

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

for the proposed

**VARIATION TO THE LISTOWEL TOWN
DEVELOPMENT PLAN 2009-2015**

DETERMINATION OF THE NEED FOR ENVIRONMENTAL ASSESSMENT OF
A VARIATION OF THE LISTOWEL TOWN DEVELOPMENT PLAN IN TERMS
OF THE PROVISIONS OF ARTICLE 13K OF THE PLANNING AND
DEVELOPMENT (STRATEGIC ENVIRONMENTAL ASSESSMENT)
REGULATIONS 2004

JUNE 2011

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1. Introduction

Listowel Town Council (the Planning Authority) is required to modify the Core Strategy of its Town Development Plan 2009-2015 by the 26th of July 2011. In order to achieve this, the Planning Authority intends to make a variation to the Listowel Town Development Plan 2009-2015 under Section 13 of the Planning and Development Act 2000 (as amended).

Article 13K of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 outlines the process by which determination of the need for environmental assessment of variations to development plans are made. Article 13K (1) to (6) of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 is contained in Appendix C of this report, for reference purposes. This assessment was also informed by a screening exercise of the proposed variation against the Environmental Sub - Objectives contained in the Environmental Report prepared as part of the Listowel Town Development Plan 2009-2015 review. The results of that exercise are outlined in Appendix B of this report.

This report constitutes a 'SEA Screening Determination Report' of the proposed variation and follows on from the earlier preparation of a 'SEA Screening Report'* which was prepared in order to assist the Environmental Authorities, in the preparation of submissions / observations, on whether or not the proposed variation would be likely to have significant effects on the environment.

2. Purpose of the proposed variation

2.1 Relevant Background information

The Listowel Town Development Plan 2009-2015 came into effect on the 11th of May 2009. That document was subject to a Strategic Environmental Assessment (SEA) as per the requirements of the SEA Directive (2001/42/EEC). Subsequent to this, the Regional Planning Guidelines for the South West 2010-2022 came into force in July 2010. That document was also subject to SEA. The Planning and Development (Amendment) Act 2010 now requires the Planning Authority to vary the Development Plan under Section 13 of the Act so as to ensure that the plan and its objectives are consistent with National and Regional development objectives set out in the National Spatial Strategy and Regional Planning Guidelines (RPGs).

2.2 Geographical location

Listowel is situated on the N69 National Secondary Road, 27 km northeast of Tralee and 70 km to the southwest of Limerick City (refer to Map No. 1). Listowel Town is in close proximity to the Port of Foynes (32 km) and to the Tarbert Industrial Land bank (12 km).

The River Feale and the backdrop of Ballygreennane Hill provide a naturally attractive and scenic physical setting for the town.

Listowel Town is the third-largest urban centre in County Kerry after Tralee and Killarney. The 2006 census results showed that there were 3,901 people living within the Town Boundaries with a further 437 people living within its environs.

Listowel has been designated as a Heritage Town due its unique literary and cultural traditions and its rich natural and built heritage and is one of the North Kerry / West

Limerick Regions foremost tourist destinations. It also serves as the market and service centre for the surrounding agricultural community and the tourist town of Ballybunion.

2.3 Brief outline of the proposed variation

A complete version of the proposed variation is on public display in conjunction with this SEA Screening determination.

The proposed variation involves the following key elements:-

- Adjustment of population targets / settlement strategy so as to comply with those outlined in the South West Regional Planning Guidelines (SWRPGs) 2010-2022.
 - Incorporation / modification of a Core Strategy for the Town outlining the quantum and location of development for the plan period linked back to regional population targets.
 - Inclusion of zoning criteria within the Core Strategy so as to insure that zonings are carried out in a logical and informed manner which will provide for the long-term sustainable development of the Town as a whole. Criteria to be used in deciding the extent and location of proposed zonings are grouped under the following headings:-
 - Need and Policy Context
 - Sequential Approach
 - Capacity of Water, Drainage and Roads Infrastructure
 - Supporting Infrastructure and Facilities
 - Physical Suitability
 - Environmental and Heritage Policy, including Conservation of Habitats and other Environmentally Sensitive Areas
 - Inclusion of additional maps and associated policies and objectives so as to comply with the requirements of Statutory Bodies,
 - Incorporation and modification of objectives / policies so as to comply with the requirements of other government guidance including ‘The Planning System and Flood Risk Management’ (DEHLG 2009). As part of this, particular regard was given to the recommendations contained in the Flood Risk Appraisal completed for the Region as part of the recent review of the South West Regional Planning Guidelines.
 - Incorporation and modification of objectives / policies in relation to promoting Biodiversity and EU Environmental Legislation in the Development Plan, including the Water Framework, Habitats and Birds Directives.
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3. Strategic Environmental Assessment Screening

