

# **Strategic Environmental Assessment (SEA) Screening Report For:**

Proposed Variation No. 1 to Limerick Development Plan 2022 – 2028  
to provide clarification of text in Chapter 7 regarding access to  
substandard roads

Limerick City and County Council  
Forward Planning  
Economic Development and Enterprise Directorate  
Merchants Quay  
Limerick

**18<sup>th</sup> March 2023**



Comhairle Cathrach  
& Contae **Luimnigh**

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**Limerick** City  
& County Council



## Table of Contents

1.0 Strategic Environmental Assessment (SEA) Screening.....	4
1.1 Introduction.....	4
1.2 Reason for the Proposed Variation .....	4
1.3 Legal Framework .....	5
1.4 Consultation.....	6
2.0 Screening Statement .....	7
2.1 Stage One - Pre-Screening.....	7
2.2 Stage Two - (A) Environmental Significance Screening.....	9
3.0 Stage Two – Summary, Conclusion and Recommendation.....	21

## 1.0 Strategic Environmental Assessment (SEA) Screening

### 1.1 Introduction

Limerick City and County Council propose to make a Variation to the Limerick Development Plan 2022 – 2028 under Section 13 of the Planning and Development Act 2000 (as amended). This is the first variation of the Limerick Development Plan, which was adopted in June 2022.

The Limerick Development Plan 2022 – 2028, to which the Proposed Variation relates has undergone Strategic Environmental Assessment and Habitats Directive Assessment. These processes integrated environmental considerations into the Plan making process.

### 1.2 Reason for the Proposed Variation

This screening document is prepared following the decision to amend the text of one policy and one objective of the Limerick Development Plan in relation to development on substandard roads. The reason for the proposed Variation is to provide greater clarity in relation to the types of development to be permitted on substandard roads. The policy and objective are set out in Chapter 7 of the Plan (Sustainable Mobility and Transport) namely Policy TRP 11 and Objective TRP 07. The suggested text for the plan follows below. The ~~red text with strike through~~ shows text that is being removed. The green underlined text shows new text that is being included.

#### Proposed text changes to Section 7.9, Protection of Road Hierarchy:

*The road network also plays a vital part of Limerick’s transport infrastructure to support economic development as well as for social journeys. Proper management of use, maintenance of roads and improvements to the network is vital. A hierarchy of roads exist in Limerick, including sections of motorway, national roads, regional roads, local roads and urban roadways. There has been significant investment in road infrastructure and therefore it is important to protect and maintain the carrying capacity of the road network within Limerick.*

#### *Policy TR P11 Road Safety and Carrying Capacity of the Road Network*

~~*It is a policy of the Council to seek improvements to road safety and enhance carrying capacity of the road network throughout Limerick, through minimising existing traffic hazards, including access onto roads, which are substandard in terms of width and*~~

~~alignment and preventing the creation of additional or new traffic hazards in the road network, maintaining the carrying capacity and securing appropriate signage.~~ It is a policy of the Council to safeguard the carrying capacity and safety of the road network throughout Limerick.

*In implementing the above policy, the Council will have regard to the following objectives:*

*Objective TR O37 Land Uses and Access Standards ~~onto All Roads~~*

*It is an objective of the Council to*

*(a) ensure that any development involving a new access to a public road, or the intensification of use of an existing access onto a public road, ~~that would compromise the safety and capacity of the road network, will not be permitted unless the new or existing access~~ meets the appropriate design and safety standards.*

*(b) Ensure that on roads that are sub-standard, either in terms of their width, (less than 3m), alignment, surface condition or junction with the nearest main road, development will only be considered in exceptional circumstances. This includes applicants who have a demonstrable social need to live on the particular road, where no alternative site is available, or where the only alternative access available is onto a strategic regional road as designated in the Development Plan.*

### **1.3 Legal Framework**

All land-use plans in Ireland are subject to SEA procedures and environmental considerations must be assessed at an early stage in the decision-making process. Article 13K of the 2011 Regulations states that where a Planning Authority proposes to make a variation of a Development Plan under Section 13 of the Act, (which is required in this case), 'it shall, before giving notice under Section 13(2) of the Act it shall consider whether or not the proposed variation would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A'.

