

Kilkenny County Council
County Hall
John Street
Kilkenny

THOMASTOWN LAP 2008-2014

Proposed Amendments – Strategic Environmental Assessment (SEA)

December 2008



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The following amendments of the SEA, undertaken as part of the Draft and the subsequent Proposed Amendments to the Thomastown LAP 2008, are proposed in response to observations made by the Environmental Protection Agency (EPA) and the Development Applications Unit of the DoEHLG. The amendments will be incorporated as necessary in the SEA Environmental Report and circulated to the prescribed bodies.

Following the making of the plan, a SEA Statement will be prepared which summarises how the environmental considerations have been integrated into the LAP.

<p>DT21 Submission: Sandrine Delalieux, EPA</p>
<p><i>Confirm whether or not Kilkenny County Council consulted with the public.</i></p>
<p>Response:</p> <p>The provisions of the Planning and Development Act 2000-2004 require that planning authorities take whatever steps they consider necessary to consult the public in preparing a LAP. For the Thomastown LAP, public consultation undertaken was as follows:</p> <ul style="list-style-type: none"> • Notice of commencement of the LAP process published in the Kilkenny People on 17th December 2007. • Initial Public Information Evening and Workshop (pre-draft), held in the Grennan College, Thomastown, on the evening of 17th January 2008, attended by a range of stakeholders and members of the local community (approximately 25 persons). Following an introduction by Denis Malone, Senior Planner at Kilkenny County Council, a presentation was given by Nicholas de Jong Associates on the LAP process and the key issues determined to date, such as demographics and land use appraisal. The attendees present were then divided into groups and discussions ensued to determine perceived weaknesses and opportunities within the town, focusing on the following topics: <ul style="list-style-type: none"> – Traffic, Roads, Parking – Public Realm – Zoning and Land-use – Community Facilities and Services – Economy – Education – Environment – Heritage • A questionnaire was available to help prompt and structure the responses. The main issues arising from the process were noted on plans of the town, and summarised in an Issues Report (March 2008). The consultation material was subsequently displayed in the public library and on the Kilkenny County Council website. Questionnaires distributed at the Workshop for formal or informal submissions or observations and returned to Kilkenny County Council by 7th February 2008 were summarised in the Appendix of the Issues Report. • Written submissions with respect to the County Kilkenny Draft Development Plan and Environment Report (available for inspection from 10th August to 19th October 2007), where applicable to Thomastown, were also extracted and summarised within the Issues Report. A total 44no. written submissions were received within the prescribed period. • The Proposed LAP and SEA were placed on public display from 11th July to 22nd August 2008 inclusive. A total of 28 written submissions were received in response to the display period. As part of the statutory procedure for preparing a new Local Area Plan (LAP), as set out in Section 20 of the Planning and Development Act 2000-2006, a Managers Report was prepared that presented the submissions and observations made, and set out the Manager's responses to the issues raised. • A Public information meeting was held in Thomastown on 30th July 2008 at the local library as part of the public consultation process during the display period.
<p><i>The description of the evolution of the environment without implementation of the Plan should be described for each environmental topic.</i></p>
<p>Response:</p> <p>The Draft SEA considered the following environmental topics:</p> <ul style="list-style-type: none"> • Biodiversity and Flora and Fauna

- Population and Human Health (access to public spaces and play facilities to be added)
- Soil, Water, Air and Climatic Factors
- Material Assets (includes waste water, drinking water and transport infrastructure)
- Cultural Heritage
- Landscape

For each topic, the environmental baseline was summarised and potential significant effects identified, together with proposed mitigation measures required to prevent, reduce and as fully as possible off-set any significant adverse effects. Where appropriate, these mitigation measures were integrated into the Draft LAP as specific policies, objectives or actions.

Following the making of the LAP, a SEA Statement will be prepared which will further summarise how the environmental considerations have been integrated into the plan.

