

SEA SCREENING REPORT

**Proposed Variation No. 4 to the Kilkenny City and Environs Development Plan
2014 - 2020**

Kilkenny County Council

September 2017

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Section 1 Introduction and Background

1.1 Introduction

Kilkenny County Council has prepared a proposed Variation to the Kilkenny City and Environs Development Plan (KCEDP) 2014-2020 (as varied) under Section 13 of the Planning and Development Act 2000 (as amended).

As Kilkenny County Council has not determined that the Proposed Variation would be likely to have significant environmental effects, the Proposed Variation has to be screened for the need to undertake Strategic Environmental Assessment (SEA). Screening is the process for deciding whether a particular plan - or variation to a plan, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA. The purpose of this report is to evaluate the requirement for SEA of the Proposed Variation to the KCEDP.

It is noted that the KCEDP was subject to a full SEA. The appropriate environmental authorities were consulted throughout that SEA process.

1.2 Legislative Context

The SEA Directive was transposed into Irish Law through the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (Statutory Instrument Number (SI No. 435 of 2004) and the Planning and Development (SEA) Regulations 2004 (SI No. 436 of 2004). Both sets of Regulations became operational on 21 July 2004. These Regulations have been amended by the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (SI No. 200 of 2011) and the Planning and Development (SEA) (Amendment) Regulations 2011 (SI No. 201 of 2011).

Under Article 7 (13K) of the SEA Regulations, as amended, screening is required for the Proposed Variation. Schedule 2A '*Criteria for determining whether a plan is likely to have significant effects on the environment*' of the SEA Regulations, as amended, must be taken into account during the screening process.

The Proposed Variation is being made under Section 13 of the Planning and Development Act 2000 (as amended).

1.3 Content of the Proposed Variation

Proposed Variation 4 to the Kilkenny City and Environs Development Plan is to incorporate the Vacant Site Levy (VSL) provisions as introduced by the Urban Regeneration and Housing Act 2015. The VSL is to incentivise the development of vacant sites in urban areas, and is a site activation measure, to ensure that vacant or underutilised land in urban areas is brought into beneficial use. As part of the Act, Planning Authorities must include an objective in their Development Plans for the development and renewal of areas in need of regeneration and must establish a vacant site register.

There are no changes to the zoning map (or any maps) proposed under this Variation. The additional text, proposed for insertion in Section 3.4 is set out below in *red italics*:

Kilkenny County Council will examine lands within the city, as appropriate, for the purposes as set out in the Urban Regeneration and Housing Act 2015, in relation to the vacant site levy. This examination may be undertaken through relevant Local Area Plan processes.

Objective:

3A To promote the redevelopment and renewal of areas *identified having regard to the core strategy, that are* in need of regeneration, *in order to prevent—*

- (i) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,*
- (ii) urban blight and decay,*
- (iii) anti-social behaviour, or*
- (iv) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.*

The levy may be applied to all identified ‘Regeneration’ land and ‘Residential’ land in existing land use zonings. In particular, the areas covered by the following zoning objectives are considered to constitute regeneration land:

- *General Business*
- *Mixed Use*
- *Business Park*

Other regeneration zonings may also be identified in any relevant Local Area Plans.

1.4 Consultation

As part of the screening process, environmental authorities were notified that a submission or observation, in relation to whether or not implementation of the Proposed Variation would be likely to have significant effects on the environment, may be made (a period of 3 weeks was allowed for the reply). One response was received from Cian O’ Mahony, SEA Section, EPA. The comments made were taken into account in the determination of this screening report. The EPA did not advise that an SEA should be carried out.

1.5 Appropriate Assessment

An Appropriate Assessment Screening under the Habitats Directive will also be undertaken on the Proposed Variation.

Section 2 Determining whether SEA is required

2.1 Introduction

The following pages contain a reproduction of Schedule 2A ‘Criteria for determining whether a plan is likely to have significant effects on the environment’ of the SEA Regulations, as amended.

These criteria have been taken into account in determining whether or not significant effects on the environment would be likely to arise.

It is only changes to the Plan which are considered; the existing Plan (2014-2020, as varied) has undergone full SEA already¹.

2.2 Schedule 2A: Part 1

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 Kilkenny City and Environs Development Plan 2014 – 2020 was subject to a full SEA.

Variation 4 is proposed to ensure that the KCEDP reflects the provisions of the Urban Regeneration and Housing Act 2015 and allows for the application of the Vacant Site Levy in urban areas. This Variation will comprise an addition to Section 3.4 Development Strategy in Chapter 3: Core Strategy and Zoning to reflect the text of the Act.

There is no change in zoning proposed under this Variation. The changes are relatively minor, to ensure that Objective 3A reflects the exact wording of the Act, and to designate the zones within which the levy can be applied. Therefore this would not be likely to result in significant environmental effects.

In relation to the potential for flooding, a SFRA was already carried out for the KCEDP². As this Variation does not relate to any zoning change, the SFRA as carried out (June 2014) will not be affected.

Arising from the degree to which the Plan sets a framework for projects and other activities the Variation would not be likely to result in significant environmental effects.

2. *The characteristics of the plan having regard, in particular, to: the degree to which the plan influences other plans, including those in a hierarchy*

The Proposed Variation is not envisaged to significantly influence any lower tier plans.

Arising from the degree to which the KCEDP influences other plans, the Proposed Variation would not be likely to result in significant environmental effects.