The criteria set out in Schedule 2A are listed under (i) characteristics of the plan and (ii) characteristics of the effects and of the area likely to be affected. The proposed variation is considered under the criteria set out in Schedule 2A as outlined in section 3.0 of this report.

The assessment is also informed by a screening exercise of the proposed variation against the Environmental Protection Objectives contained in the Environmental Report prepared as part of the Limerick Development 2022 - 2028 as detailed in section 4.0 of this report.

As the proposed variation will be adopted as a variation to the Limerick Development Plan 2022-2028 it is necessary to screen the proposed variation to determine whether an SEA will be required. This 'SEA Screening Report' has been prepared in order to assist the Environmental Authorities and the public, in the preparation of submissions / observations, on whether or not the proposed variation would be likely to have significant effects on the environment.

The proposed Plan is also subject to Habitats Directive Assessment (HDA) Screening. The SEA and HDA screening processes are parallel but separate processes that will overlap, however whilst the HDA process focuses on the protection of Natura 2000 sites, the SEA process is concerned with impact on the general environment. Both the SEA and HDA screening processes have been carried out within the same timeframe for this proposed variation to the Plan. A similar consultation process will be used and both documents should be referred to in considering any potential impact on the environment.

As the land use zoning objectives and the flood risk management provisions contained in the existing Limerick Development Plan 2022 – 2028 are not being affected by Proposed Variation No. 1, Strategic Flood Risk Assessment is not required to be undertaken on the Variation.

#### **1.4 Consultation**

The Proposed Variation to the Limerick Development Plan 2022 – 2028 is being prepared under Section 13 of the Planning and Development Act 2000, (as amended). The proposed variation will be placed on public display for a minimum period of 4 weeks to facilitate written submissions / observations from the public. The SEA Screening report and the Appropriate Assessment Screening Report will also be on display during the public display period to facilitate comment from the public. Formal consultation has already taken place on the Environmental Authorities, in line with the statutory process. 3 no. submissions were received, which included submissions from Clare County Council, Environmental Protection Agency and the Department of Agriculture and Food. All matters arising have been considered in the SEA Screening.