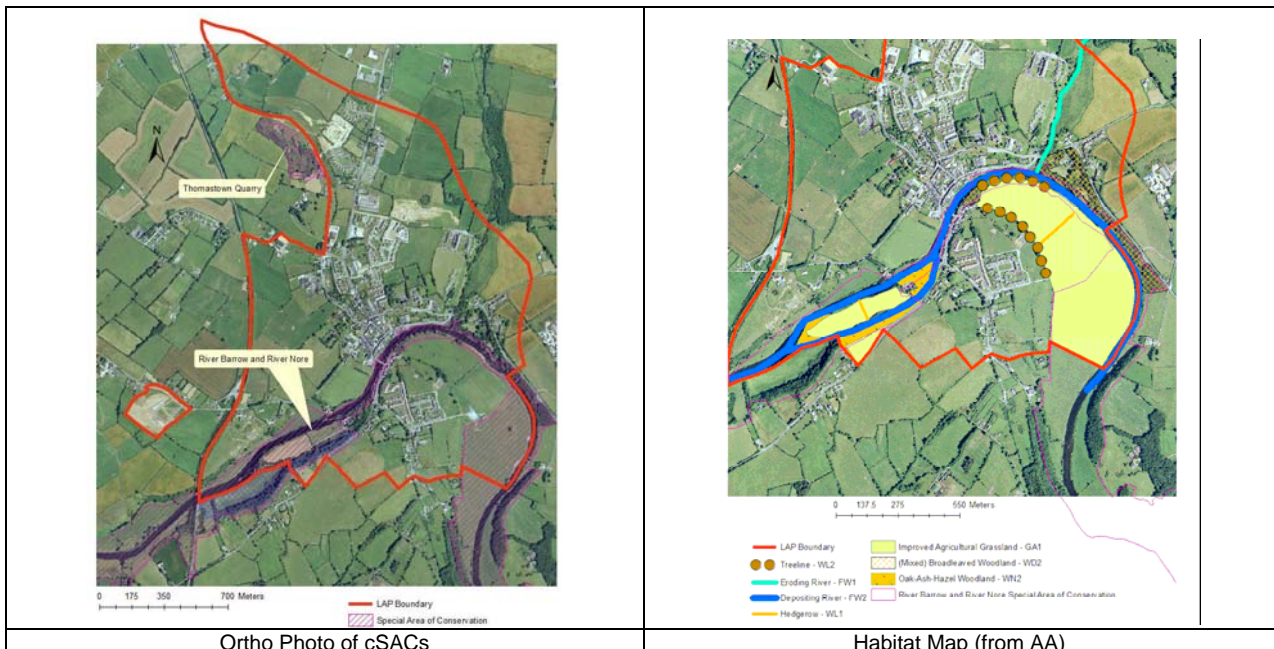
A description of the evolution of the environment without implementation of the Plan in relation to each environmental topic (i.e. without any policy changes or infrastructural improvements) effectively represents a continuation of present trends or a 'do-nothing' scenario. The summary of Thomastown's baseline environment includes the heading 'Potential significant effects', which gives an indication of how current environmental issues may be exacerbated over time if such a 'do-nothing' scenario were implemented. The heading will be changed to incorporate the 'do-nothing' implications, expanded where necessary to incorporate the findings and recommendations of the Appropriate Assessment.

