

Kildare County Development Plan 2011-2017 – Proposed Variation No. 2

Proposed Kildare Town Architectural Conservation Area (ACA)

Report pursuant to Article 13 (k) of the Planning and Development (Strategic Environmental Assessment) Regulations, 2004 as amended.

Determination of the need for Strategic Environmental Assessment (SEA) of a Variation of the Kildare County Development Plan 2011-2017 in terms of the provisions of Article 13(k) of the Planning and Development (Strategic Environmental Assessment) Regulations, 2004 as amended.

The purpose of this report is to determine whether or not the proposed ACA for Kildare town requires Strategic Environmental Assessment.

1. Proposed Variation

The proposed ACA Variation is being prepared in accordance with Section 81 of the Planning and Development Acts 2000-2012 and in compliance with Policy ACA1, Section 12.8.3 of the Kildare County Development Plan 2011-2017. The proposed ACA will form part of the Kildare County Development Plan 2011-2017 and will be in accordance with the policies and objectives set out in the County Development Plan and the Kildare Town LAP 2012-2018 and other relevant guidelines and documents including:

- The Planning and Development Acts 2002-2012.
- Architectural Heritage Protection: Guidelines for Planning Authorities, 2004.

The proposed Variation will be informed by the Architectural Conservation Area Statement of Character for Kildare Town. The Statement of Character will outline the location and boundaries of the proposed ACA, the land use zoning objectives for the area and will detail the number and location of Protected Structures within the proposed ACA.

The Statement will set out the historical development of the area which incorporates the key character areas of the historic core, namely the Cathedral, Market Square, the principal east west route and laneways. It incorporates most of the eighteenth and nineteenth century building fabric.

The main body of the document will address the special character and appearance of the area including its urban design, architectural, historical, social heritage, technical

The final section of the ACA identifies the implications of the ACA designation for planning and development within the proposed area. This section reaffirms that the objective of the ACA designation is to protect the special character of an area through rigorous control and positive management of any changes made to the built environment. Owners, occupiers or developers proposing to carry out works within the proposed ACA need to be aware that the normal exemptions from seeking planning permission will no longer apply. Section 82(1) of the Planning & Development Acts 2000, as amended, indicates that

‘Notwithstanding Section 4 (1) (h), the carrying out of works to the exterior of a structure located in an Architectural Conservation Area shall be exempted development only if those works would not materially affect the character of the area’.

Therefore, in its assessment of whether or not the works constitute exempted development, the Planning Authority must have regard to not only the impact on the character of the structure itself and adjacent structures, as required under Section 4(1) (h), but must now also have regard to the impact on the overall character of the area, as required under Section 81(1).

This Statement will also provide guidance and recommendations for the future development of the area. It is important to note, however that the proposed ACA will not alter the land use zoning objectives as set out in the Kildare County Development Plan 2011-2017 and Kildare Town LAP 2012-2018. The objective of the ACA designation is to protect the special character of an area through the careful control and management of change.

2. Description of Subject Lands

The boundary incorporates the key character areas of the historic core, namely the Cathedral, Market Square, the principal east- west route through the town and laneways. This area incorporates most of the eighteenth and nineteenth century building fabric.

The exact boundaries of the proposed ACA are delineated on the map contained in Appendix 1.

3. Requirements

Where a Planning Authority proposes to make a Variation of a Development Plan under Section 13(2) of the Planning and Development Act 2000 as amended, it shall (before giving notice under Section 13(2) of the Act) consider whether or not the proposed Variation would be likely to have significant effects on the environment, taking into

account criteria set out in Schedule 2A of the Planning and Development (SEA) Regulations 2004.

Notice in this regard was given to the Environmental Authorities on the 1st July 2013.

The following Environmental Authorities acknowledged this notice as follows:

- A written submission was received on the 10th July 2013 from the Scientific Officer, SEA Section, of the EPA. The submission acknowledged receipt of the notice dated the 1st July 2013 and noted its contents. The submission also noted the Council's position with regard to the need, or otherwise, for Strategic Environmental Assessment (SEA) of the proposed Variation.