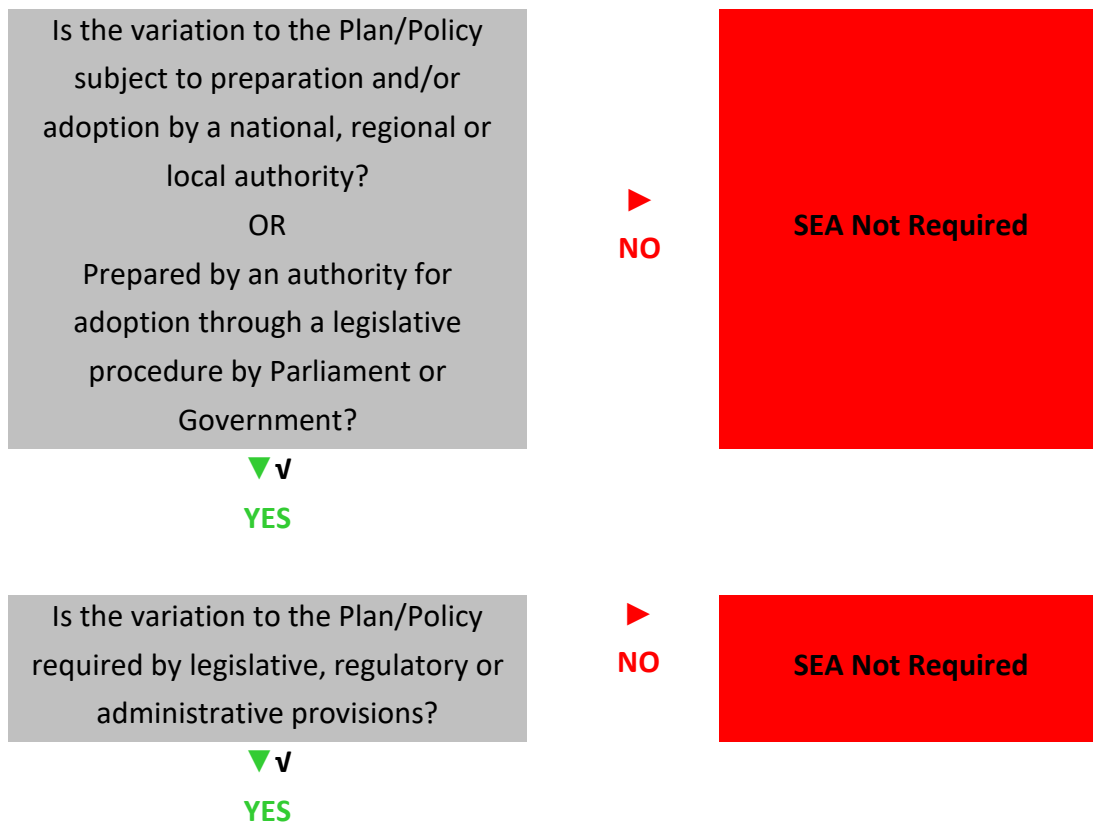
## 2.0 Screening Statement

The Planning and Development (Strategic Environmental Assessment) Regulations 2004-2011 (S.I. No. 436 of 2004, SI 201 of 2011) require case by case screening of individual plans and variations of plans based on the criteria in Schedule 2A to the Planning and Development Regulations 2001 (as amended). These criteria must be taken into account in determining whether or not significant effects on the environment would be likely to arise.

### 2.1 Stage One - Pre-Screening

The first step in determining whether Variation No. 1 to the Limerick Development Plan would require an SEA involves a pre-screening check. The proposed Variation sets out to provide clarity to existing policies and objectives, contained in the Limerick Development Plan 2022 – 2028. It is necessary to determine whether an SEA would be required by testing the proposed Variation against environmental significance screening criteria. The question here is whether or not the changes to the policy and objectives mentioned above will create a situation which will cause significant environmental effects.

Figure 1 Pre-Screening Decision Tree



Is the sole purpose of the variation to the Plan/Policy to serve national defence or civil emergency or is it a financial/budget P/P or is it co-financed by the current SF/ERDF programme?

▼  
**NO**

▶ ✓  
**YES**

**SEA Not Required**

Is the variation to the P/P prepared for the purposes of agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecoms, tourism, town and country planning or land use?

▼ ✓  
**YES**

▶ **NO**

Is the variation to the P/P likely to have a significant effect on a Natura 2000 site which leads to a requirement for Article 6 or 7 assessments?

▶ **YES**

**AA Required**

Do the changes to the P/P provide a framework for development consent for projects listed in the EIA Directive? Are there flooding issues in the area?

▼  
**NO**

▼ ✓  
**YES**

▼  
**NO**

**SEA Not Required**

Will it determine the use of small areas at a local scale only and/or is it a minor modification of a P/P?

▼  
**NO**

▶ **YES**  
✓

Does it provide a framework for development consent for projects?

▼  
**NO**

▶ **YES**  
✓

**SEA may be required**



**SEA Required  
Go to Stage 2**

**SEA Not Required**

## **2.2 Stage Two - (A) Environmental Significance Screening**

The application of environmental significance criteria is important in determining whether an SEA is required for local plans/policies or modifications/variations to existing Plans/Policies. Annex II (2) of Directive 2001/42/EC sets out the “statutory” criteria that should be addressed when undertaking this stage.