3.1 Preliminary determination and recommendation under Article 13K of the Planning and Development (Strategic Environmental Assessment) Regulations 2004

The 'SEA Screening Report' associated with this variation, concluded that significant environmental implications were not likely to arise as a result of the proposed variation and that a SEA was not required.

3.2. Consultation with the Environmental Authorities

As required by Article 13K (3) of the Planning and Development (Strategic Environmental Assessment) Regulations 2004, the 'SEA Screening Report' was forwarded to the Environmental Authorities (Environmental Protection Agency (EPA), Department of Environment, Heritage and Local Government (DoEHLG) and the Department of Communications, Energy and Natural Resources (DCENR)) and submissions and observations were invited.

3.3 Submissions / observations received from the Environmental Authorities

1. Department of Communications, Energy and Natural Resources indicated that they have no comments / observations in relation to the variation.
2. The DoEHLG had no comment

3. The Environmental Protection Agency

The content of the EPA's submission is summarised as follows:-

- The Planning Authorities position with regard to the need for a SEA of the variation is noted.
- Consideration to be given to relevant plans and programmes and current Guidelines.
- Amending existing objectives and Core Strategy Objective 1.
- Clarification whether the phasing of lands for development includes rezoning.
- Integration of higher key Plans/Policies/Strategies
- Integration of new Environmental Legislation/Guidance to take account of SEA Regulations Schedule 2A Criteria.
- Ensure adequate infrastructure is in place to facilitate future development.
- To comply with National Plans and Policies and EU Environmental Legislation.

3.4 Consideration of whether or not the proposed variation of the Listowel Town Development Plan would be likely to have significant effects on the environment.

The submissions / observations received do not suggest that an SEA is warranted in this instance. Observations were made by the EPA, so as to ensure that the variation supports sustainable development. The importance of linking development with infrastructure and amenities is recognised and the proposed variation has been formulated accordingly. It is also considered that the variation will further integrate the Flood Risk Management Guidelines (DoEHLG/OPW 2009) and National and EU environmental legislation into the Development Plan, as is recommended in the submission received by the EPA.

It is noted that the nature of the proposed variation has been modified from that which was preliminarily screened for SEA. For the most part, these modifications relate to amending existing objectives and the inclusion of new objectives. In all instances, the

modifications are not considered to be of significance within the context of screening exercise. A revised screening exercise for the proposed variation was carried out in light of the criteria set out in Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 and the submissions / observations received –(refer to Appendix A and B of this report), which supports this view.

3.5 Conclusion

The proposed variation supports, clarifies and reinforces sustainable principles already contained in the Listowel Town Development Plan 2009-2015. The main thrust of the Town's economic, housing and transport strategies as set out in the current Town Development Plan 2009-2015 remain. In this respect the proposed variation is considered to be a minor modification of the existing plan, within the context of Strategic Environmental Assessment.

Given the geographical extent of Listowel Town and the environmentally sensitive areas / features located therein (as highlighted in the SEA undertaken during the preparation of the Town Development Plan 2009-2015), it is considered that the proposed variation, in combination with other plans and projects are not likely to be significant in terms of the Annex II criteria outlined in the SEA Directive.

It is considered the variation to the Listowel Town Development Plan will be an improvement on the adopted Plan area. It seeks to consolidate development in the town by way of phasing development in the promotion of compact urban form; making greater efficient use of an existing infrastructure that is deficient.

Thus the variation can be viewed as positive in terms of ensuring the long term protection of the environment and natural/built resources having positive outcomes for water quality, ground water protection, flooding, habitat protection and visual aesthetic whilst meeting the population targets for the town.

