

# SEA Statement

OF THE

## **TRALEE MUNICIPAL DISTRICT LOCAL AREA PLAN 2018-2024**

AND THE

## **FIFTH VARIATION to the TRALEE TOWN DEVELOPMENT PLAN 2009-2015 (as extended)**

Environmental Assessment Unit  
Kerry County Council  
County Buildings  
Rathass  
Tralee  
Co. Kerry



October 2018

# TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b> .....	<b>1</b>
1.1	TERMS OF REFERENCE.....	1
1.2	OVERVIEW OF THE DRAFT TRALEE MD LAP AND FIFTH VARIATION TO THE TRALEE TOWN DEVELOPMENT PLAN 2009-2015 (AS EXTENDED) AND SEA PROCESS.....	2
1.3	FINAL STAGE OF THE SEA - THE SEA STATEMENT.....	3
1.4	CONTENT OF THE SEA STATEMENT.....	7
<b>2</b>	<b>INCORPORATION OF ENVIRONMENTAL ISSUES INTO THE PLAN</b> .....	<b>8</b>
2.1	INTRODUCTION.....	8
2.2	SCREENING OF MODIFICATIONS MADE TO MATERIAL ALTERATIONS (MA) OF THE TRALEE MD LAP 2018-2024 .....	10
2.3	SCREENING OF MODIFICATIONS MADE TO MATERIAL ALTERATIONS (MA) OF THE FIFTH VARIATION TO THE TRALEE TDP 2009-2015, AS EXTENDED.....	11
<b>3</b>	<b>INCORPORATION OF SUBMISSIONS AND CONSULTATIONS</b> .....	<b>12</b>
3.1	INTRODUCTION.....	12
3.2	SEA SCOPING CONSULTATION .....	12
3.3	MATERIAL ALTERATIONS: FIRST PUBLIC CONSULTATION PHASE .....	14
3.4	MODIFICATIONS TO MATERIAL ALTERATIONS: SECOND PUBLIC CONSULTATION PHASE ....	15
<b>4</b>	<b>THE REASONS FOR CHOOSING THE PLAN AS ADOPTED, HAVING CONSIDERED ALTERNATIVES</b> .....	<b>16</b>
4.1	INTRODUCTION.....	16
4.2	DESCRIPTION OF ALTERNATIVES .....	16
4.3	ASSESSMENT OF ALTERNATIVES AGAINST ENVIRONMENTAL OBJECTIVES.....	17
4.4	PREFERRED STRATEGY .....	18
<b>5</b>	<b>MONITORING PROGRAMME</b> .....	<b>19</b>
5.1	MONITORING PROPOSED .....	19
<b>6</b>	<b>FINAL STAGE OF THE SEA PROCESS</b> .....	<b>27</b>

---

## 1 INTRODUCTION

---

### 1.1 Terms of Reference

Originating from the Local Government Reform Act 2014 the electoral structure of County Kerry now consists of four Municipal Districts (MDs) – Killarney, Tralee, Listowel and South West Kerry. The three former town councils of Tralee, Listowel and Killarney were abolished. Kerry County Council (KCC) as a Planning Authority (PA) has now a duty to make a Municipal District Local Area Plan (MD LAP) for each district. This is in accordance with the requirements and provisions of the Planning and Development Act 2000, as amended.

KCC has now drafted the Tralee Municipal District Local Area Plan (Tralee MD LAP). The main settlements of the Tralee MD LAP are listed below.

<b>Hub Town</b>	Tralee
<b>District Towns</b>	Ardfert
<b>Villages</b>	Brosna, Fenit, Knocknagoshel
<b>Small Villages</b>	Camp, Blennerville
<b>Development Nodes</b>	Clogher, Ballymacelligott, Lyracrumpane, Spa

The area includes the former Tralee Town Council administrative area. Running concurrently with the MD LAP was the fifth variation to the Tralee Town Development Plan 2009-2015 (TTDP) (as extended).

The planning making process commenced in May 2017 when notice, pursuant to Section 20(1) of the Planning & Development Act 2000 (as amended) was given that KCC as the PA had commenced the process of preparing a LAP for the Tralee MD and a proposed fifth variation to the TTDP 2009-2015.

Following the plan making process which commenced in May 2017 both plans were adopted in September 2018. The MD LAP became effective 4 weeks after the adoption date whilst the variation was effective immediately post-adoption by elected members. Both plans will last for 6 years until 2024.

As part of the above plan making processes a SEA was undertaken of both the Tralee MD LAP/5th variation to the TTDP 2009-2015. A SEA is a systematic evaluation of the likely significant effects of implementing a Plan or Programme (P/P) before it is adopted. Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment was transposed into Irish law under:

- European Communities (Environmental Assessment of Certain Plans and Programmes (Amendment) Regulations 2011, (S.I. No. 200 of 2011), amending the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2001 (S.I. No. 435 of 2004),
- Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011 (S.I. No 201 of 2011) and Planning and Development (Amendment) Regulations 2011 SI 262 of 2011, amending the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No.436 of 2004).

The SEA process consists of a series of steps or stages that need to be undertaken. These are:

- **Screening** of P/P to establish whether it must undergo an SEA;
- **Scoping** of the details to be provided in the Environmental Report (ER), in consultation with environmental authorities;
- **An Environmental Report** - containing the findings of the assessment on the likely significant effects on the environment of the P/P;
- **Consultation** on the draft plan and associated Environmental Report (ER);
- **An SEA Statement** - identifying how environmental considerations and consultations have been integrated into the Final Plan; and
- **Monitoring Programme** of the significant environmental effects of the P/P

This report deals with step 5 of the above process, the SEA Statement of the SEA for the Tralee MD LAP/5th variation to the TTDP 2009-2015, hereafter called the plan. It should be noted that the plan also underwent an Appropriate Assessment under the Article 6 of Habitats Directive, in parallel with the SEA process. A Strategic Flood Risk Assessment (SFRA) was also undertaken concurrent with the plan making process.

## **1.2 Overview of the Draft Tralee MD LAP and Fifth Variation to the Tralee Town Development Plan 2009-2015 (as extended) and SEA process**

The drafting of the Tralee MD LAP/5th variation to the TTDP 2009-2015 commenced in May 2017. The SEA of both plans commenced at the same time with a formal scoping report being issued to consultees in October 2017. As the plans progressed the SEA, as an iterative process, informed both land use documents. Both plans and the Environmental Report (ER) of the SEA were also informed by an Appropriate Assessment (AA) under Article 6 of the Habitats Directive and a Strategic Flood Risk Assessment (SFRA).

The draft plan, ER, NIR and SFRA was subsequently placed on public display from Thursday 19th April 2018 until 31st May 2018. Thirty-one submissions were received within the time periods outlined above. Each submission was read, categorised and summarised together with the Chief Executives Response and Recommendation(s). These submissions and recommendations were subsequently outlined in two Chief Executive Reports (CERs) –*Chief Executive’s report on submissions on the proposed variation no. 5 to the Tralee Town Development Plan 2009-2015* and *Chief Executive’s report on submissions on the draft Tralee MD LAP 2015-2021*. Both CERs were issued to the Elected Members in July 2018. The CERs included recommendations on material alterations to the Tralee MD LAP/ 5th variation following submissions received. Material alterations, as proposed, were consequently adopted on the 16th of July 2018. The proposed material alterations were then environmentally assessed and presented in addenda to the SEA ER, NIR and SFRA.

