservation value (water quality etc.) ;  
No projects giving rise to significant adverse changes in key indicators of conservation value for Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects). Water quality of the River Nore will be actually improved as it is an underlying policy of this LAP to upgrade the existing substandard primary effluent treatment plant to a full secondary wastewater treatment plant capable of dealing with the projected population increase from the area.
- climate change ;  
No project giving rise to significant adverse changes in climatological conditions affecting Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

**Describe any likely impacts on the Natura 2000 sites as a whole in terms of:**

- interference with the key relationships that define the structure of the site;  
No projects giving rise to significant, adverse interference with the key relationships that define the structure of Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).
  
- interference with key relationships that define the function of the site;  
No projects giving rise to significant, adverse interference with key relationships that define the function of Natura 2000 sites shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects).

**Provide indicators of significance as a result of the identification of effects set out above in terms of:**

- loss;  
Not applicable.
  
- fragmentation;  
Not applicable.
  
- disruption;  
Not applicable.
  
- disturbance;  
Not applicable.
  
- change to key elements of the sites (e.g. water quality etc.);  
Not applicable.

**Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.**

Not applicable.

### Section 3 Finding of no significant effects report matrix

**Name of project or plan**

Bennettsbridge proposed amended Draft Local Area Plan 2009-2015

**Name and Location of Natura 200 sites**

Site Code	Site Name
002162	River Barrow and River Nore

**Description of the project or plan**

As given in Screening Matrix above p3.

**Is this project or plan directly connected with or necessary to the management of the sites (provide details)?**

The Plan includes policies and objectives to protect, conserve and manage in a prudent and sustainable manner Bennettsbridge natural and built heritage including its Natura 2000 site and to seek the enhancement of this resource where appropriate.

**Are there other projects or plans that together with the project or plan being assessed could affect the sites (provide details)?**

The plan has been formulated to ensure that uses, developments and effects arising from permissions based upon this Plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of this Natura 2000 site.

*The assessment of significance of effects*

**Describe how the project of plan (alone or in combination) is likely to affect the Natura 2000 site**

The Plan has been formulated to ensure that uses, developments and effects arising from permissions based upon this Plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of any Natura 2000 site.

**Explain why these effects are not considered significant.**

The policies and provisions of the Plan have been devised to anticipate and avoid the need for developments that would be likely to significantly and adversely affect the integrity of any Natura 2000 sites. Furthermore, such developments as will be permitted on foot of the provisions of this Plan shall be required to conform to the relevant regulatory provisions for the prevention of pollution, nuisance or other environmental effects likely to significantly and adversely affect the integrity of any Natura 2000 sites.

**List of agencies consulted.**

The original AA screening was sent to the following:

- Paul MacMahon, Development Applications Unit, Department of the Environment Heritage and Local Government (DEHLG), Dun Sceine, Harcourt Lane, Dublin 2. 01 833 3190



**Response to consultation.**

A response from Proinsias De Bátúin in the Development Applications Unit was received dated the 27.1.09. This expressed concern in relation to the proposed upgrading of the walkway along the banks of the Nore, which forms part of the cSAC. This response recommended that a policy be included in the Draft LAP to state that:

*“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). Any proposed developments that have the potential to impact on a Natura 2000 site will be subject to an appropriate assessment”.*

The proposed amended Draft Plan has removed the reference to the upgrade and extension of the walkway and the amended text reads as follows (deletions are in strikethrough and insertions in italics):

- ~~The first is an upgrade and extension of the existing but little used walkway along the river Nore which is also identified on a county wide level and in the County Crafts Trail. It is an objective to provide for an upgrading of the walk with suitable material and to provide benches and picnic areas along this.~~ *extension southwards of the existing walkway along the River Nore which forms part of the River Nore Valley Walk.(DB6)*

In addition, it is proposed to amend policy NH2 as follows:

NH2: To protect the integrity of the river corridor both in terms of its designation as an SAC and important wildlife habitat as well as an important landscape feature and area of outstanding natural beauty. 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).

***Data collected to carry out the assessment***

**Who carried out this assessment?**

Kilkenny County Council

**Sources of data**

Existing data

**Level of assessment completed**

Desktop study

**Where the full results of the assessment can be accessed and viewed?**

This document contains the full results of the Appropriate Assessment Screening exercise.

## Section 4 Conclusions

Following the review of the proposed amended draft plan in accordance with the 'Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43', a Screening Matrix and Findings of No Significant Effects Matrix have been completed.

This screening process was carried out to ascertain if the proposed amended Draft Plan were likely to have significant effects on a Natura 2000 site. If this were the case then it would be necessary to carry out Appropriate Assessment. The proposed amended draft Plan has been formulated to ensure that developments and effects arising from permissions based upon this draft Plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of any Natura 2000 sites.

This screening report finds that the proposed amended draft Plan does not require further appropriate assessment.