3.1 Assessment in terms of schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulations 2004

1. THE CHARACTERISTICS OF THE PLAN HAVING REGARD IN PARTICULAR TO:
2. The degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources, The proposed ACA will form part of the Kildare County Development Plan 2011-2017 and will conform with the policies and objectives set out in the County Development Plan 2011-2017, Kildare Town Local Area Plan 2012-2018 and other relevant guidelines and documents. The proposed ACA will identify the existing special character of the area and provide a means to protect the special character of the area through the careful control and management of change.
3. The degree to which the plan influences other plans, including those in a hierarchy, The policies and objectives of the proposed ACA will be set within the context of the Kildare CDP 2011-2017 and the Kildare Town LAP 2012-2018.
4. The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development The proposed ACA is being prepared in accordance with specific objectives of the Kildare CDP 2011-2017 and the Kildare Town LAP. Section 10 of the Planning and Development Act 2000 as amended sets out the content of Development Plans. It states that 'A Development Plan shall set out an overall strategy for the proper planning and sustainable development of the area'. The current Kildare CDP 2011-2017 adopted in 2011, adheres to the principles of sustainable development, in accordance with the requirements of the Act. The proposed ACA document will conform to the principles, objectives and policies of the Kildare CDP 2011-2017 and the Kildare Town LAP 2012-

2018 and will, therefore have a strong emphasis on promoting the sustainable development of the area.
<p>5.Environmental problems relevant to the plan,</p> <p>It is considered that the proposed designation of an ACA will have no significant negative impacts on the environment. Indeed, it is considered that the proposed ACA will have positive impacts on the environment.</p>
<p>6. The relevance of the plan for the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection).</p> <p>Relevant E.U legislation is considered under the Kildare County Development Plan 2011-2017 from which the proposed ACA will derive its context. They will not be specifically addressed in this proposed variation.</p>

2. CHARACTERISTICS OF THE EFFECTS AND OF THE AREA LIKELY TO BE AFFECTED, HAVING REGARD , IN PARTICULAR, TO:
<p>The probability, duration, frequency and reversibility of the effects</p> <p>It is considered that there will be no significant effects from the adoption of the proposed ACA. However, with regards to positive effects, it is considered that the probability of these occurring is high. It is expected that the effects will be permanent and therefore, irreversible until such time that any new policies and or objectives are identified in a revised ACA document.</p>
<p>The cumulative nature of the effects,</p> <p>It is anticipated that the cumulative effects on the environment will be positive and that the ACA will provide a means to protect the special character of the area through the careful control and management of change.</p>
<p>The transboundary nature of the effects,</p> <p>The proposed ACA will have no national, regional or inter-county trans-boundary effects.</p>

<p>The risks to human health or the environment (e.g. due to accidents),</p> <p>The adoption of the proposed ACA will not result in any risk to human health. Any future development in the area will be carefully controlled in order to ensure the preservation of the areas special character.</p>
<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p> <p>The function of the proposed ACA designation is to protect the special character of an area through rigorous control and positive management of any changes made to the built environment. The Landuse zonings applicable to the area are governed under the Kildare Local Area Plan 2012-2018. The Kildare LAP has been subject to Strategic Environmental Assessment. Policies and objectives are contained within the Kildare LAP which will control the magnitude and spatial extent of the effects of future development.</p>
<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> (a) special natural characteristics or cultural heritage, It is the specific purpose of the proposed ACA to safeguard the special characteristics and cultural heritage of the area. (b) exceeded environmental quality standards or limit values, It is not expected that any environmental quality standards will be exceeded or that the value of the vulnerable areas will be limited as a result of the proposed ACA. (c) intensive land-use, The objective of the proposed ACA designation will be to protect the special character of an area through the careful control and management of change. No significant intensification of land use is, therefore, anticipated.
<p>The effects on areas or landscapes which have a recognised national, European Union or international protection status.</p> <p>There are no areas or landscapes within the proposed ACA which have a recognized European or international protection status. As mentioned previously, the proposed ACA will ensure that the value and status of the existing landscape within the ACA area will be considered and protected.</p>

3.2 Statutory Consultation

The specified environmental authorities that should be consulted in relation to Variation No. 2 of the Kildare County Development Plan are:

- The Environmental Protection Agency (EPA)
- Minister for the Environment, Community and Local Government (DoECLG)
- Minister for Arts, Heritage and Gaeltacht Affairs (DoAHG).
- Minister for Agriculture, Marine and Food
- Minister for Communications, Marine and Natural Resources (DCMNR)
- Adjoining Planning Authorities

4. Determination in terms of Article 13 (k)

In terms of the provisions of Article 13 (k) of the Regulations, on consideration of the relevant criteria set out in Schedule 2A of the Regulations (see 3.1 above), it is considered that the proposed variation as detailed above is not likely to have significant effects on the environment.

In view of this it is considered that a Strategic Environmental Assessment (SEA) is not required in respect of the proposed Variation No. 2 of the Kildare County Development Plan 2011-2017.

Under Article 13 (k) (5) of the Planning and Development (Strategic Environmental Assessment) Regulations 2004, Kildare County Council gave notice of its determination to the environmental agencies.

5. Recommendation

It is, therefore, recommended that the procedures for the Variation of the Kildare County Development Plan, 2011-2017 for the proposed Kildare Town Architectural Conservation Area now be initiated. The aim of the Variation is to protect the special character of the area and to ensure the proper planning and sustainable development of the area.

