

Revoking of Local Area Plans for Castletroy, Southern
Environs and Kilfinane and subsequent incorporation into
the proposed Limerick Development Plan 2022 – 2028

**Strategic Environmental Assessment Screening and
Appropriate Assessment Screening**

4 June 2022



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Table of Contents

1.0 Introduction.....	1
2.0 Screening Statement	2
3.0 Stage One - Pre-Screening.....	2
4.0 Stage Two - (A) Environmental Significance Screening.....	5
5.0 Stage Two – Summary, Conclusions and Recommendation	9
6.0 Appropriate Assessment Screening.....	9
6.1 Introduction:.....	9
6.2 Screening Matrix.....	10
6.3 Finding of No Significant Effects Matrix	15

1.0 Introduction

Limerick City and County Council, intends to revoke the existing Local Area Plans for Castletroy, which was adopted in 2019, and was intended to run to 2025, the Southern Environs, which was adopted in 2021 and was intended to run to 2027 and the Kilfinane Local Area Plan, which was adopted in 2012 and was extended and intended to run to late in 2022.

The proposed Limerick Development Plan 2022 – 2028 is currently nearing the final stages of preparation, the Draft Plan includes written statements and maps for the settlements that were previously included in the above Local Area Plans. The Planning Authority consequently proposes to revoke these Local Area Plans. The proposed Limerick Development Plan 2022 – 2028 will set out the planning policy content in relation to these areas.

Both Castletroy and the Southern Environs form part of the Metropolitan Area of Limerick while Kilfinane lies 50km to the south east of Limerick.

The proposed Limerick Development Plan 2022-2028 take account of new planning policy,, in particular the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region, which have been prepared since the adoption of the Limerick City and County Development Plans in 2010.



Figure 1: Location of Limerick City and Environs and Kilfinane.

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 programmes 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.

3.0 Stage One - Pre-Screening

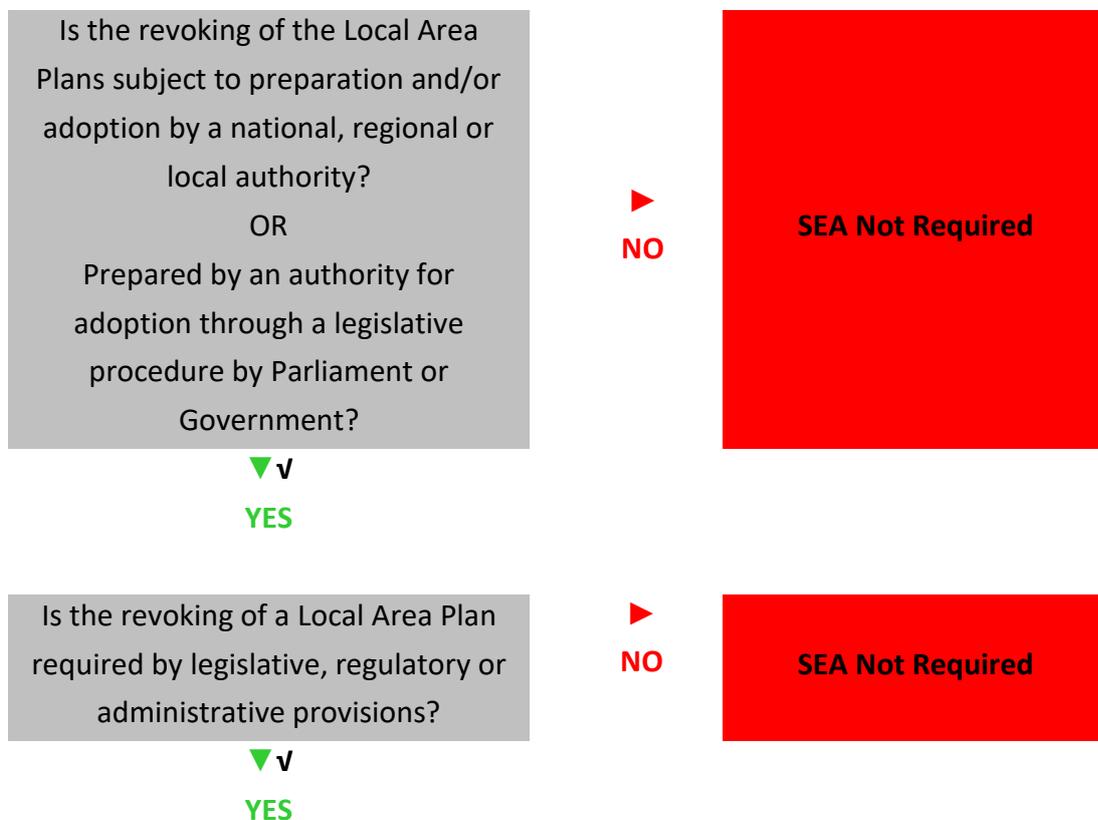
The first step in determining whether the revoking of the Local Area Plans and their integration into the proposed Limerick Development Plan 2022-2028 would require an SEA involves a pre-screening check. The proposed Limerick Development Plan will provide a framework for development and would have the advantage that the three areas in question would benefit, firstly in relation to compliance with national and regional planning policies of the proposed plan, but also the consistency of being guided by the updated planning policies set out in the first consolidated plan for Limerick. It is worth noting that since the adoption of Castletroy and in particular Kilfinane, the National Planning

