

KILMALLOCK LOCAL AREA PLAN 2019 – 2025 as amended

**Strategic Environmental Screening Report
to accompany the Mayor's Report
submitted to Elected Members in accordance with
Section 19 (1)(d) and 19(1)(e) of the Planning and
Development Act 2000 (as amended) in relation to the
deferral of making a new Local Area Plan,
and
in accordance with the Planning and Development
Amendment Act 2021 having regard to European Directive
2001/42/EC on the Assessment of the Effects of Certain
Plans and Programmes on the Environment
("SEA Directive")**

6th September 2024

**Limerick City and County Council
Forward Planning
Planning and Place-making Directorate
Merchants Quay
Limerick**



**Prepared in accordance with European Directive 2001/42/EC on the Assessment of the
Effects of Certain Plans and Programmes on the Environment ("SEA Directive") as
transposed by the European Communities (Environmental Assessment of Certain Plans and
Programmes) Regulations 2004 (S.I. 436 of 2004), as amended**

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1.0 Introduction

1.1 Purpose of the SEA Screening Report

The purpose of this SEA Screening Report is to formally and systematically evaluate the likely significant environmental effects of implementing the extension of duration of the Kilmallock Local Area Plan (LAP) 2019 to 2025 as amended for a further 5 years and the consequent deferral of making a new LAP. This assessment is required of Limerick City and County by European Directive 2001/42/EC ('the SEA Directive'), as transposed into Irish law by Statutory Instrument (S.I.) No. 436 of 2004 (the Planning and Development (Strategic Environmental Assessment) Regulations 2004), as amended by S.I. No. 201 of 2011 (the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011). Hereafter these are referred to as the 'SEA Planning Regulations'. The SEA Directive aims to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans with a view to promoting sustainable development.

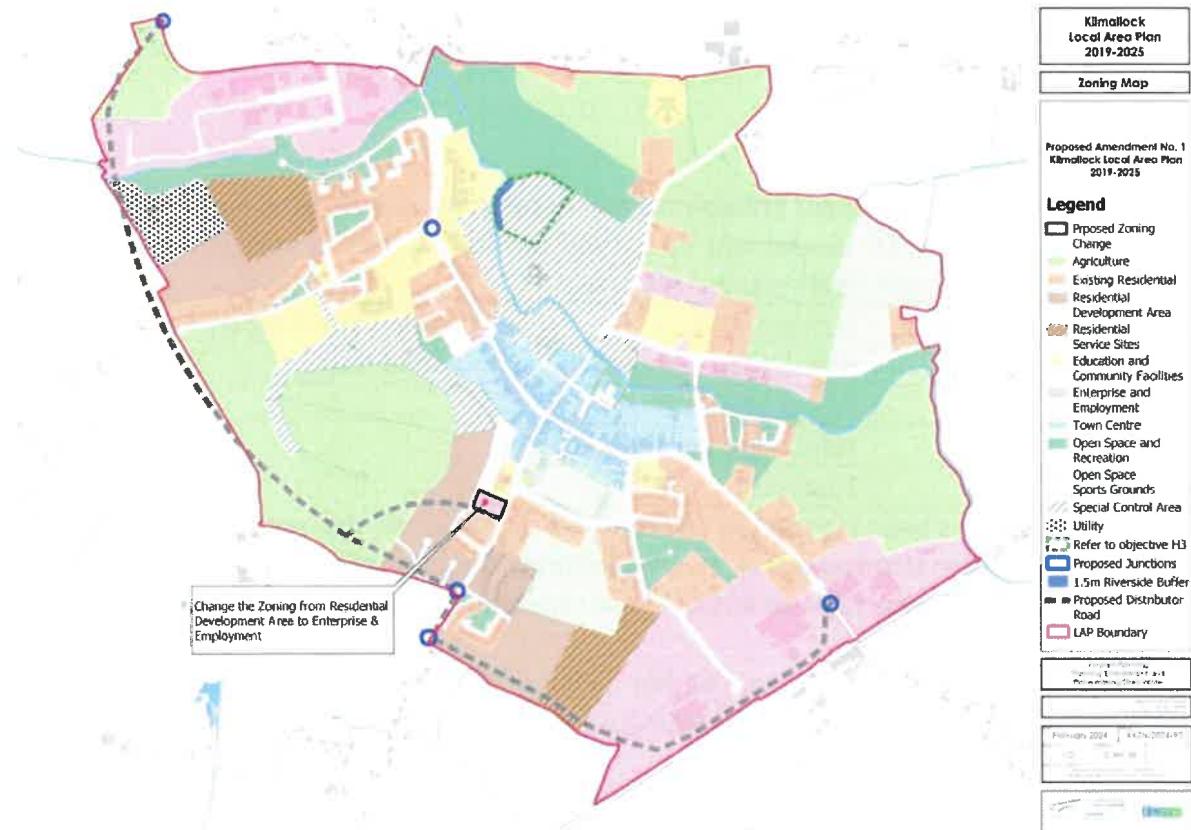
This SEA Screening Report should be read in tandem with the Screening Report for Appropriate Assessment and the Mayor's Report submitted to Elected Members in accordance with Section 19 (1)(d) and 19(1)(e) of the Planning and Development Act 2000 (as amended) in relation to the deferral of making a new Local Area Plan date Sept 2024.

The Kilmallock Local Area Plan (LAP) 2019 – 2025 as amended is the main public statement of planning policies and objectives for future growth and development of the town. The Kilmallock LAP was adopted by the Elected Members of the Cappamore Kilmallock Municipal District on 17th October 2019 and came into effect 28th November 2019. The Kilmallock LAP was screened for SEA and AA in 2019. Amendment No.1 was adopted by the Elected Members of the Cappamore-Kilmallock Municipal of Limerick City & County Council on 18th April 2024, and is effective since 30th May 2024. The Amendment consisted of change of land use zoning of 0.3ha from Residential Development Area to Enterprise and Employment on the Charleville Road. Refer to Map 2 below. The amendment to the LAP was also subject to SEA and AA screening assessment in 2023. The LAP as amended is in force until October 2025. The total land zoned in the Kilmallock LAP is 223 hectares. The 2022 Census records a population of 1761 people in the LAP boundary. Both of these criteria are below the mandatory thresholds of S.I. No. 436 of the SEA Planning Regulations 2004 as amended.

