



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)

PROPOSED VARIATION 4
TO THE
WICKLOW COUNTY DEVELOPMENT PLAN 2010-2016

PROPOSED AMENDMENTS TO THE
COUNTY WIND ENERGY STRATEGY

SEA SCREENING

PLANNING DEPARTMENT
WICKLOW COUNTY COUNCIL
COUNTY BUILDINGS
WICKLOW

JANUARY 2014

SEA SCREENING REPORT

PROPOSED VARIATION 4 TO THE WICKLOW COUNTY DEVELOPMENT PLAN 2010-2016

PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

PLANNING AND DEVELOPMENT (STRATEGIC ENVIRONMENTAL ASSESSMENT) REGULATIONS 2004 (AS AMENDED)

REPORT PURSUANT TO ARTICLE 13K OF THE SEA REGULATIONS 2004 –

Determination of need for environmental assessment of a variation of a development plan.

1. INTRODUCTION

In accordance with Article 13K of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (as amended), where a Planning Authority proposes to make a variation of a development plan under Section 13 of the Planning Act, it shall, before giving notice under Section 13 (2) of the Planning Act, consider whether or not the proposed variation would be likely to have significant effects on the environment, taking into account of relevant criteria set out in Schedule 2A of the SEA Regulations.

Where the Planning Authority, following this consideration, determines that the proposed variation would be likely to have significant effects on the environment, the proposed variation shall be accompanied by an Environmental Report which identifies, describes and evaluates the likely significant effects on the environment of implementing the proposed variation.

However, where the Planning Authority determines that the proposed variation would not be likely to have significant effects on the environment, the Planning Authority shall give notice of this determination to the environmental authorities and shall allow the environmental authorities 3 weeks within which to make a submission or observation in relation to whether or not, in their opinion, the proposed variation would be likely to have significant effects on the environment.

Following receipt of any submission or observation, the Planning Authority shall determine whether or not the proposed variation of the development plan would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A and any submission or observation received from the environmental authorities.

As soon as practicable after making a determination the Planning Authority shall (a) make a copy of its decision, including, as appropriate, the reasons for not requiring an environmental assessment, available for public inspection at the offices of the planning authority during office hours, and (b) notify its decision to any environmental authorities.

2. SUMMARY OF THE PROPOSED VARIATION

It is proposed to make the following amendments to the County Wicklow Wind Energy Strategy (WES):

Proposed Variation 4.1

To so vary the Wind Energy Strategy such that more emphasis is placed on the landscape vulnerability; in particular:

- (a) All lands designated 'Area of Outstanding Natural Beauty' currently in the 'Most Favoured' category of the Wind Energy Strategy be re-designated 'Not Favoured', and

(b) All lands designated 'Area of Special Amenity' currently in the 'Most Favoured' category of the Wind Energy Strategy be re-designated 'Less favoured'.

Reason: It is considered by Wicklow County Council that the Wind Energy Strategy adopted in 2010 did not adequately take account of landscape vulnerability as described in the Wicklow Landscape Characterisation designations.

Proposed Variation 4.2

To so vary the Wind Energy Strategy by including adding the following text under the description of 'Most Favoured' areas for wind farm development:

"In particular, due regard shall be taken of listed views and prospects and any development that would contravene objective VP1 of the Plan¹"

Reason: It is considered by Wicklow County Council that the Wind Energy Strategy adopted in 2010 did not adequately take account of views and prospects listed in the Wicklow County Development Plan.

Proposed Variation 4.3

To so vary the Wind Energy Strategy by including the following objective under Section 3:

All applications for wind turbines with a rotor diameter of 50m or less shall include a detailed assessment of noise and shadow flicker impacts on all residences within 500m from any turbine. Applications providing for a rotor diameter in excess of 50m shall include a detailed assessment of noise and shadow flicker on all residences within a minimum radius of 10 times the diameter of the rotor e.g. a wind turbine with a rotor diameter of 65m will be required to carry out an assessment of impacts on all residences within a minimum 650m radius of any turbine.

