

STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING REPORT

FOR

VARIATION NO. 2

(TO REZONE CERTAIN LANDS AT WOODSTOCK SOUTH AND CONSEQUENTIAL CHANGES)

TO THE

ATHY TOWN DEVELOPMENT PLAN 2012-2018 (AS VARIED)

for: Kildare County Council

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Section 1 Introduction and Terms of Reference

1.1 Introduction

Kildare County Council has adopted Variation No. 2 (to rezone certain lands at Woodstock South and consequential changes) to the Athy Town Development Plan 2012-2018 (as varied) under Section 13 of the Planning and Development Act 2000 (as amended).

The Variation was 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. This report provides the findings of the evaluation of the requirement for SEA to be undertaken on Variation No. 2 to the Athy Town Development Plan 2012-2018 (as varied). This report has been updated to take account of submissions made as part of consultations on the SEA screening process.

The Athy Town Development Plan 2012-2018 was subject to full SEA and Stage 2 Appropriate Assessment (AA). These processes, throughout which the environmental authorities were consulted, facilitated the mitigation of potential environmental effects and the AA identified that the Plan would not affect the integrity of any European Sites (except as provided for by the Habitats Directive).

1.2 Strategic Environmental Assessment Legislative Requirements

SEA is the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme, or variation to a plan or programme, before a decision is made to adopt it. The SEA Directive¹ requires, inter alia, that SEA is undertaken for certain plans, programmes or variations to these.

Under Article 7 (13K) of the Planning and Development (SEA) Regulations 2004 (SI No. 436 of 2004) as amended by the Planning and Development (SEA) (Amendment) Regulations 2011 (SI No. 201 of 2011)², Kildare County Council is required to determine whether any Proposed Variation needs to be subject to SEA. Screening is the process for determining 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 SEA³.

Such a determination is required to take account of relevant criteria set out in Schedule 2A '*Criteria for determining whether a plan is likely to have significant effects on the environment*' of the SEA Regulations, as amended, and submissions or observations from relevant environmental authorities.

¹ Directive 2001/42/EC of the European Parliament and of the Council of Ministers, of 27th June 2001, on the Assessment of the Effects of Certain Plans and Programmes on the Environment

² Both sets of Regulations are collectively referred to as 'the Regulations' in this report.

³ It is noted that the SEA Directive requires that SEA is undertaken where Stage 2 AA required however Stage 2 AA is not necessary in this instance (see Section 2.2).

1.3 The Variation

The Variation provides for the following:

1. Change the zoning of 3.4 hectares of land in Woodstock South, Athy from:

Zoning Objective R – Retail and Commercial: “To provide for and improve retailing and commercial activities”

To:

Zoning Objective Q - Enterprise and Employment “To facilitate opportunities for employment and enterprise uses, manufacturing, research and development, light industry, employment and enterprise related uses within a high quality campus/park type development.”

2. Make consequential amendments to Maps 3.1 and 16.1A and tables 16.1, 16.2, 16.3 and 16.5 of the Development Plan to reflect the change in zoning.

The reasons for the Variation are to provide for the appropriate sequential expansion of existing industrial facilities in Athy and to strengthen the employment base of the town, which are in the interests of the proper planning and sustainable development of the area.

1.4 Consultations

As part of the screening process, authorities including environmental authorities⁴ 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 to the Council (a period of 3 weeks was allowed for the reply). In order to help facilitate the environmental authorities’ response to that notice, an earlier draft of this SEA Screening Report accompanied each notice. Each submission made in response to the screening notice was taken into account in the finalisation of this report and in the making of the SEA Screening Determination.

A submission received from the Environmental Protection Agency is responded to on Table 1.1.

The Health Services Executive submitted that they had no issues with the proposal. Letters of acknowledgement were received from the Department of Education and Skills and the Health and Safety Authority.

⁴ The following authorities were notified: Department of Agriculture, Food and the Marine; Department of Communications, Climate Action and Environment; Department of Culture, Heritage and the Gaeltacht; Department of Housing, Planning and Local Government; Environmental Protection Agency; Meath County Council; Offaly County Council; Laois County Council; Carlow County Council; Wicklow County Council; South Dublin County Council; and Fingal County Council.

