

**COMHAIRLE CATHRACH AGUS CONTAE LUIMNIGH
LIMERICK CITY & COUNTY COUNCIL**

Údarás Pleanála,
(Planning Authority),
7-8 Sráid Phádraig,
(7-8 Patrick Street),
Cathair Luimnigh,
(Limerick City),

29th January 2015

**To: The Cathaoirleach and Each Member of the Municipal District
of Adare-Rathkeale**

Re: Proposed Adare Local Area Plan 2015-2021

A Chomhairleoir, a chara,

I enclose herewith a copy of the Chief Executive's Report on the Proposed Adare Local Area Plan for your consideration.

The material amendments to the Proposed Adare Local Area Plan 2015-2021 were placed on public display from Saturday 13th December 2014 to Wednesday 21st January 2015 inclusive. During the statutory display period a total of 5 written submissions were received. A report consisting of a summary of the submissions received, together with my recommendations are attached as required by Section 20 of the Planning and Development Acts, 2000 (as amended). The submissions can be inspected in the Forward Planning Section during normal office hours and copies of the original submissions will be available for inspection at the briefing meeting and the February meeting of the Municipal District of Adare- Rathkeale.

A briefing meeting will be held in the Economic Development & Planning Department, Patrick Street on 4th February 2015 at 2pm.

It is recommended to the Members of the Municipal District of Adare-Rathkeale that the Adare Local Area Plan 2015-2021 be made in accordance with the attached Chief Executive's Report at their meeting in February.

If you have any queries on the report please contact Maria Woods, Senior Executive Planner, on 061-407228.

Mise le meas



Pat Daly,
Director of Services,
Economic Development and Planning.

Adare Proposed Local Area Plan
2015 - 2021

Section 20(3)(k) Chief Executive's Report to
Members

29th January 2015



Forward Planning
Pleanáil chun tosaigh

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

1. Introduction

1.1 This report presents the submissions made following publication of the Proposed Adare Local Area Plan Material Alterations. It sets out the Chief Executive's responses to the issues raised and any proposed further modifications to the material alterations. The report forms part of the statutory procedure for preparing a new Local Area Plan (LAP) that is set out in Section 20 of the Planning and Development Act 2000 (as amended). It is a key element of the process of bringing the published proposed plan to final adoption, with or without amendments by the Members of the Adare-Rathkeale Municipal District.

1.2 The Proposed Adare Local Area Plan Material Alterations were placed on public display from the 13th December 2014 to the 21st January 2015 inclusive. A total of 5 written submissions were received within the statutory timeframe.

1.3 Structure of this report:

Part A addresses each of the 5 written submissions received within the statutory public display period. It includes the names and addresses of persons or bodies that made submissions, a summary of the issues raised, and the response and recommendations of the Chief Executive on each submission.

Part B outlines the proposed amendments recommended to the text and zoning map of the proposed LAP in response to the Chief Executive's recommendations on the submissions received. Any paragraph, policy or objective to be amended in the proposed LAP is reproduced in full with deleted text shown ~~struck through~~ and additional text shown underlined.

Part C is the Strategic Environmental Assessment Screening and Appropriate Assessment Screening of the amendments recommended to the Proposed Local Area Plan.

1.4 Progress to Date and Next Steps

All steps in the process of preparation of the Plan for Adare, are shown in the following table.

| Date | Stage |
|---|---|
| 06 th May 2014 | Formal notification of intention to prepare LAP and commence preparation of proposed LAP. |
| 10 th May 2014 – 03 rd June 2014 | Issues stage: Pre-draft submissions were invited. |
| 06 th September 2014 – 20 th October 2014 | Proposed Plan went on public display: Public submissions invited. |
| 16 th September 2014 | Public information evening on draft LAP. |
| 11 th November 2014 and 02 nd December 2014 | Members of the Adare-Rathkeale Municipal District amended the Plan. |
| 13 th December | Material Alterations placed on public display for 4 |

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| 2014 – 21 st January 2015 | weeks. |
| 29 th January 2015 (current stage) | Second Chief Executive's Report on Alterations prepared (THIS REPORT) |
| February 2015 | Final adoption of the Plan at the Adare-Rathkeale Municipal meeting |
| March 2015 | Plan comes into force 4 weeks from the time of adoption |

