

Limerick City and County Council

Preparation of Draft Litter Management Plan 2019-2022

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



May 2019

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adoption of a Litter Management Plan is a reserved function of the elected members of the Council.

Each local authority is responsible for implementing the litter laws in its own functional area. It is also responsible for the prevention and control of litter, and has the power to take enforcement action against those who ignore or break these laws.

SEA thresholds: The mandatory population threshold for Strategic Environmental Assessment is currently 5000 people. The mandatory area threshold for SEA is 50km². While on the face of it it might look as if the threshold is exceeded, the purpose of the plan has to be considered. The Draft Litter Management Plan 2019-2022 aims to manage litter issues in the county and to minimise its effects on Limerick's environment. The effects of the Draft Litter Management Plan 2019-2022 are expected to be beneficial, in that it offers a template for the management of litter and offers guidance in how to deal with its effects. Because of the beneficial effects of litter management it is not considered that the Litter Management Plan should be subjected to full Strategic Environmental Assessment. In addition it does not provide development consent, see Figure 2 below (p.5).

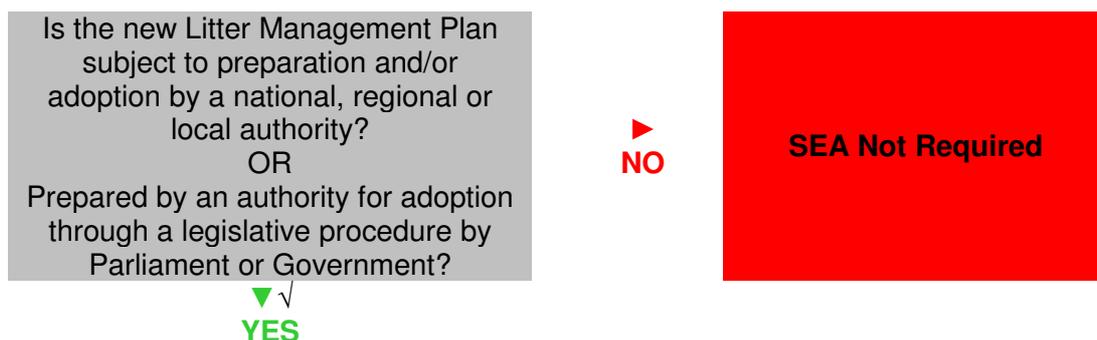
1.2 Screening Statement

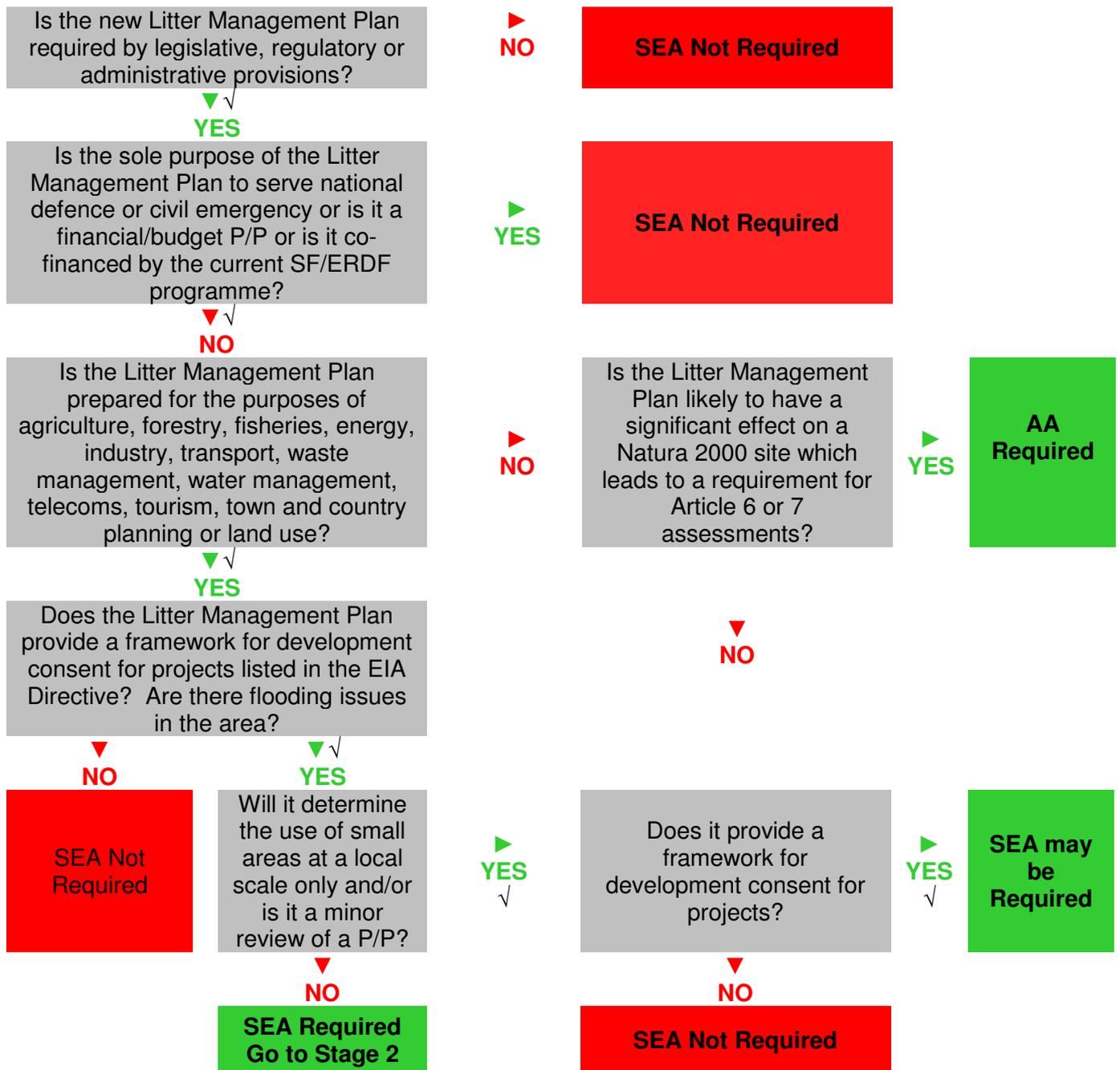
The Planning and Development (Strategic Environmental Assessment) Regulations 2004-2011 (S.I. No. 436 of 2004, SI 201 of 2011) require case by case screening of individual plans and programmes based on the criteria in Schedule 2A to the Planning and Development Regulations 2011. These criteria must be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

Stage One - Pre-Screening

The first step in determining whether the new Litter Management Plan would require an SEA involves a pre-screening check. The pre-screening check places the new plan in context with consideration of how the review fits in with larger policy issues. Stage 2 assesses the environmental significance of the review by examining how it fits in with policy guidance documents and its possible environmental effects.

Figure 2 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 preparation of the new plan will update the content of the Litter Management Plan 2015 -2018. It will guide Council actions in its litter control activities for the next three years.

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

The Litter Management Plan is a written statement containing objectives and actions to achieve litter control in the City and County of Limerick over the next three years. It is a requirement of the Litter Pollution Act, 1997 and is a reserved function, which means the elected members of the Council must adopt the Plan. The Litter Management Plan's purpose is to guide litter control activities rather than to influence other plans but it is the main guidance document for litter control activities throughout the Councils's functional area.

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

The purpose of the Litter Management Plan is to control litter and contribute to the creation of a litter free city and county. As litter contributes to unsightliness and in certain situations can pose health risks, the management of the litter issue as set out in the objectives of the plan contributes to a healthier, cleaner environment.

- iv environmental problems relevant to the plan or programme;*

The problem with which the Litter Management Plan will deal is the long term management of litter within the county.

