



Kilkenny County Council

**FERRYBANK/BELVIEW
LOCAL AREA PLAN**

2016-2022

Scoping Report for Strategic Environmental Assessment

Forward Planning
March 2016

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1 Introduction

Kilkenny County Council intends to review the existing Local Area Plan (LAP) for Ferrybank/Belview and make a new LAP under the Planning and Development Acts 2000-2015. A map of the area under consideration is included as Map A: Context. This shows the current zoning for the area under the existing Local Area Plan (2009, as amended in 2012).

Article 14A(1) of the Planning and Development (Strategic Environmental Assessment) (SEA) (Amendment) Regulations 2011 require that an SEA is carried out on any Local Area Plan where the population (or target population) is more than 5,000 persons. The population of Ferrybank/Belview is currently estimated at over 5,000 therefore an SEA is required.

SEA is the formal, systematic evaluation of the likely significant effects of implementing the plan, before a decision is made. The process includes preparing an Environmental Report where the likely significant effects are identified and evaluated.

As SEA is required, the contents of the Environmental Report must be scoped. This brief scoping report has been prepared in accordance with the [SEA Guidelines for Regional and Planning Authorities](#)¹. The purpose of this report is to ensure the identification of relevant environmental issues so they can be addressed appropriately in the Environmental Report. This scoping report will also indicate the level of detail necessary for the SEA of the LAP.

1.1 Consultation with Environmental and Planning Authorities

In line with the SEA Regulations (2011)², the following Environmental and Planning Authorities were given notice on the 25th September 2014 (via email) of the intention to carry out an environmental assessment:

- Environmental Protection Agency (EPA)
- Minister for the Environment, Community and Local Government
- Minister for Communications, Energy and Natural Resources
- Department of Arts, Heritage & the Gaeltacht,
- Minister for Agriculture, Food and the Marine
- Waterford City and County Council
- Carlow County Council
- Wexford County Council
- Laois County Council
- Tipperary County Council

1.1.1 Response to Consultation

A response was received from the EPA on the 29th September 2014, which included an SEA pack for all Local Authorities to incorporate in carrying out the Environmental Report. The letter listed general topics to be considered, covering issues such as water quality and flooding.

1 [Implementation of SEA Directive \(2001/42/EC\): Assessment of the Effects of Certain Plans and Programmes on the Environment, Guidelines for Regional and Planning Authorities](#) November 2004

2 Planning and Development Strategic Environmental Assessment (Amendment) Regulations 2011 S.I. 201 of 2011

A response was received from the Department of Arts, Heritage and the Gaeltacht on the 24th October 2014 in relation to cultural heritage.

The comments from both bodies are incorporated within this Scoping Report and will be taken into account in the content of the Environmental Report in accordance with the Regulations.

2 Effects on the Environment

The SEA Directive provides for considerable flexibility concerning the scope and the level of detail to be included in the environmental report. Only the information listed in Annex 1 (of the Directive) that is reasonably required should be included, taking into account:

- I. current knowledge and methods of assessment,
- II. the contents and level of detail in the plan,
- III. the stage of the plan in the decision-making process, and
- IV. the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment.

As set out in Annex 1 an 'Environmental Assessment' of a Local Area Plan must examine the likely significant effects on the environment. The effects should include short, medium and long-term; permanent and temporary; positive and negative; and secondary, cumulative and synergistic effects. The issues to be assessed include:

1. Biodiversity, Flora and Fauna
2. Population and Human Health
3. Soil
4. Water
5. Air
6. Climatic factors
7. Material Assets
8. Cultural Heritage (architectural and archaeological)
9. Landscape
10. The inter-relationship between these issues

This Scoping Report examines each of these topics, identifying the relevant issues which need to be considered in the Environmental Report. A comment is included on the level of detail which will be covered by the Environmental Report, stating which information sources will be used, and identifying any gaps in knowledge.

