

Proposed Variation to No 6 (b) to the Limerick City Development Plan 2010-2016

**to incorporate the vacant site levy, which forms part of the Urban
Regeneration and Housing Act 2015**

**Strategic Environmental Assessment Screening and
Habitats Directive Assessment Screening Report**



Limerick City and County Council,
Economic Development and Strategic Planning,
7/8 Patrick Street,
Limerick

Contents:

SEA Screening:

1.1 Introduction.....3

1.2 Screening Statement.....4

1.3 Conclusions.....9

AA Screening:

2.1 Introduction.....10

2.2 Screening Matrix.....12

2.3 Finding of No Significant Effects Matrix.....16

SEA/AA Screening Report

1.1 Introduction: Circular letter PL 7/2016 issued on the 1st of July 2016 instructed planning authorities to begin the implementation of the vacant site levy as provided for in the Urban Regeneration and Housing Act 2015. The levy is expected to encourage the development of land which might otherwise be held back and for this reason is regarded as an important tool in encouraging organised development of zoned urban lands. This will help avoid issues of dormant lands which might otherwise be a location for dereliction, anti-social behavior and in general run counter to the accepted trend of developing zoned lands from the centre out in urban areas. This variation is to the City Development Plan 2010-2016.

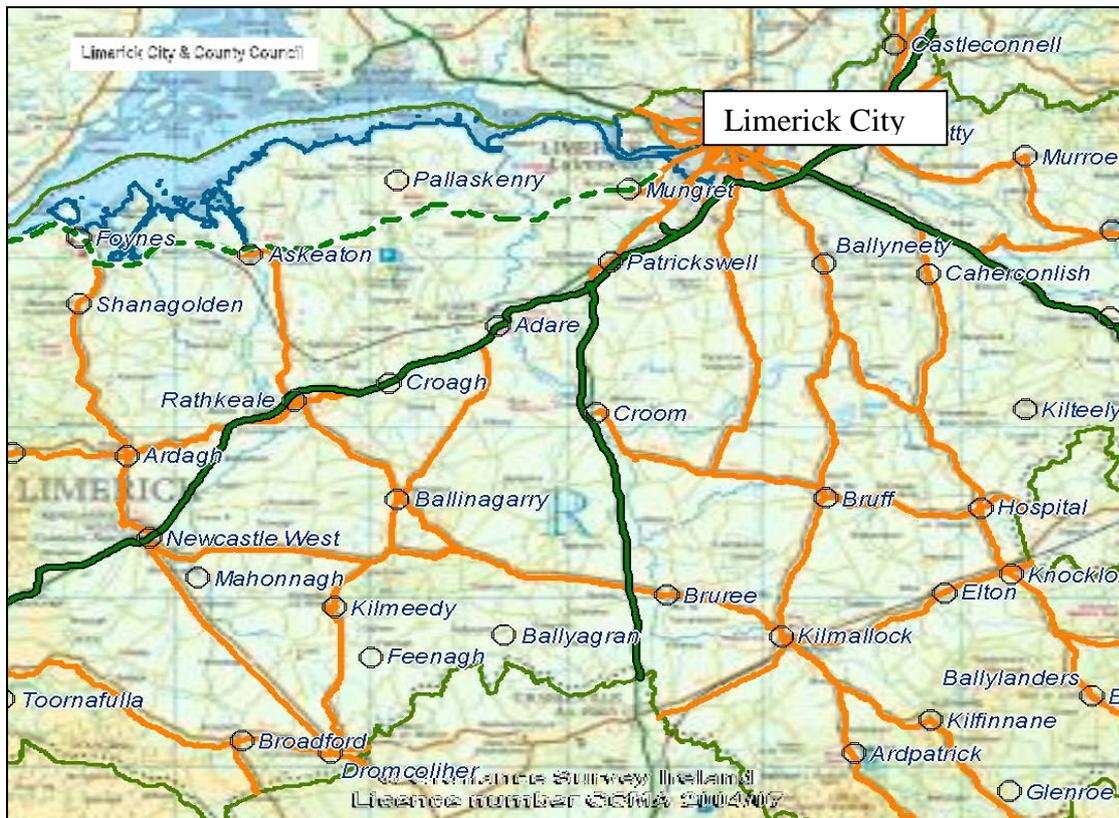


Figure 1: Showing location of Limerick relative to other towns and villages in Co. Limerick.