Following consideration of this Chief Executive's report, the local area plan shall be made by resolution. The resolution shall be passed by not less than half the members of the Municipal District. A further modification to the material alteration may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site. Also it shall not be made where it refers to an increase in the area of land zoned for any purpose, or an addition to or deletion from the record of protected structures. When performing their functions, the members of the Municipal District shall be restricted to considering the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

2.0 Persons / Bodies who made Submissions within the Statutory Timeframe

| Sub. No. | Submission Received From |
|----------|--|
| 1 | Dept of Environment Community and Local Government |
| 2 | Office Of Public Works |
| 3 | Environment Protection Authority |
| 4 | National Roads Authority |
| 5 | Eleanor Purcell and Rosemary Purcell c/o Diane McDonogh Town and Country Resources Limited, Planning and Development Consultants Ltd, 52 O'Connell Street, Limerick |

Submissions, Responses and Chief Executive's Recommendations

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| 1 | Name/Group: | Dept of Environment Community and Local Government |
| | Submission: | Response |
| | <p>(a) The Department recommends that the proposed residential phase 2 lands located on Flood zone A lands, should be reconsidered by the council as this use is not compliant with the Planning System and Flood Risk Management Guidelines. Such a use on these lands is not appropriate given that residential use is classified as a highly vulnerable development as per the table on page 25 of the said Guidelines. No need has been demonstrated for such a residential use, particularly as the lands are proposed for phase 2 development and are located in a Tier 3 settlement. No Flood Risk Assessment accompanies this proposal which justifies this zoning.</p> <p>(b) In relation to lands in the townland of Islandea the Council should explain the underlying rationale behind the proposed 'existing' residential use, on lands that are located on flood zone A lands as it would appear no 'existing' development exists on these lands. Were the zoning to be residential it should read residential development area phase 1 or 2 i.e. new residential development. However such a use would likely not be able to comply with the Planning System and Flood Risk Management Guidelines. Such a use on these lands is not appropriate given that residential use is classified as a highly vulnerable development as per the Table on page 25 of the said Guidelines. No Flood Risk Assessment appears to have</p> | <p>(a) Having regard to the submissions received from the DECLG, the OPW and the EPA it is recommended that the stated lands located to the south of Main Street and west of the town park revert back to open space and recreation as was set out in the draft plan.</p> <p>(b) Having regard to the submissions received from the DECLG, the OPW and the EPA it is recommended that the stated area of land in the townland of Islandea revert back to open space and recreation as was set out in the draft plan.</p> |

accompanied this proposal and thus no Justification Test for Development plans has been carried out, as set out on page 37 of the Guidelines and were such a Test carried out, it is difficult to see how this parcel of land could pass the test. The Department notes the content of the OPW observations in connection with the above matter and advise the Council to liaise closely with the OPW.

- (c) In relation to the proposed non-residential use for the thatched dwellings Limerick City and County Council should liaise closely with the Dept of Arts Heritage and Gaeltacht regarding the proposed additional non-residential use associated with the thatched dwellings in Adare, in the interests of the Architectural Heritage of a town where such Heritage is accepted as a particular characteristic of Adare.

- (c) The Planning Authority has liaised with the DAHG. They recommend that instead of just deleting various sections, which leaves the importance of the thatched cottages understated in its view, there ought to be a compensating statement inserted about the positive contribution these thatched cottages make to the character of the place. As regards the deletion of Objective EH 1, concerning the conversion of the thatched dwellings to non-residential use, the Department notes that Objective EH O33 of the Limerick County Development Plan 2010- 2016, namely 'Re-use of Protected Structures' sets out, inter alia, requirements regarding the retention of features of special interest and respect for the structure's fabric, plan, form and setting. The Department considers that this objective and indeed the other applicable objectives of Section 7.6.4 of the development plan ought, in their application, to be important tools in maintaining the character and continued use of these buildings.