Table 1.1 Response to EPA Submissions

Submission Text	Response
<p>SEA Determination We note your position with regards to the need for Strategic Environmental Assessment (SEA) of the Proposed Variation No. 2 to the Athy Town Development Plan 2012-2018 (the Variation).</p>	Noted.
<p>Future Modifications to the Plan Where changes to the Variation are made prior to finalisation, or where modifications to the Plan are proposed following its adoption, these should be screened for potential for likely significant effects in accordance with the criteria as set out in SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004).</p>	Noted. It is the practice of the Council to comply with the Planning and Development (SEA) Regulations (as amended).
<p>Infrastructure Planning In proposing the Variation, and any related amendments, variations etc. of the Plan, and in implementing the Variation, adequate and appropriate infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the Plan.</p>	The Town Development Plan includes provisions requiring new development to be served by adequate and appropriate infrastructure.
<p>Appropriate Assessment The requirements of Article 6 of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, the Habitats Directive should be taken into account. Appropriate Assessment, in accordance with the Directive is required for: <i>"Any plan or project not directly connected with or necessary to the management of the site (Natura 2000 sites) but likely to have significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site in view of the sites conservation Objectives..."</i> The National Parks and Wildlife Service (NPWS) should be consulted regarding screening of the Variation for Appropriate Assessment. Where Appropriate Assessment is required, any findings or recommendations should be incorporated into the SEA and Variation, as appropriate.</p>	Appropriate Assessment (AA) screening has been undertaken on the Variation, in compliance with the Habitats Directive and the Planning and Development Act (as amended). This AA screening process has concluded that it is considered that the Variation will not have significant effects on the ecological integrity of any European Site ⁵ .
<p>Environmental Authorities Under the SEA Regulations (S.I. No. 436 of 2004), as amended by S.I. No. 201 of 2011, notice should also be given to the following:</p> <ul style="list-style-type: none"> • The Minister for Housing, Planning and Local Government • Minister for Agriculture, Food and the Marine, and the Minister for Communications, Climate Action and Environment, where it appears to the planning authority that the plan or programme, or modification of the plan or programme, might have significant effects on fisheries or the marine environment • where it appears to the competent authority that the plan or programme, or amendment to a plan or programme, might have significant effects in relation to the architectural or archaeological heritage or to nature conservation, the Minister for Culture, Heritage and the Gaeltacht, and • any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation or local area plan. 	Noted - notice has already been provided to these authorities.
A copy of your decision regarding the determination, including, as appropriate, the reasons for not requiring an environmental assessment, should be made available for public inspection at your offices, local authority website and should also be notified to any Environmental Authorities already consulted.	Noted - notice has been provided to these authorities.

⁵ Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be:

- a) no alternative solution available,
- b) imperative reasons of overriding public interest for the plan to proceed; and
- c) Adequate compensatory measures in place.