Map 1 Location of Kilmallock



Map 2 Amendment to the Kilmallock Local Area plan 2019 – 2025



Section 19 of the Planning and Development Act 2000 (as amended) provides for the extension of the valid lifespan of a Local Area Plan, from a maximum of 6 years to an effective maximum of 10 years in total. The Council Executive seeks the extension of duration of the current LAP for a further 5 years given in order to provide certainty and opportunity to realise the objectives of the Kilmallock Local Area Plan2019-2025, as amended, which are in accordance with the proper planning and sustainable development of the area.

Refer to the Mayor's Report dated September 2024 to be considered by the Elected Member of the Cappamore Kilmallock Municipal District which outlines the rationale for the extension of duration of the LAP and the consequent deferral of making a new LAP for Kilmallock. The CE Report should be read in tandem with this report and the Appropriate Assessment (AA) Report that accompanies the Mayor's Report to be considered by the Elected Members.

Through the SEA screening process, the Council must decide whether the extension of duration would, or would not be likely to have significant effects on the environment, and in doing so must take account of the relevant criteria set out in the SEA Directive, transposed into Irish Legislation in the Planning and Development (Strategic Environmental Assessment) Regulations 2004 S.I. No. 436 of 2004 as amended by the Planning and Development (Strategic Environmental Assessment) Regulations 2011 S.I. No. 201 of 2011.

A notice to the Environmental Authorities under Article 14 A (4) of the Planning and Development Regulations 2001 (as amended) was issued by Limerick City and County Council on 5th June 2024 inviting written submissions to the extension of duration for the Kilmallock LAP. No submissions were received from the Environmental in relation to same.

1.2 Legislative context

The European Union Strategic Environmental Assessment (SEA) Directive (2001/42/EC) requires an environmental assessment be carried out for all plans or programmes that are prepared in one of 11 specified sectors as follows;

Agriculture	Transport	Town and Country Planning,
Forestry	Waste Management	Land Use
Fisheries	Water Management	
Energy	Telecommunications	
Industry	Tourism	

The SEA Directive has been transposed into Irish legislation under the regulations S.I. No. 435 of 2004 (European Communities) (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 to 2011. These regulations set out the following:

Schedule 1: Criteria for determining whether a Plan or Programme (or Modification thereto) is likely to have significant effects on the Environment and therefore require an SEA.

Schedule 2: Information to be contained in an Environmental Report.

Articles 9-17 of these Regulations set out the requirement to complete an Environmental Report, scoping, timing, consultation, transboundary effects and monitoring associated with completing same. S.I. No. 436 of 2004 (European Communities) (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 to 2011.

These Regulations specifically relate to the requirement to carry out SEA for Development Plans, Local Area Plans and Regional Planning Guidelines.

This report is the screening statement for the Strategic Environmental Assessment (SEA) of the proposed extension of duration to the Kilmallock Local Area Plan 2019 – 2025 as amended and the deferral of making a new LAP. Article 3(4) of Directive 2001/42/EC requires that “Member States shall determine whether plans and programmes other than those referred to in paragraph 2, which set the framework for future development consent of projects, are likely to have significant environmental effects”. This process for deciding whether a particular plan, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and therefore, would require SEA is known as ‘Screening’. The criteria for determining (or Screening) whether a particular plan is likely to have significant environmental effects are set out in Annex II of the SEA Directive. These criteria are reproduced in Schedule 1 of S.I. No. 435 of 2004, as amended by S.I. No. 200 of 2011, and again in Schedule 2A of the Planning and Development Regulations 2001, as amended.

2.0 Spatial Planning Hierarchy for the context of the Kilmallock LAP 2019 – 2025 as amended

The LAP must be consistent with the objectives of the higher-level spatial plans, including the NPF, RSES and the Limerick Development Plan 2022-2028 as varied.

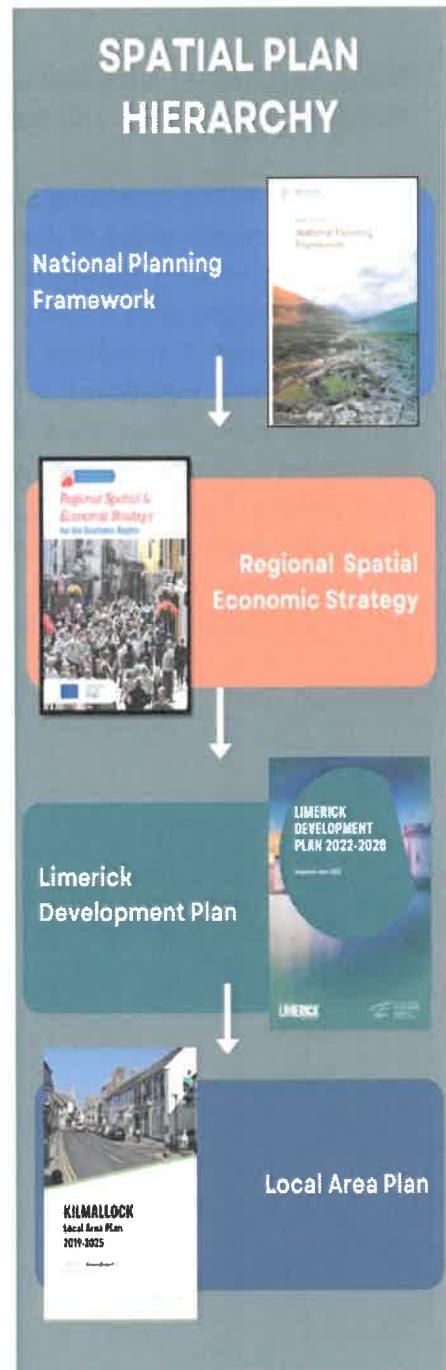
The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of our country out to the year 2040. The purpose of the NPF, together with the National Development Plan (NDP), form 'Project Ireland 2040' to enable all parts of Ireland, rural and urban, to successfully accommodate growth and change, shifting population and economic growth towards Ireland's regions and cities other than Dublin, whilst recognising Dublin's ongoing key role.

The Regional Spatial and Economic Strategy (RSES) for the Southern Region provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region. The RSES includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford.

The Limerick Development Plan 2022 – 2028 as varied sets out an overall strategy for the proper planning and sustainable development of Limerick over a 6-year period to 2028. It is informed by the policy and objectives of the RSES and NPF, a public consultation process, collaboration with other agencies including Statutory Bodies and Government Departments, local level strategies, Ministerial Guidelines issued pursuant to Section 28 of the Act, together with EU requirements, regarding Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). The Limerick Development was adopted as a Reserved Function of the Elected Members of Limerick City and County Council on 22 June 2022 and came into effect 29th July 2022.

Variation No. 1 to the Limerick Development Plan 2022–2028 was adopted by the Elected Members on the 22nd April 2023 comprising an amendment to Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network and Objective TR O37 Land Uses and Access Standards.