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| | <p>(d) The Department requests that the Planning Authority address the matters above in relation to flooding and is advised that if compliance with the statutory Planning System and Flood Risk Management Guidelines is not demonstrated the Minister would have no choice but to consider use of the powers of Ministerial Direction under the Planning and Development Acts to direct the planning authority accordingly. The Guidelines provide guidance on acceptable uses permitted under different flood zones as per page 25, Table 3.1 of the Planning System and Flood Risk Management Guidelines. The observations made by the Office of Public Works should be adhered to and in this regard, the Council should liaise closely with the OPW in this matter. The officials of the Department are available to discuss the matters raised above.</p> | <p>In accordance with the DAHG response Chapter 4 and Chapter 8 shall be updated as recommended.</p> <p>(d) Comment noted, see response to 1(a) and (b) above</p> |
| Chief Executive's Recommendations: | | |
| | <p>(a) It is recommended that the 1.33 hectares of land located to the south of Main Street and west of the town park and zoned residential phase 2 revert back to open space and recreation as was set out in the draft plan. Tables 3.4 and 10.1 to be amended accordingly.</p> <p>(b) It is recommended that the lands in the townland of Islandea zoned existing residential revert back to open space and recreation as was set out in the draft plan. Tables 3.4 and 10.1 to be amended accordingly.</p> <p>(c) Section 4.4 Infill Development and Objective H4 in chapter 4 shall be updated to include a statement in relation to the importance of the protection and retention of the thatched structures and that any future proposed alterations will require the maintenance of the structures essential architectural character, retention of features of special interest and respect for the structure's fabric, plan, form and setting. A new objective in relation to the protection and retention of the thatched</p> | |

structures while recognising that such an objective may require the adaptation and modifications of the thatched structures, including the construction of extensions shall be inserted into chapter 8. Also reference shall be made to Section 7.6.4 Architectural Heritage Objective as set out in the County Development Plan 2010-2016.

(d) See response to 1(a) and (b) above

| 2 | Name/Group: | Office Of Public Works |
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| Submission: | | Response |
| | <p>(a) OPW welcomes the rezoning of a large area of land in the townlands of Blackabbey and Islandea from residential to open space as set out in the draft plan.</p> <p>(b) Recommend that the text in the Flood Risk Management Section of the plan clarify if the "OPW preliminary flood risk indicative maps" referred to are the PFRA (Preliminary Flood Risk Assesment) Mapping or the Draft CFRAM mapping.</p> <p>(c) Recommend that the plan be amended to reflect the Final CFRAM mapping when it is produced</p> <p>(d) In relation to the 1.33 hectares of land to the south of Main Street and west of the town park which was changed from 'open space and recreation' to 'residential phase 2' the OPW strongly advises that the precautionary approach be taken as outlined within the Guidelines. These recommend that avoidance of flood risk should be the first process for any area within Flood Zone A as is the case here. Should the Local Authority wish to set aside this advise, it must apply the Guideline's Justification Test.</p> | <p>(a) Comments noted</p> <p>(b) Text in Section 7.5 refers to the Preliminary Flood Risk Assessment Mapping (PFRA). Text to be amended to clarify this.</p> <p>(c) Section 7.5 Flood Risk Management states that 'if there are significant discrepancies between the JBA flood maps and the final OPW CFRAM Flood Maps, when available, the plan shall be amended.'</p> <p>(d) Having regard to the submissions received from the DECLG, the OPW and the EPA it is recommended that the stated lands located to the south of Main Street and west of the town park revert back to open space and recreation as was set out in the draft plan.</p> |

There is no evidence of the application of the Planning Principles and Sequential Approach to this area in the proposed Material Alteration. OPW note the comment that 'the probability of it being developed within the lifetime of the plan is low' and consider that when this is coupled with given-risks to health and life associated with unwise location of residents within a flood prone area, these two should help the Authority hold the proposed LAP designation of Open Space and Recreation. This is in keeping with the expressed view that designated Residential Phase 1 lands are sufficient for the near future. While the area has previously been zoned Town Centre (in the existing LAP, now up for revision), its development preceded the Guidelines. This designation poses less risk than a residential one, as dwellings would not be at ground level. However, even Town Centre designation can only be maintained, if it now satisfies the Justification Test.

