

# Thomastown

C o u n t y   K i l k e n n y



**SEA**  
S t r a t e g i c   E n v i r o n m e n t a l   A s s e s s m e n t

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*Forward Planning*

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## **1 INTRODUCTION**

The Strategic Environmental Assessment (SEA) process is the formal systematic evaluation of the likely significant environmental effects of implementing a Plan or programme before a decision is made to adopt the Plan or programme. It informs Plans of the environmental impacts of policies and objectives and contributes to the integration of environmental considerations into Plan making.

## **2 LEGAL FRAMEWORK**

The EU Directive 201/42/EC on the assessment of the effects of certain plans and programmes on the environment (Strategic Environmental Assessment) are given effect by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004) and by the Planning and Development (SEA) Regulations 2004 (S.I. No. 436 of 2004).

### **2.1 The Screening Process**

The SEA Regulations require case by- case screening of individual plans, based on the criteria in Schedule 2A to the Planning and Development Regulations 2001. These criteria must be taken into account in determining whether or not significant effects on the environment would be likely to arise. Whereas the Thomastown LAP does not fall within the mandatory requirements for the preparation of an SEA in population terms (1,837 persons in 2006), the plan making process has included the screening stage due to the particular characteristics of the plan area likely to be affected.

The key indicator that determines if an environmental assessment is required of particular non-mandatory plans, is if they are likely to have *significant environmental effects* on the environment or not. Where the planning authority is uncertain that there is a prima facie case for an SEA, the plan must be screened for its possible significant effects and the designated environmental authorities notified as part of the screening exercise.

The application of 'environmental significance criteria' is necessary in determining whether an SEA is required for small Plans/Policies or modifications to Plans/Policies. Annex II (2) of Directive 2001/42/EC sets out the 'statutory' criteria that should be addressed when undertaking this stage.

The designated authorities to be consulted are the Environmental Protection Agency (EPA); the Department of the Environment, Heritage and Local Government (DoEHLG); and the Department of Communications, Marine and Natural Resources. While the EPA must be consulted in all cases, consultation with the two Departments is conditional on the plan having significant effects within the remit of those Departments.

## **2.2 Consultation with Environmental Authorities**

The designated authorities were notified by letter on 6<sup>th</sup> May 2008, enclosing a Screening Report and an Issues Report. The following is a brief summary of the main points raised in the responses from the three departments consulted:

### **2.2.1 Department of the Environment, Heritage and Local Government:**

#### **Architectural Heritage**

As recognised in the Thomastown LAP Main Issues Report prepared for the renewal of the section of the current County Development Plan dealing with the town, the built heritage of Thomastown is a matter to be taken into account in setting out a new Local Area Plan. Any new Local Area Plan for Thomastown will intend to develop, improve and bring forward the physical environment of the town and the immediate area.

The opportunity exists in doing so to give increased recognition to the value of the architectural heritage component of the built environment of the town area. Such recognition will underpin the maintenance of a sense of place and locality within the town and the wider region. In turn this will reinforce an inherent sense of identity for both the inhabitants of the Thomastown locality and its visitors.

'Architectural heritage' is a material asset which is to be taken into account in both the making of a plan and its Strategic Environmental Assessment.

#### **Natural Heritage**

The proposed LAP is a plan which has the potential to impact on the River Barrow River Nore Candidate Special Area of Conservation (cSAC) (site code 002162) designated under the Habitats Directive (Council Directive 92/43/EEC).

Because this plan has the potential to impact on the cSAC, in accordance with article 6.3 of the Habitats Directive, the plan should be screened to establish if it will have an impact on a Natura 2000 site and if it does an appropriate assessment is required of the implications for the site in view of the site's conservation objectives. If the assessment shows a negative impact on the sites then alternatives should be examined, and in the absence of such alternatives, the plan should only be carried out for reasons of overriding public interest as detailed in article 6.4. Where a priority habitat is present the plan or project should only be carried out for reasons 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.