Reason: It is considered by Wicklow County Council that the Wind Energy Strategy adopted in 2010 did not adequately take account of impacts on residential amenity arising for noise and shadow flicker effects and in particular, the fact that turbine size is increasing results in more extensive impacts than previously envisaged.

The existing WES was subject to full Strategic Environmental Assessment at the formulation and adoption stage in 2010, as part of the Strategic Environmental Assessment of the Wicklow County Development Plan 2010-2016.

The screening of the proposed variation will have particular regard to that SEA and will particularly focus on any possible new significant effects that might arise from the proposed changes, compared to those evaluated in 2010.

This 2010 SEA evaluated the County Development Plan, including the WES, with regard to:

- biodiversity, flora and fauna
- population and human health
- soil
- water
- air and climatic factors
- material assets
- cultural heritage
- landscape

¹ To protect listed views and prospects from development that would either obstruct the views/ prospects from the identified vantage point or from an obtrusive or incongruous features in that view/prospect. Due regard will be paid in assessing development applications to the span and scope of the view/prospect and the location of the development in that view/prospect.

Where significant effects were identified, these were addressed through mitigation measures incorporated into the final adopted plan. Any development occurring on foot of the County Development Plan is and will continue to be bound by these measures.

3. ASSESSMENT IN TERMS OF SCHEDULE 2A

<p>1.0 Characteristics of the plan or programme, having regard, in particular to:</p>
<p>1.1 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</p> <p>The Wind Energy Strategy (as varied) would set a framework for the development of wind turbines in the County. The nature of the proposed variation is such that that no new environmental impacts occur, that would not have occurred under the existing Wind Energy Strategy. The existing Strategy has already been assessed for environment impacts and it has been determined that no significant, unmitigatable impacts arise.</p>
<p>1.2 The degree to which the plan or programme influences other plans or programmes, including those in a hierarchy</p> <p>The Wind Energy Strategy (as varied) would not significantly influence any other plans or programmes, as it operates on a principle of subsidiarity to the County Development Plan</p>
<p>1.3 The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development</p> <p>The Wind Energy Strategy (as varied) would provide a framework for the integration of environmental considerations, in particular with a view to promoting sustainable development, into the assessment of applications for wind turbines.</p>
<p>1.4 Environmental problems relevant to the plan or programme</p> <p>The proposed varied Wind Energy Strategy has been evaluated against the following environmental factors, as per the Strategic Environmental Assessment for the adopted WES and County Development Plan:</p> <p>Biodiversity, flora and fauna</p> <p>The proposed varied WES and any development that arises therefrom, would not result in any additional significant, adverse impacts on biodiversity, flora and fauna that were not already identified and addressed in the Strategic Environmental Assessment for the adopted WES and County Development Plan. In fact, the proposed varied WES would offer increased protection to vulnerable species and / or habitats, particularly those in identified Natura 2000 and NHA sites.</p> <p>Population and human health</p> <p>The proposed varied WES and any development that arises therefrom, would not result in any additional significant, adverse impacts on population and human health that were not already identified and addressed in the Strategic Environmental Assessment for the adopted WES and County Development Plan. In fact, the proposed varied WES would offer increased protection to human beings and human health by establishing clearer criteria for the assessment of noise and shadow flicker impacts on adjacent residences.</p> <p>Soil</p> <p>The proposed varied WES and any development that arises therefrom, would not result in any additional significant, adverse impacts on soil that were not already identified and addressed in the Strategic Environmental Assessment for the adopted WES and County Development Plan. In fact,</p>

the proposed varied WES would offer increased protection to soils by reducing the area of the County deemed most favoured for wind turbine development and expanding the buffer zone around upland areas where soil may be more vulnerable to impacts e.g. due to landslides.

Water

The proposed varied WES and any development that arises therefrom, would not result in any additional significant, adverse impacts on surface or ground waters or on the risk of flooding that were not already identified and addressed in the Strategic Environmental Assessment for the adopted WES and County Development Plan.

Air and climatic factors

The proposed varied WES and in particular, any development that arises therefrom, would not result in any additional significant, adverse impacts on air and climatic factors that were not already identified and addressed in the Strategic Environmental Assessment for the adopted WES and County Development Plan.