Variation to the City Development Plan 2010-2016: the variation to the City Development Plan is to incorporate the following wording into Chapter 2 of the City Development Plan, in the Core Strategy section. The wording is in *italics*.

The Urban Regeneration and Housing Act 2015 introduced a vacant site levy in order to incentivise the development of vacant sites in urban areas for housing and regeneration purposes. The application of the levy is intended to bring underutilised and vacant sites and buildings in urban areas into beneficial use.

It is the policy of Limerick City and County Council to promote the appropriate development and renewal of urban sites and areas, identified having regard to the core strategy, that are in need of regeneration, in order to ensure there is no:

- (i) adverse effects on existing amenities and facilities 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) shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.*

This relates to the zoned lands in the City Development Plan Area.

1.2 Screening Statement

The Planning and Development (Strategic Environmental Assessment) Regulations 2004-2011 (S.I. No. 436 of 2004, SI 201 of 2011) require case by case screening of individual plans and programmes based on the criteria in Schedule 2A to the Planning and Development Regulations 2011. These criteria must be taken into account in determining whether or not significant effects on the environment would be likely to arise.

The variation to the City Development Plans 2010-2016 is screened in the pages that follow.

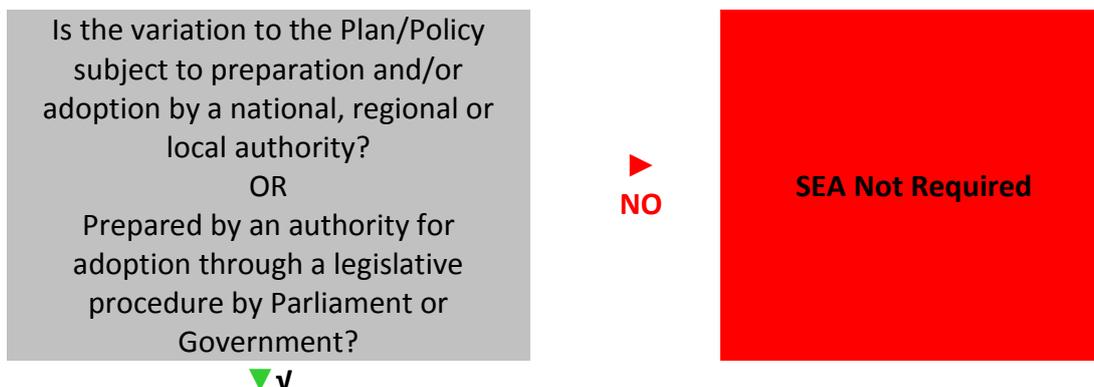
Stage One - Pre-Screening

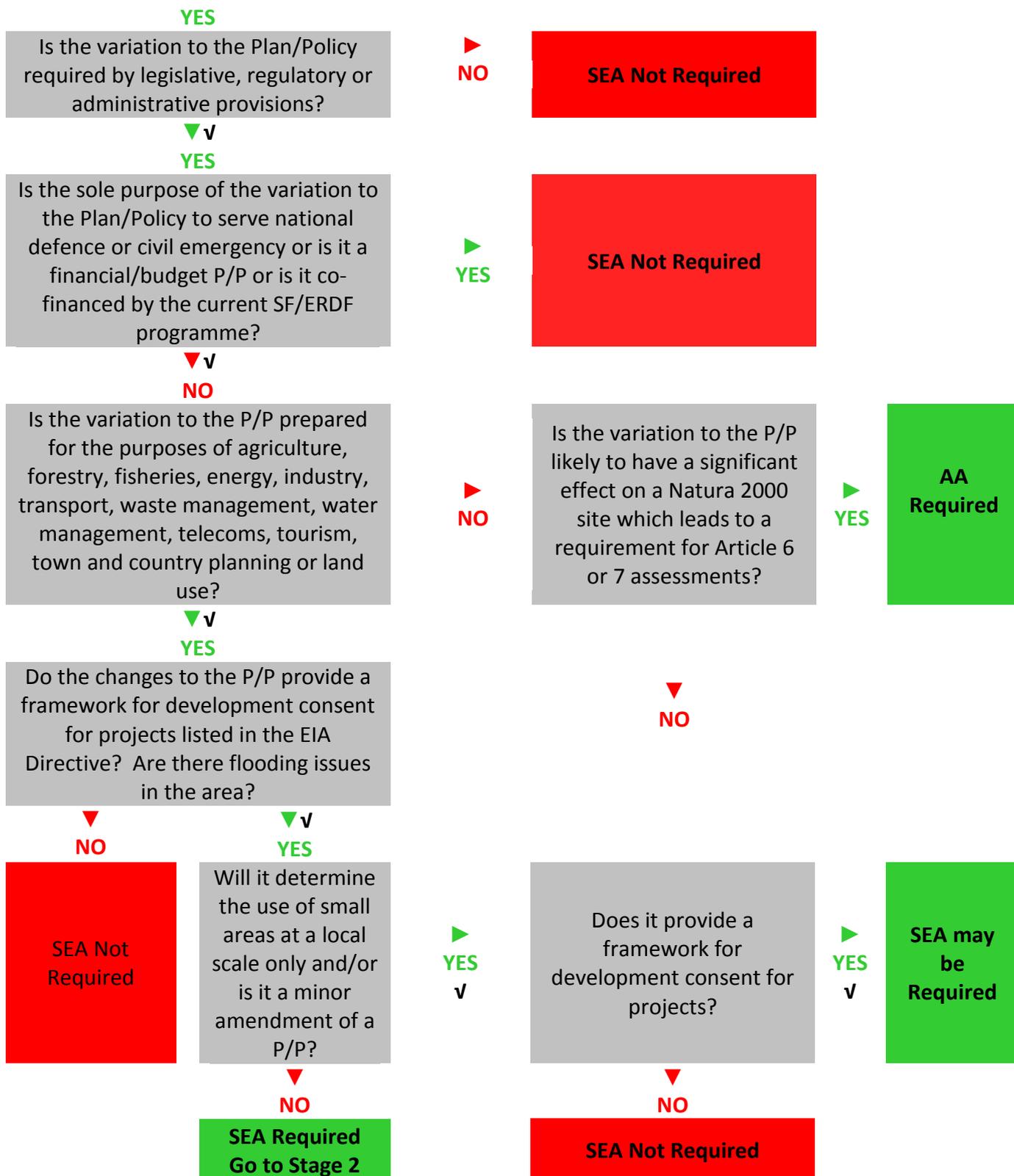
The first step in determining whether the variation to the Limerick City Development Plan would require an SEA involves a pre-screening check.

The pre-screening check places the proposed variation in context with consideration of how it fits in with larger policy issues.

Stage 2 assesses the environmental significance of the variation by examining how it fits in with policy guidance documents and its possible environmental effects.

Figure 1 Pre-Screening Decision Tree





Stage Two - (A) Environmental Significance Screening

The application of environmental significance criteria is important in determining whether an SEA is required for small plans/policies or modifications to Plans/Policies. Annex II (2) of