2.1 Biodiversity, Flora and Fauna

2.1.1 Designated sites

Habitats in the county, of international and national importance, are designated under EU and national legislation. The two categories of designated site in effect in the Plan area are:

- I. Special Areas of Conservation (SAC)
SAC's have been, and are being designated, under the EU Habitats Directive to conserve habitats and species of European importance.
- II. Natural Heritage Areas (NHA)
NHA's have been, and are being, designated to conserve habitats and species of national importance and sites of geological interest, under the Wildlife (Amendment) Act, 2000.

There are two candidate Special Areas of Conservation located partially within the plan area, and two proposed Natural Heritage Areas, see Table 2.1 below. These sites are illustrated on Map B: Natural Heritage.

Table 2.1: Designated Natural Heritage Sites of International and National Importance

Site Name	cSAC	pNHA	WF
Lower River Suir	002137		
River Barrow & River Nore River Barrow Estuary	002162	000698	✓
Grannyferry		000833	

cSAC candidate Special Area of Conservation pNHA Proposed Natural Heritage Area
WF Wildfowl Sanctuaries

Data is available on all of these sites from the NPWS, to varying degrees. All sites are mapped and have a Site Synopsis.

2.1.1.1 Appropriate Assessment

Potential impacts on the Natura 2000 network (SACs and SPAs) will be appraised through a separate Appropriate Assessment (under Article 6 of the Habitats Directive) of the Draft Development Plan.

2.1.2 Habitats

Information on habitats and biodiversity is available from the National Biodiversity Data Centre³. Kilkenny also has a Biodiversity Plan. Information is also available from previous Environmental Reports carried out as part of the previous Local Area Plan processes, such as Appropriate Assessment and Strategic Environmental Assessments. These sources will be consulted in the preparation of the Environmental Report.

2.1.3 Woodlands, Trees and hedgerows

There is one Tree Preservation Order in the Plan area listed in the CDP; Christendom Wood in Ferrybank, Ref. 1/2008. This will be reviewed as part of the Draft Plan.

Other studies/sources include the National Survey of Native Woodlands (NSNW) and the Tree Register of Ireland (TROI). The NSNW surveyed a total of 58 sites in Kilkenny as part of the National Survey (BEC consultants 2003-2008). There are two sites within, or adjoining the Plan area.

The TROI identified approx. 180 significant trees in the county. These sources will be consulted and relevant information, including a map of the sites, will be incorporated where possible.

2.1.4 Flora and Fauna

A number of species are protected under European law, under Annex IV of the Habitats Directive and the Wildlife Acts. Data is available from the National Biodiversity Data Centre on the occurrence of species in Co. Kilkenny. The NPWS have produced a number of Species

³ <http://www.biodiversityireland.ie/>

Action Plans for particular species. Information on the occurrence of species within the Plan area and any Species Action Plans will be examined in the Environmental Report.

Aquatic flora and fauna is vulnerable to soil erosion, run-off from agriculture, industrial and municipal effluents. Under the Water Framework Directive, water quality must achieve a 'good status' by 2015. Kilkenny's waterways are very important from an ecological point of view but also as a source of tourism revenue. Water is addressed also under Section 2.4.

2.1.5 Invasive Species

Invasive species such as Japanese Knotweed, rhododendron, sycamore and laurel can cause major ecological changes and damage to habitats where they become established. Information is available on invasive species from the National Biodiversity Data Centre and from Invasive Species Ireland⁴, which is a joint venture between the Northern Ireland Environment Agency and the National Parks and Wildlife Service. A list of the top twelve invasive species in the region, known as The Dirty Dozen Report⁵, was published by the National Biodiversity Data Centre in 2010. This report provides detailed information, including distribution maps and species profiles, for the top twelve invasive species in the region. The information in this report will be reviewed.

2.1.6 Identified Issues

The following is a summary of the identified issues to be addressed in the Environmental Report:

- Impacts on SACs and NHAs: review existing information including Conservation Plans
- Habitat loss: identification and protection of significant habitats
- Recent surveys, including the TROI and the NSNW, will be included in the Environmental Report.
- Flora and Fauna: examination of Species Action Plans
- Invasive species: review of the Dirty Dozen report

The cumulative effects of the policies of the adjoining County Kilkenny Development Plan and the Waterford City Development Plan will also be considered under this topic.