- (e) The land in the townland of Islandea which has been changed from 'open space and recreation' to 'existing residential' is also within Flood Zone A so the same approach should be followed as outlined in (d) above. Again there is no evidence of the application of the Planning Principles and Sequential Approach to this area in the Material Alteration. OPW is somewhat confused with the term 'existing residential', given that it is reported as being 'covered in scrub' and the proposed Adare LAP 2015-2021 designated it as Open Space. The fact that the area is 'only 0.26ha' does not imply that it is 'not significant'; while less

- (e) Having regard to the submissions received from the DECLG, the OPW and the EPA it is recommended that the stated area of land in the townland of Islandea revert back to open space and recreation as was set out in the draft plan.

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| | people might be located there than within a larger area, each individual's risk will be just as high. |
| | Chief Executive's Recommendations: |
| | <p>(a) No change</p> <p>(b) Text in Section 7.5 to be amended clarifying that the flood maps referred are the 'Preliminary Flood Risk Assessment Mapping' (PFRA).</p> <p>(c) No change</p> <p>(d) It is recommended that the 1.33 hectares of lands located to the south of Main Street and west of the town park revert back to open space and recreation as was set out in the draft plan. Tables 3.4 and 10.1 to be amended accordingly.</p> <p>(e) It is recommended that the lands in the townland of Islandea revert back to open space and recreation as was set out in the draft plan. Tables 3.4 and 10.1 to be amended accordingly.</p> |

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| 3 | Name/Group: | Environment Protection Authority |
| | Submission: | Response |
| | <p>(a) It should be clarified whether it is proposed to replace the existing Objective EH9 in the draft plan or is it proposed to include a separate additional objective in relation to the intention to protect significant stands of trees.</p> <p>(b) In relation to the land in townland of Islandea which has been changed from open space & recreation to existing residential and the 1.33 ha</p> | <p>(a) It is intended to retain Objective EH9 Tree Protection and Nature Conservation as set out in the draft plan. However the objective numbers in this chapter in the final plan will change as it is proposed to insert a new additional objective in relation to the protection of trees on land zoned residential phase 2 and serviced sites phase 2 located in the townland of Adare, north of the N21. The public display document outlines <i>'where policies or objective are proposed to be included or amended the policy/objective numbers of those existing may need to be revised.'</i></p> <p>(b) Having regard to the submissions received from the DECLG, the OPW and the EPA it is recommended</p> |

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| <p>of land to the south of Main Street and west of the town park which has been changed from open space and recreation to residential phase 2, given that the lands are located in areas deemed to be at risk of flooding, the requirements of the Flood Risk Management Guidelines (DEHLG/OPW 2009) should be taken into account as relevant. This would be in particular due to proposed residential development in areas identified as being at significant risk of flooding. It should also be ensured that the Shannon CFRAMS and the Flood Risk Management Guidelines are taken into account and integrated as appropriate and relevant. The potential effects on the water quality status of the River Maigue which is part of the Lower River Shannon SAC should also be considered in the SEA Screening.</p> <p>(c) With regard to the 1.33ha of lands to the south of Main Street it may be more appropriate to only consider development of phase two zoned lands when at a minimum 75% of phase 1 zoned land is complete to ensure the core strategy and sustainable development approach is promoted, where possible.</p> <p>(d) The findings of the SEA Screening indicate that sufficient lands are already zoned for residential development in accordance with the population requirements as set out in the core strategy of the County Development Plan without the need for further zoning of lands. In light of this, it would seem</p> | <p>that the stated lands revert back to open space and recreation as was set out in the draft plan.</p> <p>(c) See response to (b) above It is the opinion of the Planning Authority that the 50% phasing proposed in the plan is appropriate. In small settlements such as Adare it is common that a small number of landowners own a significant proportion of the zoned land. Therefore if one or two landowners are not prepared to release their lands the overall development of the village maybe limited.</p> <p>(d) See Response to 1(a) and 1(b) above</p> |
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however that additional zoning /re-zoning of lands for residential purposes, is not required within the lifetime of the Alterations.