### **2.2.2 Department of Communications, Energy and Natural Resources:**

In terms of the protection of water quality and fishery status of the receiving waters, the status objectives as set out in the Water Framework Directive should not be compromised as a result of this LAP.

In view of the strategic location of Thomastown upon the River Nore and in particular some of the expressed local viewpoints contained in the issues report (pertaining to the sewerage problems), this department is extremely concerned that the water quality in the River Nore may be significantly impacted upon to lead to failure to comply with the status objective as set down in the Water Framework Directive. This is not a matter that could be dealt with piecemeal through an assessment of individual planning applications. Clearly, sufficient Waste Water Treatment Plant capacity must be in place up front to cope with the levels of development anticipated as a result of implementing this LAP.

### **2.2.3 Environmental Protection Agency:**

- Thomastown is Kilkenny County's largest district town.
- There are two candidate Special Areas of Conservation in proximity to the Town.
- The town has significant cultural heritage.
- Biological quality values for the River Nore within the Plan area vary from 2 to 4 (seriously polluted to slightly polluted).
- Pressure for zoning changes and development is likely to increase with the completion of the relief road and of the M9 motorway bypass.

It is also note that SEA is to be carried out on the Callan and Castlecomer Local Area Plans. These are issues that should be taken into consideration when making your determination. SEA may be of significant assistance to you in developing a more strategically sustainable Local Area Plan for Thomastown.

### **2.3 Description of the Proposed Local Area Plan**

The Draft LAP is intended to provide for the proper planning and sustainable development of Thomastown for a duration of six years, from adoption in 2008 until 2014, unless amended. The vision is aimed at the creation of a clean and safe, sustainable environment, in communities where people want to live, work or visit, and where residents have access to local job opportunities. The town should continue to develop as a good place to live, with high quality housing that meets local needs and with a good quality of life, and where leisure and recreational activities are available to all.

The Council is committed to delivering the vision by working in partnership with local people and organisations so as to achieve a town that:

- Has a sustainable level of development appropriate to the character, heritage, amenity and strategic role of Thomastown as the main District Centre of the county, and that allows for the enhancement of the town character, services and amenities;
- Supports and protects the environment, heritage, character and amenity of the town, and in particular the River Nore floodplain and the medieval and industrial heritage of the town centre;
- Has a high quality built environment with a well developed public realm and appropriate building forms, materials, heights and associated landscaping that complement and enhance the distinctive character of the town;
- Has a suitable range of community facilities and amenities to serve all sections of the local community, the wider rural catchment area and visitors to the town;
- Is well connected to, but has a strong local identity separate from, nearby settlements, in particular Kilkenny City, Waterford City, Inistioge and New Ross;
- Has a pedestrian friendly town centre where conflict between the needs of pedestrian and motorist is minimised;
- Has a safe network of amenity walks within and through the town and linking the various natural and heritage features;
- Has a strong sense of community spirit, civic pride and social inclusiveness;
- Has an adequate level of service infrastructure to support existing and future populations in a manner that protects and complements the environment, including an adequate road network, traffic management and parking facilities, improved public transport and safe routes for pedestrians and cyclists, and adequate wastewater disposal, water supply and surface water drainage.

The Plan area extends to approximately 282 hectares (697 acres) and comprises the following land uses:

Land Use	Area (ha)	Area (Acres)	% of LAP Area
Established Residential	59.70	147	21%
New Residential	50.2	124	19%
Industry	13.00	32	4.5%
Community/Education	22.10	55	8%
Mixed Use	16.35	40.5	6%
Open Space	58.70	146	21%
Agriculture	37.25	92	12%
Miscellaneous (roads, footpaths, etc.)	24.75	61	8.5%
Totals:	282.05	697	100%

## 2.4 Identification of likely significant effects on the environment

The likely significant effects on the environment from implementing the policies and objectives of the Thomastown LAP are assessed under the following categories:

- Biodiversity and Flora and Fauna
- Population and Human Health
- Soil, Water, Air and Climatic Factors
- Material assets (includes waste water, drinking water and transport infrastructure)
- Cultural Heritage
- Landscape

For each category, the environmental baseline is summarized and potential significant effects identified together with potential mitigation measures required to prevent, reduce and as fully as possible offset any significant adverse effects. Where appropriate, these mitigation measures have been integrated into the Draft LAP as specific policies and objectives. The resultant likely significant effects on the environment of implementing the Plan are then described.