2.2 Population and Human Health

2.2.1 Population

The Plan area's population continues to grow. The Census shows that the Waterford Suburbs in Co. Kilkenny grew from 3,465 in 2006 to 4,787 in 2011⁶. Adequate resources and infrastructure need to be in place to cater for this growing population. The Core Strategy of the LAP must provide for this. The Regional Planning Guidelines have set out the projected population for each of the counties in the region and the County Development Plan has addressed the distribution of this population on a county-wide basis. The distribution of the population in the Plan area is an issue that the Plan, and Environmental Report, will address.

⁴ <http://invasivespeciesireland.com/>

⁵ <http://invasives.biodiversityireland.ie/wp-content/uploads/Dirty-Dozen-invasive-species-Kilkenny-Co-Co-2010.pdf>

⁶ The Plan area encompasses a larger area than the Census boundary for the Waterford Suburbs. A true estimate of the Plan area will be carried out as part of the Environmental Report.

2.2.2 Human health

Availability of spatial data on human health on a county basis is limited; however a key area for consideration will be the interrelationships of human health and water quality to include drinking water, waste water treatment, fisheries and shellfish waters. There will also be interrelationships between human health and air quality and climatic factors, such as flood risk.

There is one Seveso (Control of Major Accident Hazards Directive) site in the plan area; – Trans Stock Warehousing and Cold Storage Ltd. Any development within a specified distance of this site must be referred to the Health and Safety Authority. Information on this site, and any other potential sites, will be reviewed and updated in the Environmental Report.

2.2.2.1 Radon

Radon is a naturally occurring radio-active gas caused by the breakdown of Uranium which is found in underground rock. It is colourless and odourless gas which disperses in air but it has been shown to be carcinogenic with risks of contracting lung cancer. The Radiological Protection Institute of Ireland has produced a map of High Radon Areas, or grid squares of the country where 10% of homes are above the reference level for radon gas. This issue is a national issue, and is monitored and addressed by the RPII. It is not expected that the LAP will have an impact on radon and therefore this issue will not be addressed in the Environmental Report.

2.2.3 Waste Management

The issue of waste is now dealt with on a regional basis, and there is a Joint Waste Management Plan in place for the South East Region. Waste management is being reviewed at a national level, and the Government recently introduced its new waste management policy for Ireland entitled “A Resource Opportunity – Waste Management Policy in Ireland⁷”. There is also a Litter Management Plan in place for the County (2015-2017). As this issue is addressed by other plans, it is not considered that it will be a significant issue in the Environmental Report. In relation to historical closed landfill sites, a total of 13 sites have been identified in Kilkenny on the EPA’s Section 22 Register, one of these is located in the Plan area. The location and risk assessment for this site will be examined in the production of the Environmental Report.

2.2.4 Identified Issues

The following is a summary of the identified issues to be addressed in the Environmental Report:

- Examination of impacts of proposals in relation to settlement patterns/population distribution & inter-relationship with other issues and the cumulative effects of the policies of any adjoining County/City Development Plan in relation to settlement patterns will also be considered here
- Update of the Seveso (COMAH) sites within the plan area

⁷ Dept. of Environment, Community & Local Government, July 2012 *A Resource Opportunity Waste Management Policy in Ireland*

- Mapping of sites and information on the risk assessments of all sites on the EPA Section 22 Register of non-licensed closed landfills (i.e. historic unregulated waste disposal sites).

2.3 Soil

A Soils Directive, to lay down a framework for the protection and sustainable use of soil, has been proposed by the EU but not adopted to date. In 2002 the EPA published a report entitled "Towards Setting Environmental Quality objectives for soil: Developing a Soil Protection Strategy for Ireland".

The River Suir is subject to maintenance dredging by plough dredging to maintain the navigation channels. Disposal of dredge material is regulated by the Dumping at Sea Acts 1996 and 2004 and permitted by the Department of Agriculture, Food and the Marine.