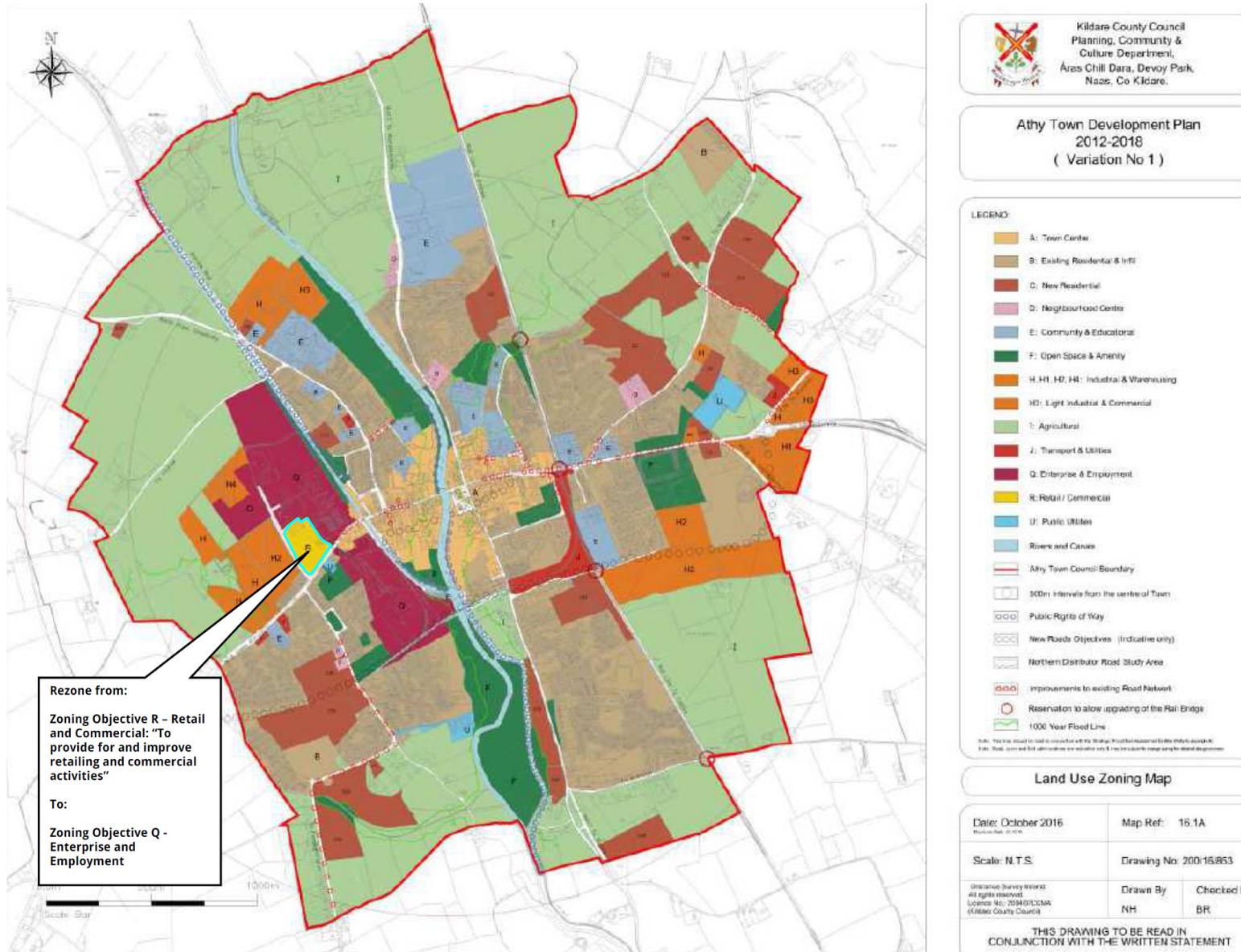


Figure 1 Lands subject to the Variation identified on Town Plan Map 16.1 “Land Use Zoning Objectives”

Section 2 SEA Screening

2.1 Introduction

The section examines whether each part of the Variation would be likely to have significant environmental effects (and thus would warrant the undertaking of Strategic Environmental Assessment).

2.2 Appropriate Assessment Screening

Appropriate Assessment (AA) screening has been undertaken on the Variation. AA is an impact assessment process concerning *Natura 2000*, or *European*, sites - these sites have been designated or proposed for designation by virtue of their ecological importance.

The Habitats Directive⁶ requires, inter alia, that variations to plans undergo an AA process to establish the likely or potential effects arising from implementation of the Variation. If the effects are deemed to be *significant, potentially significant or uncertain* then the Variation must undergo Stage 2 AA.

The AA screening process concluded that the Variation will not have significant effects on the ecological integrity of any European Site⁷.

2.3 Stage 1 Flood Risk Assessment

A Stage 1 Flood Risk Assessment (FRA) has been undertaken alongside the preparation of the Variation that provides an appraisal and assessment of available flood risk data in order to identify flood risk indicators in the Study Area.

The FRA concludes that no indications that the Study Area is at risk from fluvial, pluvial or groundwater flooding such as would undermine the Variation were encountered. The FRA includes recommendations that are consistent with the provisions contained within the Development Plan relating to drainage and flood risk management.

2.4 SEA Screening Analysis

Table 2.1 examines whether each part of the Variation would be likely to have significant environmental effects (and thus would have warranted the undertaking of Strategic Environmental Assessment) and is supplemented by Table 2.2 which provides details on the potential environmental effects (if unmitigated) and mitigating measures from the Plan (as varied).

This examination takes account of relevant criteria set out in Schedule 2A '*Criteria for determining whether a plan is likely to have significant effects on the environment*' of the SEA Regulations, as amended (see Section 2.5).