The proposed material alterations and environmental addenda were subsequently placed on public display from Thursday August 2<sup>nd</sup> to Friday September, 7<sup>th</sup> 2018. A total of 19 no. submissions on the proposed material alterations were received during this second consultation period, 7 on the MD and 12 on the fifth variation. Two CERs were again produced that outlined the Chief Executives Response and Recommendation(s). The CERs were considered by the Elected Members at a meeting held in September 2018. Modifications to the material alterations were agreed by the Elected Members at that meeting.

These modifications to material alterations are assessed in this report as part of the ongoing SEA of both plans. This is to ensure that the modifications made to material alterations at the plan adoption phase are assessed for possible significant effects on the environment.

### **1.3 Final Stage of the SEA - the SEA Statement**

This document (the SEA Statement) of the Tralee MD LAP/5th variation to the TTDP 2009-2015 (as extended) forms the final stage of the requirements for the Strategic Environmental Assessment (SEA). It is prepared in conjunction with the final adopted plans. A SEA Statement is a requirement of the Planning and Development Regs, 2001 (as amended) which set out (Article 13/14) the information to be included in a SEA Statement. These requirements are discussed in the following section. It should be noted that this SEA Statement is written in parallel with a Natura Impact Report Conclusion Report and Strategic Flood Risk Assessment (SFRA). The interaction between the SEA, AA and SFRA and the Planning Policy Unit in Kerry County Council in preparing the draft plan is shown in Table 1.