It is not generally considered that there shall be a significant impact on soils from implementation of the Plan, therefore this issue will not be addressed in the Environmental Report.

2.3.1 Landslides

The GSI maintain a [National Landslide Database](#). According to the GSI, it is likely that in the future there will be increased landslide activity as development increases and expands into potentially hazardous areas. It is also predicted that climate change will result in increased landslide hazard. To date, one landslide has occurred near the Plan area, in Sally Park in Waterford City.

Landslide susceptibility mapping has not yet been produced for Ireland. This issue will not be addressed in the Environmental Report.

2.3.2 Peatland

Peatlands are important ecosystems sustaining a range of animal and plant species. There are no peatlands located within the Plan area, therefore this issue will not be addressed.

2.3.3 Geology

The County Development Plan contains a list of County Geological Sites, which were developed in partnership with the Geological Survey of Ireland, and policies for their protection. There is one site located in the Plan area, Granny Quarries. This site should be incorporated into the LAP mapping.

As part of a National Development Plan funded programme, Aggregate Potential Mapping (APM) has been carried out by the GSI for County Kilkenny. This information is a county-wide issue, and was incorporated as part of the Environmental Report on the County Development Plan. This will not be addressed in this Environmental Report.

2.3.4 Identified Issues

The following is a summary of the identified issues to be addressed in the Environmental Report:

- Identification of site boundaries of the County Geological Site and investigation of enhanced protection.

2.4 Water

This topic can be broken down under various headings, as set out below.

2.4.1 Waste Water Treatment

Future development potential of the area will have implications for the capacity of waste water treatment systems. It will be necessary to obtain details for the treatment plant in the area as follows: on the type of system, the existing capacity, the Design P.E. (Population Equivalent), the Current load P.E. and information on any plans for an upgrade.

The EPA report *Urban Waste Water Discharges in Ireland for Population Equivalents Greater than 500 Persons – A Report for the Years 2006 and 2007* sets out which plants have treatment that is not appropriate based on the effluent results and/or have taken less than the recommended numbers of samples. This report will be reviewed.

2.4.1.1 Septic tanks

The Government has recently introduced a programme for registration and inspection of septic tanks. Currently, policies in the Development Plan require that septic tanks comply with the EPA's Code of Practice. As this issue is addressed under national guidelines, this will not be examined under the Environmental Report.

2.4.2 Water supply schemes

Detail is required on the existing water supply schemes serving the area included in the Plan. The detail required includes the source of the scheme, its capacity, the adequacy of supply and any plans for its upgrade. Detail on water quality is contained in the EPA Report entitled *The Provision and Quality of Drinking Water in Ireland – A Report for the Years 2007-2008* (Office of Environment Enforcement EPA, 2009)⁸. This will be reviewed.

2.4.3 Surface Water Quality

The Water Framework Directive establishes a framework for the protection of all waters including rivers, lakes, estuaries, coastal waters, groundwater, canals and other artificial bodies for the benefit of everyone. Good ecological and chemical status for all waters must be achieved by 2015 with no deterioration in existing status in the meantime. The South Eastern River Basin Management Plan (*Water Matters*) 2009-2015 was published in 2010, after the publication of the current Development Plan. The SERBM plan and the accompanying SEA documentation will be reviewed and its recommendations for the Plan area assessed.

The EPA publishes data on river water quality; this data will be reviewed to determine the current trends in the area's water quality.

8

[http://www.epa.ie/downloads/pubs/water/drinking/Final%20DW%20Report%202007%20\(2\)2.pdf](http://www.epa.ie/downloads/pubs/water/drinking/Final%20DW%20Report%202007%20(2)2.pdf)

2.4.4 Ground water

There is a Groundwater Protection Scheme in place for Co. Kilkenny. Any possible threats to water quantity or quality will be identified.

2.4.5 Flood Protection

A Strategic Flood Risk Assessment will be carried out as part of the LAP review process. This SFRA will inform the Plan, and will be in line with the Guidelines for Planning Authorities, as issued by the DoEHLG.