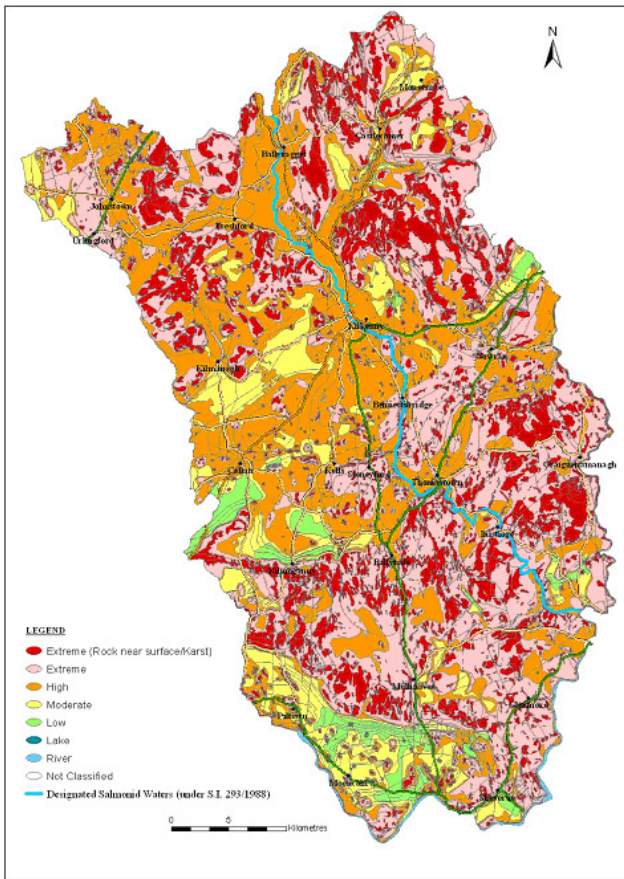
Consideration should be given to the use of maps, data, tables, and graphs as appropriate to illustrate the state of the existing environment and to reveal and examine trends in environmental quality.

Response:

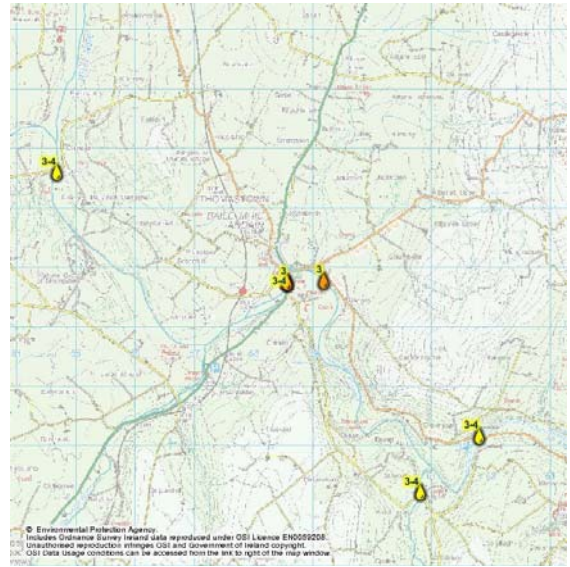
Additional maps, data, tables and graphs as appropriate for each environmental topic will include the following – (Note: Maps shown at reduced size for current purpose).

