

**PROPOSED VARIATION NO. 1 (I) TO THE
WICKLOW COUNTY DEVELOPMENT PLAN 2010-2016**

AVOCA SETTLEMENT PLAN

**STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)
SCREENING DETERMINATION**

1. INTRODUCTION

This statement sets out the Council's determination under Article 13K of the Planning and Development (Strategic Environmental Assessment) Regulations 2004, on whether or not a Strategic Environmental Assessment (SEA) is required for the proposed variation (Avoca Settlement Plan) of the Wicklow County Development Plan 2010-2016.

2. THE SEA SCREENING PROCESS

The screening process has been carried out in accordance with Article 13K and has involved the following:

(i) a consideration of whether or not the proposed variation would be likely to have significant effects on the environment, taking into account of the relevant criteria set out in Schedule 2A of the Regulations. This assessment was carried out by the Planning Authority. It was the consideration of the Planning Authority that the proposed variation would not be likely to have significant effects on the environment, and a Strategic Environmental Assessment was not required for the plan. This consideration is set out in 'SEA Screening Report'.

(ii) consultation with the following environmental authorities on whether or not the proposed variation would be likely to have significant effects on the environment: the Environmental Protection Agency (EPA), the Minister for Environment, Heritage and Local Government), and the Minister for Communications, Energy and Natural Resources.

The Planning Authority sent notice to the three environmental authorities on 13 April 2011. The authorities were invited to make a submission to the Planning Authority between the period 13th April 2011 to 4th May 2011. The responses of the environmental authorities are summarised below:

2.1 The Environmental Protection Agency (EPA)

Submission received 04 May 2011. The submission is essentially made up of three parts:

- (a) A comment of the Strategic Environmental Assessment Screening Report for the Avoca Settlement Plan;
- (b) Comments of the contents of the Avoca Settlement Plan with regard to environmental issues;
- (c) A generic guidance document on the integration of environmental considerations into land use plans.

Summary of Submission

(a) Planning Authority's position with regard to the need for SEA of proposed variation is noted.

(b) The following issues should be taken into consideration in the preparation of the Plan:

- It is noted that drinking water supply servicing the plan area is currently on the EPA's Remedial Action List of Drinking Water Supplies as result of 'elevated levels of THMs

above the standard in the Drinking Water Regulations'. It should be ensured that a safe and secure drinking water supply is available.

- Limitations regarding existing WWTS noted – consideration to be given to encouraging development on a phased basis and subject to the ability to provide appropriate infrastructure.
- Consideration to be given to providing commitment to improve water quality within plan area, given poor water quality, in line with programme of measures described in River Basin Management Plan.
- Promote infill development and re-use of brownfield sites.
- Prepare flood risk assessment.
- Take into consideration key plans and programmes.
- Adequate infrastructure to be in place to service proposed growth.
- Required to comply with the requirements of the Habitats Directive.
- Required to comply with national and EU environmental legislation.

(c) The EPA submitted a generic guidance document relating to the integration of environmental issues into a land use plan. The documents provides guidance on a number of environmental considerations, which are to be incorporated as relevant and as appropriate. These environmental considerations pertain to matters including water; biodiversity; air, noise and climatic factors; energy conservation and renewable energy; landscape character assessment; human health and quality of life; transportation; tourism; infrastructure planning; urban waste water discharge licenses; waste management; Environmental Impact Assessment; SEA process; obligations with respect to national plans and policies, and EU environmental legislation.

Evaluation

(a) It is noted that the Environmental Protection Agency does not raise any objection with regard to the consideration of the planning authority that Strategic Environmental Assessment is not required for the Avoca Settlement Plan.