The Draft LAP has been formulated to ensure that the uses, developments and effects arising from proposals and/or permissions based upon the policies and objectives of the Plan (either individually or in combination with other plans or projects) will not give rise to significant adverse impacts on the environment. In addition, the LAP needs to comply with the provisions of the Draft CDP (2008), including the relevant EU environmental legislation in its policies and implementation, and findings of the SEA as expressed in the Environmental Report of the CDP.

### 2.4.1 Biodiversity and Flora and Fauna

#### ***Environmental baseline:***

The following two sites within the Thomastown LAP area are designated and protected under the Habitats Directive 1992 (92/43/EEC) as candidate Special Areas of Conservation –

- The River Barrow and River Nore cSAC (Site Code 002162)
- Thomastown Quarry cSAC (Site Code 002252)

The main channel of the River Nore generally is also designated a Salmonid Water under the European Communities (Quality of Salmonid Waters) Regulations 1998 (SI No. 293 of 1988) which implements the European Freshwater Fish Directive 1978 (78/659/EEC).

Both the River Barrow and River Nore cSAC and the Thomastown Quarry cSAC are proposed NHAs. There is also a third Thomastown pNHA (Site Code 000410).

***Potential significant effects:***

- Reduction in habitats from greenfield development, and disruption of ecological networks (e.g. corridors and stepping stones); and
- Pollution of river from soil erosion, agricultural silage/slurry, industrial and municipal effluents.

***Proposed mitigation measures:***

- Specific LAP policies and objectives to protect, conserve and enhance Thomastown's natural heritage and biodiversity;
- Designated ecological sites zoned as Open Space within draft LAP, with a minimum 30m wide buffer, free of development, around them where appropriate;
- Proposed greenfield development on lands low in habitat diversity;
- Planning applications within 30m of designated wetland sites to be accompanied by suitable assessment; and
- Applicants to be encouraged to enhance existing networks or create new networks between local biodiversity areas where such opportunities exist.

***Likely Significant Effects on the Environment:***

None. The overall impact on biodiversity of implementing the policies and objectives of the LAP is anticipated to be neutral to positive.

## **2.4.2 Population and Human Health**

***Environmental baseline:***

The population of Thomastown was recorded as 1,837 persons at the 2006 Census. It is anticipated that this could increase to around 2,500 persons by 2014 and by 2,500 persons by 2020.

***Potential significant effects:***

- Development of additional residential units;
- Increased demand for retailing, services, leisure and community facilities and amenities;
- Increased demand for employment;
- Increased demand for transport and travel; and
- Impacts on the quality of drinking water sources can have the potential to impact upon human health (see Water Supply below).

***Proposed mitigation measures:***

- LAP Strategy is based on achieving a sustainable level of development appropriate to the character, heritage, amenity and the role of Thomastown as the main District Centre of the County;
- Lands identified for development are all contiguous to the existing built up area of the town and within comfortable walking distance (10 minutes or 900m) of the town centre;
- Specific LAP policies and objectives to ensure that new housing developments satisfy a wide range of social, locational and design criteria;
- Specific LAP policies and objectives to strengthen the District Town function of Thomastown as a commercial, cultural and living centre by encouraging appropriate uses that support vibrant activity in the town centre;
- Specific LAP policies and objectives to actively encourage future employment provision on suitably zoned and serviced lands;
- Specific LAP policies and objectives to ensure that the provision of community facilities are related to increases in the population of the town; and

- 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 centre access, walking, cycling, and public transport.

***Likely Significant Effects on the Environment:***

None. Encouraging people to live in the town (as opposed to one-off houses in the countryside) has potential beneficial impact of reducing air pollution and greenhouse gas emissions, reducing the need to travel, and improving people's quality of life with regard to accessibility to essential services, jobs and facilities. The overall impact on human beings of implementing the policies and objectives of the LAP is anticipated to be positive.

