

STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING REPORT

Amendment No.1 to Kilmallock Local Area Plan 2019-2025

February 2024



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1 SEA Screening Report: Kilmallock Local Area Plan 2019-2025

1.1 Introduction

The European Union Strategic Environmental Assessment (SEA) Directive (2001/42/EC) requires an environmental assessment be carried out for all plans that are prepared for certain specified sectors, including land use of which the Kilmallock Local Area Plan (the plan) relates. The following Regulations transpose this Directive into Irish law:

- The European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 436 of 2004),
- The Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436 of 2004) and further 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 2011 (Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011).

The Planning and Development (Strategic Environmental Assessment) Regulations, 2004 (as amended) state that SEA is mandatory for certain plans while screening for SEA is required for other plans that fall below the specified thresholds. The purpose of this screening report is to determine whether the proposed amendment to the existing Kilmallock LAP, will or will not, lead to significant environmental effects for the plan area and if it will require a full Strategic Environmental Assessment.

In deciding whether a particular plan is likely to have significant environmental effects, regard must be had to the criteria set out in Annex II of the SEA Directive - which is reproduced in the Schedule 2A to the Planning and Development Regulations 2001 (as amended), as inserted by article 12 of the Planning and Development (Strategic Environmental Assessment) Regulations 2004. The approach to this screening assessment is to assess the proposed amendment based on the Strategic Environmental Objectives applied for the Strategic Environmental Assessment of the Limerick Development Plan 2022 -2028, which functions as the higher level statutory plan.

The plan is further considered against the criteria contained in Schedule 2a of the Regulations; this is presented in Section Two of this report.

An assessment under Article 6(3) of the EU Habitats Directive has also been undertaken in conjunction with this SEA Screening report and should be read in tandem with this and the plan.

1.2 Scale, nature and location of plan

The Local Area Plan (LAP) is a statutory document prepared by the Planning Authority, in accordance with the requirements of the Planning and Development Act 2000 (as amended), thereafter referred to as "the Act". The Kilmallock LAP sets out a land use strategy for the

proper planning and sustainable development of Kilmallock, complying with the provisions of higher-level spatial plans.

The LAP consists of a written statement and maps indicating objectives for zoning of land, residential development, economic development, community infrastructure, built and natural heritage, open space and recreation, active travel and transport, environmental protection and climate action.

Preparation of the LAP was informed by Ministerial Guidelines, issued pursuant to Section 28 of the Act, together with EU requirements, regarding Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Kilmallock LAP was subject to SEA Screening. It was determined that following the screening process whereby the specific context of the review to the LAP was assessed against the environmental significance criteria as contained in Annex II (2) of the SEA Directive, it was concluded that a full Strategic Environmental Assessment was not required for the proposed review to the LAP. A Screening report for Appropriate Assessment was undertaken and determined no likely significant effects on the conservation management objectives of Natura 2000 sites, therefore no Stage II Appropriate Assessment of the Kilmallock LAP was required.