(e) It should be clarified whether AA Screening has been carried out for the proposed Alterations, and whether the findings of the AA Screening were taken into account in making your final determination on whether there are likely significant effects on the environment. 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. With regard to screening of the Alterations for Appropriate Assessment the National Parks and Wildlife Service (NPWS) should be consulted. Where Appropriate Assessment is required, any findings or recommendations should be incorporated into the SEA and Plan, as appropriate.

(f) It is a matter for Limerick City & County Council to determine whether or not any future proposed Amendments/Variations would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004).

(g) In proposing the Alterations, and any related amendments, variations etc. of the Draft Plan and in implementing the Alterations, 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 particular Plan.

(e) AA screening has been carried out on the alterations. This has been done through the various drafts of the plan in order to ensure that alterations do not have significant ecological effects on the nearby Lower River Shannon SAC site and more distant Natura 2000 sites. The conclusions are that the alterations do not have any effects on the Natura 2000 sites and that progression to full AA is not necessary.

(f) All amendments to proposed LAP's are assessed as a matter of course by the Planning Authority in terms of their environmental effects, SEA and ecological effects as specified in Article 6 of the Habitats Directive.

(g) Objective IN3 in the plan requires appropriate infrastructure to be in place.

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| | Chief Executive's Recommendations: | |
| | <p>(a) No Change</p> <p>(b) It is recommended that the stated lands revert back to open space and recreation as was set out in the draft plan. Tables 3.4 and 10.1 to be amended accordingly.</p> <p>(c) No Change</p> <p>(d) See Response to 1(a) and 1(b) above</p> <p>(e) – (g) No Change</p> | |

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| 4 | Name/Group: | National Roads Authority |
| | Submission: | Response |
| | (a) In relation to the proposed material alterations on display, the Authority has no specific observations to make | (a) Comments noted |
| | Chief Executive's Recommendations: | |
| | (a) No Change | |

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| 5 | Name/Group: | Eleanor Purcell and Rosemary Purcell c/o Diane McDonogh Town and Country Resources Limited, Planning and Development Consultants Ltd, 52 O' Connell Street, Limerick |
| | Submission: | Response |
| | (a) The submission states that they fully support the proposed material alterations. It is their objective to provide for tourism-orientated retail services at their cottage known as 'Katie's Cottage.' They submit that such a development would contribute positively to the Council's objective which seeks to support and develop economic activity and broaden the quantity and quality of retail provision within the Adare town centre area. They request that Limerick County Council make the Adare Local Area Plan subject to the material alterations as proposed. | (a) Comments noted. See also response to 1(c) above |
| | Chief Executive's Recommendations: | |
| | (a) See response to 1(c) above | |

Part B

Proposed Amendments to Proposed Adare Local Area Plan 2015 - 2021 (To be read in association with Part A)

Omit wording ~~struck through~~ and insert wording underlined. Where policies or objectives are proposed to be included or amended the policy / objective numbers of those existing may need to be revised.

Amendments to Map 1 Zoning Map

1.33hectares of lands located to the south of Main Street and west of the town park to be changed back to open space and recreation.

0.26hectares of land in the townland of Islandea to be changed back to open space and recreation.

Amendment to Chapter 3 Plan Strategy

Amendment to text Table 3.4 Residential land required and zoned on page 24

| | Total Required by 2021 | Total Required by 2022 | Zoned Phase 1 | Zoned Phase 2 |
|---|------------------------|------------------------|---------------|----------------------------------|
| Residential development area - hectares | 21.92 | 25.30 | 21.17 | 44.18 <u>12.85</u> |
| Serviced Sites-hectares | 12.06 | 13.26 | 12.89 | 15.80 |
| Total hectares | 33.98 | 38.56 | 34.06 | 29.98 <u>28.65</u> |

Amendment to Chapter 4 Housing and Urban Design

Addition to Section 4.4 Infill Development on page 27

The protection and retention of the thatched structures is of critical importance to the village and any development which would have a significant adverse impact upon their character will not be permitted. Any proposed alterations will require the maintenance of their essential architectural character, retention of features of special interest and respect for the structure's fabric, plan, form and setting.

