

Wexford Local Economic and Community Plan

Draft Socio-Economic Statement and High Level Goals

Strategic Environmental Assessment Screening Report and Determination

Under the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004) as amended by European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (S.I. No. 200 of 2011)¹, it must be determined whether the LECP needs to be subject to Strategic Environmental Assessment (SEA).

SEA Screening of the Draft Socio-Economic Statement and High Level Goal was carried out. The Screening Report is attached.

The SEA Screening Report was submitted to the Environmental Protection Agency (EPA) and the comments of the EPA have been taken into account in making this determination.

Determination

It has been determined that the Draft Socio-Economic Statement and High Level Goals is not likely to have significant effects on the environment and an environmental assessment is not required. The reasons for not requiring an environmental assessment are:

- Following consideration of the Regulations and the preparation of SEA Screening Report, it was concluded that the LECP does not set the framework for future development consent of projects and therefore SEA is not required on this basis. Consideration of the LECP against the criteria in Schedule 1 to the Regulations was undertaken in the screening process before it was identified that the LECP does not set the framework for future development consent of projects.
- The SEA Directive requires that SEA is undertaken where Stage 2 Appropriate Assessment (AA) is being undertaken. AA Screening of the Draft Socio-Economic Statement and High Level Goals has been undertaken and it has concluded that the Draft Socio-Economic Statement and High Level Goals, alone or in combination with other plans and projects, is not likely to have significant effects on any Natura 2000 site in view of its conservation

¹ Both sets of Regulations are collectively referred to as 'the Regulations' in this report.

objectives and as such it has been determined that it is not necessary to carry out an Appropriate Assessment.

The Strategic Environmental Assessment will be updated at relevant stages throughout the LECP preparation process.

DRAFT SEA SCREENING REPORT

FOR THE
**WEXFORD LOCAL ECONOMIC AND COMMUNITY PLAN
2015 - 2021**

**DRAFT SOCIO-ECONOMIC STATEMENT
AND HIGH LEVEL GOALS**

for: Wexford County Council

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Section 1 Introduction and Background

1.1 Introduction

Wexford County Council has prepared a Draft Socio-Economic Statement and High Level Goals as part of the County Wexford Local Economic and Community Plan (LECP) preparation process, in compliance with the Local Government Reform Act, 2014, and the Guidelines for Local Economic and Community Plans.

This document evaluates the requirement for Strategic Environmental Assessment (SEA) to be undertaken on the emerging Draft Socio-Economic Statement and High Level Goals for the LECP. It will be updated at relevant stages throughout the LECP preparation process.

1.2 Strategic Environmental Assessment Legislative Requirements

Strategic Environmental Assessment (SEA) is the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme, or modification to a plan or programme, before a decision is made to adopt it. The SEA Directive¹ requires, inter alia, that SEA is undertaken for certain plans, programmes or modifications to these.

Under the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004) as amended by European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (S.I. No. 200 of 2011)², Wexford County Council is required to determine whether the LECP needs to be subject to SEA. Screening is the process for determining whether a particular plan – or modification to a plan -, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA.

Under the Regulations SEA is required to be undertaken for, inter alia: plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism and town and country planning or land use, and which set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive; or which are not directly connected with or necessary to the management of a European site but, either individually or in combination with other plans, are likely to have a significant effect on any such site.

The Regulations also require, inter alia, a determination to be made as to whether plans and programmes other than those referred to in the paragraph above, which set the framework for future development consent of projects, are likely to have significant effects on the environment. Such a determination is required to take account of relevant criteria set out in Schedule 1 ('Criteria for determining whether a Plan or Programme (or

¹ Directive 2001/42/EC of the European Parliament and of the Council of Ministers, of 27th June 2001, on the Assessment of the Effects of Certain Plans and Programmes on the Environment

² Both sets of Regulations are collectively referred to as 'the Regulations' in this report.

Modification thereto) is likely to have significant effects on the Environment') of the Regulations and relevant submissions or observations from environmental authorities³.

The LECP does not set the framework for future development consent of projects and therefore SEA is not required on this basis. Consequently no further consideration of Schedule 1 to the Regulations is required at this stage. Note that consideration of the LECP against the criteria in this Schedule was undertaken in the early stage of the screening process before it was identified that the LECP does not set the framework for future development consent of projects.

With regard to SEA being required by the Regulations if the LECP would be likely to have a significant effect on a European site, the Appropriate Assessment Screening has concluded that the Draft Socio-Economic Statement and High Levels Goals shall not give rise to significant effects on the integrity of any Natura 2000 site.

In addition, the SEA Directive requires that SEA is undertaken where Stage 2 Appropriate Assessment (AA) is being undertaken (see Section 1.3 below). The SEA Directive (Article 3 (2)) requires that SEA is carried out for plans and programmes:

(a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC,

Or

(b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC (the Habitats Directive). (i.e. Stage 2 AA is being undertaken)

This SEA Directive requirement to undertake SEA on plans for which Stage 2 AA is being undertaken has not been transposed into Irish legislation. However, in order to comply with the Directive, it is recommended that SEA is undertaken where Stage 2 AA is required to be undertaken.