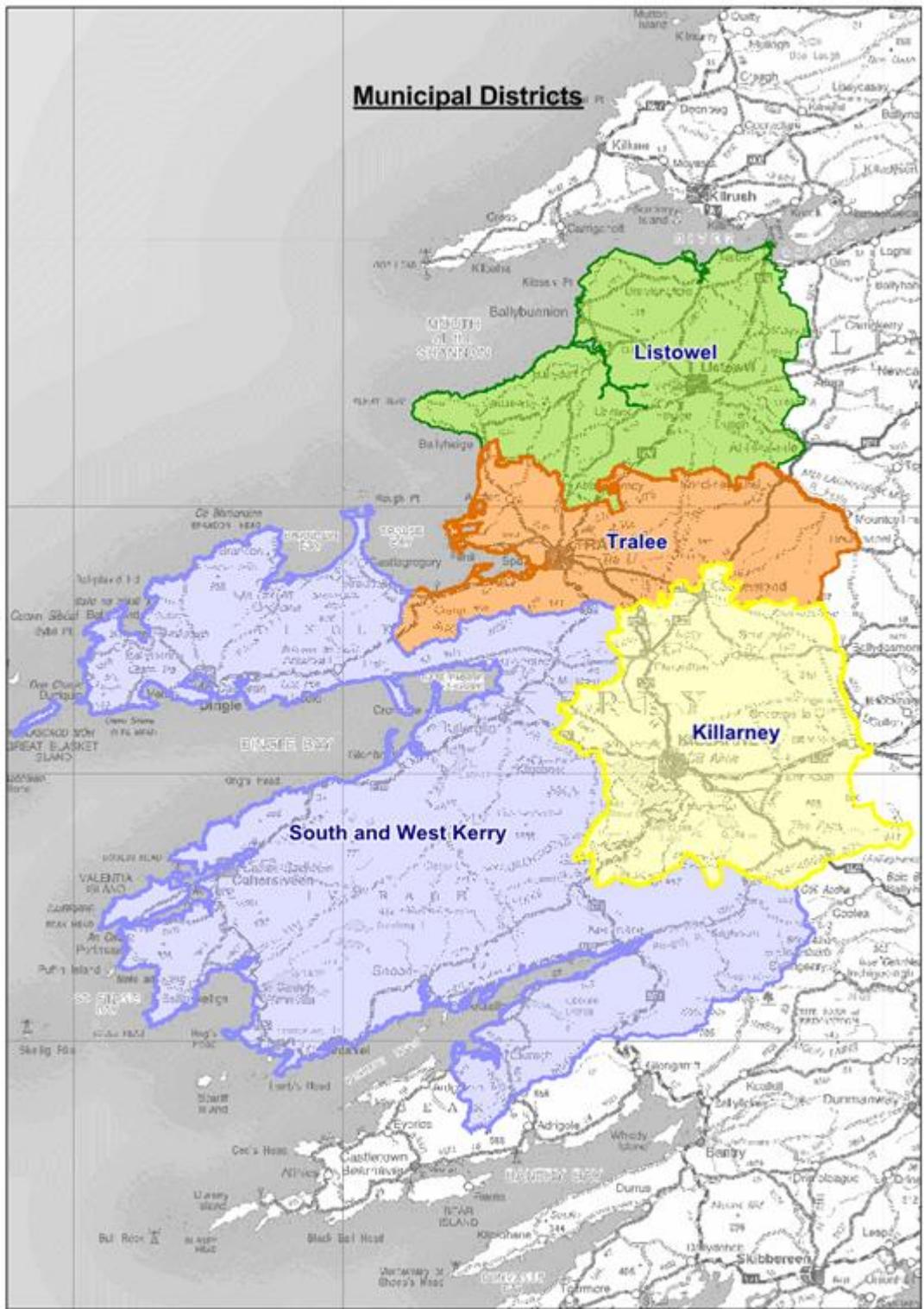


Figure 1-1 Tralee Municipal District Local Area Plan area within County Kerry

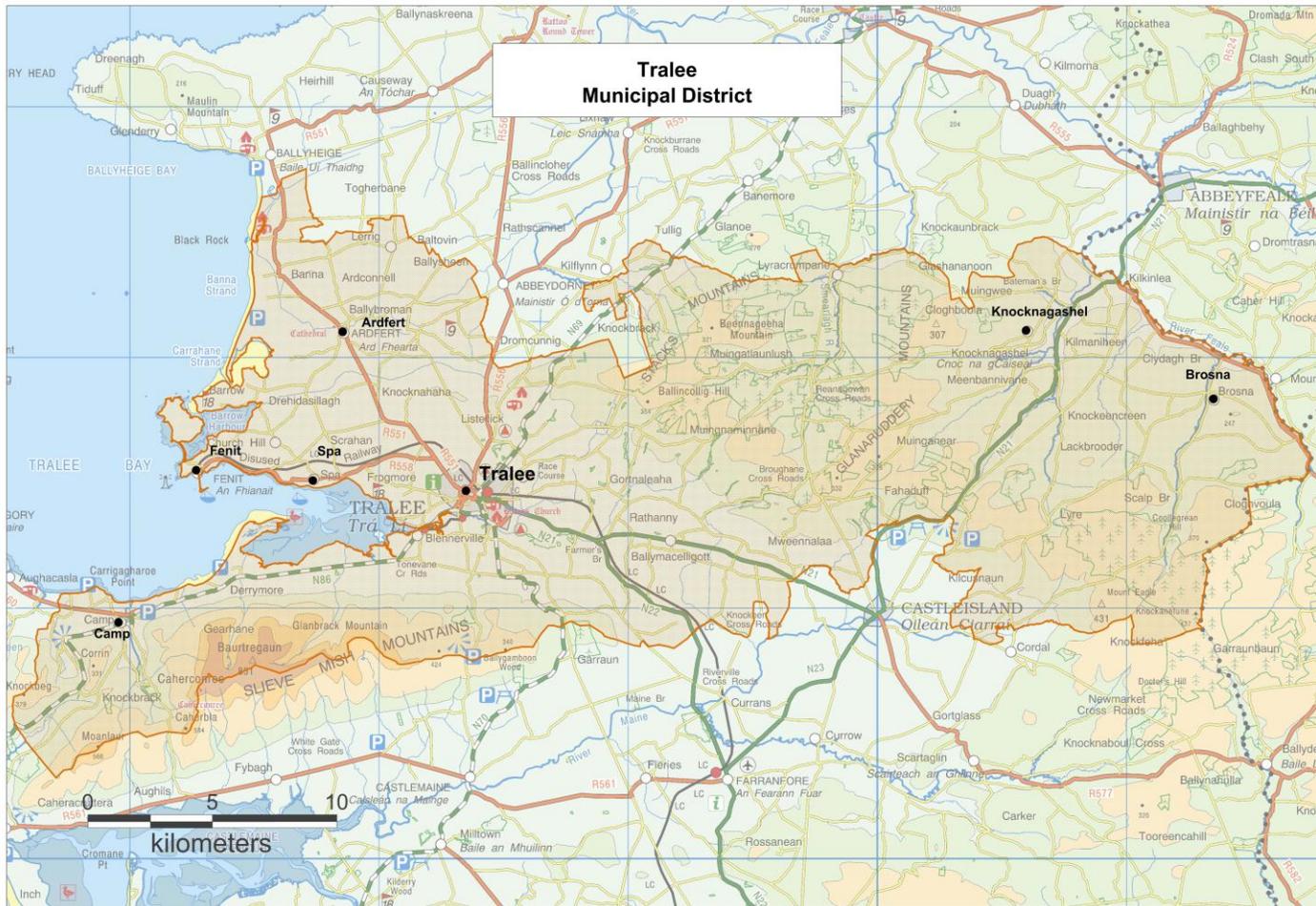


Figure 1-2 Tralee Municipal District Local Area Plan area showing main settlements/development nodes

**Table 1 Interaction between the plan, SEA, SFRA and AA**

<b>STAGES IN PLAN MAKING PROCESS</b>	<b>PLAN</b>	<b>SEA</b>	<b>SFRA</b>	<b>AA</b>
<b>Pre-review</b>	Preparation of Issues Papers	SEA mandatory screening not applicable	-	-
<b>Initial public consultation</b>	Publication of (a) statutory notice of intention to make MD LAP/5 <sup>th</sup> variation	Scoping of the Environmental Report, in consultation with environmental authorities noting SFRA to be undertaken		Notify consultees that an assessment under Art 6 will be undertaken
<b>Preparation of Documentation</b>	Preparation of draft plan	Preparation of Environmental Report. The process is iterative, amendments made to the plan by SEA where required, and record made of same	Inform plan making process, will be iterative	An AA drafted in parallel with SEA and Plan. The process is iterative, amendments will be made to the plan where required, and record made of same
<b>Public consultation</b>	Public display of draft plan and consideration of submissions	Public display of ER/SFRA and consideration of submissions		Public display AA and consideration of submissions
<b>2nd public display (if required)</b>	Display of any material amendment(s) to draft plan	Any significant environmental effects resulting from material amendments identified		Any significant effects/ adverse effects on the site integrity on European sites resulting from material amendments identified
<b>Completion of process</b>	Adoption of plan	Making specified information available in the form of a SEA Statement	Finalise SFRA	Provide information on the AA
<b>Post-plan Adoption</b>	Implementation	Monitoring of significant environmental effects		Monitoring, if required/appropriate

#### **1.4 Content of the SEA Statement**

The SEA Statement is required, under Article 13Q/14I of the Planning & Development Regs, 2001 (as amended), to include information summarising: -

- a) how environmental considerations have been integrated into the plan/variation and
- b) how
  - i. The ER prepared pursuant to article 13L/14B
  - ii. any submission or observation made to the planning authority in response to a notice under Section 20(3) and/or Section 13(2) of the act, and
  - iii. any consultations under article 14F/13QHave been taken into account during the preparation or amendment of the plan/variation
- c) The reasons for choosing the plan/variation, as adopted, in light of the other reasonable alternatives dealt with, and
- d) The measures decided upon to monitor, in accordance with Article 14J/13R, the significant environmental effects of implementation of the plan/variation or amended plan

Each of these individual criteria will be addressed in separate sections of this SEA Statement.

---

## 2 INCORPORATION OF ENVIRONMENTAL ISSUES INTO THE PLAN

---

### 2.1 Introduction

The SEA process can be broken down into a number of steps that ran parallel to the writing of the Tralee MD LAP/5th variation to the TTDP 2009-2015. At each stage of the process the impacts of the draft plan on the environment and the public is assessed. The SEA was also informed by an AA and SFRA which ran parallel with the drafting of Tralee MD LAP/5th variation to the TTDP 2009-2015.

In undertaking the SEA, where it was assessed that the draft plan may conflict with the environmental objectives (EOs) then mitigation measures were proposed. The mitigation measures predominately entailed amendments to or the addition of an objective/policy in the plan; the addition of explanatory text or relied on existing policies/objectives of the hierarchical plans.

The draft plan was assessed during the following phases: -

- Scoping – consultation with the statutory consultees and non-statutory consultees
- Evaluation of draft objectives, policies and land use maps (included in environmental report)
- Evaluation of proposed material alterations to draft plan after consultation, and
- Evaluation of any modifications proposed to material alterations after second consultation phase, and
- Following adoption of the plan any further modifications made during the adoption of the plan.

#### 2.1.1 Scoping

Scoping for the SEA was carried out in October 2017. The scoping report outlines the procedures undertaken in the preparation of the report and how it was prepared in parallel with the draft plan. The scoping process also discussed possible alternatives, environmental objectives, targets, indicators and monitoring arrangements. The overall outcome of the scoping process was to focus attention and resources on the most important environmental issues as a result of implementing the draft plan.