### **Criteria for Determining the Likely Significance of Environmental Effects**

#### **Characteristics of the Proposed Variation to the Plan, having regard to:**

- i. 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 Limerick Development Plan guides development within the functional area of Limerick City and County Council. In the case of this specific Proposed Variation, the amended text seeks to clarify the circumstances in which planning applications for rural housing will be considered by the Planning Authority on substandard roads. The Limerick Development Plan is also informed by other considerations, such as those set out in the Sustainable Rural Housing Guidelines (2005).

- ii. the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;*

The Limerick Development Plan 2022 – 2028 is within the hierarchy of planning documents which begins with the National Planning Framework and the Regional Spatial and Economic Strategy (RSES) for the Southern Region and the provisions of relevant planning guidelines issued by the Department of Housing, Planning, Local Government and Heritage.

These documents inform the content of the plan, in particular that of the core strategy which lays down population targets for Limerick and hence influences issues, such as housing. The Limerick Development Plan (LDP) is also informed by other considerations such as those laid down by the Sustainable Rural Housing Guidelines (2005).

The RSES also sets out that social need is a factor to be taken into account when assessing rural housing applications. This is set out in RPO 27(b) and has influenced the wording of the proposed Variation.

*iii the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;*

There are a number of ways in which the plan will take environmental considerations into account, in relation to the proposed Variation. In the LDP itself Section 3.6 Rural Housing outlines the basic policies, but other sections of the plan are relevant too. These include Chapter 11 Development Management Guidelines, in particular Table DM5 Design Guidelines for Rural Houses (S11.4.6 pp. 339-340), which specifies the use of native species on landscaping and the retention of existing site boundaries. This will help with integration into the local environment and ensure that landscaping has an ecological benefit, an essential part of sustainable development. The table also outlines the necessity to assess the possible ecological impact of the development. The necessity of adequate appropriate assessment of applications is also recognised in the plan.

In terms of guiding development the provisions of the 2005 Sustainable Rural Housing Guidelines also play a part in informing decisions. This and any subsequent guidance will be adhered to by the Planning Authority.

*iv. environmental problems relevant to the plan or programme;*

One of the bigger environmental issues associated with rural housing is adequate treatment of effluent generated by rural housing. The Council assesses all rural housing application using the EPA 2021 Code of Practice for Domestic Waste Water Treatment Systems. This replaces the 2009 guidance document and reflects the experience gained in the implementation of the earlier guidance and research that had been carried out since 2009. From analysis, carried out, Indications would suggest that the number of applications involving access to substandard roads is approximately 30 in any 12 month period, so the potential for pollution events, particularly when dispersed throughout the County, is low. The control of possible emissions to ground and surface through the application of the 2021 EPA guidance on individual waste water treatment systems reduces the possibility of effects and effectively removes issues of ex-situ or downstream effects. Should the site not

pass the minimum requirement for the use of such systems, it will not be considered for permission. This will also have the effects of removing issues of transboundary effects (e.g. with neighbouring counties).

- v. *the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).*

The proposed Variation to the LDP is being prepared with the National Planning Framework and the Regional Spatial and Economic Strategy as a backdrop, which takes cognisance of Community legislation and guidelines in relation to environmental issues. The National Planning Framework (NPF) also recognises the importance of the Water Framework Directive. The Water Framework Directive for example is mentioned in S8.5 of the NPF called Managing Our Shared Environment Responsibly (pp114-115). These higher tier documents have informed the content of the LDP, which in turn ensures that any amendment to the plan and subsequent treatment of development applications would be informed by the same environmental concerns.

#### ***Characteristics of the Effects and of the Area Likely to be affected***

- i. *the probability, duration, frequency and reversibility of the effects*

Effects are likely from subsequent planning applications, which will generally be long term in nature, perhaps for a period of 40 years or so. However, as outlined above the policy and Development Management Guidance content of the plan (Chapter 11) and the Section 28 Guidelines, will promote development only in suitable locations and with suitable site conditions. This will minimise environmental effects from the outset.