1.3 Appropriate Assessment

Appropriate Assessment (AA) is an impact assessment process concerning Natura 2000 Sites. The Habitats Directive⁴ requires that plans which local authorities adopt undergo AA Screening to establish the likely or potential effects arising from implementation. If the effects are deemed to be *significant, potentially significant or uncertain* then the relevant plan must undergo Stage 2 AA.

An Appropriate Assessment (AA) Screening in compliance with Article 6 of the Habitats Directive has been undertaken on the LECP Draft Socio-Economic Statement and High

³ Note that the only relevant environmental authority for consultation in the case of the Draft Socio-Economic Statement and High Level Goals is the Environmental Protection Agency as the LECP cannot give rise to projects, plans or programmes that would be likely to have a significant effect on the environment (see Section 1.6).

⁴ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

Level Goals. This screening has concluded that the Draft Socio-Economic Statement and High Level Goals shall not give rise to significant effects on the integrity of any Natura 2000 site.

The AA Screening will be updated at relevant stages throughout the LECP preparation process. Should this AA screening determine that Stage 2 AA is required then SEA will be required to be undertaken on the LECP.

1.4 Process and Further Iterations

This SEA Screening process has been informed by a submission made by the Environmental Protection Agency (see Section 1.5 below).

SEA and AA Screening will continue throughout the Draft LECP preparation process, as the Draft LECP becomes more detailed. Further key stages of LECP preparation at which further iterations of SEA/AA screening will be undertaken are:

- Draft LECP (including adopted Statement and Goals and Draft Objectives and Actions); and
- LECP for adoption (including any changes on foot of consideration by Municipal Districts and Southern and Eastern Regional Assembly).

1.5 Consultations

The SEA Screening process has been informed by a submission made by the Environmental Protection Agency (EPA)⁵ on foot of an SEA Screening notice which was sent to the EPA with an earlier version of this report.

Table 1 below details the relevant text of the EPA's submission and provides responses to the issues raised.

⁵ Note that the only relevant environmental authority for consultation in the case of the SEA screening of the Draft Socio-Economic Statement and High Level Goals is the EPA as the LECP cannot give rise to projects, plans or programmes that would be likely to have a significant effect on the environment.

Table 1 Responses to the EPA Submission

Issue Raised	Response
SEA Determination	
Your initial position with regard to the need for Strategic Environmental Assessment (SEA) of the LECP is noted.	Noted.
The Agency welcomes the opportunity to make an initial submission to consider in preparing the Wexford LECP. In seeking to promote and encourage local community and local enterprise activities which may arise out of implementation of the LECP, there are opportunities to support the ongoing development of the green economy, promote the benefits of ecosystems services and encourage the protection and value of management of local/regional/national environmental resources.	Noted.
We note the purpose of the LECP is to identify objectives and implement actions to strengthen and develop the economic and community related aspects of the County over a six year period as required under recent legislation (Local Government Reform Act 2014). In considering the setting of high level goals for the LECP, we recommend the inclusion of a specific goal relating to the protection of the receiving environment.	High Level Goal No. 6 (<i>Protect and sensitively utilise our natural, built and cultural heritage assets and capitalise on their economic potential</i>) provides for the protection of the environment.
We also note that the LECP needs to be consistent with any regional 'spatial and economic strategy'. We recommend that a commitment is included to ensure consistency with the Core Strategy and objectives of the County Development Plan (CDP). In particular, it would be very useful to include a commitment that the policies and objectives of the CDP responsible for the protection and conservation of environmentally sensitive areas will be complied with in implementing the LECP.	The LECP is required to be consistent with the Regional Planning Guidelines or Regional Spatial and Economic Strategy (whichever is in place), the Core Strategy and objectives of the County Development Plan. As suggested in this paragraph, the LECP will 'include a commitment that the policies and objectives of the CDP responsible for the protection and conservation of environmentally sensitive areas will be complied with in implementing the LECP'.