Prepared by :

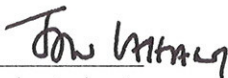


Carol Fox
Assistant Planner

Approved by:

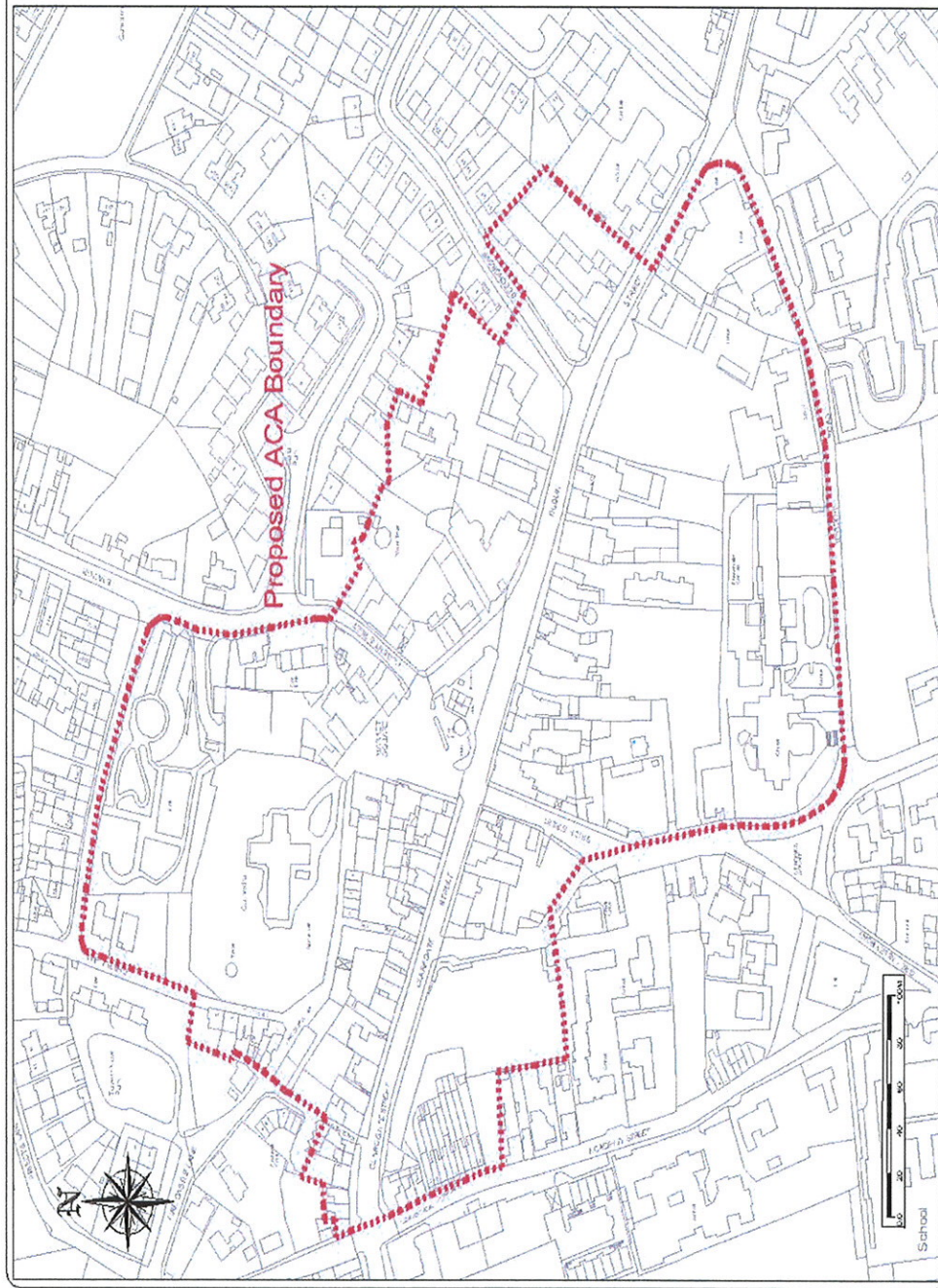





Michael Kenny
Senior Planner



John Lahart
Director of Services, Planning and Economic Development
23rd July 2013

Map 1- Proposed ACA



	Planning Department Kildare County Council Áras Chill Dara, Devoiy Park Naas Co. Kildare	Draft Variation No.2 CDP 2011-2017 Proposed Kildare Town ACA
Legend  Proposed Architectural Conservation Area Boundary (ACA)		
Proposed Kildare Town ACA		
Scale: N.T.S.	Map Ref: 1	
Date: June 2013 <small> Prepared by: David Byrne Drawn by: David Byrne Checked by: David Byrne </small>	Drawing No: 200711/010	Drawn By: D McNally