- ii. *the cumulative nature of the effects*

Other elements of the plan exist to minimise cumulative effects of developments. There is a presumption against ribbon development for instance set out in the plan, see Section 4.4 of the Plan Rural Housing and also S12.3. The requirements of the EPA 2021 guidelines will also have to be adhered to which will ensure that effects on ground water, in particular, are minimised. Appendix E of this guidance - Groundwater Protection Responses- when applied in conjunction with the Limerick Ground Water Protection Scheme reduces the possibility of cumulative effects.

*iii. the trans-boundary nature of the effects*

There are no trans-boundary effects. The potential scale of development associated with the proposed Variation will be limited to one off rural development, which are not likely to create effects beyond the functional area of the Local Authority. See above in relation to the use of the Limerick ground Water Protection Scheme guidance which reduces the possibility of transboundary effects.

*iv. the risks to human health or the environment (e.g. due to accidents)*

None. As outlined elsewhere there are control measures in place in Chapter 11 of the Limerick Development Plan and through advice from the Councils Road section to reduce the risk to road users through the provision of adequate sight lines for individual developments. Table DM5 (referred to above) also contains material on sightlines and road access which will help minimise chances of accidents.

*v. the magnitude and spatial extent of the affects (geographical area and size of the population likely to be affected)*

The potential area is that of rural County Limerick which is that covered by the rural housing policies. This is 2756 km<sup>2</sup> with a population of 89,947 (2016). In practice it is likely to be far smaller than that as the Proposed Variation relates solely to individual housing development and access to substandard roads, applications which are limited in number, approximately 30 in a twelve month period.

*vi. the value and vulnerability of the area likely to be affected due to*

*- special natural characteristics or cultural heritage;*

The Limerick Development Plan and Local Area Plans, at a lower tier, identify the following protected areas/elements of the natural/cultural heritage:

- Protected Structures;
- Architectural Conservation Areas;
- Sites of Archaeological Significance;
- Areas with natural history designations;
- Tree protection in the plan;
- Proposed landscape Structure and Reinforcement Policies.

Protection policies for these are set out in Chapter 6 Environment and Heritage of the Plan. Planning applications would be assessed, having regard to these policies.

- *exceeded environmental quality standards or limit values;*

As outlined above the proposed Variation is subject to its own controls both within the plan, and also in terms of other guidance such as, the 2021 EPA guidance on treatment systems for one off rural housing. With the combination of these controls and limited number of applications it is not considered that any environmental limits will be exceeded.

- *intensive land-use;*

None anticipated. The proposed variation relates to a limited number of rural housing applications which will be subject to the range of controls outlined above, which would avoid intensive land use patterns emerging.

vii. *the effects on areas or landscapes which have a recognised national, community or international protection status.*

Due to the limited number of likely applications, well dispersed throughout the County, it is not considered that there would be any effects. One area within the County that of Lough Gur, has its own landscape policies, which are designed to protect its unique scenic and archaeological features. It is considered that the application of these existing policies would afford sufficient protection to this area. Lough Gur has its own Special Development Control Area, indicated in Map 6.3. There is a restriction on development “including residential development in the area of Special Development Control, shown on Map 6.3 except in exceptional circumstances” (LDP, p.186).

### 3.0 Screening of the proposed Variation against the Environmental Protection Objectives of the Limerick Development Plan 2022 – 2028

This Section consists of an assessment of the proposed Variation against the Environmental Protection Objectives as set out in the Strategic Environmental Assessment for the Limerick Development Plan 2022 – 2028. The Environmental Protection Objectives (EPOs) provided a standard against which the policies of the Plan were measured for their environmental sustainability. Therefore it is considered appropriate to consider the proposed Variation in the same context. The EPO's were reviewed during the plan making process for the Limerick Development Plan to ensure that they were up to date and provided a suitable standard against which plan policies could be measured.