Framework (NPF) has been prepared as has the Regional Spatial and Economic Strategy for the Southern Region (RSES). These have significant evolution in terms of the development of environmental policy content, since the adoption of the plans.

It is necessary to determine whether an SEA would be required by testing the revoking of the plans against environmental significance screening criteria. Under the updated SEA regulations (2011) the thresholds for mandatory SEA is 5,000 people and an area of 50Km². Both Castletroy and the Southern Environs exceed this threshold and have had both an SEA and AA processes carried out for them. Kilfinane fell below this threshold from the point of view of SEA and the SEA and AA processes were screened out.

The proposed Limerick Development Plan 2022-2028 has an Environmental Report and a Natura impact Report prepared during the plan – making process, which has informed the policy content of the plan. The Local Area Plans, are with their existing boundaries, being absorbed into this proposed plan, which has undergone this process.

Figure 2 Pre-Screening Decision Tree



Is the sole purpose of the revoking of the Local Area Plans 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?

▶ ✓
YES

SEA Not Required



NO

Is the revoking of the Local Area plan 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

Is the review 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?

▶ **NO**

▶ **YES**

AA Required

Do the changes caused by the revoking of the Local Area Plan 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?

▶ **YES**
✓

Does it provide a framework for development consent for projects?

▶ **YES**
✓

SEA may be required



NO

**SEA Required
Go to Stage 2**



NO

SEA Not Required

4.0 Stage Two - (A) Environmental Significance Screening

The application of environmental significance criteria is important 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 4

Criteria for Determining the Likely Significance of Environmental Effects

Characteristics of the Plan/Programme

- i. the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;*

While the Local Area Plans guided development within the settlement boundaries of each of the Local Area Plan boundaries, being separate plans they all would have had slight variations in policy. The revoking of the plans and their subsequent incorporation into the Limerick Development Plan will ensure that the population projections and hence the zoning patterns of the proposed plan will reflect the policy guidance and population figures of the Core Strategy of the proposed Limerick Development Plan. This, in turn, has been informed by the National Planning Framework and the Regional Spatial and Economic Strategy, mentioned above and which have been prepared since the existing Local Area Plans were adopted. There is also a new emphasis on the Town Centre First Approach, which places an additional emphasis on “creating a thriving town and village centre”. This echoes the emphasis of the RSES and the NPF in emphasising centre out and brownfield development. It is also in itself a useful climate action response from the point of view of settlement planning, concentrating development in areas where it can be easily serviced and can avail of transport links. For a settlement like Kilfinane with rural hinterland and need to address village centre vacancy, this new development emphasis is important.

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

Castletroy, the Southern Environs and Kilfinane will be set within the context of the proposed Limerick Development Plan 2022 – 2028, the National Planning Framework and

the Regional Spatial and Economic Strategy for the Southern Region and the provisions of relevant planning guidelines issued by the Department of Housing, Planning, Local Government and Heritage. These will ensure consistency in the application of planning policy throughout the three areas. The proposed Limerick Development Plan, with its updated policy content, will inform and guide individual projects and planning permissions within the former Local Area Plan areas, both through the zoning mechanism and the policy content. A Strategic Flood Risk Assessment has also been prepared which informs the proposed Limerick Development Plan and the areas of Kilfinane, Castletroy and the Southern Environs.