Biodiversity and Flora and Fauna

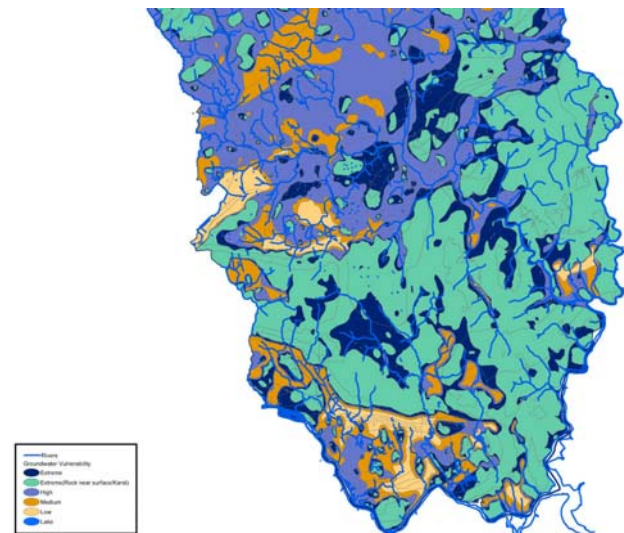




SERBD Ground Water Vulnerability Rating



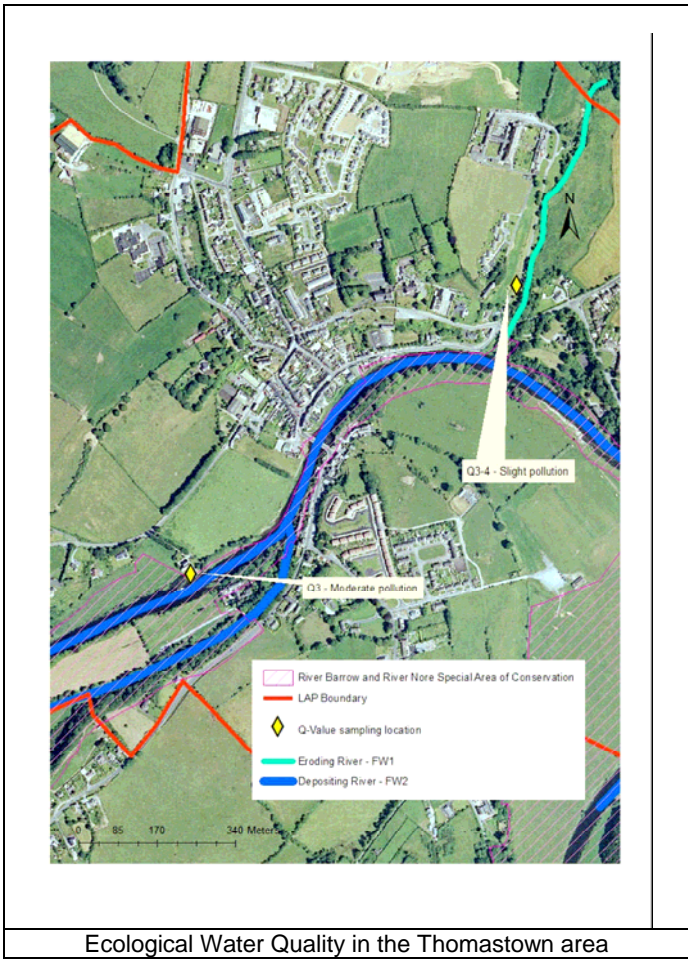
EPA data showing River Water Quality in the LAP area