However, by reducing the area of the County where the development of wind turbines would be considered favourably, there may be a reduction in the ability to exploit renewable energy sources, thereby maintaining dependency on non-renewable fuel sources, with the resulting potential adverse impacts on air and climatic factors. However, this impact is not considered significant in a national or regional context, particularly given that the proposed varied WES is overarchingly positive towards the exploitation of wind resources, in an environmentally sustainable manner; does not preclude the development of wind turbines in any part of the County and explicitly favours (in varying degrees) the exploitation of wind resources on c. 56% of the land area of the County.

Material assets

The proposed varied WES and any development that arises therefrom, would not result in any additional significant, adverse impacts on material assets that were not already identified and addressed in the Strategic Environmental Assessment for the adopted WES and County Development Plan. In fact, the proposed varied WES would offer increased protection to material assets in the form of additional protection to the amenity and value of dwellings, by establishing clearer criteria for the assessment of noise and shadow flicker impacts on adjacent residences.

Cultural heritage

The proposed varied WES and any development that arises therefrom, would not result in any additional significant, adverse impacts on cultural heritage that were not already identified and addressed in the Strategic Environmental Assessment for the adopted WES and County Development Plan.

Landscape

The proposed varied WES and in particular, any development that arises therefrom, would not result in any additional significant, adverse impacts on landscape that were not already identified and addressed in the Strategic Environmental Assessment for the adopted WES and County Development Plan. In fact, the proposed varied WES increases the protection of landscapes that are identified to be of high value and vulnerability, and adds further protection to listed views and prospects and thereby landscape protection would be considered to be enhanced.

However, by reducing the area of the County where the development of wind turbines would be considered favourably, there may be a reduction in the ability to exploit renewable energy sources, thereby maintaining dependency on non-renewable fuel sources, with the resulting potential adverse impacts on landscape, due to fossil fuel extraction. However, this impact is not considered significant in a national or regional context, particularly given that the proposed varied WES is overarchingly positive towards the exploitation of wind resources, in an environmentally sustainable manner; does not preclude the development of wind turbines in any part of the County and explicitly favours (in varying degrees) the exploitation of wind resources on c. 56% of the land area of the County.

1.5 The relevance of the plan for the implementation of European Union legislation on the

environment (e.g. plans linked to waste-management or water protection).

The Wind Energy Strategy (as varied) would facilitate the implementation of EU Directive 2001/77/EC and Directive 2009/28/EC on the promotion of the use of energy from renewable sources.

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

2.1 The probability, duration, frequency and reversibility of the effects

No significant adverse effects have been identified.
With respect to positive effects, particularly on the landscape, biodiversity, flora and fauna, soil, human beings and materials assets, it is considered that the probability of these effects occurring is high, durable, frequent and permanent.

2.2 The cumulative nature of the effects

No significant adverse effects have been identified.
With respect to positive effects, it is considered that these effects cumulatively will result in enhanced protection of landscape, biodiversity, flora and fauna, soil, human beings and materials assets.

2.3 The transboundary nature of the effects

The varied WES would potentially have positive impacts in a regional and inter-County context by enhanced protections to cross boundary protected habitats and species.

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

No significant adverse effects on human health have been identified. Any future development arising on foot of the WES will be required to conform to the development standards set out in the Wicklow County Development Plan.

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

No significant adverse effects have been identified.
With respect to positive effects, the proposed varied WES affects the entire County (an area of 2,018 sq km).

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

a) special natural characteristics or cultural heritage,

There are a number of areas in County Wicklow that are considered to have special natural characteristics, and these are designated Natura 2000 and / or NHA sites. A number of these sites are considered highly valuable and vulnerable to effects from development. No significant adverse effects on these sites have been identified. On the contrary positive effects are considered to arise from the proposed varied WES on such areas.

There are a number of landscapes in County Wicklow that are considered to have special natural characteristics, and are considered highly valuable and vulnerable to effects from development. No significant adverse effects on these areas have been identified. On the contrary positive effects are considered to arise from the proposed varied WES on such areas.