The full range of environmental effects⁸, including cumulative effects are considered by this assessment.

⁶ Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

⁷ Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be:

- a) no alternative solution available,
- b) imperative reasons of overriding public interest for the plan to proceed; and
- c) Adequate compensatory measures in place.

⁸ These include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects

Table 2.1 SEA Screening

No.	Part of the Athy Plan	Variation	SEA Screening Determination	SEA Screening Determination Explanation
1.	Chapter 16 "Land Use Zoning", Map 16.1 "Land Use Zoning Objectives"	<p>Change the zoning of 3.4 hectares of land in Woodstock South, Athy from:</p> <p>Zoning Objective R – Retail and Commercial: "To provide for and improve retailing and commercial activities"</p> <p>To:</p> <p>Zoning Objective Q - Enterprise and Employment "To facilitate opportunities for employment and enterprise uses, manufacturing, research and development, light industry, employment and enterprise related uses within a high quality campus/park type development."</p>	SEA is not required.	<p>This change in zoning involves replacing Zoning Objective R – Retail and Commercial with Zoning Objective Q - <i>Enterprise and Employment</i>.</p> <p>Both of these zoning objectives favour built development to comparable extents. Different uses would be provided for under each zoning objective as is indicated in the Variation document.</p> <p>Indeed, these lands were zoned Q - <i>Enterprise and Employment</i> when the Draft Plan and associated SEA Environmental Report were placed on public display in 2011. When it was proposed to change the zoning to the current R – <i>Retail and Commercial</i> zoning, the SEA Environmental Report Addendum (November 2011) identified no additional effects arising from the change above those that had already been identified by the original SEA Environmental Report.</p> <p>Parts of the subject lands are located within Inner and Outer Source Protection Areas (these relate to the protection of drinking water resources) and all of the lands are identified as being highly vulnerable to groundwater pollution. Measures which have been integrated into the Plan as varied (including <i>Surface Water and Drainage Policy SW8</i>) will ensure that any potential adverse effects on these sensitivities will be mitigated. No other environmental sensitivities are identified within or adjacent to the lands.</p> <p>The change provided for by the Variation does not have the potential to result in additional potential to affect environmental sensitivities at or beyond the subject lands. Any development on these lands will have to comply the detailed provisions of the Plan (as varied), including those relating to environmental protection and management and service provision.</p> <p>Please also refer to Table 2.2 and Section 2.5.</p>
2.	Various Parts of Chapters 3 "Economic Strategy" and Chapter 16 "Land Use Zoning"	Make consequential amendments to Maps 3.1 and 16.1A and tables 16.1, 16.2, 16.3 and 16.5 of the Development Plan to reflect the change in zoning.	SEA is not required.	Consequential changes do not result in any additional screening issues to those discussed under No. 1 above.

Table 2.2 Summary of current Plan potential environmental effects, if unmitigated, and associated mitigation measures

Environmental Components	Likely Significant Effect, if unmitigated	Mitigation Measure Reference(s) from the Plan, including
Biodiversity and Flora and Fauna	Loss of biodiversity with regard to Natura 2000 Sites and habitats and species listed under Annexes I and II of the Habitats Directive	Policies: CS 14, GT 15, NH 1, NH 2, NH 6, and NH 7 and NH9. Objective NHO 7.
	Loss of biodiversity with regard to ecological connectivity and stepping stones	Policies: CS 13, NH 12 and NH 21. Objective NHO 8.
Population and Human Health	Spatially concentrated deterioration in human health arising from exposure to incompatible land uses	Policies: MA1, N 1, N 2 and WM 5. Objective ENO 4. See also measures which have been included under Water Services (Waste Water) and Water Services (Drinking Water).
Soil	Failure to maximise the sustainable reuse of brownfield lands	Policies: CS 8, EDP6, HP6, UR 1 and UR 2.
Water	Adverse impacts upon the status of surface and ground water bodies	Policies: WQ 1, WQ2, WQ 4 and WQ6. Objective: WDO4. Also see measures in this section under Water Services (Waste Water).
	Flooding	Policies: HP28, SW1, SW3 and LU4. Objectives: WDO13 and WDO14.
Material Assets	Inadequate waste water treatment for new populations	Policies WW3, WW4, WW5 and WS1. Objectives: WDO2, WDO3 and WDO8.
	Inadequate drinking water supply for new populations & Reduction in water quality which would present a potential danger to human health	Policies: WS1, WS2, WS3, WS4, WS6, WS10, WS12 and WQ7. Objective: WDO5.
Air and Climatic Factors	Increases in travel related greenhouse gas emissions and increases in car dependency	Policies: TM 3, WC 1, WC 4 and WC 7.
Cultural Heritage	Effects on archaeological heritage including entries to the Record of Monuments and Places, including Zones of Archaeological Potential	Policies: CS 12, AH1, AH 3, AH 4 and AH 6.
	Effects on architectural heritage including entries to the Records of Protected Structures and Architectural Conservation Areas	Policies: CS 12, PS 1, PS 7 and ACA1. Objective AHO1.
Landscape	Visual impacts	Policies: TE 5, VP 1 and VP 2.