Informed by the NPF and the RSES for the Southern Region, the Limerick Development Plan identifies Kilmallock as a Level 3 Town promoted as a secondary development centre for population and economic growth. Level 3 towns provide a range of services and functions for

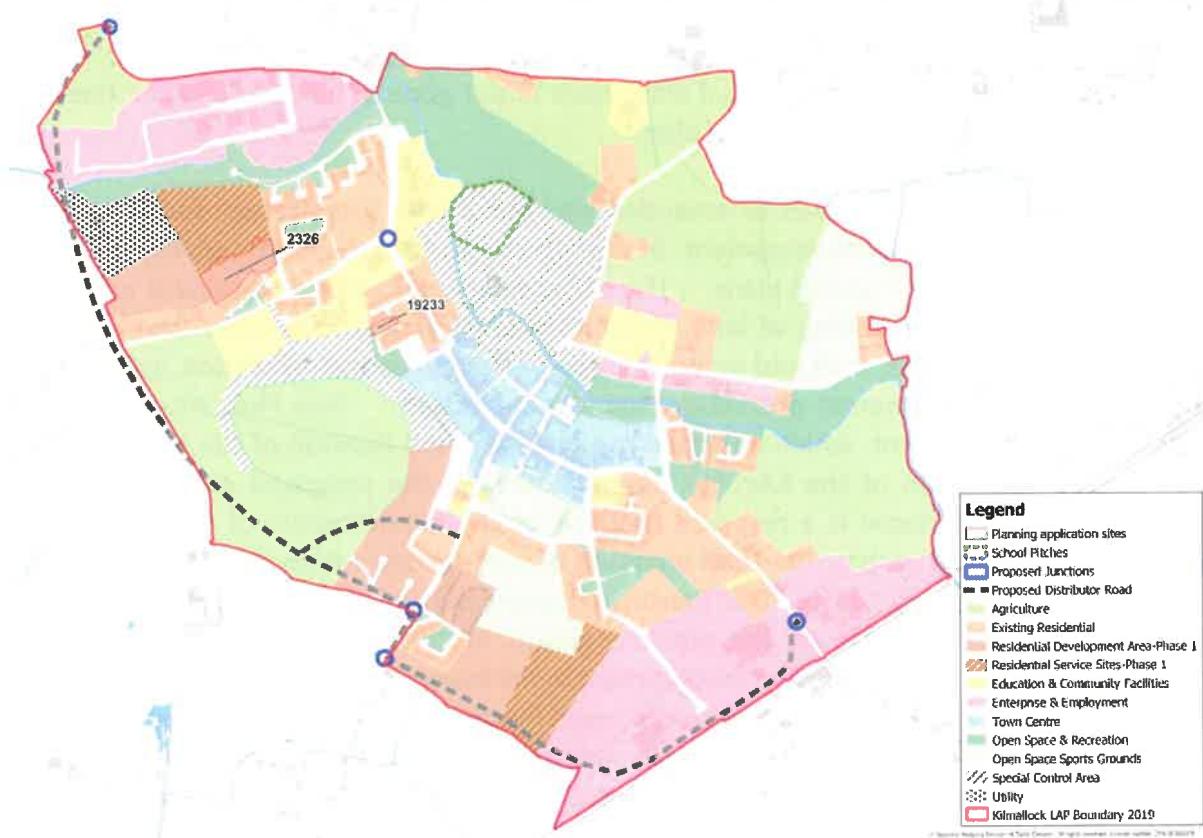


residents, their hinterland and are local economic drivers complementary to the Limerick Shannon Metropolitan Area, Newcastle West, other Level 3 settlements, and in the case of Kilmallock Charleville, Mallow and Mitchelstown in North Cork.

All the Plans in the hierarchy of spatial plans have undergone SEA and AA by the relevant competent authorities for each level of plan.

The Kilmallock LAP 2019 – 2025 as amended sets out a land use strategy for the proper planning and sustainable development of the town of Kilmallock, complying with the provisions of higher-level spatial plans. The LAP consists of a written statement and maps indicating objectives for zoning of land, residential development, economic development, community infrastructure, built and natural heritage, open space and recreation, active travel and transport, environmental protection and climate action. This Plan also includes a Serviced Land Assessment, which informed the quantum and location of the land zoned in the Plan. The adoption of the LAP, its' amendment and the proposed extension to the duration of the timeframe is a reserved function of Elected Members of the Cappamore Kilmallock Municipal District. The total quantum of lands zoned within the LAP boundary is 223 hectares. According to the 2022 Census the population of the town was 1761 people which was a 5.57% increase on the previous census in 2016. There has been only one substantial commitment to housing development in the town for 28 houses granted since the adoption of the LAP in 2019 on 1.25 hectares zoned Residential Development Area, known as Glenfield to the north of the town (Planning Ref: 2326). A further 6 units were granted on lands zoned Existing Residential and Town Centre (5 new residential in Castle Park (Planning Ref: 19233) and 1 part conversion of commercial to residential off Sheare's Street (planning Ref: 221074). Only the part conversion to residential has been completed to date. The remaining 33 units granted have not commenced to date.

Map 2-Significant residential development in Kilmallock 2019–2024



3.0 Screening or the requirement for SEA on the proposed extension of duration of the Kilmallock LAP 2019 – 2025 as amended

The extension of duration of the LAP and the deferral of making a new LAP is being screened for the requirement for SEA in accordance with the requirements of:

- Directive 2001/42/EC (SEA Directive) and particularly Articles 3(3), 3(4) & 3(5) relate to 'Screening' for the requirement for SEA.
- S.I. No. 435 & 436 of 2004 European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended by S.I. No. 200 & No. 201 of 2011 - European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011.
- Schedule 2A of the Planning and Development Regulations 2001, as amended, which sets out the "Criteria for determining whether a plan or programme is likely to have significant effects on the environment".

3.1 Consultation with the Environmental Authorities

In accordance with Article 14A of the Planning and Development Regulations 2001 (as amended), Article 6(3) of the SEA Directive and the SEA Planning Regulations Limerick City and County Council invited environmental authorities to make a submission or observation in

relation to whether or not the deferral of making a new LAP for Kilmallock would be likely to have significant effects on the environment, prior to the Council making a determination.

A notice to the Environmental Authorities under Article 14 A (4) of the Planning and Development Regulations 2001 (as amended) was issued by Limerick City and County Council on 5th June 2024 inviting written submissions to the extension of duration for the Kilmallock LAP. No submissions were received from the Environmental in relation to the extension of duration of the Kilmallock LAP.