- 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).*

The Litter Management Plan is a direct result of the Litter Pollution Act 1997 which is the national, rather than European legislation, which underpins the Litter Management Plan.

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

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

Littering is an ongoing problem. While litter can be cleaned up, the problem of littering and fly tipping is on going and is likely to continue to be a problem for the duration of the plan period. Objectives 1 and 2 of the Litter Plan and its associated actions concentrate on educational and outreach programmes which, over time, will influence behavioral change. This is perhaps the best way to deal with litter and its effects on Limerick's environment.

ii. the cumulative nature of the effects

Littering is often a good example of cumulative effects. When areas become littered it is often the case that people continue to litter or may indeed fly tip in such locations because of the existing litter and the perception that further littering might not be noticed in such locations.

iii. the trans-boundary nature of the effects

While the Plan is for Limerick, local authorities have a long history of working with neighbouring local authorities. The litter issue is no different.

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

The risk for human health from littering are manifold. Severe littering can result in an increase of problem species such as rats and flies which are disease vectors, while litter as it decomposes can often release smells and toxins which are a risk to human health. Run off from litter accumulation can also result in local build ups of pollutants which might find their way into water courses. This is often seen in the case of fly tipping close to rivers and streams.



Figure 2: taken from the Limerick Post, this shows fly tipping in an urban area. Littering in areas of high population density can have direct effects on human health as it brings people into direct contact with pollutants.

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

The plan is for city and county of Limerick which is 2756km² in area. The population is 194, 899 (Census 2016 figures).

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

- *special natural characteristics or cultural heritage;*

It is anticipated that the litter plan will have beneficial effects on such areas by managing litter and over time through education programmes reducing the incidence of litter in the first place. It is often the case that fly tipping, in particular, takes place in remote and often scenic areas where the risk of detection is low.

- *exceeded environmental quality standards or limit values;*

The purpose of the Litter Management Plan is to ensure that the nuisance effects of litter are managed and environmental litter levels are reduced. By it's nature litter is such that any occurrence of it would be regarded as excessive.

- *intensive land-use;*

The purpose of the Litter Management Plan is not to intensify land usage but to manage the effects of litter in Limerick's environment. It will not result in any intensification of land use.

1.3 Stage Two – Summary, Conclusions and Recommendation

No strategically significant environmental problems can be identified in relation to the preparation of the Litter Management Plan that would make the preparation of an Environmental Report necessary. This is for the following reason: The Litter Management Plan exists for the purpose of managing litter within Limerick. In dealing with litter, it is anticipated that there will be environmental benefits. It is not anticipated that there would be any negative environmental effects from the implementation of the plan and as such, the preparation of an Environmental Report would not be necessary.

Following the screening process whereby the specific context of the preparation of the Litter Management Plan 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 Draft Limerick Litter Management Plan 2019-2022.**

2.1 Appropriate Assessment Screening: introduction

This is an Appropriate Assessment Screening of the preparation of the Draft Limerick Litter Management Plan (LMP) 2019-2022 in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC).

The existing Litter Management Plan had originally been prepared in 2015 and ran to 2018. The preparation of the new Litter Management Plan needs to be screened for 'Appropriate Assessment'. Based on the *Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, a 'Screening Matrix' and a 'Finding of No Significant Effects Matrix' have been completed. The conclusions were that the preparation of the new litter action **does not require** progression to the preparation of a Natura Impact Statement and does not require an Appropriate Assessment.

The principal consideration for an Appropriate Assessment would be if the LMP were 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.