Heading	Environmental Protection Objective	Comment in relation to proposed variation
<b>Biodiversity, Flora and Fauna/Built and Architectural Heritage</b>	B1: Protect, conserve and enhance habitats, species and areas of regional and local importance, including aquatic habitats and species and promote the sustainable management of ecological networks. See also W3 below.	<p>In Chapter 11, particularly Table DM5, there is a section on ecological assessment of such applications. This also calls for the use of native species in landscaping and ensures that all such applications are assessed with local ecology in mind. Many applicants are asked for site specific surveys for species, such as bats or birds or for Ecological Impact Assessments in the course of their applications to ensure that protected species are taken into account.</p> <p>A Barn Owl survey has also been carried out in 2022, which will inform the</p>

		conservation requirements of this species. This was one of the surveys identified as being useful in the SEA and AA processes for the Limerick Development Plan.
	B2: Ensure the continued conservation of the Natura 2000 sites, Natural Heritage and Proposed Natural Heritage sites. These sites are important, both as an amenity and natural history resource	Though more the subject matter of the AA screening, which also accompanies the variation, it is considered that there is sufficient protection in the plan policies in Chapter 6. Any applications within or close to a Natura 2000 is the subject of particular scrutiny. Of note is the NPWS 2009 Circular which states that the individual rural houses are not a threat to the ecological status of the hen harrier.
	B3: Preservation of the character of the historic built fabric.	This is also dealt with in Chapter 11 of the Limerick Development Plan, where integration of development into existing surroundings is emphasised. It has to be said though that this might generally be less of an issue for single rural housing developments than those in an urban area.
	B4: Preservation of the archaeological heritage.	Policies in Chapter 6 (Section 6.5) confer protection in this regard.

		Objectives EH032, EH036, EH037, EH039 and EH040 are particularly important in this regard. It has also become practice to include the Council archaeologist in pre-planning discussions, where it is likely that such sensitivities might arise.
<b>Population and Human Health</b>	P1: Facilitate a good standard quality of life for the population of Limerick through ensuring high quality residential, recreational, educational and working environments.	Apart from the 2005 Section 28 Guidance, there is a range of guidance mentioned in Chapter 11 of the Development Plan which outlines minimum standards for such developments. This ensures good quality development which complies with current guidance and legislation.
	P2: Provide policy support for the provision of suitable employment and facilities for the local population.	While the proposed variation does not relate to employment but rather residential applications, the construction of these houses does support local employment.
<b>Water</b>	W1: Ensure that wastewater infrastructure keeps pace with development proposals.	The Council now complies with the 2021 EPA guidance to inform its response to individual treatment systems and site test proposals.
	W2: Ensure that the requirements of the Water	The 2021 EPA guidance (EHO 16) builds on



	Framework Directive are incorporated into the Plan.	experience since the previous publication of guidance in 2009. This ensures that the current concerns of water quality and by extension complies with the Water Framework Directive are taken into account. Objective EH O15 (Chapter 6) is also important in this regard, particularly for the protection of ground water.
	W3: Ensure that wetland and peatland sites are preserved.	Applications that are in such areas are subject to particular scrutiny in relation to their possible effects on such sites. In many situations issues are identified at pre-planning stage which can then be incorporated into the application itself thereby minimising or removing such effects. Policies in Chapter 6 of the plan also confer protection on such sites. A forthcoming wetland survey for the county will also add to the information necessary to help preserve such sites.
<b>Air Quality and Climate</b>	AQC1: To increase energy efficiency and the proportion of energy generated from renewable	The new additions to the Building Regulations (Technical Guidance Document L - Conservation

	sources and where necessary to ensure the sensitive application of energy saving measures to the historic built fabric of Limerick.	of Fuel and Energy – Dwellings (2022) SI 534, will ensure that these aims are achieved as will the policies in Chapter 9 of the LDP, in particular CAF 06 and CAF 07 and CAF 05 which promotes retro fitting in existing buildings.
	AQC2: To avoid deterioration of air quality in the Plan area.	Generally rural housing would not be responsible any significant effects in this regard. The new buildings regulations promote the use of renewable technologies for domestic use, which reduce pollutant emissions or smoke. See also below.
	AQC3: To include climate action concerns into the Plan policies.	See policies in Chapter 9 of the plan, in particular CAF 04 to 07. Objective CAF 04, in particular, places an emphasis on climate proofing development, through the use of appropriate technologies and materials.
<b>Geology and Soils</b>	GS1: Place an emphasis on the development of brownfield sites rather than greenfield sites in Limerick. By reducing the possible development of greenfield sites, this makes a positive contribution to soil	With a limited number of potential applications, well distributed throughout the county, it is not envisaged that there would be any significant effects.

