

Adopted Amendment to the Bantry Electoral Area
Local Area Plan 2011

Amendment No. 2: Retail Development in Bantry Town

Strategic Environmental Assessment Screening Report
Habitats Directive Assessment Report

22nd September 2015

Environmental Screening Reports for Adopted Amendment to the Bantry Electoral Area
Local Area Plan 2011- 14th December 2015

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14th December 2015

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Environmental Screening Reports for Adopted Amendment to the Bantry Electoral Area
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1.0 Introduction

In accordance with Planning and Development Acts, 2000-2014, notice is hereby given that Cork County Council adopted an amendment to the **Bantry Electoral Area Local Area Plan 2011 - Amendment No.2: Retail Development in Bantry Town (Revised supporting text, DB-04 General Objective and T-02 Specific Zoning Objective)** 14th December 2015

This amendment has arisen in order to provide further guidance on dealing with future retail developments in Bantry Town.

The purpose of this report is to consider whether the material amendment to the Electoral Area Local Area Plan will have any likely significant environmental effects, and as such, would therefore require the preparation of a Strategic Environmental Assessment (SEA).

The SEA process is the formal systematic evaluation of the likely significant environmental effects of implementing a plan or programme before a decision is made to adopt the plan or programme. The key indicator that will determine if an SEA is required, of particular plans or amendments to plans, is if they are likely to have significant environmental effects on the environment or not. Screening is the technique applied to determine whether a particular Plan or amendments to a plan would be likely to have significant environmental effects, and would thus warrant an SEA.

In accordance with Section 14A of the Planning & Development (Strategic Environmental Assessment) Regulations 2004, as amended, the Bantry Electoral Area Local Area Plan, 2011 was subject to Strategic Environmental Assessment for environmental impacts in 2010/11. These SEA Environmental Reports and Strategic Flood Risk Assessment (SFRA) Reports are available for consideration on the Councils website www.corkcoco.ie

In accordance with Section 14A and 14G of the Planning & Development (Strategic Environmental Assessment) Regulations, 2004, as amended, the current proposed amendment to the Bantry Electoral Area Local Area Plan, 2011 requires to be screened for SEA in order to ensure that the analysis previously carried out remains valid.

The adopted amendments to the Bantry Electoral Area Local Area Plan, 2011 is outlined in Section 2.2 and should be read in conjunction with the Bantry Electoral Area Local Area Plan, 2011. The likely significant environmental effects or potential impacts of the amendments are screened and assessed in Sections 2.3 and 2.4.

This screening report concludes that the material amendment to the Bantry Electoral Area Local Area Plan, 2011 would not warrant a full SEA including SFRA.

2.0 SEA Screening of Proposed Material Amendment

2.1 Criteria for Determining the Likely Significance of Environmental Effects

The effects of the Adopted Amendment has been determined having considered the criteria set out in Schedule 2A of SI 346 of 2004, as amended "Planning and Development (SEA) Regulations 2004:

Characteristics of the effects and of the area likely to be affected in particular:

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).
- the value and vulnerability of the area likely to be affected due to:
 - (a) special natural characteristics or cultural heritage,
 - (b) exceeded environmental quality standards or limit values,
 - (c) intensive land-use,
- the effects on areas or landscapes which have a recognised national, European Union or international protection status.

In order to consider whether or not the adopted amendment would be likely to have significant effects on the environment, taking into account of relevant criteria set out in Schedule 2A above consideration was also give to the fact that the proposed amendment;

- Is in accordance with the Retail Planning Guidelines, 2012 and the policies set out in the Cork County Development Plan, 2014;
- Provides a stronger policy framework for the consideration of retail developments within Bantry Town;
- Help to reduce the amount of retail leakage to other centres therefore reducing the level of unsustainable travel movement;
- Do not propose to increase the amount of land zoned for town centre development;
- Does not change the population/housing targets for Bantry Town as set out the Cork County Development Plan, 2014, Core Strategy.

2.2 Adopted Amendment to the Bantry Electoral Area Local Area Plan, 2011

This adopted amendment changes to the Retail text in Section 3 “Bantry Town” and to General Objective DB-04 and Town Centre Zoning Objective T-02.