Furthermore, the Plan's SEA Environmental Report detailed a series of measures designed to mitigate against potential adverse impacts on lands in excess of what is now required. Implementation of the protection policies and the mitigation measures in full will provide for an improved environment and will benefit the area in the long term, adding strength to the environmental protection policies contained within the Plan.

Therefore, it is considered that while an SEA / Environmental Report is not warranted in this instance, the Listowel Town Development Plan will be subject to an "environmental watching brief" so as to determine the need to undertake SEA during all future proposed variations of the Listowel Town Development Plan 2009-2015.

In considering the above, the relevant criteria set out in Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 and the submissions or observations received in response to the notice issued under sub-article (3) of the said regulations, were taken into account.

4. Recommendation

It is recommended that the following determination be made by the Planning Authority:-

Having had regard to the requirements of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 and having consulted with the Environmental Authorities and considered their submissions, it is the determination of the Planning Authority under Article 13K(4) of the Regulations that a Strategic Environmental Assessment is not required in respect of the proposed sixth variation to the Kerry County Development Plan 2009-2015.

In addition and in accordance with Article 13K(5) of the regulations, the Planning Authority, as soon as possible after making the determination, shall-

- i. 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
- ii. notify its decision to the environmental authorities which were notified under sub-article (3) of the regulations, i.e Environmental Protection Agency (EPA), Department of Environment, Heritage and Local Government (DoEHLG) and the Department of Communications, Energy and Natural Resources (DCENR).

Signed: Michael Mills
Michael Mills
Town Planner

Date: 18 | 5 | 2011

Appendix A: Environmental Significance Screening

Reference Variation:	/	Proposed Variation to the Listowel Town Development Plan 2009-2015
The characteristics of the plan having regard in particular to:		
Ref:	Criteria	
1 a	<p><i>The degree to which the plan sets a framework for project and activities either with regard to the location, nature, size and operating conditions or by allocating resources.</i></p> <p>Response: The proposed variation, which is the subject of this screening process relates to the Development Plan 2009-2015 for Listowel Town.</p> <p>Development Plans set out how the various geographical areas within the an area will develop. They influence capital investment by both the public and private sectors, including capital projects by the local authority itself. These plans also give spatial expression to the economic, social and cultural needs of the community, in terms of influencing new development, enhancing valued amenities, and protecting the environment and heritage.</p> <p>The Development Plan provides the strategic framework and policy context for all local planning decisions over the specified period of the plan. The Planning and Development Act 2000 (as amended) reinforces the role of Development Plans as the primary strategic statement on land use planning at city, town and county levels, and provides a clearly defined context for the formulation and content of planning applications.</p> <p>The proposed variation, which provides for more sustainable land use zonings and settlement patterns, will set a more sustainable framework for projects and other activities in Listowel Town.</p>	
1 b	<p><i>The degree to which the plan influences other plans including those in a hierarchy</i></p> <p>Response: The Development Plan is part of a systematic hierarchy of land use and spatial plans, including the National Spatial Strategy and Regional Planning Guidelines. It is also informed by the plans and strategies of the Government and other public agencies in general. Development Plans influence lower level land use plans. The proposed variation will set a more sustainable framework for land use development in Listowel.</p>	
1 c	<p><i>The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development</i></p> <p>Response: Development Plans are important plans and are of high relevance for the integration of environmental considerations in particular with a view to promoting sustainable development. The Listowel Town Development Plan 2009-2015 was subject to full Strategic Environmental Assessment (SEA) in accordance with the SEA Directive (Directive 2002/42/EC).</p> <p>The proposed variation would also ensure that settlements in the town are developed in a more compact manner with suitable lands close to the town centre are given priority over those located at out of centre locations.</p>	