3.2 Appropriate Assessment (AA)

The EU Habitats Directive (92/43/EEC) requires an 'Appropriate Assessment' (AA) to be carried out where a plan or project is likely to have a significant impact on a European site. European sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). The first step in the process is to establish whether AA is required for the particular plan or project. This first step is referred to as Screening for the requirement for AA and the purpose is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone and in combination with other plans or projects, could have significant effects on a European site in view of the site's conservation objectives. As set out in Department Circular Letter SEA 1/08 & NPWS 1/084 (15th February 2008), Screening for AA is of relevance to screening for SEA in that "where following screening, it is found that the proposed extension of duration of the LAP may have an impact on the conservation status of a Natura 2000 site or that such an impact cannot be ruled out, adopting the precautionary approach:

- an AA of the plan must be carried out, and
- in any case where an SEA would not otherwise be required, it must also be carried out."

Hence, where the plan requires AA it shall also require a SEA. Screening for Appropriate Assessment has been carried out in tandem with the Screening for Strategic Environmental Assessment and has informed the preparation of this report. Refer to the Screening Report for Appropriate Assessment accompanying this report and the Mayor's Report submitted to Elected Members in accordance with Section19 (1)(d) and 19(1)(e) of the Planning and Development Act 2000 (as amended) in relation to the deferral of making a new Local Area Plan dated Sept 2024.

3.3 Flood Risk Assessment

The Kilmallock LAP 2019 – 2025 as amended was the subject of a Flood Risk Assessment in 2019. It concluded that the retention of the Special Development Control in the land use zoning map is an essential land management tool in terms of flood risk management in Kilmallock. The conclusion stresses the importance of the retaining the open space land use zones in the plan, including the open space zoned on the banks of the River Loobagh as these are necessary to address local flood risk. There has been no significant flood event in the town since the adoption of the LAP in 2019.

The proposal to extend the duration of the Kilmallock LAP for a further 5 years does not change the circumstances above. The Flood Risk Assessment was guided by the Section 28 Ministerial Planning Guidelines, Planning System and Flood Risk Management - Guidelines for

Planning Authorities, 2009. These Guidelines have not been updated since 2009 and thus, remain relevant to Kilmallock LAP.

3.4 Screening for the requirement for Strategic Environmental Assessment (SEA)

The following section and table below presents the SEA screening assessment of the extension of duration against the criteria provided in Schedule 2a of SEA Regulations (S.I. 436 of 2004) as amended by the Planning and Development (SEA) (Amendment) Regulations 2011 (S.I. No. 201 of 2011), which details the criteria for determining whether a plan or programme is likely to have significant effects on the environment. The Screening assessment should be read in conjunction with the Screening for Appropriate Assessment.

Table 2 Criteria for determining whether the extension of duration is likely to have significant effects on the environment

1. The characteristics of the extension of duration having regard to:
(i) the degree to which the extension of duration sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources
The Kilmallock LAP 2019 – 2025 as amended sets out a land use strategy for the proper planning and sustainable development of the town of Kilmallock, complying with the provisions of higher-level spatial plans. The LAP consists of a written statement and maps indicating objectives for zoning of land, residential development, economic development, community infrastructure, built and natural heritage, open space and recreation, active travel and transport, vacancy, town centre regeneration, environmental protection and climate action. The total land zoned in the Kilmallock LAP is 223 hectares. The 2022 Census records a population of 1761 people in the LAP boundary. Both of these criteria are below the mandatory thresholds of S.I. No. 436 of the SEA Planning Regulations 2004 as amended.
The LAP must be consistent with the objectives of the higher-level spatial plans, including the NPF, RSES and the Limerick Development Plan 2022-2028 as varied. Refer to Section 2 of this report. The Limerick Development Plan 2022 – 2028 as amended sets out an overall strategy for the proper planning and sustainable development of Limerick City and County over a 6-year period to 2028. The Kilmallock LAP as amended complies with the policies and the objectives of the current Limerick Development Plan. All planning proposals in the town of Kilmallock are assessed against the objectives of the Kilmallock LAP and the Limerick Development Plan. The Limerick Development Plan and the Kilmallock LAP were also subject to Strategic Environmental Assessment and Appropriate Assessment when formally adopted by the Elected Members.
Any projects arising from the implementation of the Limerick Development Plan 2022-2028 as varied and the Kilmallock LAP as amended will have to comply, as relevant, with various legislation, policies, plans and programmes (including requirements for lower-tier Appropriate Assessment, Environmental Impact Assessment and other licencing

requirements as appropriate) that form the statutory decision-making and consent granting framework.

(ii) the degree to which the extension of duration influences other plans, including those in a hierarchy,

The Kilmallock LAP as amended is the lowest level spatial plan in the hierarchy of statutory spatial plans as set out in Section 2 of this report. The current LAP is consistent with the current the Limerick Development Plan as varied and higher-level plans including the National Planning Framework and the Regional Economic and Spatial Strategy.

The Limerick Development Plan 2022-2028 has undergone SEA and AA and consultation with environmental bodies. Similarly, the current LAP and its recent amendment was also subject to the SEA and AA assessment process prior to its adoption in 2019 as did the variation to the LAP in 2023. The environmental bodies were also consulted for these assessment processes. All measures included in the SEA and AA of the Limerick Development Plan 2022 -2028 would apply, as appropriate.

The current LAP influences and guides individual projects and planning permissions within the LAP boundaries, both through the zoning mechanism and the policy content of the Local Area Plan. The LAP provides a framework for the specific local development issues within the policy context of the Limerick Development Plan. The deferral of making a new local area plan for Kilmallock will not adversely influence higher-level spatial plans. The existing LAP will continue to function, following the extension of duration process which will provide continuing statutory support for land use activities.

(iii) the relevance of the extension of duration of the LAP in the integration of environmental considerations in particular with a view to promoting sustainable development

This plan is statutory and environmental protection measures and policies including lower tier assessments would apply should land use projects arise. The LAP must be consistent and integrate environmental considerations including, *inter alia*, environmental legislation including the EIA Directive, the Flood Directive, Habitats Directive, Waste Directive, Water Framework Directive and national policy and legislation pertinent to environmental considerations. The Kilmallock LAP as amended has been informed by Ministerial Guidelines, issued pursuant to Section 28 of the Act, together with EU requirements, regarding Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA).