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

The existing Local Area Plan objectives and content will be updated by incorporation into the proposed Limerick Development Plan to take into account new guidance and legislation including an updated Flood Risk assessment. The new Town Centre first approach as outlined above is also an important new policy emphasis.

iii. environmental problems relevant to the plan or programme;

The underlying environmental issues of the incorporation of revoking of the Local Area Plans:

- Sensitive development of the three settlement areas;
- Avoidance of pollution to the local rivers and watercourses;
- Preservation of key features of the each settlement areas natural environment and protected structures and listed buildings;
- Compliance with the Core Strategy of the proposed Limerick Development Plan.

iv. 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 revoking of the Local Area Plans and their incorporation into the proposed Limerick Development Plan will result in their policies being informed by the Regional Spatial and Economic Strategy and the National Planning Framework, which takes cognisance of recent

guidelines and standards, as well as environmental issues. This will be also be a welcome update of the policies to take into account the latest Community legislation and guidance.

Characteristics of the Effects and of the Area Likely to be Affected

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

Changes and effects are likely as the zoning mechanism in the proposed Limerick Development Plan, which guides both the amount and location of development. Changes to the built environment are generally permanent in nature and are difficult to reverse. Re-zoning to take into account proposed Core Strategy figures in a new zoning format should reduce effects within the plan period. The planning policies that are proposed in the Limerick Development Plan are expected to last for the six years of the plan (2022-2028), however it is not anticipated that the situation would be any different if the LAP had not been revoked. With updated policy content in the proposed Limerick Development Plan, the opportunity to guide development in more environmentally and ecologically friendly directions has been addressed.

ii. the cumulative nature of the effects

Growth will now be managed through the updated planning guidance. It is not anticipated that the effects would be greater than that caused by the continuation of the Local Area Plans, as the boundaries remain relatively the same. The only real change is updating of the planning policies that apply to development activity in the three areas.

iii. the trans-boundary nature of the effects

There are no trans-boundary effects.

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

None.

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

The areas that will be affected are those within the former Local Area Plan areas. While the areas combined exceed the threshold for SEA and AA, they are being incorporated into the proposed Limerick Development Plan, which have been subject to both SEA and AA and which is designed to apply updated planning policy to the entire functional area of the Council.

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

- *Special natural characteristics or cultural heritage;*

The proposed Limerick Development Plan identifies 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;
- Proposed landscape Structure and Reinforcement Policies.

Policies in relation to all of the above have been updated in the proposed Limerick Development Plan.

- *exceeded environmental quality standards or limit values;*

The policy content of the three settlement areas will be updated by inclusion in the proposed Limerick Development Plan, which would ensure that environmental targets and parameters are also updated. One example would be the proposed Limerick Development Plan's new emphasis on climate action for instance. Another would be new policies in relation to nature conservation, where species such as the barn owl are mentioned. A survey of an archaeological site in Kilfinane was carried out in May 2022 to determine that no Barn Owls or other bird species or bats used the structure prior to works being carried

out for the Community Monuments Fund (CMF). This is one instance where the new policies are expected to have beneficial effects.

- *intensive land-use;*

The zoning patterns of the existing Local Area Plan areas will reflect the requirements of the updated core strategy. There are no expansion of the development boundaries. Intensification of land uses such as greater housing density in appropriately zoned areas in urban areas might have overall beneficial environmental effects locating development in areas where it can be serviced.

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

No effects, see above in relation to non-extension of development boundaries.

5.0 Stage Two – Summary, Conclusions and Recommendation

At this stage in revoking the Local Area Plans for Castletroy, the Southern Environs and Castletroy, no strategically significant environmental problems can be identified in relation to the above issues.

Following the screening process whereby the specific context of the revoking of the Castletroy, Kilfinane and Southern Environs Local Area Plans has been assessed against the environmental significance criteria as contained in Annex II (2) of the SEA Directive, **it is concluded that a Strategic Environmental Assessment is not required for the proposed revocation.**

6.0 Appropriate Assessment Screening

6.1 Introduction:

This is an Appropriate Assessment Screening of the proposed revoking of the Castletroy, Southern Environs and Kilfinane Local Area Plans, in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC).

The Southern Environs Local Area Plan was adopted in 2021, while Castletroy was adopted in December 2018. Kilfinane was adopted in 2012. Both Castletroy and the Southern Environs are part of the Metropolitan Area of Limerick while Kilfinane lies 50km to the southeast of Limerick. As all are currently being revoked, the process needs to be screened for ‘Appropriate Assessment’. Based on the *Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, a ‘Screening Matrix’ and a ‘Finding of No Significant Effects Matrix’ have been completed. The conclusion is that the revoking of the Local Area Plans **does not require** an Appropriate Assessment.