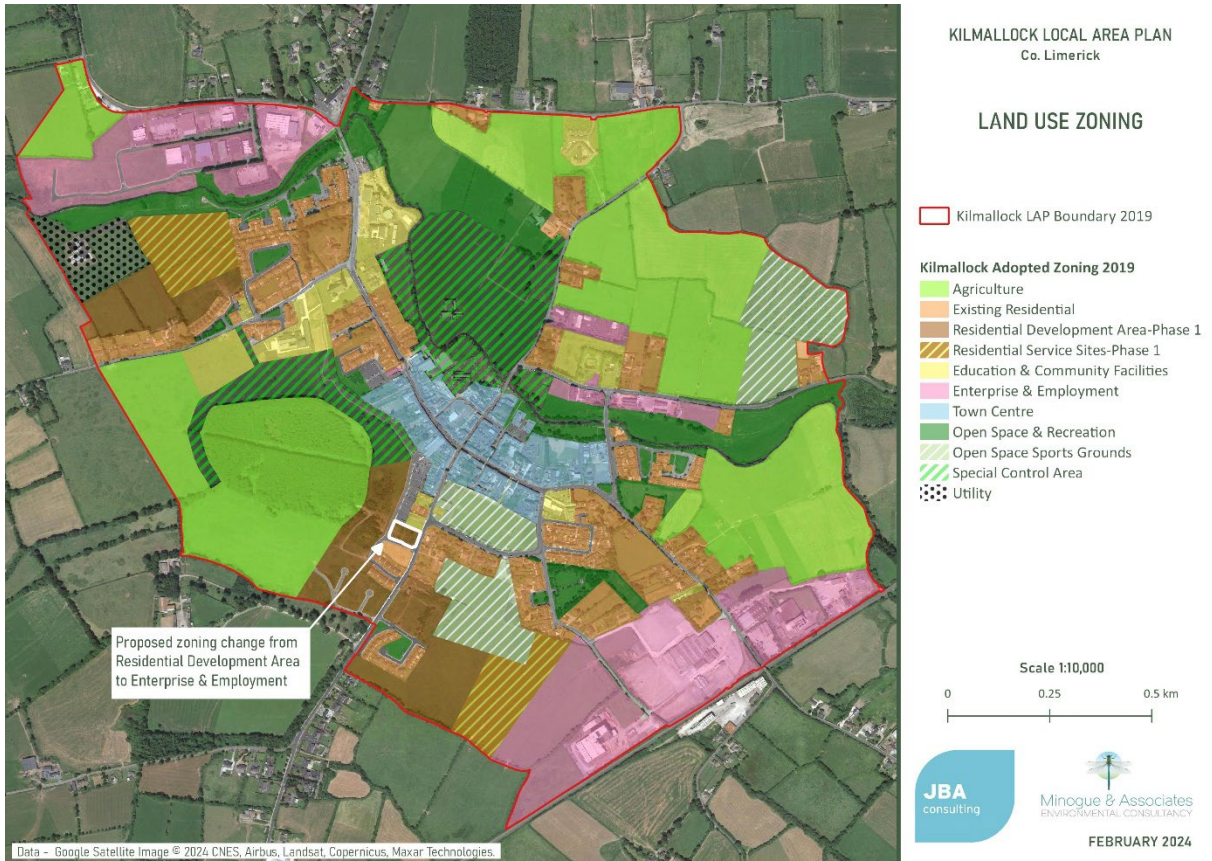
A screening of AA is prepared for this amendment and should be read in conjunction with this SEA Screening and the proposed amendment to the LAP.

1.3 Proposed amendment to Kilmallock LAP 2019-2025

The proposed amendment relates to a change of zoning of no. 1 site from 'Residential Development Area' to 'Enterprise and Employment'. The following presents the relevant considerations for this amendment and Figure 1.1 presents the location of the proposed rezoning.

- The size of the site is approximately 0.3ha.
- In accordance with the Limerick City and County Development Plan 2022 – 2028 there is a 10.47ha oversupply of residentially zoned land in Kilmallock.
- There are no National Monuments or Protected Structures on the site.
- The site is within Flood Zone C according to the most recent CFRAM Mapping, which was used in the preparation of the Local Area Plan.
- The lands are fully serviceable.

FIGURE 1-1 KILMALLOCK LAP 2019-2025 LANDUSE ZONING AND PROPOSED AMENDMENT



2 Schedule 2a screening assessment

2.1 Introduction

The following section and table below present the SEA Screening assessment of the plan against the criteria provided in Schedule 2a of the Planning and Development (Strategic Environmental Assessment) Regulations 2001 (as amended) which details the criteria for determining whether a plan or programme (or amendments to same) is likely to have significant effects on the environment.

