

Assessment of need for Strategic Environmental Assessment (SEA)

SEA Legislative Requirements

The SEA Directive [Article 3 (2)], as transposed by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, requires that SEA is carried out for all plans and programmes:

(a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, 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 Directive 85/337/EEC, or

(b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC (the Habitats Directive) *i.e. the Directive requires that SEA is undertaken where Stage 2 AA is being undertaken on plans, programmes or variations to these.*

The Directive has been transposed into Irish law by a number of Regulations that require SEA to be undertaken/screened for with respect to plans and programmes for a variety of sectors (for the land use planning sector the following plans are subject to the Regulations, e.g. : Regional Planning Guidelines, Development Plans and variations to these, Local Area Plans, Planning Schemes and amendments to these).

The emerging Urban Design Strategy does not fall under the definition of a plan or programme that is defined by the Directive or the Regulations. The Strategy is a non-statutory guidance document; it does not define rules and procedures that must be complied with, rather it provides guidance on how the provisions of the City Development Plan can be achieved.

AA Legislative Requirements

The obligation to undertake AA derives from Articles 6(3) and 6(4) of the Habitats Directive as transposed through the European Communities (Birds and Natural Habitats) Regulations 2011 (Part 5).

Regulation 42 requires that a screening for AA of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt (and which is not directly connected with or necessary to the management of the site as a European Site) is carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site. Subsequent Articles set out the requirements for Stage 2 AA etc.

The Regulations define a “plan” as: any plan, programme or scheme, statutory or non-statutory, that establishes public policy in relation to land use and infrastructural development in one or more

specified locations or regions, including any development of land or on land and the carrying out of land use activities, that is to be considered for adoption or authorisation or approval or for the grant of a licence, consent, permission, permit, derogation or other authorisation by a public authority,

Given the location of the site and the broad definition of 'plan' included in the Regulations, including "non-statutory", a precautionary approach was adopted and an AA Screening was undertaken.

The screening concluded that that the proposed urban design strategy does not require any further assessment to demonstrate compliance with the Directive.

Therefore the proposed Urban Design Strategy does not require SEA screening.