Given the lack of development in the town, the underperformance of Kilmallock in terms of envisaged population growth the Core Strategy of the LAP and the Core Strategy the Limerick Development Plan, the objectives of the LAP remaining relevant, the observations of the environmental authorities regarding the proposed deferral of making a new LAP, and the absence of any identified environmentally sensitive receptors on the area, it is

considered that the application and adherence to the above legislative provisions ensure that likely significant effects are not identified for extension of duration to the LAP to 2028.

(iv) Environmental problems relevant to the extension of duration of the LAP

Key challenges in the plan area are

- Sensitive development of the historic townscape of Kilmallock.
- Avoidance of pollution to the River Loobagh.
- Preservation of the town's archaeological heritage, natural environment and protected structures and listed buildings.
- Vacancy, dereliction, under-use lands and buildings
- Traffic movement including heavy vehicular traffic through the town centre and sustainable safe active travel options in the town.
- Climate Change

(v) the relevance of the extension of duration of the LAP in the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection).

Proposals that may give rise to land use effects would be subject to detailed design and requirements of the Limerick Development Plan 2022-2028 as varied and the Kilmallock LAP as amended, and as the plan is required to be consistent, it allows for the implementation, as relevant to European environmental legislation as established in the Limerick Development Plan.

These include, *inter alia*, the EU Habitats Directive (92/43/EEC), the EU Birds Directive (2009/147/EC), the EU Water Framework Directive (2006/60/EC), the EU Groundwater Directive 92006/118/EC), the European Communities (Water Policy) Regulations 2014 S.I. 350 of 2014 and national legislation including the Wildlife Act 1976, as amended, and Flora Protection Order 1999.

2 Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

(i) the probability, duration, frequency and reversibility of the effects

Changes and effects are likely as the zoning mechanism guides both the amount and location of future development in the town. Changes are likely to be permanent and long-term in nature. Note the quantum of land zoned within the LAP boundary is not increased by the proposed extension of duration of the LAP. It is not envisaged that any changes would take place to the policies that protect the built and archaeological heritage of the town so effects on these would be minimised. There are no changes to the land use zoning and the objectives of the current LAP.

Subject to the full adherence and implementation of policies and objectives from the Limerick Development Plan 2022 – 2028 as varied and the Kilmallock LAP as amended, no significant effects are identified.

(ii) the cumulative nature of the effects

Subject to the full adherence and implementation of environmental protection policies and measures from the Limerick Development Plan 2022 - 2028, and the LAP, no significant effects are identified.

(iii) the transboundary nature of the effects

No transboundary effects are identified at this stage.

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

No such risks are identified as arising from the plan at this stage.

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

At this scale, no such effects are identified. As the population based on the 2022 Census is 1,761 persons, and the zoned area of the plan area is 233ha. Both of these criteria are significantly under thresholds for mandatory SEA.

(vi) the value and vulnerability of the area likely to be affected due to:

(a) special natural characteristics or cultural heritage

The Local Area Plan identifies the following protected areas/elements of the natural/cultural heritage:

- Protected Structures
- Architectural Conservation Areas
- Sites of Archaeological Significance
- Riverside Raparian buffer
- Tree Protection and Nature Conservation
- Green Infrastructure
- Special Control Area
- Protected Views and Viewsheds of National Monuments

The town of Kilmallock is of particular architectural and archaeological interest. Of particular note are the streetscapes and the built environment much of which reflects the town medieval past. As outlined above it is not considered that there will be changes to the comprehensive range of policies and that protect the town's architectural and archaeological heritage.

A screening statement in support of Appropriate Assessment has also been prepared for this plan in line with Article 6(3) of the EU Habitats Directive (92/43/EEC). The AA screening report has concluded that no likely significant effects are identified for European Sites arising from the extension of duration of the LAP.

(b) exceeded environmental quality standards or limit values

Potential projects or proposals arising from the LAP will have to comply, as relevant, with various legislation, policies, plans and programmes (including requirements for lower-tier

Appropriate Assessment, Environmental Impact Assessment and other licencing requirements as appropriate) that form the statutory decision-making and consent granting framework.

Such legislation, policies, plans and programmes include lower-tier environmental assessment including Environmental Impact Assessment and Appropriate Assessment. Should projects arise from the plan, the statutory consent process as outlined above will apply.

(c) intensive land-use,

Given the under-performance of Kilmallock in terms of a number of criteria outlined below there is no requirement at this time to increase the amount of lands to be zoned in the town.

Criteria considered include;

- the small scale of the settlement size in terms of the quantum of land zoned (223 hectares), the most recent Census population of 1761 people - both of these criteria are substantially below the mandatory thresholds of S.I. No. 436 of the SEA Planning Regulations 2004 as amended, and
- the absence of any identified environmentally sensitive receptors on the area,
- the under-performance of Kilmallock in terms of population growth, and development of lands zoned Enterprise and Employment, and
- the rate of residential and commercial vacancy in the town centre,

it is considered that the application and adherence to the environmental and planning legislative provisions at this juncture no significant effects are not identified as a consequence of the extension of duration of the LAP to 2028.

(d) the effects on areas or landscapes which have a recognised national, European Union or international protection status.

Kilmallock remains a member of the Irish Walled Towns Network. The Council collaborates closely with the local community, the National Monuments Service and the Heritage Council to preserve and sustainable manage the integrity of the historic and archaeological core of the town. Provisions are made in the LAP for sensitive development adjacent to the walls, and the Area of Special Development Control remains relevant to the present day development of the town. Since the adoption of the LAP, appropriate investment has been made to preserve the integrity of the monuments, and sensitive public realm consisting of a looped walkway along the walls and the River Loobagh have been positive contributions to the quality of life of residents of the town whilst not depleting the historical fabric of the National Monuments. Viewsheds of the National Monuments remain protected by specific objectives of the current LAP.

A Screening report for Appropriate Assessment has been undertaken and accompanies the SEA Screening Report and the Mayor's Report. The AA screening report has concluded that no likely significant effects are identified for European Sites arising from

the extension of duration of the Kilmallock LAP 2019-2025 as amendment until 2028 and the deferral of making a new LAP for Kilmallock.

4.0 Strategic Environmental Assessment Screening Determination on the requirement for SEA

The plan is a statutory land use plan and the rationale for the proposed extension of duration of the Kilmallock LAP 2019 – 2025 as amended and deferral of making a new LAP as outlined in Section 1.1 of this report, is being screened for the requirement for SEA in accordance with the requirements of:

- Directive 2001/42/EC (SEA Directive) and particularly Articles 3(3), 3(4) & 3(5) relate to ‘Screening’ for the requirement for SEA.
- S.I. No. 435 of 2004 European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended by S.I. No. 200 of 2011 - European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011.
- Schedule 2A of the Planning and Development Regulations 2001, as amended, which sets out the “Criteria for determining whether a plan or programme is likely to have significant effects on the environment”

As the population based on the 2022 Census is 1,761 persons and the zoned land area of the LAP is 223 hectares. Both of these criteria are significantly under the thresholds for mandatory SEA.