	conservation. This can also be achieved through the sensitive reuse of existing buildings, reducing the need for new build - See C2 below.	
	GS2: Protect geological sites within the Plan area.	A recently completed Geological Heritage Survey 2021 of the County identified these sites and this will ensure these will be protected from inappropriate development. This was one of the measures suggested in the Environmental Report for the LDP and is reflected in objective EH09 in Chapter 6.
<b>Cultural Heritage</b>	C1: Protect and conserve features of archaeological heritage and their setting.	This is referred to in Objectives EH O36 and EH O37 and EH O39, which refers specifically to settings of monuments. These are outlined in Chapter 6 of the plan and confer adequate protection. The Council Archaeologist is also involved in applications at preplanning stage where it is apparent there would be implications for archaeology.
	C2: Protect, conserve and promote the sustainable	Objective HO O4 (Chapter 4) promotes the reuse of

	reuse of architectural heritage.	existing buildings. This together with Objectives EH O50 and EHO 51 (Chapter 6) will ensure that this carried out in a sustainable fashion.
<b>Landscape</b>	L1: Protect and conserve the quality, character and distinctiveness of the Limerick landscape both urban and rural.	Objective EH O32 and Section 6.4 Landscape and Visual Amenity, and the policy content in that section confer protection on these aspects of Limericks heritage.
	L.2: Retain the protected views in the Development Plan.	Section 6.4.2 and Objective EHO 31 Views and Prospects and Map 6.2 are the relevant plan contents in this regard. It is not considered given the limited number of potential applications that there would be any significant effects.
<b>Material Assets</b>	MA1: Maintain sustainable access to assets, such as open spaces, water resources and all other physical and social infrastructure.	The provision of rural housing is not likely to have an effect on access to these assets.
	MA2: Ensure that there is adequate policy support for infrastructural provision in the Plan area.	Chapter 8 Infrastructure is relevant here, particularly Policy INP1
<b>Compliance with Higher Tier Plans</b>	HTP1: Ensure compliance with higher tier plans such as the National Planning Framework and the	The importance of higher tier plans is stressed in Chapter 1 of the LDP, in particular Section 1.5.3

	Regional Spatial and Economic Strategy and other Section 28 guidance that might be issued by the Department.	which lays out the policy context, including the NPF and RSES. RPO 27(b) mentions “the provision of single housing in the countryside” (RSES p.90). The proposed variation is consistent with this policy objective.
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### 3.0 Stage Two – Summary, Conclusion and Recommendation

At this stage in the plan variation process, no strategically significant environmental issues can be identified in relation to the proposed Variation, having regard to the following:

- There will be a limited number of developments and they are already subject to control measures, such as the Environmental Protection Agency’s Domestic Waste Water Treatment Systems Guidelines (2021) and the requirements of the Limerick Ground Water Protection Scheme.
- Each application will be subject to the requirements of Chapter 11 Development Management Standards of the Limerick Development Plan 2022 – 2028, in particular Table DM5, which contains many measures, which when applied to rural housing reduces their visual and ecological impact and helps them integrate into the landscape. As outlined above many objectives in Chapter 6 of the Limerick Development Plan also help to ensure the protection of local environmental features and archaeology when applied to potential rural housing applications.

The screening process has considered the specific contents of proposed Variation No. 1 to the Limerick Development Plan 2022 – 2028 against the environmental significance criteria as contained in Annex II (2) of the SEA Directive and **concludes that a Strategic Environmental Assessment is not required for the proposed Variation No. 1 of the Limerick Development Plan 2022 – 2028.**