Directive 2001/42/EC sets out the “statutory” criteria that should be addressed when undertaking a screening assessment.

Criteria for Determining the Likely Significance of Environmental Effects

Characteristics of the Plan/Programme

- i. the degree to which the plan or programme 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 will have an effect on policies within the plan in that it will designate specific lands which have been previously zoned as areas to which the levy can be applied. The application of the levy is expected to ensure the timely release of these lands for development purposes in a coherent fashion. This will help ensure that the targets laid down by the core strategy and by development plan policies are met.

- ii. the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;*

Though the MWRPGs lie above development plans in the “hierarchy of plans” they do have relevant content- see below:

- **The Mid West Regional Planning Guidelines 2010 - 2022:**

On page 74 these guidelines mention “the orderly development of land”. As outlined above it is the intention of the levy to ensure that this takes place in ensuring that land in key locations are made available for development in line with the provisions of the core strategy.

The levy is expected to help in this regard as it will ensure that land which might be “held back” from development would be released , thus ensuring orderly development.

- iii the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;*

The variation of the City Development Plan is being prepared under the Planning and Development Acts 2000 (as amended) and takes into account relevant environmental and planning considerations, in particular that of the core strategy. The Circular letter PSSP 6/2010 *Core Strategies under the Planning and Development (Amendment) Act 2010* and the accompanying Guidance Note on Core Strategies November 2010 (pg. 2-3), mentions that the incorporation of the core strategy “*must integrate relevant EU directive related considerations that development plans must comply with,*”. It is clear from (ii) above that the

variation is consistent with provisions of the core strategy or with planning guidance and good practice.