The principal consideration for an Appropriate Assessment would be if the revoking of the Local Area Plans was likely to have significant effects on a Natura 2000 site – Special Areas of Conservation and Special Protection Areas (SACs and SPAs) are Natura sites. There is no SAC or SPA within the boundaries of the Kilfinane Local Area Plan, but the River Shannon SAC (002165) site forms the northern boundary of the Castletroy Local Area Plan, while both the Lower River Shannon SAC site and the River Shannon and Fergus Estuaries form the northern and eastern boundaries of the Southern Environs Local Area Plan area.

The conclusion is at this stage of the process is that the revoking of the Local Area Plans **does not require** an Appropriate Assessment. This is because there are no expansions of development boundaries beyond those in the existing Local Area Plans and a range of updated policies exists in the proposed Limerick Development Plan to for the protection of Natura 2000 sites and ecology generally, which have been derived from the AA process in formulating the proposed Limerick Development Plan 2022 -2028.

6.2 Screening Matrix

Brief description of the project or plan:
The revoking of three Local Area Plans, the Southern Environs area, Castletroy and Kilfinane and their subsequent incorporation into the proposed Limerick Development Plan 2022 - 2028.
Brief description of the Natura 2000 sites:
The Lower River Shannon SAC site forms the northern and part of the eastern boundary of the southern environs area and of Castletroy. The Shannon and Fergus Estuary SPA is also part of the northern boundary of the Southern Environs. The SAC site has been selected because of a range of riparian habitats and species such as wet woodlands, tidal mudflats, estuaries and for species such as otter, salmon and lamprey. The Shannon and Fergus Estuary SPA is designated because of the sites importance for wintering birds. Bunlicky lake has been

added because of its importance for wildfowl, particularly as a roosting area for cormorants. Maintenance of high water quality is an important factor in ensuring the preservation of these habitats.

The Galtee Mountains SAC site (000646) is designated for a range of upland peat habitats and is 15.7km east of Kilfinane. There are two particularly important habitats present, active blanket bog and species rich nardus (a tufted slow growing grass) grassland.

The Ballyhoura Mountain SAC site (002036) is 4.4km south of Kilfinane is also designated for a range of peat habitats these being wet and dry heaths and blanket bogs.

Blackwater River SAC site 002170 (Cork and Waterford) designated for a range of freshwater and estuarine habitat and species including alluvial woodland, otters and freshwater pearl mussel. This is 11.5km south west of Kilfinane.

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:

- **Size and scale;**

There is no expansion of the development boundaries of any of three existing Local Area Plan areas and hence no additional encroachment into Natura 2000 sites. Ex-situ impacts are taken into account by including policies in the proposed Limerick Development Plan that ensure that development takes place in tandem with the establishment of appropriate facilities such as wastewater infrastructure.

- **Land-take;**

It is not proposed to further expand the development boundaries of the existing plan areas. There are two Natura 2000 site designations within or close to the Castletroy and Southern Environs, the closest to Kilfinane is 4.5km to the south (the Ballyhoura Mountains SAC site)

- Distance from Natura 2000 site or key features of the site;