Groundwater Protection

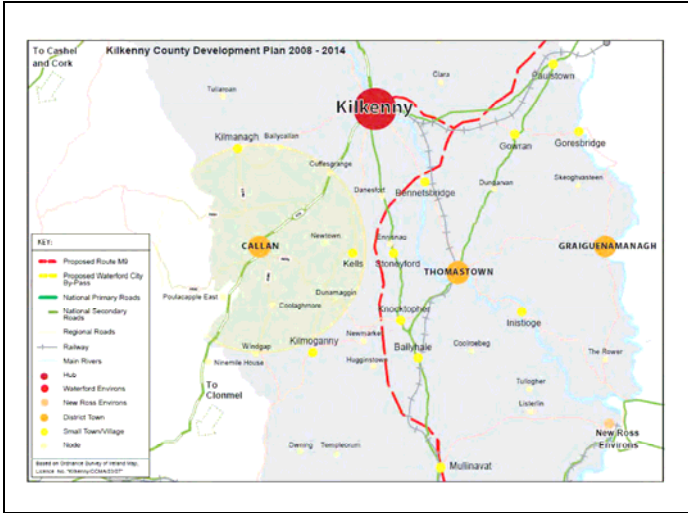
MAP TO BE ADDED

OPW National Flood Hazard Mapping Benefiting Lands and Flood Events



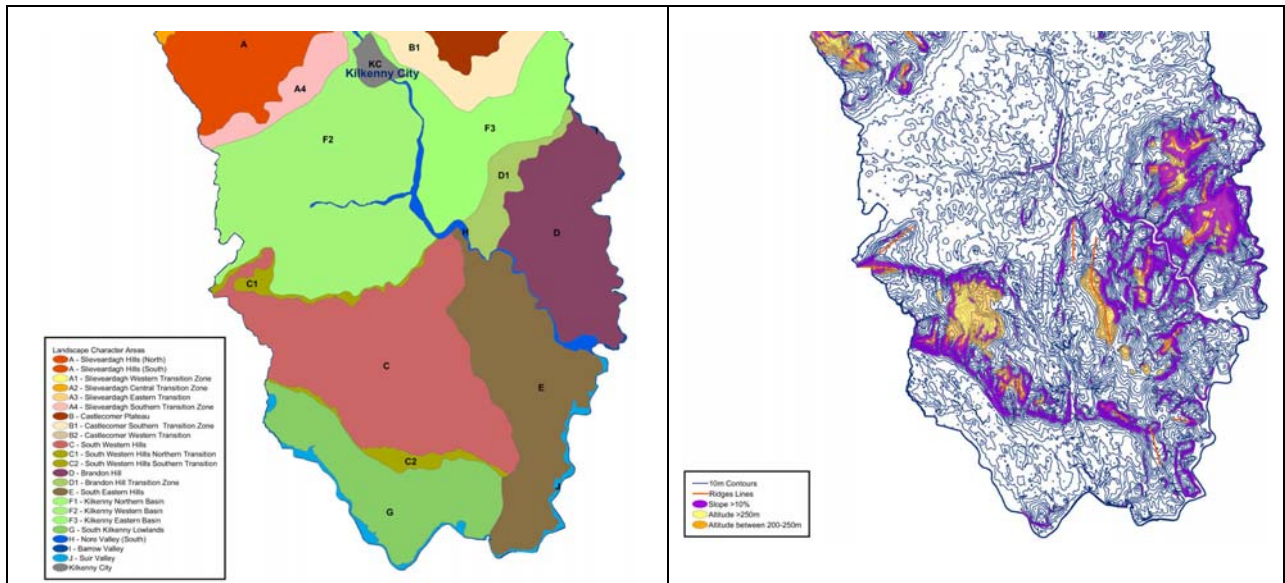
Text to be added on the history, frequency and severity of flooding at Thomastown. Also, reference to the Flood Risk Management Study being commissioned by the County Council in partnership with Office of Public Works (OPW), which will identify the damage caused by flooding, the source(s) of flooding and the mechanism(s) by which the damage is caused. The appropriate works to mitigate or remove the risk of flooding can then be identified.

Material Assets (includes waste water, drinking water and transport infrastructure)



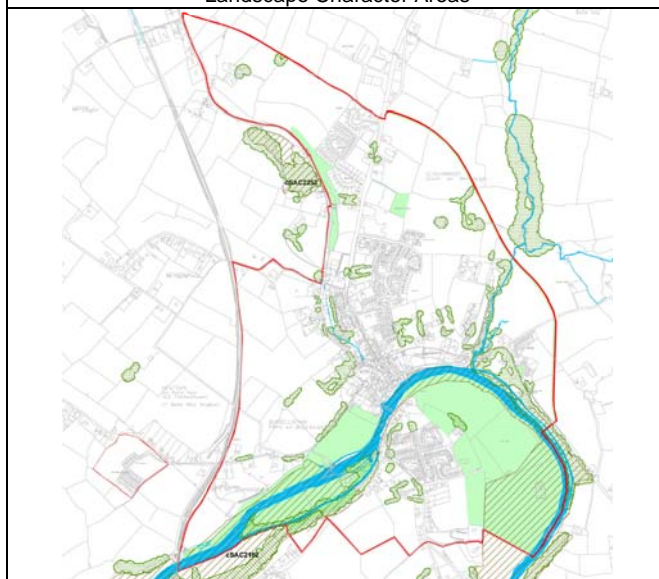
CDP Development Strategy and Transport Accessibility

Landscape



Landscape Character Areas

Topography



Natural Heritage Map Showing cSAC, Trees of Visual Importance and Proposed Open Space Zonings

The development of environmental protection objectives (EPO's) to be used during the environmental assessment should be considered.

The development and assessment of Plan alternatives is not outlined in any great detail.

Demonstrate how the possibility of cumulative effects, due to the proximity of the Callan, Graigue-managh, Castlecomer and Thomastown LAPs, was assessed.