It relates to the timely release of land that has already been zoned so it provides a viable alternative to additional zoning or development on green field sites. By ensuring the maximum use of zoned urban land, which is close to infrastructure, the levy will be a valuable tool in ensuring coherent and organised use of zoned urban land with consequent environmental benefits.

iv environmental problems relevant to the plan or programme;

The underlying environmental issues of the use of zoned land relate to the following:

- Sequential development of the urban centres of Limerick.
- Timely release of zoned lands in order to ensure coherent development patterns and avoidance of the “stockpiling” of banks of zoned land which might skew development patterns.
- Ensuring that the zoning pattern can provide sufficient amounts of land for urban development in key areas where there is a local need.

v the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

It is not likely that any overloading of infrastructure will take place as the variation relates to existing zoned land which has already been assessed in this regard. **There will not be any additional zoning as a result of this variation.**

Characteristics of the Effects and of the Area Likely to be Affected

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

The use of the levy and the subsequent development use of the lands that become available cannot be reversed except in the very long term. This is not necessarily a bad thing as the goal is to maximise the use of scarce zoned urban land. This is a resource which should, generally, be subjected to intensive use in order to avoid a more dispersed development pattern.

To minimize future effects and to avoid poor planning precedents it is considered that appropriate development of existing zoned land and structures closer to urban centres is more appropriate. This is the purpose of the levy.

ii. the cumulative nature of the effects

Cumulative negative environmental effects are likely to be localised within the plan boundaries and limited in nature. These effects are likely to be offset by the fact that the

lands in question are already zoned within the development plan boundaries and their development provides a viable alternative to a more dispersed form of development in rural areas which are unserved.

iii. the trans-boundary nature of the effects

There are no trans-boundary effects.

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

Minimal risk envisaged as the result is the orderly development of land in urban areas. This is a common activity which does not carry undue risks for the wider population. As outlined above it is not considered that any overloading of infrastructure would take place which might result in pollution issues.

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

The area that will be affected is the zoned area of the current City Development Plan with a population of 58,319.

vi. the value and vulnerability of the area likely to be affected due to

- *special natural characteristics or cultural heritage;*

The areas that will be the subject of the variation are already zoned. The City Development Plan has policies in place which protect areas of architectural and natural history interest so it is anticipated that no such areas will be affected.

- *exceeded environmental quality standards or limit values;*

The use of zoned land for development purposes is not likely to cause any environmental issues to arise, rather it will serve to prevent additional zoning and ensure the best use of urban lands.

- *intensive land-use;*

As outlined above the use of urban land is expected to provide an alternative to more dispersed forms of land use.

vii. the effects on areas or landscapes which have a recognised national, Community or international protection status.

No effects anticipated as the variation will have effects only within previously zoned urban areas.

1.3 Stage Two – Summary, Conclusions and Recommendation

At this stage in the plan process, no significant environmental problems can be identified in relation to the above issues. There will be no additional zoning resulting from the variation. The implementation of the levy is expected to result in more coherent development of urban zoned land which is entirely in line with proper planning guidance. The Development Plan Guidelines from 2007 place a huge emphasis on orderly zoning and development and it is anticipated that the levy will be a useful tool in promoting orderly development.

Following the screening process whereby the specific context of the variation to the City Development Plans has been assessed against the environmental significance criteria as contained in Annex II (2) of the SEA Directive, **it is concluded that a Strategic Environmental Assessment is not required for the variation incorporating the Vacant Sites Levy.**

2.1 Appropriate Assessment Screening: introduction

This is an Appropriate Assessment Screening of the proposed variation to the **to the City Development Plan 2010-2016**. The variation to the city plan is to incorporate the following wording into Chapter 2 of the City Plan, in the Core Strategy section. The wording is in *italics*.

Policy:

It is the policy of Limerick City and County Council to promote the appropriate development and renewal of urban sites and areas, identified having regard to the core strategy, that are in need of regeneration, in order to ensure there is no -

- (i) adverse effects on existing amenities and facilities 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) shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.*

This relates to the zoned lands in the City Development Plan.

The screening is in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC).

The principal consideration for an Appropriate Assessment would be if the variation was likely to have significant effects on a Natura 2000 site – Special Areas of Conservation and Special Protection Areas (SAC's and SPA's) are Natura sites.

It should be noted that the variation is designed to increase uptake of previously zoned urban land and will not result in any additional zoning. There will be no extension of development boundaries for any zoned lands.