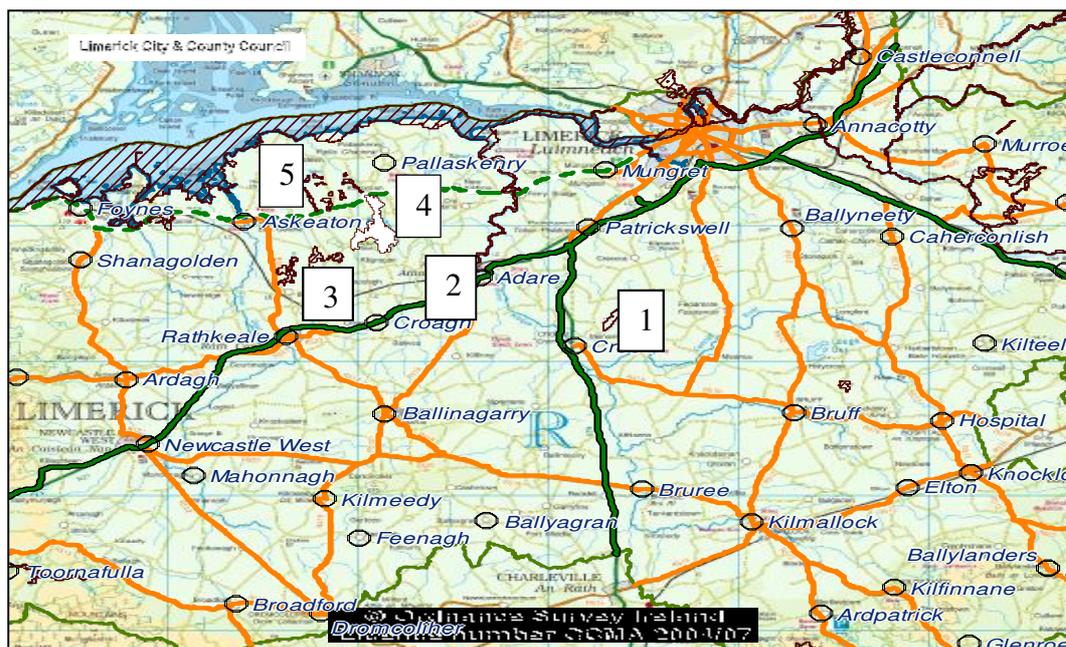


Figure 1: Showing the Tory Hill SAC (1) site to the east of the M20 and the Lower River Shannon (2) to the north-west. The other SAC sites listed below within a radius of 22 km are also shown numbered 3 and 5 (Askeaton Fen Complex) and 4 (Curraghchase).