Section 9 (1) of the (2004) Regulations (S.I. No. 436) (as amended) states “*subject to sub-article (2), an environmental assessment shall be carried out for all plans and programmes*

(a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism and town and country planning or land use, and which set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive, or ”

(b) which are not directly connected with or necessary to the management of a European site but, either individually or in combination with other plans, are likely to have a significant effect on any such site.”.

The Kilmallock LAP 2019-2025 as amended provides consent, and establishes a framework for granting consent for future development, or contributes towards a framework for granting consent. The proposed extension of duration of the current LAP, and the deferral of the making of a new LAP is identified as not giving rise to significant effects due to;

- Compliance of the current LAP with higher-level spatial plans including the Limerick Development Plan 2022 – 2028 as varied having undergone an environmental screening process in consultation with the environmental authorities at both

Development Plan level and at local level during the LAP process, the recent amendment process and this stage – the proposed deferral of making a new LAP.

- Absence of sensitive environmental receptors in the LAP area and hinterland.
- The total land zoned in the Kilmallock LAP is 223 hectares. The 2022 Census records a population of 1761 people in the LAP boundary. Both of these criteria are below the mandatory thresholds of S.I. No. 436 of the SEA Planning Regulations 2004 as amended.
- There are no changes to the land use zoning and the objectives of the current LAP.

In order to be realised, potential projects or proposals arising from the plan will have to comply, as relevant, with various legislation, policies, plans and programmes (including requirements for lower-tier Appropriate Assessment, Environmental Impact Assessment and other licencing requirements as appropriate) that form the statutory decision-making and consent granting framework.

The AA screening report has concluded that no likely significant effects are identified for European Sites arising from the proposed extension of duration of the Kilmallock LAP 2019-2025 as amended and the deferral of the making of a new local area plan for Kilmallock at this time.

The Flood Risk Assessment in this report concludes there is no likely significant effects for flooding in the town arising from the proposed extension of duration of the Kilmallock LAP 2019 – 2025.

In light of the above findings, it is determined that the extension of duration of the Kilmallock LAP 2019-2025 as amended for a further 5 years and the deferral of making a new local area plan for the town does not require full SEA.

Appendix 1 Cumulative and in-Combination Assessment

Some projects/plans are unlikely to have significant effects on their own. However, the effects in-combination with other plans/projects could be significant. The in-combination assessment should concentrate on projects/plans that could in fact act in-combination with the current project to affect site conservation objectives.

Plan/Programme/Policy/Directive	Potential for in-combination effects and cumulative effects
National Planning Framework (NPF - Ireland 2040 Our Plan) <ul style="list-style-type: none"> Government's high-level strategic plan for shaping the future growth and development of our country out to the year 2040. <p>Note this is a higher-level spatial plan that has undergone AA and SEA assessments.</p>	<p>In-combination effects must examine plans or projects that are; completed, approved but not started or uncompleted, proposals in adopted plans and the spatial plan hierarchy, and proposals in finalised draft plans formally published or submitted for consultation or adoption.</p> <p>The NPF was subject to SEA and AA. No potential for in-combination effects as it sets the policy framework on which future lower level spatial Plans including the Limerick Development Plan 2022 – 2028 and the Kilmallock LAP 2019 – 209 and their variations. Linkage to wider policies such as for European Sites under the Birds and Habitats Directives and the Water Framework Directive is recognised and the need to set high level planning policies in protecting and making responsible use of our natural environment. It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended will result in negative impacts in combination with this Plan and its projects. There are no changes to the LAP and the objectives within the plan.</p>
Regional Spatial and Economic Strategy for the Southern Region (RSES) <ul style="list-style-type: none"> Contains objectives for the delivery of the NPF with regional rather than national focus but influences lower level spatial plans. 	<p>The RSES was subject to SEA and AA. It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for 5 years will result in negative impacts in combination with this plan and its projects. There are no changes to the objectives of the LAP.</p>
National Development Plan 2018-2027 (NDP) <ul style="list-style-type: none"> Sets out the investment priorities that will underpin the implementation of the National Planning Framework (NPF). 	<p>The NDP is a high-level budgetary and finance document which identifies priorities for capital investment. Projects committed to by the NDP are subject to EIA and AA.</p>

Note this is a higher-level spatial plan that has undergone AA and SEA assessments.	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for 5 years will result in negative impacts in combination with the plan and its projects. There are no changes to the objectives of the LAP.
Limerick Development Plan 2022 – 2028 as amended The Limerick Development Plan 2022 – 2028 as varied sets out an overall strategy for the proper planning and sustainable development of Limerick over a 6-year period to 2028. Note this is a higher-level spatial plan that has undergone AA and SEA assessments.	The Limerick Development Plan 2022 – 2028 as varied sets out an overall strategy for the proper planning and sustainable development of Limerick over a 6-year period to 2028. It was subject to AA and SEA assessment. It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with the plan and its projects. There are no changes to the objectives of the LAP.
Water Services Strategic Plan (WSSP)	This Plan has undergone SEA and AA as will projects to be delivered under the WSSP as they are implemented. Any mitigation has been fully incorporated and shall remain in place. It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan and its projects. There are no changes to the objectives of the LAP.
Catchment Flood Risk Assessment and Management (CFRAM) Programme, under the Floods Directive	CFRAM and their flood management plan have undergone environmental assessments. It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan and its projects. There are no changes to the objectives of the LAP.
Culture 2025	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan and its projects. There are no changes to the objectives of the LAP.
Healthy Ireland –a Framework for Improved Health and Wellbeing 2015-2025	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in

<ul style="list-style-type: none"> Establishes national policy on quality of health of Irish citizens 	combination with this plan and its projects. There are no changes to the objectives of the LAP.
Towards Nearly Zero Energy Buildings in Ireland <ul style="list-style-type: none"> Establishes national policy on energy efficiency in buildings to address climate change and the just transition of a low carbon economy/society. 	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan and its projects. There are no changes to the objectives of the LAP.
Climate Action Plan 2023 <ul style="list-style-type: none"> Sets out how Ireland can accelerate the actions that are required to respond to the climate crisis, putting climate solutions at the centre of Ireland's social and economic development. 	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan and its projects. There are no changes to the objectives of the LAP.
National Climate and Energy Plan 2021-2030 (NCEP) <p>Outlines Ireland's energy and climate policies in detail for the period from 2021 to 2030 and looks onwards to 2050.</p>	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan and its projects. There are no changes to the objectives of the LAP.
Energy Performance of Buildings Directive (2002/91/EC recast by Directive 2010/31/EU) <ul style="list-style-type: none"> Contains a range of provisions to improve the energy performance of new and existing buildings 	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan and its projects. There are no changes to the objectives of the LAP.
National Energy Efficiency Action Plan (NEEAP) <ul style="list-style-type: none"> Sets a national target for 2020 to improve its energy efficiency by 20% 	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this national policy document. There are no changes to the objectives of the LAP.
White Paper 'Ireland's Transition to a Low Carbon Energy Future (2015 – 2030) <ul style="list-style-type: none"> Sets out a framework to guide policy and the actions that Government intends to take in the energy sector from 2015 up to 2030 	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this national policy document. There are no changes to the objectives of the LAP.