¹ SEA Directive Article 4.3: Where plans and programmes form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy.

² [Strategic Environmental Assessment \(SEA\) of Kilkenny City & Environs Development Plan 2014-2020, Appendix 1, Strategic Flood Risk Assessment, June 2014](#)

3. The characteristics of the plan having regard, in particular, to: the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development

The KCEDP has undergone SEA. This process integrated environmental considerations into the Plan and concluded that the Plan is based on the broad principles of sustainable development.

Arising from the relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development and regeneration, the Proposed Variation would not be likely to result in significant environmental effects.

4. The characteristics of the plan having regard, in particular, to: environmental problems relevant to the plan

Environmental problems arise where there is a conflict between current environmental conditions and legislative targets.

Through its provisions relating to environmental protection and management, the existing KCEDP contributes towards ensuring that environmental problems do not get worse and, where possible, it contributes towards amelioration.

Taking the above into account, arising from environmental problems relevant to the Plan and Proposed Variation, the Proposed Variation would not be likely to result in significant environmental effects.

5. The characteristics of the plan having regard, in particular, to: the relevance of the plan for the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection)

The KCEDP relates to the land use sector and does not directly relate to other sectors such as agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications or tourism.

The SEA process for the KCEDP integrated considerations with regard to EU and national legislation on the environment into the Plan, including those relating to the waste management and the Water Framework Directive.

Taking the above into account, arising from the relevance of the Plan for the implementation of European Union legislation on the environment, the Proposed Variation would not be likely to result in significant environmental effects.

2.3 Schedule 2A: Part 2

1. 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

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

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

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

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

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

4. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the risks to human health or the environment (e.g. due to accidents)

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

5. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)

The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).

6. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the value and vulnerability of the area likely to be affected due to:

a) special natural characteristics or cultural heritage;

The Proposed Variation would not be likely to result in significant environmental effects on special natural characteristics or cultural heritage (see Section 2.2).

b) exceeded environmental quality standards or limit values, and;

The Proposed Variation would not be likely to result in significant environmental effects with respect to exceeded environmental quality standards or limit values (see also Section 2.2).

c) intensive land-use.

The Proposed Variation would not be likely to result in significant environmental effects (see also Section 2.2). The Proposed Variation does not provide for intensive land use.

7. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the effects on areas or landscapes which have a recognised national, European Union or international protection status

The Proposed Variation would not be likely to result in significant environmental effects on areas or landscapes which have a recognised national, European Union or international protection status (see also Section 2.2).

2.4 Conclusion

Proposed Variation 4 to the Kilkenny City and Environs Development Plan 2014 - 2020 has been examined against Schedule 2A 'Criteria for determining whether a plan is likely to have significant effects on the environment' of the SEA Regulations, as amended, and it has been determined that the Proposed Variation would not be likely to result in significant environmental effects.

In terms of the provisions of Article 13K(4) of the Regulations, following the appropriate consultation period the Planning Authority shall determine whether or not implementation of the proposed variation would be likely to have significant effects on the environment, taking account of the relevant criteria set out in Schedule 2A of the Regulations and any submission or observation received from the environmental authorities. In this regard, a decision was taken on the 13th September 2017 to not carry out an SEA and in accordance with Article 13K(5)(b) the environmental authorities were notified of this decision on the 14th September 2017.

APPENDIX 1- SEA Screening Determination

Comhairle Chontae Chill Chainnigh

Halla an Chontae, Sráid Eoin, Cill Chainnigh, R95 A39T.

Kilkenny County Council

County Hall, John Street, Kilkenny, R95 A39T.



Fónamh don Phobal - Caomhnú don Oidhreacht

Serving People – Preserving Heritage

TO: MARY MULHOLLAND, DIRECTOR OF SERVICES
FROM: DENIS MALONE, SENIOR PLANNER
SUBJECT: STRATEGIC ENVIRONMENTAL ASSESSMENT OF VARIATION 4 TO KILKENNY CITY & ENVIRONS DEVELOPMENT PLAN 2014 – 2020
DATE: 13TH SEPTEMBER 2017

I refer to the requirement under article 13K of the Planning and Development Regulations (Strategic Environmental Assessment) 2004 in relation to considering whether or not a proposed Variation to a Development Plan would be likely to have significant effects on the environment.

In accordance with the requirements of Article 13K, a 'screening' of the proposed Variation was undertaken in respect of SEA. A Draft Screening report, setting out the Council's considerations with regard to the relevant criteria for determining whether the Variation was likely to have significant impacts on the environment as set out in Schedule 2A of S.I. No. 436/2004, was submitted to the following environmental authorities:

- The Department of Housing, Planning and Local Government,
- The Department of Communications, Climate Action and Environment,
- The Department of Agriculture, Food and the Marine,
- The Environmental Protection Agency, and
- Adjoining Local Authorities

None of the authorities advised that a Strategic Environmental Assessment should be carried out; the information contained in the response received from the EPA has been taken into account.

The SEA screening, which had regard to the criteria set out in schedule 2A of S.I. No. 436/2004, did not indicate that that the proposed Variation was likely to have significant impacts on the environment.

Recommendation

I therefore recommend that a Strategic Environmental Assessment is **not required** for proposed Variation 4 to Kilkenny City & Environs Development Plan 2014-2020, as per the provisions of the Planning & Development Regulations 2001-2015.

Denis Malone,
Senior Planner

I agree with the above recommendation.

Mary Mulholland,
Director of Services