### **2.4.3 Soil, Water, Air and Climatic Factors**

***Environmental baseline:***

- Grey Brown Podzolic soils are dominant in the area, which are medium-heavy, deep and well drained, with alluvial soils adjacent to the river.
- Thomastown is located within a river catchment assessed as being 'At Significant Risk' (SERBD); in an area with a High Ground Water Vulnerability Rating; and in an area with a 'Probably at Significant Risk' Ground Water Risk Assessment.
- Air quality assessment not available.
- Climatic factors not considered applicable to local level assessment.

***Potential significant effects:***

- Contamination of soil from development that does not have adequate waste water infrastructure;
- Soil erosion resulting from construction works and resultant impact on water quality and fishery resources;
- Water quality problems with potential for significant adverse impact upon biodiversity, drinking water supplies and human health;
- Travel related emissions likely to continue to increase; and
- Air and climatic factors to be more appropriately assessed at regional level.

***Proposed mitigation measures:***

- To date there is no legislation which is specific to the protection of soil resources; and
- Provisions of CDP (2008) and relevant EU environmental legislation, including Salmonid waters protection comprising setback of 30m for new development.

***Likely Significant Effects on the Environment:***

None. The overall impact on Soil, Water, Air and Climatic Factors of implementing the policies and objectives of the LAP is anticipated to be neutral.

### **2.4.4 Material assets (includes waste water, drinking water and transport infrastructure)**

***Environmental baseline:***

Presently effluent is pumped to a treatment facility at Grennan and discharged from there to the River Nore.

Presently there is no capacity in the water supply network for Thomastown.

The existing road network of the town centre is recognised as being inadequate to cater for the increasing growth in traffic, particularly HGVs. There are frequent pedestrian conflict points, limited



pedestrian crossing facilities, incomplete footpaths, and no facilities for cyclists. Off-street car parks are considered to be inadequate (although rarely at capacity). The town is reasonably well served by public transport.

***Potential significant effects:***

- Development of additional lands will lead to increase in the demand for foul water and surface water drainage, with resultant potential contamination risks;
- Water quality problems with potential for significant adverse impact upon biodiversity, drinking water supplies and human health;
- Travel related emissions likely to continue to increase;
- Development of additional lands will increase the amount of local traffic;
- Increasing car ownership will contribute to a deterioration in the town centre environment; and
- Reliance on private transport will exclude certain sectors of the population and diminishes the role of public transport.

***Proposed mitigation measures:***

- The treatment of wastewater is governed by the Urban Wastewater Directive (as amended 98/15/EEC), transposed into Irish Law by the Urban Waste Water Treatment Regulations 2001;
- Permissions for new development must demonstrate sufficient capacity to appropriately treat waste water;
- New developments will be required to provide a temporary private water supply, which will be maintained indefinitely until the public water supply is upgraded, or will only be permitted subject to adequate capacity in water supply being available;
- Thomastown's waste water treatment plant scheduled to be upgraded to meet population forecasts (operational by mid-2009);
- Thomastown forms part of the Thomastown/Inistioge Water Supply Scheme, expected to be operational in 2009;
- 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 centre access, walking, cycling, and public transport;
- Completion of the N9 bypass expected to remove up to 43% of through traffic from the town;
- Proposed eastern relief road expected to remove a further 37% of through traffic from the town;
- Provision of a new distributor road from the approved roundabout on Lady's Well Street to Station road, as part of proposed comprehensive development to the west of the town, will allow traffic to avoid the town centre;
- Specific LAP objective to seek the preparation of a town centre traffic management plan; and
- Specific LAP objective to facilitate an integrated network of walking and cycling routes.

***Likely Significant Effects on the Environment:***

The overall impact on waste water, drinking water and transport infrastructure of implementing the policies and objectives of the LAP is anticipated to be positive.