Figure 1: Showing some of the SAC sites in Limerick. The Tory Hill SAC (1) site is to the east of the Croom one of Limerick's towns. The Lower River Shannon (2) is to the north-west and north east of the county but extends throughout river catchments in Limerick.

While the levy is designed to promote development of zoned lands, it must be remembered that they lie within areas zoned in the City Development Plan for Limerick. When one considers up take of lands it should be remembered that these, in particular, offer a sustainable alternative to development in un-serviced rural areas. The ecological effects of the prior zoning of these lands had been assessed in the original plan preparation process. It is not anticipated that there would be any additional effects from the implementation of the levy which is designed to ensure their timely availability for development purposes.



Figure 2: Showing Special Protection Area sites in Limerick. The numbering sequence continues from Figure 1. They are numbered from 5 to 7.

2.2 Screening Matrix

Brief description of the variation to the plan:

Circular letter PL 7/2016 issued on the 1st of July 2016 instructed planning authorities to begin the implementation of the vacant site levy as provided for in the Urban Regeneration and Housing Act 2015. The levy is expected to encourage the development of land which might otherwise be held back and for this reason is regarded as an important tool in encouraging organised development of zoned urban lands. This will help avoid issues of dormant lands which might otherwise be a location for dereliction, anti-social behavior and in general run counter to the accepted trend of developing zoned lands from the centre out in urban areas. This variation is to the City Development Plan 2010-2016.

Brief description of the Natura 2000 sites:

The River Shannon and Fergus SPA (004077) is located along the main channel of the Shannon - see Figure 1, No. 6. The Lower River Shannon SAC (002165- see Figure 1 No 2) site runs along

the northern boundary of the county and extends through river catchments throughout the county. The SAC site has been selected because of a range of riparian habitats and species such as wet woodlands, tidal mudflats, estuaries and for species such as otter, salmon and lamprey. Maintenance of high water quality is an important factor in ensuring the preservation of these habitats.

The River Shannon and Fergus SPA site has been selected because of its importance for wintering and migratory wild fowl. The site comprises all of the estuarine habitat west from Limerick City and it is the mud flats with its invertebrate community which is of particular importance as a feeding area for migratory wildfowl.

Askeaton Fen Complex SAC site (002279- see figure 1 No. 4) contains Calcareous fens and Alkaline fens 15km to the west of the county.

Curraghchase woodlands SAC site (0000174-see Fig 1 No. 3) a woodland site designated for the Lesser Horseshoe bat, is 22km west of Limerick City.

Tory Hill SAC (000439- see Figure 1 No1) is an isolated wooded limestone hill situated about 2 km North East of Croom, Co. Limerick. Lough Nagirra is located within the Tory Hill SAC and has a thick fringe of Common Reed (*Phragmites australis*) and, in association with it, areas of alkaline fen and calcareous fen vegetation referable to the Caricion davallianae alliance with Saw Sedge (*Cladium mariscus*). Both of these fen types are listed on Annex I of the E.U. Habitats Directive, the latter with priority status. Tory Hill is also designated for areas of orchid-rich calcareous grassland, a habitat that is listed with priority status on Annex I of the E.U. Habitats Directive; it is found on the eastern side of the hill and on its summit.

The Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161-see Figure 2 No7) is a very large site centred on the borders between the counties of Cork, Kerry and Limerick.

The site consists of a variety of upland habitats, though almost half is afforested. The coniferous forests include first and second rotation plantations, with both pre-thicket and post-thicket stands present. Substantial areas of clear-fell are also present at any one time. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the Hen Harrier.

The Slieve Felim Hills SPA (004165) is an upland site with forestry, upland grassland and fragmented peat-land habitats (Number 5 on Figure 2). This is within 20km of Limerick City and 8km of Cappamore and 3km of Murroe. It lies to the north east of the county and is designated for the Hen Harrier.

Describe the individual elements of the plan (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 site:

The main way in which ex-situ impacts could be created is through pollution that would affect water quality in the Lower River Shannon SAC site or overloading of infrastructure which have the same effect.

It is not considered that there is the possibility of effects on the other Natura 2000 sites mentioned above in that the effects will be localised in the plan area and will not involve the extension of development boundaries or additional zoning.

Describe any likely direct, indirect or secondary impacts of the variation (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:

- **Size and scale;**

There are no direct aspects of the variation of the plan that would have an effect on a Natura 2000 site. It is the secondary impacts of the variation i.e. the eventual development of the sites and resulting run off and population increase that might strain infrastructural facilities that could have an effect on downstream water quality in the Maigue and the Shannon Systems.