Our Rural Future : Rural Development Policy 2021 - 2025	<p>It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this national policy document. There are no changes to the objectives of the LAP.</p>
Nitrates Directive (91/676/EEC) and Nitrates Action Programme 2022 - 2025	<p>It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this programme. There are no changes to the objectives of the LAP.</p>
The EU Sustainable Development Strategy (EU SDS) and our Sustainable Future: A Framework for Sustainable Development in Ireland (2012) (national)	<p>It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this programme. There are no changes to the objectives of the LAP.</p>
Active Travel	<p>There are no changes to objectives of the current LAP in terms of sustainable movement options in extending the duration of the LAP for a further 5 years. It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this programme.</p>
Water Framework Directive (2000/60/EC)	<p>There are no changes to objectives of the current LAP in terms of water quality in extending the duration of the LAP for a further 5 years. It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as as amended for a further 5 years will result in negative impacts in combination with this programme.</p>
EU Groundwater Directive (2006/118/EC)	<p>There are no changes to objectives of the current LAP in terms of ground water quality in extending the duration of the LAP for a further 5 years.</p>

<ul style="list-style-type: none"> Sets groundwater quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater. 	<p>It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this programme.</p>
<p>Integrated Pollution Prevention Control Directive (96/61/EC)</p> <ul style="list-style-type: none"> Objective is to achieve a high level of protection of the environment through measures to prevent in the first instance or to reduce emissions to air, water and land from industrial sources. 	<p>It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this programme. There are no changes to the objectives of the LAP.</p>
<p>European Union Biodiversity Strategy to 2030</p> <ul style="list-style-type: none"> Consists of a comprehensive, ambitious and long-term plan to protect nature and reverse the degradation of ecosystems and Europe's biodiversity on a path to recovery by 2030, with specific actions and commitments. 	<p>There are no changes to objectives of the current LAP in terms of biodiversity in extending the duration of the LAP to June 2028.</p> <p>It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this strategy.</p>
<p>National Biodiversity Action Plan 2023-2030</p> <ul style="list-style-type: none"> Measures deliver the transformative changes required to the ways in which we value and protect nature. 	<p>There are no changes to objectives of the current LAP in terms of biodiversity in extending the duration of the LAP to June 2028.</p> <p>It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this strategy.</p>
<p>National Hazardous Waste Management Plan 2010-2020</p> <ul style="list-style-type: none"> Identifies priority actions to prevent hazardous waste, improve the collection rate of hazardous waste in certain categories, movement towards self-sufficiency in hazardous waste management for Ireland and the identification and regulation of legacy issues. 	<p>It is anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will not result in negative impacts in combination with this plan. There are no changes to the objectives of the LAP.</p>

National Water Resources Plan <ul style="list-style-type: none">Sets out delivery of a the sustainable water supply on a catchment and water resource zone basis, meeting growth and demand requirements through drought and critical periods.	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan. There are no changes to the objectives of the LAP.
Lead in Drinking Water Mitigation Plan	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan.
National Wastewater Sludge Management Plan <ul style="list-style-type: none">Outlines the measures needed to improve the management of wastewater sludge.	It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan. There are no changes to the objectives of the LAP.
Town Centre First Policy <ul style="list-style-type: none">A programme to tackle vacancy, combat dereliction and breathe new life into our town centres	There are no changes to objectives of the current LAP in terms of vacancy, dereliction, under-used buildings/sites in extending the duration of the LAP for a further 5 years. It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan.
Housing for All – a New Housing Plan for Ireland	There are no changes to objectives of the current LAP in terms of vacancy, dereliction, under-used buildings/sites in extending the duration of the LAP for a further 5 years. It is not anticipated that the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended for a further 5 years will result in negative impacts in combination with this plan.

Appendix 2 SEA Determination

Screening for Strategic Environmental Assessment Determination

under Article 8 (14A) (3) Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI No. 436 of 2004), as amended by the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011 (SI No. 201 of 2011) for the:

Extension of duration of the Kilmallock Local Area Plan 2019-2025 as amended for a further 5 years

This Screening for Strategic Environmental Assessment (SEA) determination regarding whether or not the extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended for a further 5 years would be likely to have significant effects on the environment is being made under the above Regulations.

As part of this determination, the Council is considering whether or not the extension of duration of the Kilmallock Local Area Plan 2019 – 2025 as amended would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A of the above Regulations. These criteria are taken into account as follows:

Criteria for determining whether the amendment to Kilmallock LAP 2019-2025 is likely to have significant effects on the environment

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 Kilmallock LAP 2019 – 2025 as amended sets out a land use strategy for the proper planning and sustainable development of the town of Kilmallock, complying with the provisions of higher-level spatial plans. The LAP consists of a written statement and maps indicating objectives for zoning of land, residential development, economic development, community infrastructure, built and natural heritage, open space and recreation, active travel and transport, vacancy, town centre regeneration, environmental protection and climate

action. The total land zoned in the Kilmallock LAP is 223 hectares. The 2022 Census records a population of 1761 people in the LAP boundary. Both of these criteria are below the mandatory thresholds of S.I. No. 436 of the SEA Planning Regulations 2004 as amended.

The LAP must be consistent with the objectives of the higher-level spatial plans, including the NPF, RSES and the Limerick Development Plan 2022-2028 as varied. Refer to Section 2 of this report. The Limerick Development Plan 2022 – 2028 as amended sets out an overall strategy for the proper planning and sustainable development of Limerick City and County over a 6-year period to 2028. The Kilmallock LAP as amended complies with the policies and the objectives of the current Limerick Development Plan. All planning proposals in the town of Kilmallock are assessed against the objectives of the Kilmallock LAP as amended and the Limerick Development Plan as varied. The Limerick Development Plan and the Kilmallock LAP were also subject to Strategic Environmental Assessment and Appropriate Assessment when formally adopted by the Elected Members.