## **2.4.5 Cultural Heritage**

***Environmental baseline:***

The town centre is designated a Zone of Archaeological Potential, as well as three separate sites to the south east and north.

There are 21no. sites within Thomastown identified on the Record of Monuments and Places (RPM) for County Kilkenny, protected under the National Monuments.

There are 35no. structures on the Record of Protected Structures, and 5no. Proposed Protected Structures.

The NIAH survey identified 103no. structures of heritage interest in the town.

In addition to the medieval heritage, the town has a number of surviving mills and warehouses that are a distinctive feature of industrial heritage.

***Likely significant effects:***

- Possible adverse impact on sites of archaeological interest or their settings; and
- Possible degradation of buildings or townscapes of architectural interest.

***Proposed mitigation measures:***

- Any direct impacts on Major Sites of Archaeological importance require the consent of the Minister for the Environment Heritage and Local Government under Section 14 of the National Monuments Act (1930) as amended by Section 5 of the National Monuments Act (2004);
- Planning applications may be required to be accompanied by an assessment undertaken by a certified conservation architect detailing the impacts of development upon the special interest and character of the surrounding architectural heritage;
- Specific LAP policy and objectives to protect the archaeological heritage;
- The requirement for archaeological assessment prior to the commencement of development, where required;
- Specific LAP policy and objectives to protect structures entered onto the Record of Protected Structures, or listed to be entered onto the Record; and
- Specific LAP policy and objectives to designate the medieval core of the town and Mill Street as an Architectural Conservation Area.

***Likely Significant Effects on the Environment:***

The overall impact on cultural heritage of implementing the policies and objectives of the LAP is anticipated to be positive.

## **2.4.6 Landscape**

***Environmental baseline:***

Thomastown is located within an attractive predominantly undulating agricultural landscape dominated by the floodplain of the River Nore. The town is included within an Area of High Amenity, as defined by the Draft CDP (2008). The River Nore provides an important visual and recreational resource.

There are a number of views and prospects of high amenity value adjoining public roads on the approaches to the town.

***Likely significant effects:***

- Possible adverse impact upon the integrity of landscape resources; and
- Possible adverse impacts on scenic views to and from the town.

***Proposed mitigation measures:***

The requirement for a landscape and visual assessment of proposed development, demonstrating that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape or view;

Specific LAP policy and objectives to protect existing amenity and open space and to promote the enhancement and provision of open spaces and open space links as the town continues to develop.

***Likely Significant Effects on the Environment:***

The overall impact on landscape of implementing the policies and objectives of the LAP is anticipated to be neutral to positive.

## **2.5 Consideration of Alternatives: Could Development Take Place Elsewhere**

The Draft LAP has been formulated in the context of the Draft CDP (2008) definition of Thomastown as a District Town with greater strategic potential and importance than the other District Towns, and having well developed services and community facilities for the surrounding hinterland and capable of supporting additional residential development. Given the role of Thomastown in the County Settlement Hierarchy, and its potential to accommodate new development through land availability, as well as the proposed relief road and the N9 bypass and employment improvements such as decentralisation, it is anticipated that the population of the town will continue to grow in line with the most recent growth rates.

As part of the plan making process, alternative plan scenarios were considered and broadly assessed against the main aims and objectives for Thomastown and the provisions of the Draft CDP (2008). 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.

Taking into account the higher level strategic objectives for the town (County and Government policies and guidelines), as well the geographical scope of the Plan, the preferred scenario for the future development of Thomastown was to promote the concept of a compact town where people want to live, work or visit, and where residents have access to local job opportunities. The Plan therefore adheres to the principles of sustainability through the promotion of development which makes a positive contribution to the development of Thomastown, while recognising the importance of conserving and enhancing the quality of the built and natural environment, as well as the needs of all sections of the local community. It also ensures that realistic alternatives to one-off houses in the countryside are available by zoning appropriate lands on the periphery of the development area, thereby achieving potential beneficial impacts through reducing the need to travel, and improving people's quality of life with regard to accessibility to essential services, jobs and facilities.