Response:

Environmental protection objectives (EPOs) will be added based on the SEA Planning Guidelines, the SEA Directive, and the Environmental Report for the Kilkenny County Development Plan 2008 – 2014, where relevant to the LAP. The objectives will be developed according to the specific environmental constraints identified for Thomastown, as determined from reviewing the key baseline data, as follows:

- The presence of two sites designated and protected under the Habitats Directive as cSACs (and proposed NHAs), and a third Thomastown pNHA.
- The town has continued to sustain its population share of the County during the recent census periods, with resultant demand for essential services.
- Thomastown is located within a river catchment assessed as being 'At Significant Risk', in an area with a 'High Ground Water Vulnerability Rating', and in an area with a 'Probably at Significant Risk' Ground Water Risk Assessment.
- Thomastown has a history of flooding.
- Presently there is no capacity in the water supply network.
- The Wastewater Treatment Plant requires up-grading.
- The existing road network of the town is recognized as inadequate to cater for increasing traffic.
- Provision for pedestrians in the town centre is lacking.
- There is a wealth of cultural heritage and areas of archaeological interest in the town.
- The town is located within an 'Area of High Amenity', and the River Nore is an important visual and recreational resource.

Suitable indicators for the measurement and monitoring of the effectiveness of the plan in meeting the environmental objectives will be based, where appropriate, on the indicators in the Environmental Report for the Draft Kilkenny County Development Plan 2008 – 2014.

The objectives and indicators will relate to the environmental topics previously identified, as follows:

Environmental Objective	Indicator
Biodiversity and Flora and Fauna	
To conserve and enhance the diversity of habitats and species, including designated sites which may be sensitive to development	Loss of habitats and species (CDP).
Population and Human Health	
To facilitate the provision of essential services, jobs and facilities for an increasing population	Housing, employment and social needs accommodated.
Soil, Water, Air and Climatic Factors	
To protect and enhance soil and/or air quality	Area of 'brownfield' development.
To prevent pollution and contamination of groundwater	Faecal Coliform counts per 100ml of groundwater (CDP). New developments granted permission which cannot be adequately served by the current WWTP.
To protect and improve river water quality in Thomastown	Biotic Quality Rating (Q value) (CDP).
To reduce effects of flooding	Developments granted permission on flood plain/un-authorised development on floodplain. Recorded flooding episodes.

Material Assets (includes waste water, drinking water and transport infrastructure)	
To protect and improve water supply	Levels of E-Coli present in drinking water. Developments granted permission which cannot be adequately service by current water supply.
Cultural Heritage	
To protect and conserve Thomastown's cultural heritage, including areas of archaeological interest, protected structures, important monuments and sites, and traditional townscape features	Number of unauthorized developments resulting in full or partial loss of cultural heritage (CDP).
Landscape	
To protect and enhance valued natural and historic landscapes and features within them	Number of developments granted/unauthorized conspicuous developments located within sensitive landscapes (CDP).

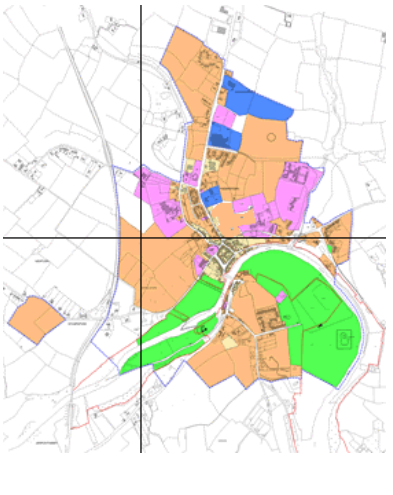
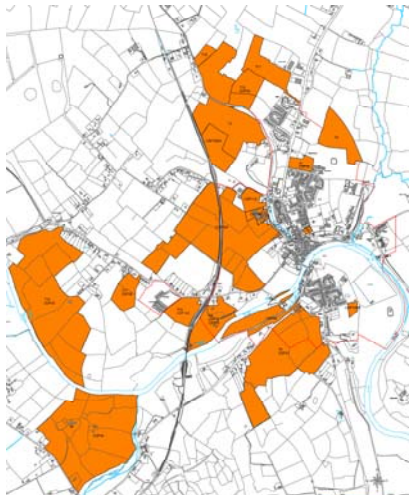
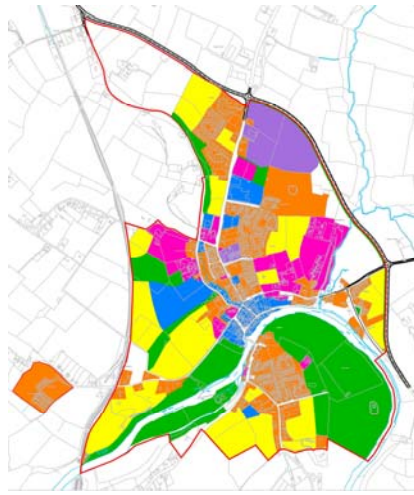
The development and assessment of Plan alternatives