Issue Raised	Response
<p>It would also be useful to consider encouraging community level activities such as energy conservation, water conservation, river clean-ups, riparian zone protection measures which would be beneficial for both local communities as well as the receiving environment. Supporting measures which promote and encourage local eco-tourism ventures, fishing/angling, bird watching, agri-tourism, supporting and encouraging citizen science activities such as local heritage mapping, supporting habitat restoration would also be beneficial in forming a closer link between social participation and involvement in and awareness of the need for environmental protection at a local level.</p> <p>In this regard, community related activities associated with implementation of EU LIFE Programmes such as IRD Duhallow and Burren LIFE have played a significant role in protecting environmental sensitivities while supporting local communities and would be very useful model to consider promoting in the LECP. This type of approach to community buy-in towards the benefits of supporting sustainable communities and the environmental resources at a local level would be very beneficial.</p>	<p>This issue will be considered by the LECP preparation process and while this may result in broader ranging objectives including sustainable rural development, it is unlikely that it will result in specific actions at the level of river clean ups etc.</p> <p>Noted.</p>
<p>It may be useful to consider taking into account the relevant environmental topics contained in the SEA Environmental Monitoring Programme aspects of the CDP, as appropriate, so that over the lifetime of the LECP the potential cumulative/in-combination effects can be reviewed.</p>	<p>Where SEA is required to be undertaken on the LECP the Council will comply with the relevant legislative provisions including those relating to the establishment of a Monitoring Programme.</p>
<p>We recommend that a commitment be included to ensure the requirements for AA Screening are carried out for projects which may arise out of the LECP with potential to impact on Natura 2000 sites. We recommend that a similar commitment be included highlighting that, under the EIA and Planning and Development Regulations, certain projects arising during the implementation of the LECP may require an Environmental Impact Assessment, including for sub-threshold developments.</p>	<p>Such projects would be subject to the provisions of the County Development Plan and environmental/planning legislation which provide for requirements in relation to AA and EIA.</p>

Issue Raised	Response
SEA Screening of the Draft Plan	
<p>It is a matter for Wexford County Council to determine whether or not the LECP would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations - Schedule 1 (S.I. No. 435 of 2004).</p>	<p>As detailed in this document, the LECP cannot give rise to projects, plans or programmes that would be likely to have a significant effect on the environment. Therefore SEA is not required to be undertaken.</p> <p>As is also detailed in this document, no further consideration of Schedule 1 to the Regulations is required at this stage because the LECP does not set the framework for future development consent of projects. All conclusions made as part of the SEA Screening process will be reviewed and updated as necessary at relevant stages throughout the LECP preparation process.</p>
Infrastructure Planning	
<p>In proposing the Plan and any related amendments, variations etc. of the Plan and in implementing the Plan, adequate and appropriate infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the particular Plan.</p>	<p>The LECP is required to be consistent with the Regional Planning Guidelines or Regional Spatial and Economic Strategy (whichever is in place), the Core Strategy and objectives of the County Development Plan. The provisions of these documents require development to be accompanied by appropriate levels of infrastructure.</p>
Appropriate Assessment	
<p>The National Parks and Wildlife Service (NPWS) should be consulted, as relevant and appropriate, with regard to screening of the Plan for Appropriate Assessment. Where Appropriate Assessment is required, any findings or recommendations should be incorporated into the SEA and Plan, as appropriate.</p>	<p>Noted. The NPWS will be consulted wherever relevant in compliance with the Birds and Natural Habitats Regulations 2011.</p>
<p>Further comment on the LECP may be made upon receipt of the Draft LECP. Should you have any queries or require further information in relation to the above please contact the undersigned. I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: sea@epa.ie.</p>	<p>Noted.</p>

1.6 Current Conclusion

The LECP does not set the framework for future development consent of projects and therefore, as per the provisions of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004) as amended by European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (S.I. No. 200 of 2011) SEA is not required.

The framework for future development consents is done by the other set of plans, programmes and processes which are subject to SEA, EIA and/or AA as appropriate. The LECP does not determine the use of areas within these overarching plans⁶.

It is a requirement that each LECP is in accordance with, inter alia, the relevant plans/strategies at county and regional level⁷ which are subject to their own assessment processes.

The Appropriate Assessment (AA) Screening which has been undertaken on the Draft Socio-Economic Statement and High Level Goals has concluded that they shall not give rise to significant effects on the integrity of any Natura 2000 site.

The AA Screening will be updated at relevant stages throughout the LECP preparation process. Should this AA screening determine that Stage 2 AA is required then SEA will be required to be undertaken on the LECP.

⁶ Each LECP must be consistent, in the first instance, with the existing Regional Planning Guidelines 2010-2022 and subsequently with the Regional Spatial and Economic Strategies (RSEs) to be prepared by the Regional Assemblies and a new National Planning Framework which, it is envisaged, will replace the National Spatial Strategy. The LECP must also be consistent with the statutory City/County Development Plan, [ibid] (Guidelines on Local Economic and Community Plans Issued by the Minister for the Environment, Community and Local Government Under Sections 66H and 128E of the Local Government Act 2001, in conjunction with Circular LG 1/2015 / AL 1/2015 21 January 2015)

⁷ The LECP is an important implementation vehicle for national and regional policy on economic development and local/community development. It is required to complement the City/ County Development Plans that set important statutory frameworks in relation to, for example, appropriate locations for new development such as business parks, retail development and industry. The LECP needs to be consistent with the broad locational policies of the Development Plan and not present alternate or competing proposals that would lead to inconsistency, [ibid]