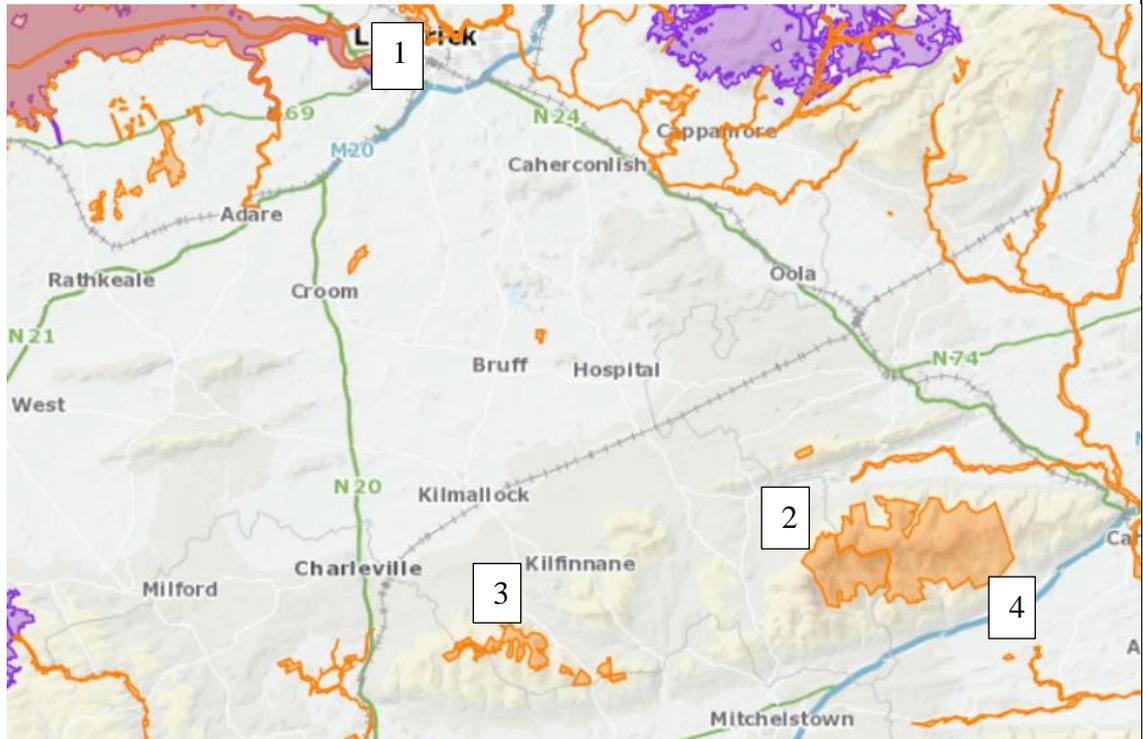


Figure 3: locations of Natura 2000 sites. See below for distances to each.

1. The Lower River Shannon SAC (002165) site forms the northern and part of the eastern boundary of the southern environs area and of Castletroy. The Shannon and Fergus Estuary SPA is also part of the northern boundary of the Southern Environs.
2. The Galtee Mountains SAC site (000646) is 5.7km east of Kilfinane.
3. The Ballyhoura Mountain SAC site (002036) is 4.4km south of Kilfinane is also designated for a range of peat habitats these being wet and dry heaths and blanket bogs.
4. Blackwater River SAC site 002170 (Cork and Waterford) is 11.5km south west of Kilfinane.

Resource requirements (water abstraction etc.);

No policies within the plan indicate the need for abstraction of water from the Natura 2000 Sites.

- **Emission (disposal to land, water or air);**

In the proposed Limerick Development Plan, there are policies designed to ensure that the pace of development does not over-reach the capacity of the available treatment systems.

- **Excavation requirements;**

There will be no additional encroachment on the Natura 2000 sites in either the Castletroy or former Southern Environs areas as the development boundaries will remain the same. Kilfinane is at a distance from any Natura 2000 site so any excavation is unlikely to have an effect by virtue of distance and lack of connectivity.

- **Transportation requirements;**

It is not envisaged that any of the transport policies put forward in the plan will have any effect in terms of encroachment on any designated sites.

- **Duration of construction, operation, decommissioning, etc;**

No construction projects within the plan area will encroach upon designated sites.

- **Other**

None.

Describe any likely changes to the site arising as a result of :

- **reduction of habitat area:**

It is intended to retain the buffer area along the River Shannon that exist in the Metropolitan area. This buffer will prevent encroachment on the river. Kilfinane has no Natura 2000 sites nearby. It is considered that the concentration of development within the plan boundaries with updated ecological policies, is preferable to continuing with the Local Area Plans that do not have the benefit of such policies.

- **disturbance to key species;**

No additional projects giving rise to disturbance to key species for Natura 2000 sites is likely within the boundaries of the proposed Limerick Development Plan as a result of the revocation of the Plans. The inclusion of policies that ensure that development takes place only in step with provision of wastewater treatment systems helps to ensure that no ex-situ effects through water pollution issues will take place. Updated policies in relation to the protection of Natura 2000 sites and ecology generally also are proposed within the proposed Limerick Development Plan. It is considered that the revoking of the plans will not make a material difference to the amount or scale of development activities that may result from their incorporation into the proposed Limerick Development Plan.

- **habitat or species fragmentation;**

There will be no further encroachment into Natura 2000 sites beyond the boundaries indicated in the revoked Local Area Plans, so it is considered there is no additional risk of habitat or species fragmentation.