Table 1 SEA Screening

Criteria for determining whether the amendment to Kilmallock LAP 2019-2025 is likely to have significant effects on the environment
<i>1. The characteristics of the Plan having regard, in particular, to:</i>
<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,</i>
<p>The Kilmallock LAP 2019-2025 sits within the statutory planning hierarchy. The LAP is a statutory document prepared by the Planning Authority, in accordance with the requirements of the Planning and Development Act 2000 (as amended), thereafter referred to as “the Act”. The LAP sets out a land use strategy for the proper planning and sustainable development of the village of Kilmallock, complying with the provisions of higher-level spatial plans.</p> <p>The LAP consists of a written statement and maps indicating objectives for zoning of land, quality housing, enterprise, town centre development, retail and tourism, transport, movement and infrastructure, archaeological, built and natural heritage, community infrastructure, green infrastructure and recreation, public realm, vacancy and opportunities.</p> <p>The LAP must be read in conjunction with the higher-level statutory plan, the Limerick Development Plan 2022-2028, this sets out the proposed vision and objectives for the development of Limerick over a six-year period. These aim to plan for and support the sustainable long-term development of Limerick City and County; provide for the future wellbeing of the residents and promote an appropriate balance of development across Limerick. All planning proposals are assessed against the objectives of the Limerick Development Plan 2022-2028, and all lower plans of which Kilmallock LAP conforms, must be consistent with this Limerick Development Plan.</p> <p>Any projects arising from the implementation of the Limerick Development Plan 2022-2028 and the Kilmallock LAP will have to comply, as relevant, with various legislation, policies, plans and programmes (including requirements for lower-tier Appropriate Assessment, Environmental Impact Assessment and other licencing requirements as appropriate) that form the statutory decision-making and consent granting framework.</p> <p>The proposed amendment is outlined in Section 1.3 and relates to an area of approximately 0.3hectares within the plan boundary.</p>

the degree to which the Plan influences other plans, including those in a hierarchy,

The plan is statutory and sits beneath the statutory landuse plans namely Limerick Development Plan 2022-2028. The LAP must be consistent with both the Limerick Development Plan and higher level plans including the National Planning Framework and the Regional Economic and Spatial Strategy.

The Limerick Development Plan 2022-2028 has undergone full SEA and AA and consultation with environmental bodies. All measures included in the SEA and AA of the Limerick Development Plan 2022 -2028 would apply, as appropriate.

The relevance of the Plan in the integration of environmental considerations in particular with a view to promoting sustainable development,

This plan is statutory and environmental protection measures and policies including lower tier assessments would apply should landuse projects arise. The LAP must be consistent and integrate environmental considerations including, *inter alia*, environmental legislation including the EIA Directive, the Flood Directive, Habitats Directive, Waste Directive, Water Framework Directive and national policy and legislation pertinent to environmental considerations. The Kilmallock LAP has been informed by Ministerial Guidelines, issued pursuant to Section 28 of the Act, together with EU requirements, regarding Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA).

Given the size of the proposed amendment and the absence of any identified environmentally sensitive receptors on the area, the application and adherence to the above legislative provisions ensure that likely significant effects are not identified for this amendment.

Environmental problems relevant to the plan

Key challenges in the plan area are

- Sensitive development of the historic townscape of Kilmallock.
- Avoidance of pollution to the River Loobagh.
- Preservation of the town's archaeological heritage, natural environment and protected structures and listed buildings.

the relevance of the plan in the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection).

Proposals that may give rise to landuse effects would be subject to detailed design and requirements of the Limerick Development Plan 2022-2028 and the Kilmallock LAP, and as the plan is required to be consistent, it allows for the implementation, as relevant to European environmental legislation as established in the county plan.

These include, *inter alia*, the EU Habitats Directive (92/43/EEC), the EU Birds Directive (2009/147/EC), the EU Water Framework Directive (2006/60/EC), the EU Groundwater Directive 92006/118/EC), the European Communities (Water Policy) Regulations 2014 S.I. 350 of 2014 and national legislation including the Wildlife Act 1976, as amended, and Flora Protection Order 1999.

Should development arise in relation to the lands that are the subject to the amendment, the application of appropriate legislation such as the Water Framework Directive, the Habitats Directive, the SEA directive and the EIA Directive, will apply as appropriate.

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

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

Land use activities are likely to be associated with or supported by many of the specific landuse zoning and objectives that will arise out of the LAP.

The SEA Screening and AA screening has evaluated this amendment.

Subject to the full adherence and implementation of environmental protection policies and measures from the Limerick Development Plan 2022, and the Kilmallock LAP, no significant effects are identified.

the cumulative nature of the effects,

Subject to the full adherence and implementation of environmental protection policies and measures from the Limerick Development Plan 2022 - 2028, and the LAP, no significant effects are identified

the trans boundary nature of the effects

No transboundary effects are identified at this stage.