2.4.6 Identified Issues

The following is a summary of the identified issues to be addressed in the Environmental Report:

- Examination of the waste water treatment plant.
- Examination of all water supply schemes
- Analysis of all available river water quality data
- Examination of recommendations of the Pollution Reduction Programme and Characterisation Report for the Waterford Harbour Shellfish Growing Area
- Examination of the Groundwater Protection Scheme any identification of possible threats to water quantity or quality
- Carry out an SFRA
- The cumulative effects of the policies of the adjoining County Kilkenny/Waterford City Development Plan will also be considered, particularly in relation to water quality.

2.5 Air

Data on air quality is available from the EPA. EU legislation on air quality requires that member states divide their territory into zones for the assessment and management of air quality. Waterford city is located in Zone C (as a centre with a population greater than 15,000). Air quality was monitored by the EPA at the Mall in Waterford City between 2007 and 2008. There are air monitoring station at Tycor and at the Bishop's Palace which measure smoke levels in the City Centre. Air monitors on the Mall measure Benzene NO² and SO² and are maintained and read by the HSE on behalf of Waterford City and County Council.

The Port Company continues to monitor, on a regular basis, noise levels and air quality emanating from operations at Belview.

According to an EPA report published in 2010, air quality in Ireland continues to be of good quality and remains the best in Europe⁹, and this is not expected to be a significant issue to be addressed in the Environmental Report.

⁹ Air Quality in Ireland 2010, Key Indicators of Ambient Air Quality, EPA, 2010

2.6 Climatic Factors

It is now recognised that Development Plans need to take account of factors caused by climate change in future land use planning. According to the National Climate Change Strategy 2007-2012, “Local authorities can have a significant influence over emissions in their local areas, both directly in relation to reducing emissions through their own energy use and procurement activities, in raising awareness and stimulating action in local communities, and indirectly through the exercise of their housing, planning and other statutory functions”¹⁰. The LAP can have a role in reducing transport related energy consumption, however sourcing information on this may be problematic. Limited environmental data is available on air quality or on traffic counts. The Environmental report will examine possible sources of data in relation to this.

2.6.1 Noise

In 2006, the Government made regulations relating to Environmental noise (S.I. 140 of 2006). Environmental noise is defined in the Regulations as unwanted or harmful outdoor sound created by human activities, including noise emitted by means of transport, road traffic, rail traffic, air traffic, and from sites of industrial activity. The EPA compile data on the number of licence exceedances due to noise disturbance or odours but in general, noise monitoring has not been carried out widely.

A [Noise Action Plan](#)¹¹ for Kilkenny was published in 2013. The recommendations of this Report will be examined in the Environmental Report for the relevant areas within the LAP.

2.6.2 Identified Issues

The following is a summary of the identified issues to be addressed in the Environmental Report:

- Examine available data on and possibilities for reducing transport related energy consumption
- Examine the Noise Action Plan for recommendations within the Plan area

2.7 Material Assets

Material assets are taken to include infrastructure and utilities including rail, road and energy/telecommunications infrastructure. It also includes economic/natural assets such as quarries, forests and agriculture.

Infrastructure and utilities in the Plan area, particularly in relation to the Port, will be assessed.

Remediation of quarries is governed under the planning application for each quarry, and will not be addressed as part of the LAP.

¹⁰ Ireland National Climate Change Strategy 2007-2012, DoEHLG, 2007

¹¹ The Councils of the County and City of Kilkenny, *Noise Action Plan 2014-2018*, 2013

In 2008 the Government published the Indicative Forestry Statement¹² which provides high-level, national guidance in relation to the suitability of land for afforestation. This was addressed as part of the County Development Plan, and will not be addressed in the LAP.

2.7.1 Identified Issues

The following is a summary of the identified issues to be addressed in the Environmental Report:

- Examine baseline information and assess impact of LAP on transport, energy and telecommunications infrastructure.