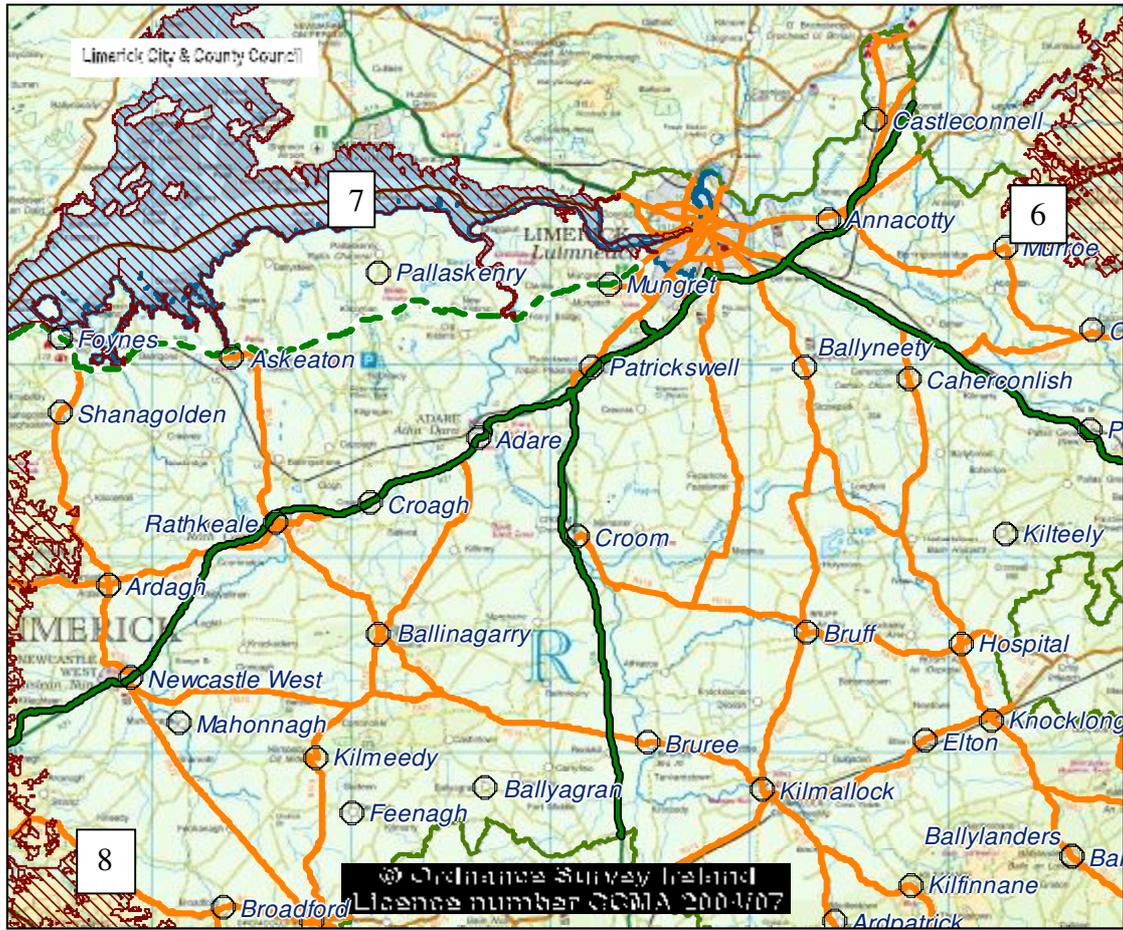


Figure 2: showing Special Protection Area sites within 16km of the N20 and N21 Junctions. The numbering sequence continues from Figure 4.

2.2 Screening Matrix

<p>Brief description of the plan:</p> <p>Preparation of the Limerick City and County Draft Litter Management Plan 2019-2022. This is the successor to the Litter Management Plan 2015-2018. The plan focuses on litter management within the City and County of Limerick.</p>
<p>Brief description of the Natura 2000 sites:</p> <p>The River Shannon and Fergus SPA (004077) is located downstream of Adare where the Maigue is designated - see Figure 1, No. 7. The Lower River Shannon SAC (002165- see Figure 1 No 2) site is an extensive water based site in Co. Limerick. 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 (Figure 2 No. 7) site has been selected because of its importance for wintering and migratory wild fowl. The site comprises all of the estuarine</p>

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. 5) contains Calcareous fens and Alkaline fens is adjacent to the N69.

Curraghchase woodlands SAC site (0000174-see Fig 1 No. 4) a woodland site designated for the Lesser Horseshoe bat, is adjacent to the N69.

Tory Hill SAC (000439- see Figure 1 No1) is an isolated wooded limestone hill situated about 3 km north east of Croom and the N20, 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 No 8) 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 Hen Harrier.

The Slieve Felim Hills SPA (004165) is an upland site with forestry, upland grassland and fragmented peat-land habitats (Number 6 on Figure 2). This is within 12km of the N24, lies to the northeast, 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 plan seeks to minimise the effects of litter. Bearing in mind the main purpose of the Litter Management Plan is to reduce litter exposure; the effects of the implementation of the plan are expected to be beneficial. Litter poses problems for both birds and animals and is a pollution risk for designated sites.

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

- **Size and scale;**

The plan is for the city and county of Limerick which has an area of 2756km² and a population of 194,899. See Figure 1 in SEA screening above (p.3).

- **Land-take;**

There is no land take from Natura 2000 sites. The Draft Litter Management Plan does not call for any activities that might encroach on to Natura 2000 sites. Indeed litter and fly tipping control activities by LCCC has resulted in the removal of litter from deisgnted sites in the past.