3.0 Significance of effects

Assessment is the process of evaluating the importance or significance of a plan’s impacts, be they adverse or beneficial in nature. In most cases, this is essentially a judgment grounded within a number of factors but it may also be made more objective with the use of a range of criteria and standards. The assessment of significance will be based upon the following main factors:

- The character and perceived value of the affected environment;
- The magnitude, spatial extent and duration of anticipated change;
- The resilience of the environment to cope with change;
- Confidence in the accuracy of predictions of change;
- The existence of policies, programmes, plans, etc. which can be used as criteria;
- The existence of environmental standards against which a proposal can be assessed (e.g. air quality standards, water quality standards);
- The degree of public interest and concern in the environmental resources concerned and the issues associated with a proposed project;
- Scope for mitigation, sustainability and reversibility.

Having regard to these factors and the identified likely impacts set out above, it is considered that given the value of the existing environment in the Plan area and the nature of surrounding areas is such that any development resulting from the material amendment to the Bantry Electoral Area Local Area Plan is unlikely to lead to any significant negative environmental effects.

4.0 Recommendation

Based on this screening process it is considered that an SEA will not be required for the adopted amendment to the Bantry Electoral Area Local Area Plan, 2011.

Proposed Amendment to the Bantry Electoral
Area Local Area Plan 2011

Amendment No.2 Retail Development in Bantry Town

Habitats Directive Assessment Report

14th December 2015

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1 Introduction

Cork County Council adopted an amendment to the Bantry Electoral Area Local Area Plan 2011. This amendment was adopted in order to facilitate the provision of retail development in Bantry Town in accordance with the Retail Planning Guidelines, 2012 and the policies contained in the Cork County Development Plan 2014 particularly relating to retail and convenience retail development.

The scope of the amendment involves adding additional text explaining the approach to convenience retail provision in Bantry Town and revising General Objective DB -04 and Town Centre Zoning Objective T-02 and, they have been compiled into a document titled **Proposed Amendment to Bantry Electoral Area Local Area Plan 2011, Amendment No.2: Retail Development in Bantry Town (Revised supporting text, DB-04 General Objective and T-02 Specific Zoning Objective)** 22nd September 2015.

In accordance with requirements of Articles 6(3) of the Habitats Directive as transposed into Part XAB of the Planning and Development (Amendment) Act 2010 (and subsequent amendments), the impacts of all statutory land use plans and proposed amendments to these on certain sites that are designated for the protection of nature (known as Natura 2000 sites or European sites¹), must be assessed as an integral part of the process of drafting of the plan or amendment. This is to determine whether or not the implementation of plan or amendment could have negative consequences for the habitats or plant and animal species for which these sites are designated. This assessment process is called a Habitats Directive Assessment (HDA) and must be carried out at all stages of the plan making process.

Habitats Directive Article 6(3)

Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

Habitats Directive Assessment is an iterative process which is intended to run parallel to and inform the plan making process. It involves analysis and review of draft policies as they emerge during each stage of plan making, to ensure that their implementation will not impact on sites designated for nature conservation, nor on the habitats or species for which they are designated. Within this process, regard is had to the potential for policies to contribute to impacts which on their own may be acceptable, but which could be significant when considered in combination with the impacts arising from the implementation of other plans or policies.

The process may result in the development of new policy areas and/or the modification or removal of certain policies to be presented in the final plan. The results of this analysis and review are presented in reports which are produced for each stage of the plan making process. At the end of

¹ Natura 2000 sites include Special Areas of Conservation designated under the Habitats Directive and Special Protection Areas designated under the Birds Directive. Special Areas of Conservation are sites that are protected because they support particular habitats and/or plant and animal species that have been identified to be threatened at EU community level. Special Protection Areas are sites that are protected for the conservation of species of birds that are in danger of extinction, or are rare or vulnerable. Special Protection Areas may also be sites that are particularly important for migratory birds. Such sites include internationally important wetlands.