	<p>It is considered that the proposed variation will further integrate environmental considerations into the overall Town Development Plan with a view towards promoting sustainable development. The proposed variation will improve the sustainability of the development policies and objectives in the Listowel Development Plan 2009-2015.</p>
1 d	<p><i>Environmental problems relevant to the plan</i></p> <p>Response: The SEA process undertaken during the preparation of the Listowel Development Plan 2009-2015, identified the following as the main environmental problems relevant to the plan:-</p> <p>Biodiversity Protection:</p> <ul style="list-style-type: none"> - Requirement for protection and enhancement of both designated sites and locally important habitats. - Need to sustain and improve fisheries in particular populations of Atlantic Salmon; Lamprey and Trout. - Cumulative impacts on habitat fragmentation and wildlife corridors. - Potential cumulative impact of development upon sites of international nature conservation importance. - Requirement for elimination of invasive non native species in particular Japanese Knotweed <p>Soils & Geology</p> <ul style="list-style-type: none"> - Need for sensitive Brownfield and infill / town centre development <p>Water (Surface & Ground)</p> <ul style="list-style-type: none"> - Need to identify the flooding regime of the Plan Area. - Surface and groundwater quality - Potential pressures on water resources as a result of residential and commercial growth <p>Climate & Air</p> <ul style="list-style-type: none"> - Growth in traffic and congestion within the plan and associated localised air quality issue. - Growth and development is likely to increase demand for energy with associated increases in emissions of green houses gases, <p>Material Assets – Transport</p> <ul style="list-style-type: none"> - High private car uses age dependence improve public transport accessibility, particularly through integrated transport systems and green travel plans.

	<ul style="list-style-type: none"> - Identify housing and employment sites with consideration for journeys to work. - Improve bus services at a strategic level where appropriate and with regards to the environment <p>Material Assets – Waste</p> <ul style="list-style-type: none"> - Encourage more sustainable waste management through emphasising minimisation, re-use, recycling. - Lack of appropriate facilities in the area - Responsibility in relation to waste. <p>Townscape/Landscape</p> <ul style="list-style-type: none"> - Protection and enhancement of the streetscape and green areas such as Town Park, the Feale River Valley and Ballygrennane Hill. <p>Cultural Heritage</p> <ul style="list-style-type: none"> - Rich historic resources in the plan area that requires protection – Listowel’s distinctive physical character with high quality built environment. - Growth has potential to impact setting of cultural heritage resource. <p>The proposed variation was prepared having full regard to the above. As part of this the variation seeks to strengthen the provisions of the Plan with regard to flood risk management, nature conservation and water resource protection.</p>
1 e	<p>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)</p> <p>Response: Development Plans inform and structure land use policies, which in turn provides a basis for day-to-day planning decisions. The plan is therefore of relevance for the implementation of European Union legislation on the environment, including waste management, water protection and biodiversity protection legislation.</p> <p>The proposed variation includes a number of additional objectives further promoting the implementation of European Union legislation on the environment, including the Water Framework Directive, the Flood Directive and the Birds and Habitats Directives.</p>
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
Ref:	Criteria
2 a	<p>The probability, duration, frequency and reversibility of the effects</p> <p>Response:</p>

	<p>The probability / frequency of effects will be dependent on the extent of development likely to be undertaken during the lifetime of the plan. Notwithstanding the development targets outlined in the variation, negative effects are unlikely given the prevailing economic conditions that these targets will be reached.</p> <p>Development by its nature often has a long duration and the effects can be difficult to reverse. In this regard the proposed variation which aims to further integrate environmental considerations into the overall Town Development Plan, will ensure that the likelihood of significant effects occurring in the Town as a result of development will be reduced.</p>
2 b	<p>The cumulative nature of the effects</p> <p>Response: The Core Strategy as outlined in the variation provides a framework for more sustainable settlement patterns and land use zonings based on (a) Need and Policy Context, (b) Sequential Approach, (c) Capacity of Water, Drainage and Roads Infrastructure, (d) Supporting Infrastructure and Facilities and (e) Physical Suitability.</p> <p>It is considered that the cumulative nature of effects is likely to prohibit the town developing in a sustainable manner over the lifetime of the plan (2009-2015).</p>
2 c	<p>The trans boundary nature of the effects</p> <p>Response: No significant trans boundary effects are anticipated. The proposed variation, in line with the principles of sustainability promotes sustainable travel patterns and provides a framework for more energy efficient and sustainable communities. Such policies will help limit carbon emissions which is an environmental issue of global concern.</p>
2 d	<p>The risks to human health or the environment</p> <p>Response: It is considered that the proposed variation would not pose any significant risk to human health or to the environment, particularly having regard to the environmental protection objectives contained within the proposed variation in addition to those contained in the current plan.</p>
2 e	<p>The magnitude and spatial effect of the effects.</p> <p>Response: While dependent on the level of development and economic activity likely to occur over the plan period (2009-2015), any spatial effects resulting from the proposed variation are not envisaged as the population and economic growth targets set out in the proposed variation are in line with those contained in the current County Development Plan and the Regional Planning Guidelines for the South West Region. It is envisaged that any effects likely to arise as a result of the variation will be positive in nature, given that the overall aim of the proposed variation is to promote sustainable development.</p> <p>A screening of the variation against the Environmental Sub-Objectives contained in the SEA which accompanied the Listowel Town Development Plan 2009-2015 supports this view.</p>

