

## Screening for Strategic Environmental Assessment Determination

Under Article 8 (14A) (3) Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI No 436 of 2004), as amended by the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011 (SI No 201 of 2011) for the:

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

The Screening for Strategic Environmental Assessment (SEA) determination regarding whether or not implementation of amendment No. 1 to the Kilmallock Local Area Plan 2019-2025 would be likely to have significant effects on the environment is being made under the above Regulations.

As part of this determination, the Council considered whether or not implementation of the amendment to the local area plan would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A of the above Regulations. These criteria are taking into account as follows:

Criteria for determining whether amendment No.1 to Kilmallock LAP 2019-2025 is likely to have significant effects on the environment

**1. *The characteristics of the Plan having regard, in particular, to:***

***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 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.

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.

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.

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. The proposed amendment is outlined in Section 1.3 and relates to an area of approximately 0.3hectares within the plan boundary.

***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.

<b><i>the cumulative nature of the effects,</i></b>
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
<b><i>the trans boundary nature of the effects</i></b>
No transboundary effects are identified at this stage.
<b><i>the risks to human health or the environment (e.g. due to accidents),</i></b>
No such risks are identified as arising from the plan at this stage.
<b><i>the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</i></b>
At this scale, no such effects are identified.
<b><i>the value and vulnerability of the area likely to be affected due to:</i></b>
(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.

With reference to the foregoing information, it is determined that amendmentNo.1 to the plan would not be likely to result in significant effects and that SEA is not required to be undertaken on the amendment to the Kilmallock Local Area Plan 2019-2025.

Signed   
Position: Director of SERVICES  
Date: 14-02-2024