- **Land-take;**

There is no land take from Natura 2000 sites. The variation does not call for any extension of development boundaries or any additional zoning.

- **Distance from Natura 2000 site or key features of the site;**

As the variation will be to all of the area that is covered by the City Development Plan, the possible effects will extend throughout the city area and downstream of the city. The River Shannon and Fergus SPA site and the River Shannon SAC are located along the main Shannon channel and the SAC site also extends through other river catchment throughout the county. The Askeaton Fen complex is 25km to the west of Limerick City and is close to the town of Askeaton which is one of the Local Area Plan towns. Curraghchase woodlands are 12km to the north west of Croom in mid county and Tory Hill is 2km to the east of this town. The West Limerick Hills SPA are to the west of the county within 6km of Abbeyfeale, while the Slieve Felim SPA is in the north east and runs into Tipperary. The villages closest to this site are Cappamore and Murroe which are within 3km at the closest point.

- **Resource requirements (water abstraction etc);**

No policies within the variation indicate the need for abstraction of water from any designated site.

- **Emission (disposal to land, water or air);**

There is the risk of runoff from development to water courses or the overloading of infrastructure which would lead to pollution. However it is the objective of the council to ensure "that the provision of waste water infrastructure keeps pace with development" (City Development Plan p. 12.15) which will ensure that no overloading of infrastructure will take place.

- **Excavation requirements;**

Any excavation which may be permitted under the scope of the variation to the plan will take place within the development boundaries of plans and with the exception of the possible generation of sediment for site excavations in the lands the subject of the variation are not expected to have any effects on Natura 2000 sites. The issue of sediment generation during ground preparation or construction works can be dealt with through adequate construction methodologies which can be imposed by planning condition.

- **Transportation requirements;**

Any of the traffic either construction or other wise which might come about as result of development promoted by the levy will be confined to established routes and is expected not have an effect on SAC sites.

- **Duration of construction, operation, decommissioning, etc;**

The levy is expected to run until 2021 so effects are judged to be within this timescale.

- **Other**

None.

Describe any likely changes to the site arising as a result of :

- **reduction of habitat area:**

None – there will be no additional zoning or expansion of development boundaries.

- **disturbance to key species;**

None- most of the sites are at a distance from the lands that will be the subject of the variation. There will no additional zoning or extension of development boundaries which will also minimise chances of disturbance or displacement of species of conservation concern.

- **habitat or species fragmentation;**

None- see just above.

- **reduction in species density;**

None- the levy is designed to promote development of already zoned lands, which lie within urban areas.

- **changes in key indicators of conservation value**

No projects giving rise to significant adverse changes in key indicators of conservation value for Natura 2000 sites are likely given that policies are in place to control possible ex-situ effects. As outlined above there will be no extension of development boundaries or additional zoning

which might extend to Natura 2000 sites.

- **Climate change:**

Effects may be beneficial in that by promoting up take of zoned urban land there will be less need for dispersed development on unserviced land with consequent environmental and financial costs of service provision and commuting.

Describe any likely impacts on the Natura 2000 site as a whole in terms of:

- **interference with the key relationships that define the structure of the site;**

None.

- **interference with key relationships that define the function of the site;**

None.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

- **loss;**

Not applicable.

- **Fragmentation;**

Not applicable.

- **Disruption;**

Not applicable.

- **Disturbance;**

Not applicable.

- **change to key elements of the site (e.g. water quality etc);**

Not applicable.

Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts are not known.

Not applicable. The variation relates to previously zoned lands within settlement boundaries.

2.3 Finding of No Significant Effects Matrix

Name of Project or Plan:	Circular letter PL 7/2016 issued on the 1 st of July 2016 instructed planning authorities to begin the
---------------------------------	---