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

No such risks are identified as arising from the plan at this stage.

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

At this scale, no such effects are identified.

the value and vulnerability of the area likely to be affected due to:

(d) special natural characteristics or cultural heritage

A screening statement in support of Appropriate Assessment has also been prepared for this plan in line with Article 6(3) of the EU Habitats Directive (92/43/EEC). The AA screening report has concluded that no likely significant effects are identified for European Sites arising from the amendment to the Kilmallock LAP 2019-2025.

(b) exceeded environmental quality standards or limit values,

In order to be realised, potential projects or proposals arising from the LAP will have to comply, as relevant, with various legislation, policies, plans and programmes (including requirements for lower-tier Appropriate Assessment, Environmental Impact Assessment and other licencing requirements as appropriate) that form the statutory decision-making and consent granting framework.

Such legislation, policies, plans and programmes include lower tier environmental assessment including Environmental Impact Assessment and Appropriate Assessment. Should projects arise from the plan, the statutory consent process as outlined above will apply.

(c) intensive land-use,

Given the small scale of the proposed amendment at 0.3ha, the rezoning from residential to enterprise and employment is minor in nature and intensity; at this juncture no such effects are identified.

(d) the effects on areas or landscapes which have a recognised national, European Union or international protection status.

A Screening report for Appropriate Assessment has been undertaken and accompanies this strategy and SEA Screening report. The AA screening report has concluded that no likely significant effects are identified for European Sites arising from the amendment to the Kilmallock LAP 2019-2025.

2.2 Consultation on the proposed amendment to the Kilmallock LAP 2019 -2025

In accordance with Article 14A (2) of the Planning and Development Regulations 2001 (as amended), Limerick City and County Council invited environmental authorities to make a submission or observation in relation to whether or not implementation of the amended plan would be likely to have significant effects on the environment, prior to making a determination.

One submission was received from the EPA and the following comments provided:

- Reference to available datasets and resources including good practice guidance.
- Ensuring that the plan or programme is consistent with the need for proper planning and sustainable development.
- Future amendments to the plan and need for SEA screening of same.
- Integration with Appropriate Assessment considerations.

2.3 Strategic Environmental Assessment Screening Determination

The plan is a statutory land use plan and the amendment as described in Section 1.3 of this report, is being screened for the requirement for SEA in accordance with the requirements of:

- Directive 2001/42/EC (SEA Directive) and particularly Articles 3(3), 3(4) & 3(5) relate to 'Screening' for the requirement for SEA.
- S.I. No. 435 of 2004 European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended by S.I. No. 200 of 2011 - European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011.
- Schedule 2A of the Planning and Development Regulations 2001, as amended, which sets out the "Criteria for determining whether a plan or programme is likely to have significant effects on the environment"

As the population based on the 2022 Census is 1,761 persons, the plan area is significantly under the 5,000 persons threshold for mandatory SEA.

Section 9 (1) of the (2004) Regulations (S.I. No. 436) (as amended) states “*subject to sub-article (2), an environmental assessment shall be carried out for all plans and programmes*

*(a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism and **town and country planning** or **land use**, and which set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive, or ”*

(b) which are not directly connected with or necessary to the management of a European site but, either individually or in combination with other plans, are likely to have a significant effect on any such site.”.

The Kilmallock LAP 2019-2025 provides consent, establishes a framework for granting consent or contribute towards a framework for granting consent. The proposed amendment is identified as not giving rise to significant effects due to the small scale, nature of the rezoning and absence of sensitive environmental receptors in or adjacent to the site. In order to be realised, potential projects or proposals arising from the plan will have to comply, as relevant, with various legislation, policies, plans and programmes (including requirements for lower-tier Appropriate Assessment, Environmental Impact Assessment and other licencing requirements as appropriate) that form the statutory decision-making and consent granting framework.

The AA screening report has concluded that no likely significant effects are identified for European Sites arising from the proposed amendment to Kilmallock LAP 2019-2025.

In light of the above findings, it is determined that the amendment to the Kilmallock LAP 2019-2025 does not require full SEA.