- **reduction in species density;**

There will be no further encroachment into Natura 2000 sites beyond the boundaries indicated in the existing Local Area Plans, so it is considered there is no additional risk of reduction in species density.

- **changes in key indicators of conservation value**

No projects giving rise to significant adverse changes in key indicators of conservation value for Natura 2000 sites are likely given that policies are in place to control possible effects, and any proposal will be subjected to appropriate assessment.

- **Climate change:**

The consolidation of development within the boundaries of the proposed Limerick Development Plan, while at the same time recognising the importance of the conservation of Natura 2000 sites is not expected to result in climate change issues that would affect the sites.

Describe any likely impacts on the Natura 2000 site as a whole in terms of:

- **interference with the key relationships that define the structure of the site;**

None-see policies regarding improvement of sewage facilities to reduce chances of ex-situ effects.

- **interference with key relationships that define the function of the site;**

With the updating of conservation policies and incorporation of the Local Area Plan areas in the proposed Limerick Development Plan, it is not expected that the various factors that help designated sites function as particular habitats will be affected.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

- **loss;**

Not applicable.

- **Fragmentation;**

Not applicable.

- **Disruption;**

Not applicable.

<ul style="list-style-type: none"> • Disturbance; <p>Not applicable.</p>
<ul style="list-style-type: none"> • change to key elements of the site (e.g. water quality etc.); <p>Not applicable.</p>
<p>Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts are not known.</p> <p>Not applicable.</p>

6.3 Finding of No Significant Effects Matrix

Name of Project or Plan:	The revoking of three Local Area Plans, those for the Southern Environs area, Castletroy and Kilfinane and their subsequent incorporation into the proposed Limerick Development Plan
Name and location of Natura 2000 sites:	<ol style="list-style-type: none"> 1. The Lower River Shannon SAC (002165) site forms the northern and part of the eastern boundary of the southern environs area and of Castletroy. The Shannon and Fergus Estuary SPA is also part of the northern boundary of the Southern Environs. 2. The Galtee Mountains SAC site (000646) is 5.7km east of Kilfinane. 3. The Ballyhoura Mountain SAC site (002036) is 4.4km south of Kilfinane is also designated for a range of peat habitats these being wet and dry heaths and blanket bogs. 4. Blackwater River SAC site 002170 (Cork and Waterford) is 11.5km south west of Kilfinane
Description of the Project or Plan	As given in Screening Matrix above.
Is the Project or Plan directly connected with or necessary to the management of the site (provide details) ?	No. The revoking of the Local Area Plans is a response to achieve greater consistency in the first consolidated Development Plan for Limerick. The opportunity has been taken to reduce the number

	by incorporating them into the proposed Development Plan which will ensure that the policy guidance for these areas is updated including those for nature conservation.
Are there other projects or plans that together with the project of plan being assessed could affect the site (provide details)?	The revoking of the Local Area Plans is not likely to cause additional effects it simply means that, while the Local Area Plans will cease, policy guidance for development in the areas in question will simply transfer to the proposed Development Plan. This has an updated policy range and it is anticipated that it will have a beneficial effect not least in ensuring consistency in policy application in the three areas.
The Assessment of Significance of Effects	
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites:	The revoking of the Local Area Plan is not likely to cause additional effects it simply means that, while the Local Area Plans will cease, policy guidance for development in the areas in question will simply transfer to the proposed Development Plan. This has an updated policy range and it is anticipated that it will have a beneficial effect not least in ensuring consistency in policy application in the three areas.
Explain why these effects are not considered significant:	No additional effects on Natura 2000 sites from revoking the Local Area Plans and their incorporation into the proposed Limerick Development Plan 2022-2028 are anticipated. New policies for ecological protection and the prevention of pollution, nuisance and other environmental effects are in the plan and will help avoid effects on the Natura 2000 sites.
List of Agencies Consulted: Provide contact name and telephone or email address:	AA Screening Reports were sent to relevant statutory bodies.
Response to consultation	Awaited.

Data Collected to Carry out the Assessment			
Who carried out the Assessment?	Sources of Data	Level of assessment Completed	Where can the full results of the assessment be accessed and viewed
Heritage Officer, Forward Planning Section, Limerick City and County Council.	Existing NPWS Site Synopsis Site visits during plan preparation process.	Desktop study, site visits	With plan documentation on request.