2 f	<p>The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> (a) Special natural characteristics or cultural heritage (b) Exceeded environmental quality standards or limit values (c) Intensive land-use <p>Response: The proposed variation steers development towards the urban core and provides additional safeguards for environmentally vulnerable areas in line with the SEA carried out as part of the Listowel Town Development Plan 2009-2015.</p>
2 g	<p>The effects on areas or landscapes which have a recognised national, European Union or international protection status</p> <p>Response: The proposed variation would ensure that landscape considerations are taken in to account when zoning lands in the Town. It is considered that no objectives proposed as part of the variation would have significant negative effects on areas, or landscapes which have a recognised national, European Union or international protection status.</p>
<p>Results of environmental significance screening</p> <p>Development by its nature may impact on the environment, however it is considered that the proposed variation is in accordance with sustainable principles, which seek an efficient and economic use of urban serviceable lands, reduced energy consumption and environmental protection.</p> <p>The proposed variation supports, clarifies and reinforces sustainable principles already contained in the Listowel Town Development Plan 2009-2015. The main thrust of the Towns settlement, economic, housing and transport strategies as set out in the current Development Plan 2009-2015 remain. In this respect the proposed variation is considered to be a minor modification of the existing plan, within the context of Strategic Environmental Assessment.</p> <p>Given the geographical extent of the Town and the environmentally sensitive areas / features located therein (as highlighted in the SEA undertaken during the preparation of the Town Development Plan 2009-2015), it is considered that the proposed variation, in combination with other plans and projects may have environmental implications but these are not likely to be significant in terms of the Annex II criteria outlined in the SEA Directive.</p> <p>Therefore, it is considered that while an SEA / Environmental Report is not warranted in this instance, the Listowel Town Development Plan will be subject to an “environmental watching brief” so as to determine the need to undertake SEA during all future proposed variations of the Listowel Town Development Plan 2009-2015.</p>	

Appendix B: Screening of Proposed Variation against Environmental Protection Objectives

The following section screens the proposed variation against the Sub Objectives (as set out in the Environmental Report prepared as part of the Listowel Town Development Plan 2009-2015 review.

<i>Aspect and Objective</i>	<i>Sub Objectives</i>	<i>Likelihood of significant effects on the environment</i>
Water Prevent any deterioration in the status of any waters and to achieve at least 'good status' in all waters by 2015	WO 1.1 Maintain or improve the quality of surface water	Not likely
	WO 1.2 Promote the use of sustainable urban drainage systems (SUDS)	Not likely
	WO 1.3 Reduce surface water entering the combined foul and storm network	Not likely
	WO 1.4 Prevent pollution of groundwater	Not likely
	WO 1.5 Promote sustainable water use and supply	Not likely
	WO 1.6 Promote the upgrading of the existing waste water treatment plant/infrastructure	Not likely
	WO 1.7 Avoid inappropriate development on floodplains	Not likely

Biodiversity Maintain and Enhance Biodiversity	BO 1.1 Conserve and protect designated species and habitats including Natura 2000 sites.	Not likely
	BO 1.2 Protect, enhance and conserve the diversity of species and habitats in non designated sites	Not likely
	BO 1.3 Protect aquatic and terrestrial habitats from invasive species	Not likely
	BO 1.4 Protect and enhance aquatic habitats and include a requirement to provide a minimum Riparian Zone of 5m for development close to water.	Not likely
	BO 1.5 Protect fish stock levels	Not likely