#### 2.1.2 Evaluation of Draft Tralee MD LAP/5th variation to the TTDP 2009-2015 – Objectives, Policies and Land Use

Chapter 3 of the ER outlines the methodology of preparing the draft plan and the Environmental Report. The ER evaluated the likely significant impacts of implementing the draft plan on the environment using and augmenting the baseline environmental data collected during the scoping process. As stated above the purpose of the ER was to assess the likely significant effects of the plan on the environment and to ensure that any significant impacts are considered during the preparation of the draft plan. This was undertaken by assessing the objectives, policies and land use zonings against the Environmental Objectives (EOs) in the ER. The EOs set out in Chapter 6 of the ER and further in the associated SEA addendum, are described under a range of topics. They are used as the standards against which the future development objectives of the Plan can be evaluated.

The ER also considered a number of alternatives. These alternatives were assessed, and a preferred strategy chosen. This is further discussed in Section 4 of this SEA Statement.

The ER also outlined mitigation measures to remedy/reduce any potential significant impacts and a monitoring programme was developed to assess any impacts of the draft plan on the environment. The monitoring programme is outlined in Section 5 of the SEA Statement.

### 2.1.3 Evaluation of proposed material alterations to draft Tralee MD LAP/5th variation to the TTDP 2009-2015

Once drafted the Tralee MD LAP/ 5<sup>th</sup> variation, SEA ER, NIR and SFRA were placed on public display from 19<sup>th</sup> April to 31<sup>st</sup> May 2018 (both dates inclusive). An open day for members of the public was held in the Tralee Library on the 8<sup>th</sup> May 2018. Thirty-one submissions were received within the time periods outlined above.

As a result of the consultation material alterations (MA) were made to both the Tralee MD LAP/ 5<sup>th</sup> variation as presented in two CERs to Elected Members in July, 2018. These MAs were subsequently adopted by Elected Members on July 16<sup>th</sup>, 2018. The proposed material alterations were then assessed against environmental objectives created as part of the SEA process to assess if significant effects on the environment were likely. Mitigation measures were recommended where significant impacts arose. Material alterations were also screened as part of the SFRA and NIR.

The findings of these three environmental assessments are provided in reports prepared by Kerry County Council in July 2018, including the *SEA Environmental Report Addendum of the Tralee MD LAP/ 5<sup>th</sup> variation* and the *Natura Impact Report of the proposed Material Alterations to the Tralee MD LAP/ 5<sup>th</sup> variation*.

The SEA addendum determined that several material alterations would impact with a number of EOs. However, overall these alterations could be mitigated by either changing text and/or existing mitigation provided in the plan. A record of this assessment is contained in the SEA addendum.

Further to the display of the material alterations, associated SEA ER and NIR addenda discussed above, an additional 19 no. submissions were received, 12 for the variation and 7 for the MD LAP. This followed a second public display period that ran from the Thursday August 2<sup>nd</sup> to Friday September 7<sup>th</sup>, 2018.

Proposed modifications to the material alterations were compiled in two additional CERs presented to Elected Members in a meeting held on September 2018. The Elected Members adopted modifications to the material alterations following this meeting. The draft plan was subsequently adopted in September 2018. The variation to the TTDP 2009-2015 as extended became effective immediately while the Tralee MD LAP is effective from 4 weeks of its adoption date.

The modifications to the material alterations adopted by Elected Members in September are assessed below in 2.2 and 2.3. This is to ensure that the final modifications made to the plan are assessed for possible significant effects on the environment.

## 2.2 Screening of modifications made to Material Alterations (MA) of the Tralee MD LAP 2018-2024

The following table present the screening for significant effects of modifications made to material alterations (MAs) to the Tralee MD LAP. A modification to a MA that is deemed likely to have a significant effect is highlighted in red text.

Modification to Material Alterations (MA)	LIKELY SIGNIFICANT EFFECTS
<p>Note that the list of proposed amendments below to the Draft Plan, changes are shown as deletions (<del>strikethrough</del>) and additions (bold).</p> <p>Amend objective TR-RI-11 so it reads as follows;</p> <p>Facilitate the sustainable development of an access road to Manor Retail park from the Tralee bypass at Camp cross, subject to consultation and agreement with Transport Infrastructure Ireland <b>in accordance with section 2.7, Spatial Planning &amp; National Roads Guidelines (DoECLG 2012)</b></p>	<p>This modification is requested by TII to ensure that any future development of an access road at this location is undertaken in accordance with National guidelines. No significant effects identified from this minor modification to text.</p>
<p>Alter the text in Amendment no.34 to add an “Opportunity Site” designation to this C6 site. (see Map A)</p>	<p>This modification relates to the Ballybeggan/Racecourse site. As proposed in MA 34/35 “opportunity site” was to be incorporated in to the zoning. There was an erratum in the Material Alterations (amendment no.34) that was put on display. The wording M1 was inserted in error before “opportunity site”. For the purposes of clarity, it was proposed and seconded in the Municipal District Meeting that the racecourse be delineated as an opportunity site with no change to its substantive C6 zoning.</p> <p>It is noted in the CER that this modification does not change its substantive zoning which remains C6 but confers advantages in terms of significant reduced development contributions and permits the reuse of the racecourse for racing and associated developments.</p> <p>As per amendment no. 35, certain specific suitable uses under the C6 zoning will be considered on this site, subject to consideration of proper planning and sustainable development of the area. No significant effects identified from the modifications.</p>

### 2.3 Screening of modifications made to Material Alterations (MA) of the Fifth Variation to the Tralee TDP 2009-2015, as extended

The following table present the screening for significant effects of modifications made to material alterations (MAs) to the Tralee TDP. A modification to a MA that is deemed likely to have a significant effect is highlighted in red text.

Modification to Material Alterations (MA)	LIKELY SIGNIFICANT EFFECTS
<p><b>Note that the list of proposed amendments below to the Draft Plan, changes are shown as deletions (<del>strikethrough</del>) and additions (bold).</b></p> <p>Amend objective TRS08 so it reads as follows;</p> <p>Facilitate the sustainable development of an access road to Manor Retail Park from the Tralee bypass at Camp cross, subject to consultation and agreement with Transport Infrastructure Ireland in accordance <b>with section 2.7, Spatial Planning &amp; National Roads Guidelines (DoECLG 2012).</b></p>	<p>This modification is requested by TII to ensure that any future development of an access road at this location is undertake in accordance with National guidelines. No significant effects identified from this minor modification to text.</p>
<p>Amend chapter 4 of the Tralee Town Centre West and Island of Geese Masterplan (page 38 under Potential Uses for Masterplan area) to ensure the inclusion of Irish as follows:)</p> <p>Potential Uses for Masterplan area:</p> <ul style="list-style-type: none"> <li>• Use and Development of Irish</li> </ul> <p>Athrú 2: Caibidil 4 (leathanach 38) den Máistirphlean chun Oileán na nGéanna a leasú chun go gcuirfí an Ghaeilge san áireamh mar seo a leanas:</p> <p>Féidearthachtaí úsáide do Cheantar an Mháistirphlean;</p> <ul style="list-style-type: none"> <li>• Úsáid &amp; Forbairt na Gaeilge;</li> </ul>	<p>This modification relates to the Masterplan for the Island of Geese and includes text that will promote the use and development of the Irish language in the plan. This is identified as a positive effect specifically relating to cultural heritage and use of the Irish language. No significant effect identified from this modification to text.</p>

---

### **3 INCORPORATION OF SUBMISSIONS AND CONSULTATIONS**

---

#### **3.1 Introduction**

This section of the SEA statement details how submissions received during the SEA process and draft plan process were considered during preparation of the Tralee MD LAP/ 5<sup>th</sup> variation to the TTDP. Three main phases of consultation occurred during the plan making/SEA process namely SEA scoping for the draft Tralee MD LAP/5<sup>th</sup> variation to the TTDP 2009-2015; material alterations of the draft Tralee MD LAP/5<sup>th</sup> variation to the TTDP 2009-2015 and modifications to the material alterations to the draft Tralee MD LAP/5<sup>th</sup> variation to the TTDP 2009-2015.