Addition of Objective H4(c) on pages 27 – 28

Objective H4: Infill Development, Restoration and Town Renewal

It is an objective of the Council to:

- Encourage living in the village centre by the promotion of residential uses over businesses.
- Promote sensitive infill developments on sites in the town centre that are not developed and are not required for access to backlands.
- Ensure that any proposed alterations to the thatched structures shall require the maintenance of their essential architectural character, retention of features of special interest and respect for the structure's fabric, plan, form and setting.

- d) Ensure that in any proposed alterations to the streetscape of the village centre, adequate consideration is given to conservation, restoration and reconstruction, where it would affect the settings of protected structures, or the integrity of the nineteenth century streetscapes.
- e) Consider on their merits proposals for residential development of rear plots where they can be adequately accessed, and where they would not affect existing or proposed private amenities, storage or parking requirements. Such proposals should in general be part of larger masterplans involving contiguous plots.

Amendments to Chapter 7 Infrastructure

Amendment to paragraph 2 in Section 7.5 Flood Risk Management on page 46

A stage 1 flood risk assessment has been prepared for Adare and is included as appendix 2 of this LAP. ~~OPW-preliminary flood risk indicative maps~~ preliminary flood risk assessment maps (PFRA) are available for Adare under the OPW's CFRAM study.

Amendment to Chapter 8 Environment and Heritage

Addition to paragraph 3 in Section 8.2.3 Adare Architectural Conservation Area on page 53

Any future works to the thatched structures shall have regard to Section 7.6.4 Architectural Heritage Objective as set out in the County Development Plan 2010-2016

Insert new Objective EH1 on page 53

Objective EH 1: Thatched Structures

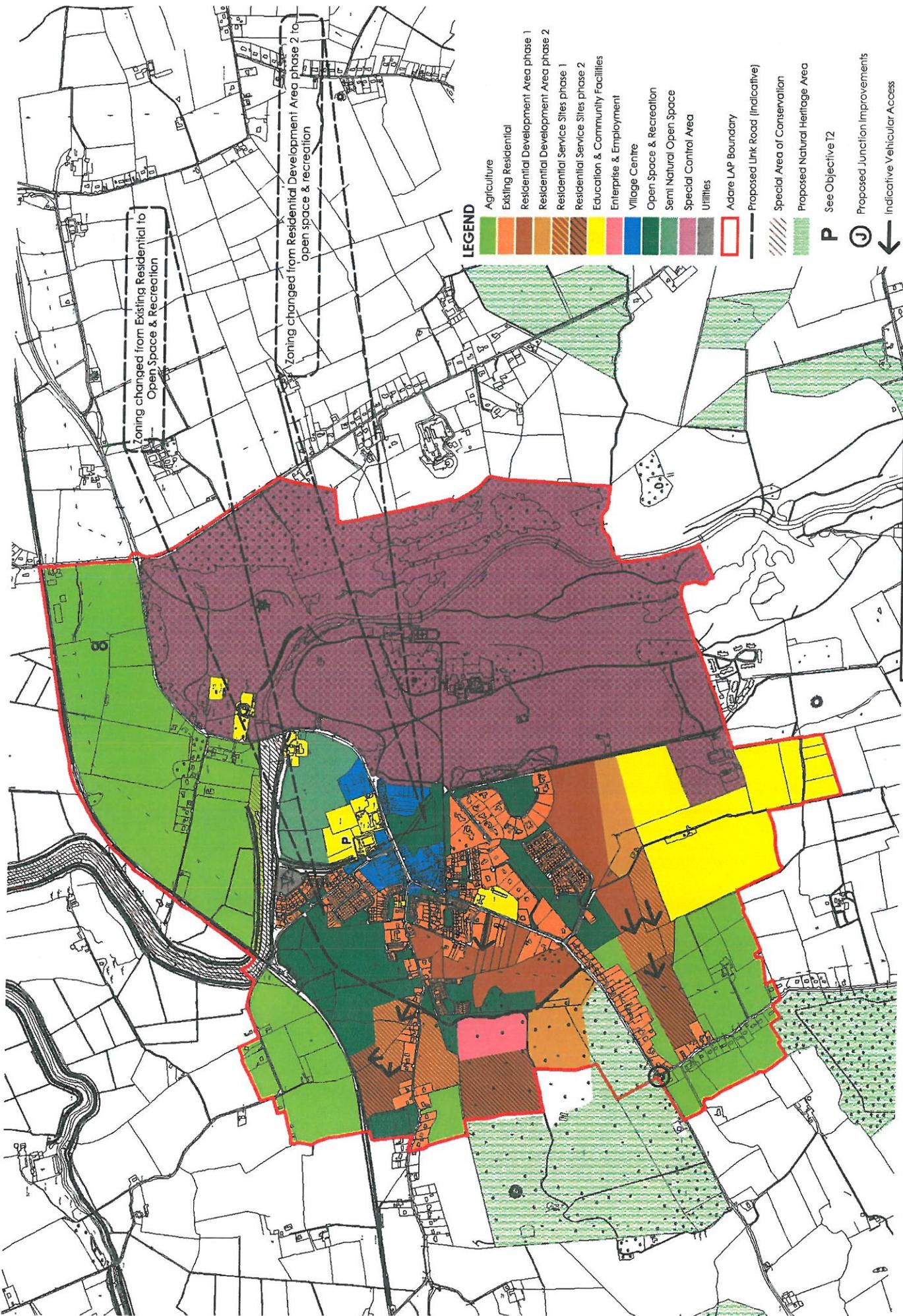
It is the objective of the Council to protect and retain the thatched structures while recognising that such an objective may require the adaptation and modifications of the thatched structures, including the construction of extensions. The Planning Authority will require the maintenance of their essential architectural character, retention of features of special interest and respect for the structure's fabric, plan, form and setting. Any development to the thatched structures which would have a significant adverse impact upon their character will not be permitted.