As indicated in the Draft SEA, alternative plan scenarios were considered as part of the plan-making process and broadly assessed against the main aims and objectives for Thomastown as established within the Draft LAP and the CDP 2008, which included broad environmental objectives. The submissions and observations received during the public consultation exercises and, in particular, the many requests for re-zoning for predominantly residential uses, provided the basis for considering various conceptual alternatives during the early stages of plan inception.

In order to make more explicit the process of taking into account reasonable alternatives, and their potential environmental effects, the following alternative development scenarios will be expanded upon:

- Alternative 1:** 'Do Nothing' - setting out the environmental implications of continuing with the existing plan without review.
- Alternative 2:** 'Development-driven' - setting out the environmental implications where future growth of the town is in response to requests for additional zoning.
- Alternative 3:** 'A compact town' - setting out the environmental implications of pursuing a scenario that makes a positive contribution to the development of Thomastown by recognising the importance of conserving and enhancing the quality of the built and natural requirement, as well as the needs of all sections of the local community.

The development and assessment of Plan alternatives will comprise a brief description of each scenario; an assessment of each alternative against the environmental objectives as established above, and resultant environmental effects; and an outline of the reasons for selecting the preferred alternative.

		
Alternative 1: 'Do Nothing'	Alternative 2: 'Development-driven'	Alternative 3: 'A balanced town'

The possibility of cumulative effects

Cumulative effects may arise where several developments each have insignificant effects but together have a significant effect; or where several individual effects of the LAP have a combined effect (e.g. pollution from domestic effluent and surface water run-off can have cumulative effects on water quality).

At the wider scale, cumulative effects may occur through combined impacts between different LAPs in the same catchment, such as Graiguenamanagh, Castlecomer, Callan, Kilkenny, Bennettsbridge and New Ross. These towns are all expected to result in an increase in local populations and business activity, which could result in a cumulative impact as the pressures on the water resource grows.

As identified by the Appropriate Assessment for Thomastown, cumulative effects comprise:

- Deterioration of water quality through the discharge of poorly treated sewage effluent; and
- Deterioration of water quality through the discharge of hydrocarbons and particulate matter in surface water run-off.

The nature, scale and likelihood of such predicted cumulative impacts will be incorporated in the SEA.

Consider the development of Mitigation Measures for the potential significant effects described in Section 2.4.3, for example, greater enforcement of planning conditions with regard to septic tanks and greater emphasis on reuse of brownfield sites in the Plan area.

With regard to 'soil', the following mitigation measures will be included:

- Promote the redevelopment of derelict, obsolete and brownfield sites;
- Encourage the reuse of soils generated from housing and other development.
- Permission for new development in proximity to a water course must demonstrate adequate protection against soil erosion from construction works.

With regard to 'water', the following mitigation measure will be included:

- All new and upgraded wastewater treatment systems to be installed as per the EPA's (2000) Wastewater Treatment Manual – Treatment Systems for Single Houses.
- Enforcement of planning conditions through ongoing monitoring to apply to existing wastewater treatment systems.

With regard to 'travel related', the following mitigation measure will be included:

- Specific LAP policies and objectives to promote the development of a safe and efficient transport network that will cater for the needs of all users and encourage priority for town center access, walking, cycling, and public transport.