#### **3.2 SEA Scoping Consultation**

Designated environmental authorities were consulted in relation to the scope and level of detail to be included in the ER. In correspondence from the EPA<sup>1</sup>, the following authorities were consulted:

- The Minister for the Environment, Community and Local Government (now the Minister for Housing, Planning, Community and Local Government)
- Minister for Agriculture, Food and the Marine, and the Minister for Communications Energy and Natural Resources (now the Minister for Communications, Climate Action and Environment), where it appears to the planning authority that the plan or programme, or modification of the plan or programme, might have significant effects on fisheries or the marine environment
- where it appears to the competent authority that the plan or programme, or amendment to a plan or programme, might have significant effects in relation to the architectural heritage or to nature conservation, the Minister for Arts, Heritage and the Gaeltacht (now the Minister for Culture, Heritage and Gaeltacht Affairs), and
- any adjoining planning authority whose area is continuous to the area of a planning authority which prepared a draft plan, proposed variation or local area plan,

In addition

- Inland Fisheries Ireland, and
- Local Authority Waters and Communities Office (LAWCO).

Briefly, a copy of the SEA Scoping Report for the draft Tralee MD LAP/ 5<sup>th</sup> variation to the TTDP was sent to the above statutory and non-statutory bodies in October 2017. Submissions and comments were invited and received as outlined in Table 2 below. Further details are also provided in Section 3.2 of the ER.

---

<sup>1</sup> Letter from the EPA to the Planning Policy Unit of KCC dated 17<sup>th</sup> February 2017 further to notice given to the EPA under Section 20(1) of the Planning and Development Act, as amended.

**Table 2 SEA Scoping Consultation Details**

Consultee	Comments	Addressed
EPA	<ul style="list-style-type: none"> <li>• Requested clarification on variation to the Tralee Town Development Plan</li> <li>• Critical service infrastructure to meet needs of the plan</li> <li>• Water related considerations to be addressed</li> <li>• Flood Risk to be considered</li> <li>• Biodiversity issues to be integrated</li> <li>• Landfill sites to be addressed</li> <li>• Climate change to be addressed</li> <li>• Cumulative effects with other plans and programmes</li> <li>• Mitigation measures to be provided in ER</li> </ul> <p>Submission also provided Scoping Checklist and list of statutory consultees to be consulted.</p>	Throughout the ER
Department of Housing, Planning, Community and Local Government	No response made	N/A
Department of Agriculture, Food and the Marine	Receipt of Scoping Report noted. No issues raised	N/A
Department of Communications, Climate Action and Environment	Receipt of Scoping Report noted. No issues raised	N/A
Department of Culture, Heritage and the Gaeltacht	No response made	N/A
Cork County Council	Receipt of Scoping Report noted. No issues raised	N/A
Limerick County Council	No response made	N/A
IFI	<p>Consultation notes:</p> <ul style="list-style-type: none"> <li>• the main determinants to be considered from a fisheries perspective in drafting the ER</li> <li>• specific measures to protect fisheries be included</li> <li>• Annexed II species occur outside designated waters.</li> <li>• compliance with the Water Frameworks Directive (WFD)</li> <li>• policies which preclude developments in areas where the sewage infrastructure facilities necessary for development do not exist should be included.</li> <li>• Advocate a change from an acceptance of river corridor interference to an assumption against it.</li> <li>• Promote the integration and improvement of natural watercourses in urban renewal and development proposals.</li> <li>• Encourage Local participation in urban and rural renewal.</li> </ul>	Specifically, in Section 5 of the ER

Consultee	Comments	Addressed
	<ul style="list-style-type: none"> <li>• Include provision for consultation with IFI on developments which may impact on the aquatic environment.</li> <li>• Recommends IFI guidelines be referenced</li> </ul>	
LAWCO	<ul style="list-style-type: none"> <li>• Water a more appropriate heading for section in ER that relates to the WFD</li> <li>• Notes the occurrence of significant populations of native oyster in Tralee Bay</li> <li>• Request specific objectives of Areas of Recommended Action are included</li> <li>• Commitment to 3<sup>rd</sup> cycle of WFD also included</li> <li>• Recommends change to EPO</li> <li>• Confirms monitoring data available</li> </ul>	See Section 5 of the ER.

### 3.3 Material Alterations: First Public Consultation Phase

Once drafted the Tralee MD LAP/ 5<sup>th</sup> variation, SEA ER, NIR and SFRA were placed on public display from 19th April to 31st May 2018 (both dates inclusive). An open day for members of the public was held in the Tralee Library on the 8th May 2018. Thirty-one submissions were received within the time periods outlined above. This constituted the first public display period. Several of these submissions related to the SEA process including a submission from the EPA.

These submissions were subsequently outlined in two Chief Executive Reports (CERs) – *Chief Executive’s report on submissions on the proposed variation no. 5 to the Tralee Town Development Plan 2009-2015* and *Chief Executive’s report on submissions on the draft Tralee MD LAP 2015-2021*. Both CERs were issued to the Elected Members of Kerry County Council in July 2018. The CERs included recommendations on material alterations to the Tralee MD LAP/ 5<sup>th</sup> variation following submissions received.

Material alterations were consequently adopted by Elected Members on the 16th of July 2018.

Following the July 2018 meeting the Chief Executive determined that in accordance with Section 13(6)(a) of the Planning and Development Act that a Strategic Environmental Assessment and a Habitats Directive Assessment/Appropriate Assessment was required to be carried out on the material alterations.

The material alterations were subsequently assessed against environmental objectives created as part of the SEA process to assess if significant effects on the environment were likely. Further to this process several material alterations were deemed likely to have a significant effect on the environment. However, it was concluded that these could be mitigated by either a change in text, addition of new text and/or the existence of safeguards to protect the environment already stated within the draft plan.

A record of the environmental assessments is contained in the *SEA Environmental Report Addendum of the Tralee MD LAP/ 5<sup>th</sup> variation* and the *Natura Impact Report of the proposed Material Alterations to the Tralee MD LAP/ 5<sup>th</sup> variation*.

### **3.4 Modifications to Material Alterations: Second Public Consultation Phase**

Following the completion of the environmental assessments detailed above, proposed modifications to material alterations and addenda were put on public display from Thursday August 2<sup>nd</sup> to Friday September 7<sup>th</sup>, 2018. In total, 19 no. submissions on the proposed modifications to the material alterations were received during the consultation period, 12 relating to the variation and 7 to the LAP MD. One submission from the EPA related to the SEA.