Amendment to Chapter 10 Land Use Zoning

Amendments to table 10.1 Total Zoned Lands on pages 69 and 70

| Zoning | Total Area proposed 2015 LAP - ha | Area designated in 2009 LAP - ha | % change |
|------------------------------------|-----------------------------------|----------------------------------|----------|
| Agriculture | 120.16 | 104.27 | + 15.24 |
| Enterprise and employment | 4.27 | 8.35 | - 48.86 |
| Education and community facilities | 42.83 | 36.58 | + 17.08 |
| Utilities | 0.85 | 0 | + 100 |

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|--------------------------------------|---------------------------|-------|-------------------------------|
| New residential Phase 1 | 21.17 | 50.41 | - 58.00 |
| New residential Phase 2 | 44.18 12.85 | 0 | + 100 |
| Existing residential | 39.91 39.65 | 33.19 | +20.24 +19.46 |
| Residential Serviced Sites – Phase 1 | 12.89 | 23.61 | - 45.40 |
| Residential Serviced Sites – Phase 2 | 15.80 | 0 | + 100 |
| Open space and Recreation | 35.14 36.73 | 27.75 | + 26.63 + 32.36 |
| Village centre | 7.07 | 13.96 | - 49.35 |
| Special Control Area | 216.7 | 216.7 | 0 |
| Semi Natural Open space | 10.82 | 12.30 | - 12.03 |
| Proposed Natural Heritage Area | 6.67 | 6.67 | 0 |



LEGEND

- Agriculture
- Existing Residential
- Residential Development Area phase 1
- Residential Development Area phase 2
- Residential Service Sites phase 1
- Residential Service Sites phase 2
- Education & Community Facilities
- Enterprise & Employment
- Village Centre
- Open Space & Recreation
- Semi Natural Open Space
- Special Control Area
- Utilities
- Adare LAP Boundary
- Proposed Link Road (Indicative)
- Special Area of Conservation
- Proposed Natural Heritage Area
- See Objective T2
- Proposed Junction Improvements
- Indicative Vehicular Access

Zoning changed from Existing Residential to Open Space & Recreation

Zoning changed from Residential Development Area phase 2 to open space & recreation

Part C

Strategic Environmental Assessment Screening and Appropriate Assessment Screening

All changes have been screened to assess their significance from an SEA and AA perspective and the results show that these are not significant and as such do not require full AA or SEA.