Any projects arising from the implementation of the Limerick Development Plan 2022-2028 and the Kilmallock LAP as amended will have to comply, as relevant, with various legislation, policies, plans and programmes (including requirements for lower-tier Appropriate Assessment, Environmental Impact Assessment and other licencing requirements as appropriate) that form the statutory decision-making and consent granting framework.

the degree to which the Plan influences other plans, including those in a hierarchy,

The plan is statutory and sits beneath the statutory land use plans namely Limerick Development Plan 2022-2028 as varied. The LAP must be consistent with both the Limerick Development Plan and higher-level plans including the National Planning Framework and the Regional Economic and Spatial Strategy.

The Limerick Development Plan 2022-2028 has undergone full SEA and AA and consultation with environmental bodies. All measures included in the SEA and AA of the Limerick Development Plan 2022 -2028 would apply, as appropriate. Considering the Cummulative and in-Combination Assessment the extension of duration of the current Kilmallock LAP 2019 – 2025 as amended will not result in negative impacts in combination higher-level plans. There are no changes to the LAP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change.

The relevance of the Plan in the integration of environmental considerations in particular with a view to promoting sustainable development,

This plan is statutory and the environmental protection measures and policies, including lower tier assessments would apply should land use projects arise. The LAP must be consistent and integrate environmental considerations including, *inter alia*, environmental legislation including the EIA Directive, the Flood Directive, Habitats Directive, Waste Directive, Water Framework Directive and national policy and legislation pertinent to environmental considerations. The Kilmallock LAP as amended has been informed by Ministerial Guidelines, issued pursuant to Section 28 of the Act, together with EU requirements, regarding Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA).

Given the size of the settlement of Kilmallock, the most recent Census population of 1761, of extend of zoned land (233hecares), the absence of any identified environmentally sensitive receptors on the area, the application and adherence to the above legislative provisions ensure that likely significant effects are not identified for extension of duration of the Kilmallock LAP for a further 5 years.

Environmental problems relevant to the plan

Key challenges in the plan area are;

- Sensitive development of the historic townscape of Kilmallock.
- Avoidance of pollution to the River Loobagh.
- Preservation of the town's archaeological heritage, natural environment and protected structures and listed buildings.
- Vacancy, dereliction, under-use lands and buildings
- Traffic movement including heavy vehicular traffic through the town centre and sustainable safe active travel options in the town and
- Climate Change.

the relevance of the plan in the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection).

Proposals that may give rise to land use effects would be subject to detailed design and requirements of the Limerick Development Plan 2022-2028 as varied and the Kilmallock LAP as amended, and the LAP is required to be consistent with higher-level spatial plans and environmental legislation. These include, *inter alia*, the EU Habitats Directive (92/43/EEC), the EU Birds Directive (2009/147/EC), the EU Water Framework Directive (2006/60/EC), the EU Groundwater Directive 92006/118/EC), the European Communities (Water Policy) Regulations 2014 S.I. 350 of 2014 and national legislation including the Wildlife Act 1976, as amended, and Flora Protection Order 1999.

Should development arise in relation to the lands that are the subject to the amendment, the application of appropriate legislation such as the Water Framework Directive, the Habitats Directive, the SEA directive and the EIA Directive, will apply as appropriate.

2. 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,

Subject to the full adherence and implementation of environmental protection policies and measures from the Limerick Development Plan 2022 as varied, and the Kilmallock LAP as amended including the extension of duration for a further 5 years, no significant effects are identified.

the cumulative nature of the effects,

Subject to the full adherence and implementation of environmental protection policies and measures from the Limerick Development Plan 2022 – 2028 as varied, and the LAP as amended and its extension of duration for a further 5 years, no significant effects are identified.

the trans boundary nature of the effects

No transboundary effects are identified at this stage.

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

No such risks are identified as arising from the plan at this stage.

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

At this scale, no such effects are identified.

the value and vulnerability of the area likely to be affected due to:

(a) Special natural characteristics or cultural heritage -

A screening statement in support of Appropriate Assessment has also been prepared for this plan in line with Article 6(3) of the EU Habitats Directive (92/43/EEC). The AA screening report has concluded that no likely significant effects are identified for European Sites arising from the amendment to the Kilmallock LAP 2019-2025 as amended.

(b) Exceeding environmental quality standards or limit values -

In order to be realised, potential projects or proposals arising from the LAP as amended will have to continue to comply, as relevant, with various legislation, policies, plans and programmes (including requirements for lower-tier Appropriate Assessment, Environmental Impact Assessment and other licencing requirements as appropriate) that form the statutory decision-making and consent granting framework.

Such legislation, policies, plans and programmes include lower tier environmental assessment including Environmental Impact Assessment and Appropriate Assessment. Should projects arise from the plan, the statutory consent process as outlined above will apply.

(c) intensive land-use,

Given the under-performance of Kilmallock in terms of a number of criteria outlined below there is no requirement at this time to increase the amount of lands to be zoned in the town. Criteria considered include;

- the small scale of the settlement size in terms of the quantum of land zoned (223 hectares), the most recent Census population of 1761 people - both of these criteria are substantially below the mandatory thresholds of S.I. No. 436 of the SEA Planning Regulations 2004 as amended, and
- the absence of any identified environmentally sensitive receptors on the area,
- the under-performance of Kilmallock in terms of population growth, and development of lands zoned Enterprise and Employment, and
- the rate of residential and commercial vacancy in the town centre,

it is considered that the application and adherence to the environmental and planning legislative provisions at this juncture no significant effects are not identified as a consequence of the extension of duration of the LAP for a further 5 years.

(d) the effects on areas or landscapes which have a recognised national, European Union or international protection status -

A Screening report for Appropriate Assessment has been undertaken and accompanies the CE Report considered by the Elected Members of the Cappamore Kilmallock Municipal District and the associated SEA Screening Report. The AA screening report has concluded that no likely significant effects are identified for European Sites arising from the extension of duration to the Kilmallock LAP 2019-2025 as amended for a further 5 years.

With reference to the foregoing information, it is determined that the extension of duration the Kilmallock Local Area Plan 2019 – 2025 for a further 5 years would be unlikely to result in significant environmental effects and that a full SEA is not required to be undertaken on the extension of duration of the LAP

Signed: 
Vincent Murray

Director of Services –Planning and Place-making

Date: 6th September 2024.