Proposed modifications to the material alterations were compiled in two additional CERs presented to Elected Members in a meeting held on September 2018. The Elected Members adopted modifications to the material alterations following this meeting. The draft plan was subsequently adopted in September 2018. The variation to the TTDP 2009-2015 as extended became effective immediately while the Tralee MD LAP is effective from 4 weeks of its adoption date.

The modifications as adopted have been screened for possible significant effects on the environment as outlined in Sections 2.2 and 2.3 of this report. None have been identified.

---

## 4 THE REASONS FOR CHOOSING THE PLAN AS ADOPTED, HAVING CONSIDERED ALTERNATIVES

---

### 4.1 Introduction

The development and assessment of alternatives (or options) is a legal requirement under the SEA Directive and plans and programme proponents should ensure that:

- Reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated (Article 5.1)
- The Environmental Report includes 'an outline of the reasons for selecting the alternatives dealt with' (Annex 1(h))
- A statement is prepared summarising '... the reasons for choosing the plan or programme as adopted, in the light of the reasonable alternatives dealt with' (Article 9.1(b)).

Chapter 4 of the Environmental Report identifies and describes the different scenarios that were assessed in the drafting of the Tralee MD LAP/ 5<sup>th</sup> variation to the TTDP.

### 4.2 Description of Alternatives

As required by SEA, alternatives must be realistic (i.e. able to achieve the plan's/programme's objectives), reasonable (i.e. based on socio-economic and environmental evidence), viable (technically and financially feasible) and implementable (realisable within the plan's/programme's timeframe and resources). They should represent a range of different approaches within the statutory and operational requirements of a plan.

In drafting the Tralee MD LAP/ 5<sup>th</sup> variation to the TTDP it was important to recognise that reasonable, realistic alternatives that are capable of implementation are shaped by the position of both plans within the planning policy and decision-making hierarchy for land use planning. This is specifically outlined in Section 2 of the ER. In summary, for the Tralee MD LAP/ 5<sup>th</sup> variation to the TTDP the following considerations were taken into account when formulating alternatives:

- The geographical extent of which each plan is set, there is no scope for an alternative that expands or reduces the study area extent,
- Higher level plans that set strategic planning options. This specifically relates to the *Core Strategy* and associated settlement hierarchy that has been laid out in Section 3.1 of the KCDP 2015-2021.
- The KCDP 2015-2021 was influenced by the then *National Spatial Strategy 2002-2020*, since proceeded in February 2018 by *Project Ireland 2040 - National Planning Framework* and the *Regional Planning Guidelines for the South-West 2010-2022*. It provides detail on the population growth to be allocated to each MD in the county. There is no alternative to these population figures in relation to MD population growth. Tralee MD projected growth is highlighted as 3,480.
- Hub towns of Tralee-Killarney as detailed in Section 3.1 of the KCDP 2015-2021. Plans were therefore required to reflect policies/objectives re-the promotion of the sustainable development of the towns of Tralee and Killarney.
- The plans are landuse plans primarily concerned with the regulation of development in accordance with the proper planning and sustainable development of the area including the environmental impacts this development

may have. The content is predetermined by relevant sections of the Planning and Development Act, (as amended).

- The Core Strategy of the KCDP 2015-2021 outlines the zoning of lands for residential development in each MD that reflects targeted population growth. The figures were based on the sustainable availability of public infrastructure – waste water and water supply – as informed by the strategic plans of Irish Water. Therefore, there was no scope to look at an alternative settlement hierarchy other than that outlined in the Core Strategy.
- In the Tralee MD three settlements have been allocated population growth – Tralee town, Ardfert and Fenit. It should be noted that Fenit is awaiting the construction of an approved waste water facility.
- In addition, the NFP seeks to promote 30% of new homes in infill or brownfield sites in towns with populations greater than 10,000. This implies 30% of residential housing for Tralee town is to be allocated for sites close to the town centre, and
- The percentage of urban versus rural population growth was allocated under the Core Strategy. There was no feasible alternative to these allocated urban/rural figures.

The alternative scenarios to be considered in the SEA of this Tralee MD LAP/ 5<sup>th</sup> variation to the TTDP were therefore limited by the hierarchical policies/objectives outlined above. Scenarios could only relate to alternatives within these three settlements which are allocated population growth as per the *Core Strategy* as previously assessed as part of the KCDP 2015-2021. As noted in the EPA 2015 guidance on alternatives, the “do-nothing” option was not deemed a viable alternative for a land use plan. There was a statutory requirement to make/and/or review land use plans. A *business as usual* alternative however was considered – essentially the likely evolution of the current state of the environment without the implementation of the Tralee MD LAP/ 5<sup>th</sup> variation to the TTDP. The alternatives considered are outlined below.

#### **4.3 Assessment of Alternatives against Environmental Objectives**

The four alternatives compared to each other to determine the scenario with the lowest levels of environmental impact is presented below. The limits on alternative options is outlined in the previous section.

**Alternative 1:** This alternative looks at the option of facilitating unphased residential development within the boundaries of settlements identified for population growth. This implies no distinction between *new/proposed residential* or *strategic residential reserve*. Rather residential development would be permitted at any stage within lands identified as suitable for residential development. This alternative would adhere to population growth figures as per the Core Strategy. However, the alternative would accommodate population growth within any land identified suitable for residential development within settlement boundaries.

**Alternative 2:** This alternative looks at the option of facilitating phased residential development within the boundaries of settlements identified for population growth. This implies phasing or timing residential development so that lands zoned *new/proposed residential* located close to urban cores are developed first. Lands identified as *strategic residential reserve* would not be developed until such times as those identified close to the urban core are developed. This alternative looks at land use zoning that aims to consolidate the urban core of the towns/villages allocated population growth.

**Alternative 3:** This alternative looks at the option of allowing the proposed masterplans for both opportunity sites and urban areas drive development in Tralee town coupled with phased residential development. This alternative recognises the importance of Tralee in the sustainable economic development of the entire MD area. Masterplans are proposed for several opportunity sites in the town that could accommodate mixed uses in key locations.

**Alternative 4:** this alternative looks at a *business as usual* ie the likely state of the environment without the implementation of the MD LAP.

In the ER the alternatives outlined above are assessed and compared for significant likely effects on the environment. The scenario with the lowest levels of environmental impact was identified. This process was undertaken by evaluating each alternative against the EOs provided in Chapter 6 of the ER. In assessing the likely significant effects alternatives, the full range of effects including 'secondary, cumulative, synergistic, short, medium and long term, permanent, temporary and negative effects were addressed.

#### **4.4 Preferred Strategy**

Further to the assessment process Alternative 3 was deemed the preferred option. This option seeks to utilise several masterplans underway and proposed to drive Tralee as the key town in the MD area whilst phasing residential development in the three settlements identified for population growth in the Core Strategy of the KCDP 2015-2021.