With respect to cultural heritage, no significant, unmitigatable adverse effects on cultural heritage are likely to arise from the proposed varied WES through the implementation of the development

control policies and objectives of the Wicklow County Development Plan and the mitigations measures set out in the plan SEA.

b) exceeded environmental quality standards or limit values,

None identified

c) intensive land-use,

The exploitation of wind resources does not involve intensive land use. The proposed varied WES would not result in more intensive land use and any impacts associated with same that were not already identified and addressed in the Strategic Environmental Assessment for the County Development Plan and adopted WES.

2.7 The effects on areas or landscapes which have a recognised national, European Union or international protection status.

There are a number of areas or landscapes in Wicklow which have a recognised national, European Union or international protection status. No significant adverse effects on these sites resulting from the proposed varied WES have been identified. On the contrary positive effects are considered to arise from the proposed varied WES on such areas.

All developments that arise on foot of the proposed varied WES will be bound by the development control policies and objectives of the Wicklow County Development Plan and the mitigation measures set out in the plans Strategic Environmental Assessment concerning to protection and enhancement of such areas.

4. PRELIMINARY CONCLUSION OF PLANNING AUTHORITY FOLLOWING ASSESSMENT IN TERMS OF SCHEDULE 2A

It is considered that the proposed varied WES is not likely to have new significant adverse effects on the environment that have not already been detailed and addressed in the original Strategic Environmental Assessment for the adopted WES and therefore Strategic Environmental Assessment is not warranted for the proposed variation.

5. CONSULTATION WITH STATUTORY SEA ENVIRONMENT AUTHORITIES

The preliminary conclusion of Planning Authority following assessment in terms of SCHEDULE 2A was issued to all of the statutory Strategic Environmental Assessment Environmental Authorities, namely:

- The Environmental Protection Agency
- The Minister for the Environment, Community & Local Government
- The Minister for Agriculture, Food and the Marine
- The Minister for Communications, Energy and Natural Resources
- The Minister for Arts, Heritage and Gaeltacht Affairs
- Any adjoining Planning Authority whose area is continuous to the area of the Planning Authority which prepared the proposed variation

All consultees were afforded not less than 3 weeks to respond, as provided in Section 13K (3)(iii) of the SEA Regulations.

Responses were received from:

- The Environmental Protection Agency
- The Department of Agriculture, Food and the Marine
- The Geological Survey of Ireland (through the Department of Communications, Energy and Natural Resources

The Environmental Protection Agency

Issues raised:

1. The position with respect to the need for Strategic Environmental Assessment of the variation is noted
2. It is welcomed that the proposed variations seek to incorporate the protection of landscape character areas to a greater degree than had been previously done in the County WES
3. It is acknowledged that the variation also proposes to include additional requirements for the assessment of noise and shadow flicker for wind energy applications.
4. It is matter for Wicklow County Council to determine whether or not any future variations would be likely to have significant affects on the environment
5. Attention is drawn to updated SEA Regulations and various SEA related circulars which should be referred and integrated into the plane and SEA process

Assessment:

The issues raised are noted and do not require any further assessment or changes to the original conclusions.

The Department of Agriculture, Food and the Marine

Issues raised:

1. The Department of Agriculture, Food and Marine has no submission or observations to make.

Assessment:

No issues raised with respect to Strategic Environmental Assessment determination of the proposed variation. Therefore no changes to the original conclusions come about on foot of this submission.

The Geological Survey of Ireland (GSI)

Issues raised:

1. Receipt of report is acknowledged
2. Information provided on data and service provided by the GSI as well as consultation required on geological issues

Assessment:

No specific issues raised with respect to Strategic Environmental Assessment determination of the proposed variation. Therefore no changes to the original conclusions come about on foot of this submission.

6. FINAL CONCLUSIONS

Having assessed the proposed variation in accordance with Schedule 2A and having consulted with the statutory SEA Environmental Authorities, it is considered that the proposed varied WES is not likely to have new significant adverse effects on the environment that have not already been detailed and addressed in the original Strategic Environmental Assessment for the adopted WES and therefore Strategic Environmental Assessment is not warranted for the proposed variation.