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

See Brief Description of Natura 2000 sites above.

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

No policies within the Litter Management Plan indicate the need for abstraction of water from any designated site.

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

Litter itself can be viewed as an emission. The purpose of the plan is to minimise the effects of litter. Bearing in mind its effects on birds and animals and its potential for pollution, it is considered that the reduction in litter levels brought about by the Plan will have beneficial ecological effects.

- **Excavation requirements;**

There is no mention of excavation in the draft litter management plan.

- **Transportation requirements;**

It is not considered that any of the policies put forward in the plan will have implications for transport through designated sites.

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

The lifespan of the plan will be three years, i.e. from 2019 to 2022.

- **Other**

None.

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

- **reduction of habitat area:**

None – the Litter Management Plan relates to litter management. This could result in improvements to habitats in that one request from the NPWS resulted in litter being collected from a bogland habitat in October 2016 in West Limerick.

- **disturbance to key species;**

None- the plan is about controlling litter emissions and any reductions would have beneficial ecological effects.

- **habitat or species fragmentation;**

Litter can prove an obstacle when deposited in streams or rivers or linear habitats such as tree lines. The Plan intent is to reduce or to prevent littering so the effects of the plan are expected to be beneficial in this regard.

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

In overall terms, the reduction of litter emissions that would result from the implementation of the Litter Management Plan would have welcome ecological results.

- **Climate change:**

There are no implications for Climate Change.

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.

2.3 Finding of No Significant Effects Matrix

Name of Project or Plan:	Preparation of the Limerick City and County Litter Management Plan 2019-2022.
Name and location of Natura 2000 sites:	<p>The River Shannon and Fergus SPA (004077) is located downstream of Adare where the Maigue is designated - see Figure 1, No. 7. The Lower River Shannon SAC (002165- see Figure 1 No 2) site is an extensive water based site in 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 (Figure 2 No. 7) 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. 5) contains Calcareous fens and Alkaline fens is adjacent to the N69.</p> <p>Curraghchase woodlands SAC site (0000174- see Fig 1 No. 4) a woodland site designated for the Lesser Horseshoe bat, is adjacent to the N69.</p> <p>Tory Hill SAC (000439- see Figure 1 No1) is an isolated wooded limestone hill situated about 3 km north east of Croom and the N20, 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</p>

	<p>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 No 8) 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 Hen Harrier.</p> <p>The Slieve Felim Hills SPA (004165) is an upland site with forestry, upland grassland and fragmented peat-land habitats (Number 6 on Figure 2). This is within 12km of the N24 and lies to the north east 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 together with the project of plan being assessed could affect the site (provide details)?	None.
The Assessment of Significance of Effects	

Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites:	Bearing in mind the main purpose of the Litter Management Plan is to reduce litter exposure, the effects of the implementation of the plan are expected to be beneficial.		
Explain why these effects are not considered significant:	The plan seeks to minimise the effects of litter. Bearing in mind the main purpose of the Litter Management Plan is to reduce litter exposure, the effects of the implementation of the plan are expected to be beneficial. Litter poses problems for both birds and animals and is a pollution risk for designated sites. It is a pollutant so the plan, with its emphasis on litter reduction, would have beneficial effects.		
List of Agencies Consulted: Provide contact name and telephone or email address:	AA Screening Reports are being sent to: <ul style="list-style-type: none"> • SEA Section, Environmental Protection Agency • Planning System and Spatial Policy Section • Department of the Environment, Community and Local Government • Department of Agriculture, Fisheries and Food • Department of Communications, Energy and Natural Resources • Development Applications Unit, Department of Arts, Heritage and the Gaeltacht, 		
Summary of Responses received for previous draft.	Not applicable		
Data Collected to Carry out the Assessment			
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 County Council.	Existing NPWS. Site Synopses. Site visits during plan preparation process.	Desktop study, site visits	With plan documentation on request.