(b) The Avoca Settlement Plan ensures that water and wastewater infrastructure is provided to provide for the needs of the existing and future growth of the settlement. The following objectives relate in this regard:

- Objective AV11 aims to ensure that a reliable and effective water services, drainage, energy, waste management and communications infrastructure is put in place to service the existing and future development needs of the settlement, in a manner that protects the quality of the environment.
- In response to the submission regarding shortfalls in water supply infrastructure, AV11 has been amended as follows to incorporate a particular objective to improve water supply infrastructure (amendment underlined): "It is a particular objective of the planning authority to ensure that the Waste Water Treatment Plant and water supply infrastructure is upgraded to meet the requirements of the future population". In addition, a number of objectives set out in Chapter 12 of the CDP promote the development of an effective and reliable water and wastewater infrastructure.
- It is an objective of the plan to phase development where this is necessary for ensuring the delivery of infrastructural services in tandem with development, including water services and road infrastructure.
- WS2 of the CDP ensures the protection of water resources in accordance with EU Water Framework Directive, River Basin Management Plans, Groundwater Protection Schemes and source protection plans.
- Objectives AV8 and AV24 promote the regeneration of vacant, underutilised and derelict sites
- A Flood Risk Assessment has been prepared in accordance with the requirements of the Guidelines for Planning Authorities 'The Planning System and Flood Risk Management'

- The planning authority has complied with the requirements of the Habitats Directive. An Appropriate Assessment Screening process has been undertaken in this regard.
- The preparation of the plan and the objectives included therein comply with national and EU environmental legislation, insofar as what is the remit of a land use plan.
- The planning authority will comply in full with all requirements of the Planning and Development (Strategic Environmental Assessment) Regulations 2004. Notice of the decision of the determination of the requirement for an SEA of the Avoca Settlement Plan will be issued in accordance with the requirements set out in Article 13J of the Regulations.

(c) The contents of the EPA generic guidance document has been considered. It should be noted that the Avoca Settlement Plan forms part of the current Wicklow County Development Plan 2010-2016. The Environmental Report of the Wicklow County Development Plan 2010-2016 Strategic Environmental Assessment (SEA) concluded that, subject to the integration of mitigation objectives included in the CDP, the potential adverse environmental effects which could arise as a result of implementing the plan are likely to be avoided, reduced or offset.

It is considered that the Wicklow County Development Plan and the Avoca Settlement Plan fully addresses the contents of the EPA guidance document, insofar as what is the remit of a land use plan. Furthermore, the carrying out of the SEA Screening Report for the Avoca Settlement Plan has meant the integration of environmental considerations into the plan making process.

Consideration regarding Significant Environmental Effect in light of Comments Received

The proposed variation (Avoca Settlement Plan) to the Wicklow County Development Plan 2010-2016 would not be likely to have a significant effect on the environment.

2.2 Minister for Environment, Heritage and Local Government

Submission received 06 May 2011. Although this is a late submission, the submission has been fully considered.

Summary of Submission

It is considered that the proposed variation the Wicklow County Development Plan 2010-2016 in itself will not have a significant effect, other than a benign or beneficial one, on the architectural heritage of the locality in terms of Strategic Environmental Assessment.

Evaluation

Noted

Consideration regarding Significant Environmental Effect in light of Comments Received

The proposed variation (Avoca Settlement Plan) to the Wicklow County Development Plan 2010-2016 would not be likely to have a significant effect on the environment.

2.3 Minister for Communications, Energy and Natural Resources

Submission received 06 May 2011. Although this is a late submission, the submission has been fully considered.

Summary of Submission

No comments/observations

Evaluation

Noted

Consideration regarding Significant Environmental Effect in light of Comments Received

The proposed variation (Avoca Settlement Plan) to the Wicklow County Development Plan 2010-2016 would not be likely to have a significant effect on the environment.

3. DETERMINATION

Having considered the relevant criteria set out in Schedule 2A of the Regulations and the submissions received from the environmental authorities in response to the notice issued under Article 13K(3), the planning authority determines that the proposed variation (Avoca Settlement Plan) to the Wicklow County Development Plan 2010-2016 would not be likely to have a significant effect on the environment.

The planning authority has therefore determined that an environmental assessment is not required for the proposed variation (Avoca Settlement Plan) to the Wicklow County Development Plan 2010-2016.