	<p>implementation of the vacant site levy as provided for in the Urban Regeneration and Housing Act 2015. The levy is expected to encourage the development of land which might otherwise be held back and for this reason is regarded as an important tool in encouraging organised development of zoned urban lands. This will help avoid issues of dormant lands which might otherwise be a location for dereliction, anti-social behavior and in general run counter to the accepted trend of developing zoned lands from the centre out in urban areas. This variation is to the City Development Plan 2010-2016.</p>
<p>Name and location of Natura 2000 sites:</p>	<p>The River Shannon and Fergus SPA (004077) is located along the main channel of the Shannon - see Figure 1, No. 6. The Lower River Shannon SAC (002165- see Figure 1 No 2) site runs along the northern boundary of the county and extends through river catchments throughout the county. The SAC site has been selected because of a range of riparian habitats and species such as wet woodlands, tidal mudflats, estuaries and for species such as otter, salmon and lamprey. Maintenance of high water quality is an important factor in ensuring the preservation of these habitats.</p> <p>The River Shannon and Fergus SPA site has been selected because of its importance for wintering and migratory wild fowl. The site comprises all of the estuarine habitat west from Limerick City and it is the mud flats with its invertebrate community which is of particular importance as a feeding area for migratory wildfowl.</p> <p>Askeaton Fen Complex SAC site (002279- see figure 1 No. 4) contains Calcareous fens and Alkaline fens 15km to the west of the county.</p> <p>Curraghchase woodlands SAC site (0000174-see Fig 1 No. 3) a woodland site designated for the Lesser Horseshoe bat, is 22km west of Limerick City.</p> <p>Tory Hill SAC (000439- see Figure 1 No1) is an isolated wooded limestone hill situated about 2</p>

	<p>km North East of Croom, Co. Limerick. Lough Nagirra is located within the Tory Hill SAC and has a thick fringe of Common Reed (<i>Phragmites australis</i>) and, in association with it, areas of alkaline fen and calcareous fen vegetation referable to the Caricion davallianae alliance with Saw Sedge (<i>Cladium mariscus</i>). Both of these fen types are listed on Annex I of the E.U. Habitats Directive, the latter with priority status. Tory Hill is also designated for areas of orchid-rich calcareous grassland, a habitat that is listed with priority status on Annex I of the E.U. Habitats Directive; it is found on the eastern side of the hill and on its summit.</p> <p>The Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161-see Figure 2 No7) is a very large site centred on the borders between the counties of Cork, Kerry and Limerick.</p> <p>The site consists of a variety of upland habitats, though almost half is afforested. The coniferous forests include first and second rotation plantations, with both pre-thicket and post-thicket stands present. Substantial areas of clear-fell are also present at any one time. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the Hen Harrier.</p> <p>The Slieve Felim Hills SPA (004165) is an upland site with forestry, upland grassland and fragmented peat-land habitats (Number 5 on Figure 2). This is within 20km of Limerick City and 8km of Cappamore and 3km of Murroe. It lies to the north east of the county and is designated for the Hen Harrier.</p>
Description of the Project or Plan	As given in Screening Matrix above.
Is the Project or Plan directly connected with or necessary to the management of the site (provide details) ?	No.
Are there other projects or plans that	In the City Area, Regeneration are currently

<p>together with the project of plan being assessed could affect the site (provide details)?</p>	<p>undertaking works on a number of sites in Moyross which are within urban zoned lands. These have been screened for possible effects and none have been found.</p>
<p>The Assessment of Significance of Effects</p>	
<p>Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites:</p>	<p>The main way in which ex-situ impacts could be created is through pollution that would affect water quality in the Lower River Shannon SAC site or other water courses or overloading of infrastructure which have the same effect.</p>
<p>Explain why these effects are not considered significant:</p>	<p>1 There will be no extension of development boundaries or additional zoning. The variation relates to previously zoned lands within settlement boundaries</p> <p>2 It is the objective of the council to ensure that water infrastructure keeps pace with development requirements which will ensure that no overloading of infrastructure will take place which will prevent water pollution.</p>
<p>List of Agencies Consulted: Provide contact name and telephone or email address:</p>	<p>AA Screening Reports are being sent to:</p> <ul style="list-style-type: none"> • SEA Section, Environmental Protection Agency • Planning System and Spatial Policy Section • Department of Housing, Planning Community and Local Government • Department of Agriculture, Food and the Marine • Department of Communications, Energy and Natural Resources • Development Applications Unit, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs • Adjoining Local Authority
<p>Summary of Responses received for previous draft.</p>	<p>Not applicable</p>
<p>Data Collected to Carry out the Assessment</p>	

Who carried out the Assessment?	Sources of Data	Level of assessment Completed	Where can the full results of the assessment be accessed and viewed
Heritage Officer, Forward Planning Section, Limerick City & County Council.	Existing NPWS. Site Synopsis. Site visits during plan preparation process.	Desktop study, site visits	With plan documentation on request.