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the process, a Final Natura Impact Report and Habitats Directive Conclusion Statement will be produced which will contain a statement relating as to the likely consequences of the plan on the Natura 2000 network and a summary of how ecological considerations in relation to Natura 2000 sites have been integrated into the plan. There are two main stages to the assessment process which are as follows:

Stage One: Screening

The process which identifies what might be likely impacts arising from a plan on a Natura 2000 site, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant. No further assessment is required if no significant impacts on Natura 2000 sites are identified during the screening stage. The screening assessment is normally set out in a Habitats Directive Screening Report.

Stage Two: Appropriate Assessment

Where the possibility of significant impacts has not been discounted by the screening process, a more detailed assessment is required. This is called an **Appropriate Assessment** and involves the compilation of a **Natura Impact Report** by the Planning Authority which is a report of scientific evidence and data relating to European sites for which significant negative impacts have not been previously screened out. This is used to identify and classify any implications of the plan for these sites in view of their conservation objectives. The appropriate assessment must include a determination as to whether or not the plan or its proposed amendments would adversely affect the integrity of any European site or sites. The plan may be adopted if adverse effects on the integrity of European sites can be ruled out during the appropriate assessment process. The plan may not be adopted on foot of an Appropriate Assessment, if it is found that it will give rise to adverse impacts on one or more European sites, or if uncertainty remains in relation to potential impacts on one or more European sites following appropriate assessment.

Article 6(4) of the Directive sets out procedures to allow the adoption and implementation of plans despite a finding of adverse effects on one or more European sites. In order for such a plan or project to proceed, it must be demonstrated that

- that there are no alternatives;
- there are imperative reasons of overriding public interest for which the plan must proceed; and
- that measures have been put in place that compensate for losses/impacts which will be incurred.

Habitats Directive Article 6(4)

If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Two further assessment stages are required, if it is determined that a plan must proceed for imperative reasons of overriding public interest, despite a finding that it will have adverse effects on the integrity of one or more European sites. These procedures can only be invoked where it has been shown that there are no alternative ways to implement the plan which avoid adverse effects on the integrity of one or more European sites. These are set out below.

Stage Three: Assessment of alternative solutions

In circumstances where the potential for a plan to give rise to adverse effects on the integrity of a European site or sites has not been ruled out during the appropriate assessment process, it can only be considered for authorization where it is demonstrated that there are no alternative solutions. Stage three of a Habitats Directive Assessment involves the assessment of alternative solutions.

Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain

In circumstances where it has been demonstrated that a plan must proceed for imperative reasons of overriding public interest, and where it has been shown that there are no alternatives, compensatory measures must be put in place in advance of the implementation of the plan/project which ensure the coherence of the Natura 2000 network. Compensatory measures must compensate for the expected impact on the site. The fourth stage of the habitats directive assessment process involves the assessment of the proposed compensatory measures.

2 Screening Assessment

2.1 Adopted Amendment to Bantry Electoral Area Local Area Plan

This adopted amendment makes changes to the Retail text in Section 3 “Bantry Town” and to General Objective DB-04 and Town Centre Zoning Objective T-02.

There are no Natura 2000 sites located within or near Bantry town.

It is not expected that the adopted amendment will give rise to any increased number of houses in Bantry Town, and no significant increase in demand for water supply, or on wastewater infrastructure is expected to arise as a result of this proposed amendment. No aspects of the proposed amendment have been identified which would be likely to give rise to impacts on any Natura 2000 sites. Accordingly, the requirement for the adopted amendment to be subject to Appropriate Assessment is screened out.

3 Screening Conclusion

The adopted amendment to the Bantry Electoral Area Local Area Plan, 2011 will not result in any change to the population or number of houses to be developed in Bantry Town. No increased pressure for drinking water or on wastewater infrastructure is expected to arise from these changes, nor will the change lead to an increase in the amount of land to be zoned for development. The amendments do not direct development to any areas within or near Natura 2000 sites, and no increased risk of disturbance to species for which these sites have been designated has been identified. No potential for the amendments to cause or contribute to negative impacts on any Natura 2000 site within or near the County has been identified, and accordingly it is considered that the adopted amendment does not need to be subject to Appropriate Assessment.