

Limerick City and County Council

Revoking the Kilfinane Local Area Plan 2012 – 2018 (as extended)

Re: Notice in accordance with Section 20 (3)(i) of the Planning and Development Act 2000 (as amended)

Legislative Requirement for Strategic Environmental Assessment and Appropriate Assessment

The requirements for Strategic Environmental Assessment (SEA) in Ireland are set out in the Regulations S.I. No. 435 of 2004 European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 and S.I. No. 436 of 2004 (Planning and Development (Strategic Environmental Assessment)) Regulations 2004 as amended by S.I. No. 200 of 2011 European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011) and S.I. No. 201 of the 2011 (Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011) respectively.

Article 6(3) of European Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora requires competent authorities to undertake an Appropriate Assessment of any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, whether individually or in combination with other plans or projects.

Why Strategic Environmental Assessment is not required:

Section 14(B) of the Planning and Development Regulations 2001 (as amended), where there is a requirement to prepare an Environmental report as follows:

Where

- (a) The population or the target population of the area of the Local Area Plan is 5,000 persons or more, or
- (b) The area covered by the Local Area Plan is greater of 50 square kilometres or
- (c) The Local Area Plan is being prepared for a town and its environs area, or
- (d) Where the Planning Authority determines under Article 14A(3) or 5 that the implementation of a Local Area Plan, an amended Plan or an amendment to a Local Area Plan would be likely to have significant effects on the environment.

The Planning Authority shall, prior to giving notice under Section 20(3) of the Act, prepare an environmental report.

SEA at its core seeks to assess the environmental impacts of the implementing a Plan or Programme.

- The process of revoking a Local Area Plan does not involve the implementation of a Local Area, an amended Plan or an amendment to a Local Area Plan as specified in 14(B) (d) above. Therefore, there is no requirement to prepare an Environmental

Report, to support the revoking of the Kilfinane Local Area Plan 2012 -2018 (as extended).

Why Appropriate Assessment is not required:

Section 177U (2) of the Planning and Development Act 2000 (Amended) identifies where screening for Appropriate Assessment is required. A Competent Authority shall carry out a screening for Appropriate Assessment under subsection (1) before:

- (a) A land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or;
 - (b) Consent for a proposed development is given.
- As a land use plan is not being made or consent for a development is not being given, screening has been carried out for Appropriate Assessment and determined Appropriate Assessment is not required when revoking the Kilfinane Local Area 2012 – 2018 (as extended).

Timing of the Limerick Development Plan and the overlap of the Kilfinane Local Area Plan 2012 – 2018 (as extended):

The proposed Limerick Development Plan 2022 - 2028, will incorporate the spatial extent of the Kilfinane Local Area Plan 2012 – 2018 (as extended) is expected to come into effect in July 2022. The Kilfinane Local Area Plan 2012 – 2018 (as extended) will only be revoked once the Limerick Development Plan is in place, thereby ensuring that the Kilfinane area will be at all times subject to the proper planning and sustainable development in accordance with all planning legislation. The Limerick Development Plan has been through rigorous Strategic Environmental Assessment together with Appropriate Assessment, thereby ensuring through the implementation of the Limerick Development Plan, that the necessary steps have been taken to protect the environment, at all times.

Conclusion

On the basis of the above, Strategic Environmental Assessment and Appropriate Assessment are not required for the revoking of the Kilfinane Local Area Plan 2012 -2018 (as extended).

Signed



Vincent Murray

A/Director of Services – Economic and Enterprise Directorate

04 June 2022