2.8 Cultural Heritage (architectural and archaeological)

Heritage, by definition, means inherited properties, inherited characteristics and anything transmitted by past ages and ancestors. It covers everything, from objects and buildings to the environment. Cultural heritage includes physical buildings, structures and objects complete or in part, which have been left on the landscape by previous and indeed current generations. The Plan area has a wealth of architectural and archaeological heritage. Information sources include the Record of Monuments and Places, the National Inventory of Architectural Heritage and local sources including the Record of Protected Structures. The LAP has the potential to impact on cultural heritage in the area, and this will be a significant issue to be addressed in the Environmental Report.

2.8.1 Identified Issues

The following is a summary of the identified issues to be addressed in the Environmental Report:

- Examine baseline information in relation to existing Recorded Monuments, underwater archaeology, the Record of Protected Structures, the National Inventory of Architectural Heritage and Architectural Conservation Areas.

2.9 Landscape

A Landscape Character Assessment for the County is contained within the current Development Plan. This divides the County into four landscape character unit types, each with associated policies. This is addressed at the County level, therefore will not be addressed in this Environmental Report.

There are also a number of protected views within the Development Plan. Views are also identified in the 2009 LAP. The protection of views will be addressed in the LAP.

A review of the policies in the adjoining Waterford City Development Plan is necessary in order to establish any possible effects on adjoining landscape designations.

12 Department of Agriculture, Fisheries and Food Forest Service, Indicative Forestry Statement "The right trees in the right places" December 2008

2.9.1 Identified Issues

The following is a summary of the identified issues to be addressed in the Environmental Report:

- Review designated protected views.
- The policies in relation to landscape/protected views of the adjoining County/City Development Plans will also be considered under this topic.

2.10 Inter-relationship between these issues

Environmental factors as outlined above cannot be considered in isolation from each other. Many of the topics as outlined above will have inter-relationships, most particularly the interaction between Population and Human Health and issues such as water quality. Any cumulative or synergistic effects will be examined as part of the Environmental Report.

3 Preparation of Environmental Report

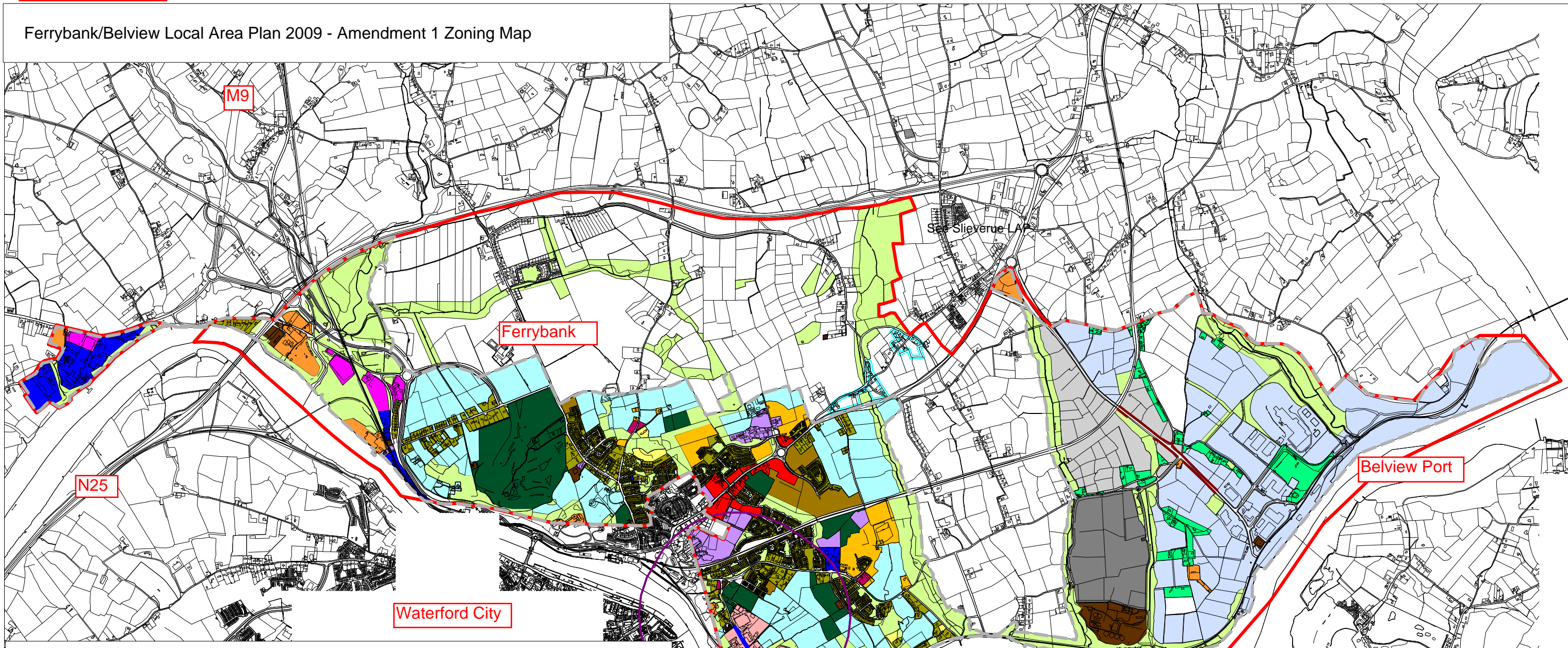
An Environmental Report shall be carried out in parallel with the preparation of the Draft LAP. In addition to an examination of the issues contained in Section 2 above, the Environmental Report will include:

- An outline of the contents and main objectives of the plan, and of its relationship with other relevant plans and programmes
- A description of relevant aspects of the current state of the environment and the evolution of that environment without implementation of the plan
- Description of the environmental characteristics of areas likely to be significantly affected
- Identification of any existing environmental problems which are relevant to the plan, particularly those relating to European protected sites
- List environmental protection objectives, established at international, EU or national level, which are relevant to the plan and describe how those objectives and any environmental considerations have been taken into account when preparing the plan
- Describe the likely significant effects on the environment (biodiversity, human health, fauna, etc.)
- Describe any measures envisaged to prevent, reduce and as fully as possible offset any significant adverse environmental effects of implementing the plan
- Give an outline of the reasons for selecting the alternatives considered, and a description of how the assessment was undertaken (including any difficulties)
- A description of the proposed monitoring measures; and
- A non-technical summary



























3.1 Public Consultation

In accordance with Section 20(3) of the Planning and Development Act 2000, as amended, and Article 14E(1) of the Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended, the Draft LAP and the Environmental Report will be placed on public display for a period of not less than six weeks during which time submissions or observations may be made to the Planning Authority. Any submissions or observations in relation to the Draft LAP or Environmental Report received during this period will be taken into consideration before the making of the plan.

Ferrybank/Belview Local Area Plan 2009 - Amendment 1 Zoning Map

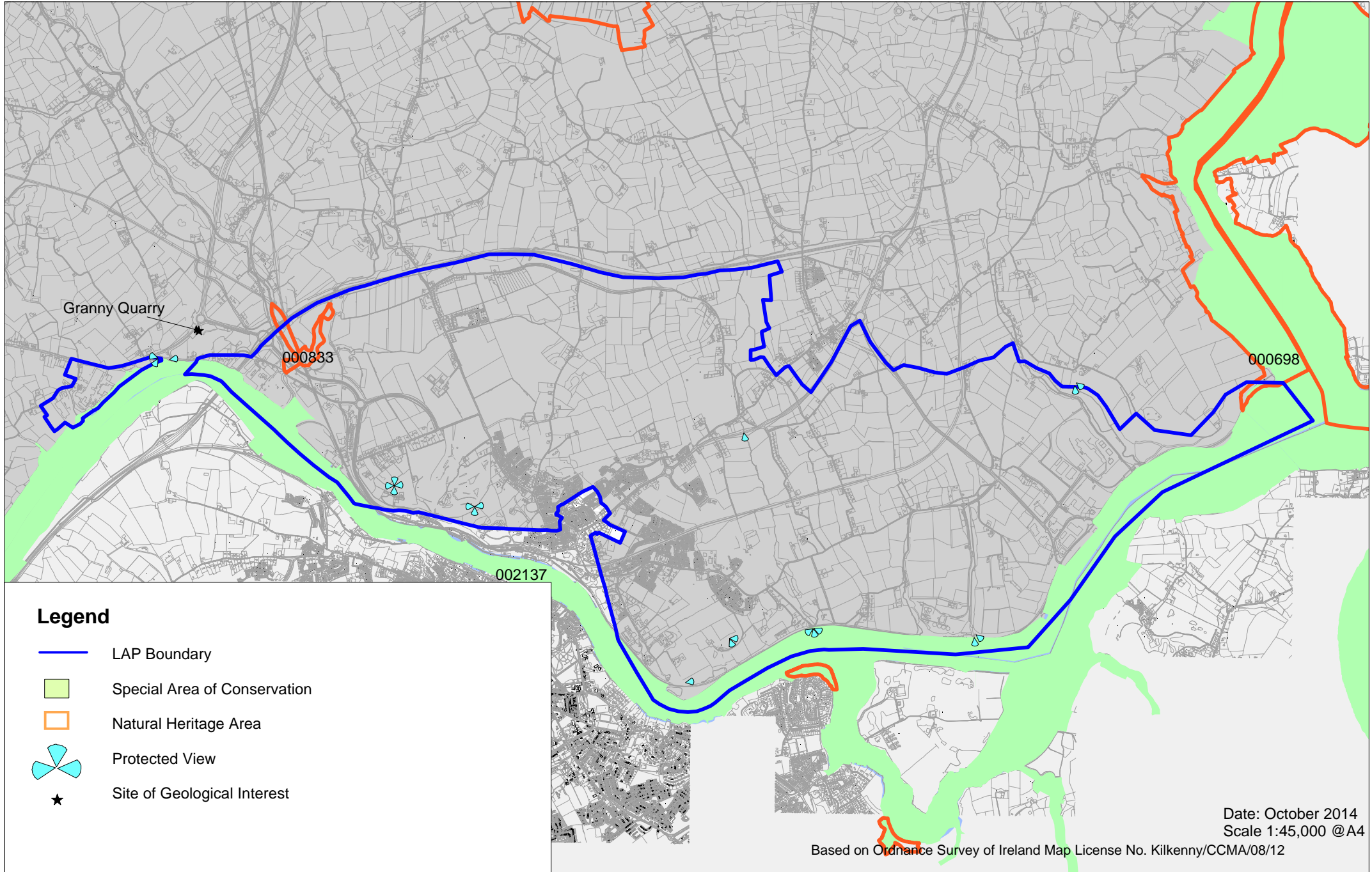


Legend

- | | |
|--|--|
|  C1 - Urban Village |  PU - Public Utility |
|  C2 - Commercial and Mixed Uses |  AG - Agricultural |
|  C3 - Commercial |  BRA - Belview Residential Amenity |
|  RP - Retail Park |  BITP - Business, Industry and Technology Parks |
|  R1 - Residential Low Density |  SIA - Specialist Industrial Activity |
|  R2 - Residential Low-Med Density |  PIT - Pharmaceutical, Industry & Technology |
|  R3 - Residential Medium Density |  PFI - Development of Port Facilities & Industry |
|  RE - Protect & enhance existing Residential Amenity |  Milepost Infill Zone |
|  Phase 2 |  Study area |
|  NC - Neighbourhood Centres |  Development boundary |
|  CF - Community Facilities |  Development to create new urban street front |
|  POS - Passive Open Space |  Commercial/office block development to create new urban street front along N29 |
|  AOS - Active Open Space |  700m consultation distance for Trans Stock (Seveso II) site |

Date: 24th February 2012
Scale: 1:30,000 @ A3

Review of Ferrybank/Belview LAP - Strategic Environmental Assessment Scoping
Map B: Natural Heritage Features



Legend

- LAP Boundary
- Special Area of Conservation
- Natural Heritage Area
- Protected View
- ★ Site of Geological Interest

Date: October 2014
Scale 1:45,000 @A4

Based on Ordnance Survey of Ireland Map License No. Kilkenny/CCMA/08/12