The preferred strategy nonetheless was identified in the SEA process as having potentially conflicting interactions with a number of environmental objectives (EOs). Accordingly, mitigation measures were recommended so as to reduce / eliminate potentially negative impacts identified.

---

## 5 MONITORING PROGRAMME

---

### 5.1 Monitoring Proposed

Monitoring as part of the SEA process is required in order to identify at an early stage any unforeseen adverse effects caused by the draft plan. This allows remedial action to be taken. Monitoring prevents the actual impacts of the plan to be measured against those that were predicted. It allows major problems to be identified and dealt with in a timely fashion, and environmental baseline information to be gathered for future plan reviews. It also ensures that proposed mitigation measures are carried out and that no unforeseen impacts occur.

The methodology used in the development of the monitoring programme for the draft plan is based on the use of indicators and targets, the assignment of responsibilities and the setting of appropriate time lines. It also includes intervention in the event of an unforeseen occurrence.

Monitoring is carried out by reporting on the set of indicators and targets drawn up for the various environmental aspects and used to describe future trends in the baseline, which enable positive and negative impacts on the environment to be measured. The indicators that are used show changes that would be attributable to implementation of the Plan. In particular, the indicators can also in certain circumstances act as an early warning system should unforeseen impacts occur or conditions deteriorate further or faster than anticipated. For example, water quality indicators describe trends in both improvements and deterioration in water quality. If quality targets are not being reached and water is seen to be unexpectedly deteriorating immediate intervention will be required.

Monitoring will focus on aspects of the environment that are likely to be significantly impacted by the Plan. Indicators and targets have been identified for the main environmental issues in the study area, namely water, biodiversity, cultural heritage and landscape.

The indicators chosen are at a level, which is relevant to the Plan, and are collated and reported on by a variety of Government Agencies, such as EPA, OPW, National Parks and Wildlife Services and different sections within Kerry County Council.

Much of the indicator information required is already being actively collected and reported at a level sufficient to meet the needs of this Plan. The frequency of monitoring is set by relevant legislation.

The monitoring programme for the SEA is given in Table 3. This will be used to monitor the implementation of the Tralee MD LAP/5th variation to the TTDP 2009-2015 (as extended) and possible effects on the environment.

**Table 3 Proposed Monitoring of EOs**

SEA Topic	Objective	Target	Indicators	Monitoring Data Available & Who/Where
<b>Population</b>	P1: Guide the future development of the MD area in a sustainable manner that reflects the existing character and amenities of the area and improves the quality of life for the existing and future populations.	That populations in the MD area have access to high quality residential, amenity and public infrastructure with sustainable travel patterns	<ul style="list-style-type: none"> <li>• Provision of public facilities over lifetime of the plan – amenity, recreational/green infrastructure</li> <li>• Design statements/public realm plans undertaken</li> <li>• Village Renewal schemes/projects undertaken</li> <li>• Master Plans completed</li> <li>• Social Housing provided</li> <li>• Travel patterns within MD area</li> <li>• Population of settlements over lifetime of MD LAP</li> <li>• % of <i>new/proposed residential zoning</i> developed including within town/village cores</li> <li>• Quantity of brownfield/infill sites developed over lifetime of the plan.</li> <li>• Development of Opportunity/regeneration sites identified Tralee town</li> </ul>	Yes – information available from variety of sources including Forward Planning Unit & Development Management Unit, KCC; EDU (Economic Development Unit) KCC; MD office/r, KCC; Capital Infrastructure Unit (CIU), KCC; Irish Water and CSO data.
<b>Human Health</b>	HH1: Protect the public from threats to health and wellbeing across the functions of relevance to the MD LAP	That the quality of the local environment that is governed by the MD LAP protects the health and wellbeing of the population	<ul style="list-style-type: none"> <li>• As above – equally applicable to human health</li> <li>• Compliance with existing legislation/regulations/conditions for relevant licences, permits etc for discharges</li> </ul>	Yes- information available from variety of sources including Forward Planning Unit & Development Management Unit, KCC; EDU (Economic Development Unit) KCC; MD

SEA Topic	Objective	Target	Indicators	Monitoring Data Available & Who/Where
			<p>(including under the Urban Waste Water Directive for Tralee WWTP), noise, odour and/or air quality</p> <ul style="list-style-type: none"> <li>Health Impact Assessments/relevant sections of EIA submitted with planning applications</li> </ul>	<p>office/r, KCC; Capital Infrastructure Unit (CIU), KCC; Irish Water and CSO data.</p> <p>Also, Enforcement &amp; Environment Sections KCC/EPA</p>
<b>Biodiversity (Flora/Fauna)</b>	B1: Protect biodiversity including ecosystem services and important ecological corridor/linkages supporting biodiversity	That biodiversity is integrated into all decision making across the functions of the MD LAP	<ul style="list-style-type: none"> <li>Sustainable integration/provision of green infrastructure and blueways including the supporting of ecological corridors/linkages</li> <li>Compliance of plans/projects/activities originating from the MD plan with Article 6 of the Habitats Directive</li> <li>Compliance with existing legislation/regulations/conditions for relevant licences, permits etc for discharges (including under the Urban Waste Water Directive for Tralee WWTP)</li> <li>Landscaping plans for developments – native species/ecological networks/planting for pollinators</li> <li>Ecological reports submitted with planning applications</li> <li>Invasive species management plans</li> </ul>	<p>Yes- information available from variety of sources including Forward Planning Unit &amp; Development Management Unit, KCC; EDU (Economic Development Unit) KCC; Environmental Assessment Unit (EAU); MD office/r; Irish Water.</p> <p>Also, Enforcement &amp; Environment Sections KCC/EPA</p> <p>IFI and NPWS data also available.</p>

SEA Topic	Objective	Target	Indicators	Monitoring Data Available & Who/Where
<b>Geology/Soil</b>	S1: Protect soils against pollution, and prevent degradation of the soil resource	That the soil/geology and the geological heritage of the MD LAP area is protected	<ul style="list-style-type: none"> <li>• % change of land use in settlements in the plan area</li> <li>• Impacts to GSC sites from development</li> <li>• Quantity of brownfield/infill sites developed</li> <li>• Development of Opportunity/regeneration sites identified in Tralee town</li> <li>• Geological reports/relevant sections of EIA submitted with planning applications.</li> </ul>	<p>Yes - information available from variety of sources including Forward Planning Unit &amp; Development Management Unit, KCC.</p> <p>GSI data also available.</p>
<b>Water</b>	W1: Ensure that the status of waterbodies is protected, maintained and improved in line with the requirements and implementation plans of the WFD	That the functions governed by the MD LAP support compliance with the objectives of the WFD for all waterbodies within the LAP, especially AFAs	<ul style="list-style-type: none"> <li>• Compliance with existing legislation/regulations/conditions for relevant licences, permits etc for discharges including under the Urban Waste Water Directive for Tralee WWTP</li> <li>• Provision of approved WWTP in Fenit</li> <li>• Relevant reporting from the WFD including reporting on AFAs identified in the plan</li> <li>• Compliance of plans/projects/activities originating from the MD plan with Article 6 of the Habitats Directive</li> <li>• Water/hydrogeology reports/relevant sections of EIA submitted with planning applications</li> </ul>	<p>Yes- information available from variety of sources including Forward Planning Unit &amp; Development Management Unit, KCC; Environmental Assessment Unit (EAU) and Irish Water.</p> <p>Also, Enforcement &amp; Environment Sections KCC/EPA</p> <p>Also, data available from WFD/LAWCO/EPA</p> <p>IFI and NPWS data also available.</p>