2.5 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 Variation proposes to: change the zoning of 3.4 hectares of land in Woodstock South, Athy from Zoning Objective R – Retail and Commercial⁹ to Zoning Objective Q - Enterprise and Employment¹⁰; and make consequential amendments to Maps 3.1 and 16.1A and tables 16.1, 16.2, 16.3 and 16.5 of the Development Plan to reflect the change in zoning. Both of these zoning objectives favour built development to comparable extents. Different uses would be provided for under each zoning objective as is indicated in the Variation document. Any development on these lands will have to comply the detailed provisions of the Plan (as varied), including those relating to environmental protection and management and service provision.

Taking the above and the examination of the Variation provided under Section 2.4 into account, arising from the degree to which the Plan (as varied) and associated Variation 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 Variation will not affect the consistency of the Plan (as varied) with the Kildare County Development Plan 2017-2023. The Plan (as varied) is due to expire in March 2018 and it is not expected that the Variation will affect lower tier plans.

Taking the above and the examination of the Variation provided under Section 2.4 into account, arising from the degree to which the Plan (as varied) and Variation influence other plans, the Variation would not be likely to result in significant environmental effects.

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 Athy Town Development Plan - to which the Variation relates - has undergone SEA. This process integrated environmental considerations into the Plan and found that the Plan contributes to environmental protection and management and sustainable development.

Taking the above and the examination of the Variation provided under Section 2.4 into account, arising from the relevance of the Plan and Variation for the integration of environmental considerations in particular with a view to promoting sustainable development, the 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.

⁹ "To provide for and improve retailing and commercial activities"

¹⁰ "To facilitate opportunities for employment and enterprise uses, manufacturing, research and development, light industry, employment and enterprise related uses within a high quality campus/park type development"

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

Taking the above and the examination of the Variation provided under Section 2.4 into account, arising from environmental problems relevant to the Plan (as varied) and Variation, the 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 Plan (as varied) relates to the land use sector and has undergone SEA. This process integrated considerations with regard to EU and national legislation on the environment into the Plan (as varied), including those relating to the waste management and the Water Framework Directive.

Taking the above and the examination of the Variation provided under Section 2.4 into account, arising from the relevance of the Plan (as varied) and Variation for the implementation of European Union legislation on the environment, the Variation would not be likely to result in significant environmental effects.

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 Variation would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Variation provided under Section 2.4).

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 Variation would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Variation provided under Section 2.4).

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 Variation would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Variation provided under Section 2.4).

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 Variation would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Variation provided under Section 2.4).

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 Variation would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Variation provided under Section 2.4).

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 Variation would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Variation provided under Section 2.4).

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

The Variation would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Variation provided under Section 2.4).

c) intensive land-use.

The Variation would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Variation provided under Section 2.4).

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 Variation would not be likely to result in significant environmental effects (see responses under Schedule 2A Part 1 above and the examination of the Variation provided under Section 2.4).

Section 3 Conclusion

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 the report is to provide the findings of the evaluation of the requirement for SEA to be undertaken on Variation No. 2 (to rezone certain lands at Woodstock South and consequential changes) to the Athy Town Development Plan 2012-2018 (as varied).

The findings of the SEA screening process is that the Variation would not be likely to result in significant environmental effects. This SEA Screening Report has taken into account submissions made by authorities that were notified during the SEA screening consultation process.

This report is accompanied by an SEA Screening Determination.