With regard to 'air and climatic factors', the following mitigation measure will be included:

- Speed restrictions in the town centre would have beneficial effects in certain locations as slower speeds conserve fuel and increase fuel efficiency, thereby minimising emissions.
- Promotion of sustainable modes of travel.
- Encourage the use of sustainable design and construction methods

A specific objective should be included in the Plan to ensure full compliance with the requirements of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment – The SEA Directive and the associated Planning and Development (Strategic Environmental Assessment) Regulations, 2004.

Such an objective will be considered for inclusion under Section 2.2 Sustainability.

Adequate and appropriate wastewater treatment, water supply, surface drainage, transport, waste management, community services and amenities etc. should be planned and phased to address any current problems or deficits and to reflect predicted increases in population.

Such provisions are implicit in the policies and objectives of the Draft LAP, and reinforced by the recommendations of the Appropriate Assessment and the provisions of the CDP 2008. Specific reference to the need for adequate and appropriate infrastructure, community services, amenities, etc, to be planned and phased to address any current problems or deficits and to reflect predicted increases in population will also be made explicit in the SEA.

Provisions should be made in the Plan for the incorporation of the specific objectives and measures which will be set out in the River Basin District – River Basin Management Plans (RBMP's) and associated Programmes of Measures (POM's) for the South Eastern River Basin District as appropriate.

Such provisions will be considered for inclusion under Section 2 Policies and Objectives.

Development Plan Objectives –Water Supply, Wastewater and Drainage Provide clarification as to the intention of the following Mitigation Measure proposed for drinking water: “New developments will be required to provide a temporary private water supply, which will be maintained until the public water supply is upgraded, or will only be permitted subject to adequate capacity in water supply being available.” It is noted that currently there is no additional capacity in the water supply network for Thomastown. Zoning for development should be linked to availability of infrastructure and capacity. Priority should be given to provision of adequate and appropriate infrastructure in advance of any development.

Although presently there is no capacity in the water supply network, the town is included in the Thomastown/Inistioge Water Supply Scheme under the DoEHLG 'Water Services Investment Programme 2007-2009', with an anticipated start in late 2009. The above mitigation measure will be replaced as follows:

“Priority will be given to provision of adequate and appropriate infrastructure in advance of new development.”

DT 27 Submission:

Paul McMahon, The Manager, Development Applications Unit,
The Department of the Environment, Heritage & Local Government
Dún Scéine, Harcourt Lane, Dublin 2

Comments refer to SEA and AA document. Requests that a full AA is completed in order to assess impacts on cSAC.

Comments on the SEA are similar to those raised by the EPA, and as addressed above.

A full Appropriate Assessment of the Thomastown LAP in relation to the River Barrow and River Nore, and Thomastown Quarry SACs has been prepared by OPENFIELD Ecological Services (October 2008). The assessment concludes that the LAP is predicted to result in severe negative impacts on the integrity of the River Barrow and River Nore SAC. However there is also potential for major positive impacts. Five recommendations have been made as avoidance mitigation and, if implemented, could ensure that the magnitude of these impacts is not only reduced to neutral but will be positive overall:

1. Designate all areas of SAC within the LAP boundary for 'biodiversity conservation' or some other similarly explicit title.
2. Ensure that any specific project that may have an impact on the SAC is thoroughly screened through the Appropriate Assessment process.
3. Ensure that new or upgraded wastewater treatment plant is in place and operational *prior* to the opening of new residential or business areas within the town.
4. Ensure that appropriate attenuation of pollution from surface water is integrated into all new developments that will discharge into the Nore river, particularly SUDS (sustainable drainage systems).
5. Ensure that the Appropriate Assessments that will be undertaken prior to the development of amenity areas suggests measures that will enhance the value of the site for conservation in consultation with NPWS and the SRFB.

DT 28 Submission:

Proinsias De Bátúin, Development Applications Unit,
The Department of the Environment,
Heritage & Local Government
Dún Scéine, Harcourt Lane, Dublin 2

Comments refer to SEA and AA documents. Requests a full AA is completed in order to assess impacts on cSAC. Response as DT27.