SEA Topic	Objective	Target	Indicators	Monitoring Data Available & Who/Where
<b>Air Quality</b>	AQ1: Protect local air quality from emissions that are harmful to human health and the local environment	That the quality of the local environment governed by the functions of the MD LAP protects local air quality	<ul style="list-style-type: none"> <li>• Compliance with existing legislation/regulations/conditions for air quality</li> <li>• Traffic patterns within the MD Area</li> <li>• Integration/provision of green infrastructure</li> <li>• % of <i>new/proposed residential zoning</i> developed including within town/village cores</li> <li>• Quantity of brownfield/infill sites developed</li> <li>• Development of Opportunity/regeneration sites identified Tralee town</li> <li>• Air quality/emissions/odour reports/relevant sections of EIA submitted with planning applications</li> </ul>	<p>Yes- information available from variety of sources including Forward Planning Unit &amp; Development Management Unit, KCC.</p> <p>Also, Enforcement &amp; Environment Sections KCC/EPA</p>
<b>Climatic Factors</b>	C1: Ensure the integration of Climate action - mitigation and adaption in to MD LAP	That mitigation and adaptation to climate change inform the functions/decision making governed by the MD LAP	<ul style="list-style-type: none"> <li>• % of <i>new/proposed residential zoning</i> developed including within town/village cores</li> <li>• Quantity of brownfield/infill sites developed</li> <li>• Development of Opportunity/regeneration sites identified Tralee town</li> <li>• FRA reports undertaken</li> <li>• Implementation of SuDS &amp; similar technologies</li> <li>• Integration/provision of</li> </ul>	Yes- as above

SEA Topic	Objective	Target	Indicators	Monitoring Data Available & Who/Where
			<ul style="list-style-type: none"> <li>green &amp; blue infrastructure</li> <li>• Population of settlements over lifetime of MD LAP</li> <li>• Traffic patterns within the MD Area</li> <li>• Renewable energy projects</li> <li>• Impacts on natural carbon sink (eg peat soil)</li> <li>• Provision of greenways/walkways/cycleways</li> <li>• Implementation of <i>Tralee Smarter Travel</i></li> </ul>	
<b>Material Assets</b>	M1: Protect the material assets of the MD LAP while optimising new assets to match proposed growth and sustainable development.	That the MD LAP promotes sustainable development that matches existing and new infrastructure with the proposed population growth in the MD area.	<ul style="list-style-type: none"> <li>• Completion of infrastructure projects identified in the MD LAP</li> <li>• Growth in settlements with sufficient waste water infrastructure as per the Core Strategy</li> <li>• Hubs/co-working offices linked to the roll out of National Broadband Plan</li> <li>• Provision of public facilities over lifetime of the plan – amenity, recreational/green infrastructure</li> <li>• Growth of Tralee IT and Kerry Technology Park</li> <li>• Master plans completed</li> <li>• Quantity of brownfield/infill sites developed.</li> <li>• Development of</li> </ul>	Yes- information available from variety of sources including Forward Planning Unit & Development Management Unit, KCC; EDU (Economic Development Unit) KCC; MD office/r; Broadband Officer, KCC; Operational Section, KCC, KCC NRDO; Irish Water and CSO.

SEA Topic	Objective	Target	Indicators	Monitoring Data Available & Who/Where
			Opportunity/regeneration sites identified Tralee town	
<b>Cultural Heritage</b>	CH1: Protect the cultural heritage of MD LAP area	That protection of the LAP's cultural heritage informs the functions/decision making of the MD LAP.	<ul style="list-style-type: none"> <li>• Design statements/public realm plans undertaken</li> <li>• Village Renewal schemes/projects undertaken</li> <li>• Master Plans completed</li> <li>• Archaeological Impact Assessments, and/or archaeological investigations undertaken</li> <li>• Architectural Impact Assessments/Surveys undertaken for PS/ACAs</li> <li>• Visitor numbers for iconic cultural heritage sites including WAW.</li> <li>• Number of literary, musical, artistic and other cultural initiatives undertaken in the MD Area</li> </ul>	<p>Yes- information available from variety of sources including Forward Planning Unit &amp; Development Management Unit, KCC; EDU (Economic Development Unit) KCC; Environmental Assessment Unit (EAU); MD office/r; Conservation Officer and County Archaeologist, KCC.</p> <p>Also, Tourism Office, Arts Office, KCC and data from Failte Ireland/OPW/NPWS/KCC and Failte Ireland WAW monitoring data.</p>
<b>Landscape</b>	L1 Protect the landscape of the MD LAP area	That landscapes identified in the MD area, including local urban townscapes and streetscapes, are protected and enhanced by good design principles.	<ul style="list-style-type: none"> <li>• Design statements/public realm plans undertaken</li> <li>• Village Renewal schemes/projects undertaken</li> <li>• Visual Impact Assessments/relevant sections of EIA submitted with planning applications</li> <li>• Architectural Impact</li> </ul>	<p>Yes- information available from variety of sources including Forward Planning Unit &amp; Development Management Unit, KCC; Conservation Officer, KCC.</p>

SEA Topic	Objective	Target	Indicators	Monitoring Data Available & Who/Where
			Assessments undertaken for PS/ACAs	
<b>Flooding</b>	F1 Protect the public and infrastructure from inappropriate development in areas at risk of flooding	That sustainable flood risk management practices are implemented in the MD LAP area in adherence to DOEHLG's <i>Guidelines on Flood Risk Management</i>	<ul style="list-style-type: none"> <li>Flood Risk Assessment reports submitted with planning applications in compliance with the SFRA</li> <li>Implementation of SuDS &amp; similar technologies</li> <li>Integration/provision of green &amp; blue infrastructure over the lifetime of the plan</li> </ul>	Yes- information available from Forward Planning Unit & Development Management Unit, KCC.  Also, CFRAM data and OPW.

---

## **6 FINAL STAGE OF THE SEA PROCESS**

This report outlines and summaries the SEA of the Tralee MD LAP/5th variation to the TTDP 2009-2015. The plans commenced in May 2017 and were informed via an iterative process by the SEA, AA and SFRA. This report, as a SEA Statement, specifically documents the SEA of the plan making process. It is as a requirement of the Planning and Development Regs. 2001 (as amended). The SEA Statement concludes the SEA of both the Tralee MD LAP/5th variation to the TTDP 2009-2015. SEA monitoring, as noted in the preceding section, will however be ongoing over the lifetime of the Tralee MD LAP/5th variation to the TTDP 2009-2015 which extends from 2018-2024 (6 years).