<i>Aspect and Objective</i>	<i>Sub Objectives</i>	<i>Likelihood of significant effects on the environment</i>
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Cultural Heritage Promote the protection & conservation of cultural heritage including architecture, archaeology, history and language.	CH0 1.1 Promote best practice in heritage conservation and management in line with DoEHLG Guidelines	Not likely
	CH0 1.2 Ensure new building, and work to existing fabric respects the character and architectural features of the built environment	Not likely
	CH0 1.3 Protect and enhance archaeological features	Not likely
	CH0 1.4 Support and encourage the development of literary and artistic initiatives	Not likely

Landscape Conserve and enhance value natural and historic landscapes and features within them	LS0 1.1 Protect views, routes and landscape features of local value	Not likely
	LS0 1.2 Protect the streetscape	Not likely

<i>Aspect and Objective</i>	<i>Sub Objectives</i>	<i>Likelihood of significant effects on the environment</i>
Soils & Geology Maintain quality of soils and conserve geological resources.	SGL0 1.1 Protect soils from contamination and removal	Not likely
	SGL0 1.2 Maximise the sustainable re-use of Brownfield sites and maximise the use of the existing built environment	Not likely
Material Assets Transport Encourage the development of a sustainable transport infrastructure which reduces the need for travel and journey length.	MAT0 1.1 Reduce the number of private vehicles on the road – encourage walking and cycling	Not likely
	MAT 0 1.2 Increase use of public transport	Not likely
	MAT 0 1.3 Increase number of cycle lanes	Not likely
Material Assets Waste Minimise waste production and introduce sustainable waste management practices.	MAW0 1.1 Encourage measures to increase recycling of waste	Not likely
	MAW 0 1.2 Propose an increase in the number of bring banks and civic amenity centres?	Not likely
Climate and Air Reduce all forms of air pollution and control greenhouse gas emissions	CA0 1.1 Improve ambient air quality through reduction of private vehicle use	Not likely
	CA0 1.2 Minimise greenhouse gas emissions	Not likely
	CA0 1.4 Promote renewable energy projects and encourage the use of renewable energy technology	Not likely
	CA0 1.5 Promote energy audits for existing facilities and new homes (Building Energy Regulation)	Not likely

<p>Population & Human Health</p> <p>Improve people's quality of live based on high-quality residential, working and recreational environments and on sustainable travel pattern</p>	<p>PH0 1.1 Protect and enhance green spaces and amenities available to the public</p>	<p>Not likely</p>
	<p>PH0 1.2 Provide suitable facilities (residential, community and cultural) for its increasing population</p>	<p>Not likely</p>
	<p>PH0 1.3 Provide a healthy environment and adequate health services</p>	<p>Not likely</p>

Appendix C: Article 13K (1) to (6) of the Planning and Development (Strategic Environmental Assessment) Regulations 2004.

Determination of need for environmental assessment of variation of development plan

- 13K. (1) Where a planning authority proposes to make a variation of a development plan under section 13 of the Act, it shall, before giving notice under section 13(2) of the 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.
- (2) Where the planning authority, following consideration under sub-article (1), determines that the proposed variation would be likely to have significant effects on the environment, sub-articles (3) and (4) shall not apply.
- (3) (a) Where, following consideration under sub-article (1), a determination under sub-article (2) has not been made by the planning authority, the authority shall give notice in accordance with paragraph (b) to the environmental authorities specified in article 13A(4), as appropriate.
- (b) A notice under paragraph (a) shall –
- (i) state that the planning authority proposes to make a variation of the development plan under section 13 of the Act,
- (ii) state that the planning authority must determine whether or not the proposed variation would be likely to have significant effects on the environment and that, in so doing, it must take account of relevant criteria set out in Schedule 2A, and
- (iii) indicate that a submission or observation in relation to whether or not the proposed variation would be likely to have significant effects on the environment may be made to the authority within a specified period which shall be not less than 3 weeks from the date of the notice.
- (4) Following the period specified in sub-article 3(b)

(iii), 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 in response to a notice under sub-article (3).

(5) As soon as practicable after making a determination under sub-article (2) or (4), the planning authority shall

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(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 authority which was notified under sub-article (3).

(6) The provisions of articles 13L to 13R shall only apply where a planning authority determines under this article that a proposed variation would be likely to have significant effects on the environment.