

# PROPOSED EXTENSION OF DURATION OF THE CLARE COUNTY DEVELOPMENT PLAN 2017-2023 (AS VARIED)

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development plan review and to prepare and make a new  
Clare County Development Plan

*Strategic Environmental Assessment – Screening Report*

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OCTOBER 2021



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Clare County  
Development Plan





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# Strategic Environmental Assessment Screening Report of the Proposed Extension of Duration to the Clare County Development Plan 2017-2023 (as varied) in accordance with the Planning and Development Amendment Act 2021 having regard to European Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (“SEA Directive”)

Prepared in accordance with European Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (“SEA Directive”) as transposed by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 436 of 2004), as amended.

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## 1.0 Introduction and Background

Clare County Council has taken the decision to avail of the new legislation as set out in the Planning and Development (Amendment) Act 2021 and to initiate the process to extend the period to prepare the new Clare County Development Plan. A necessary consequence of this is to first extend the duration of the existing Clare County Development Plan 2017-2023 (as varied) and in the first instance to examine the impact of the proposed extension of duration of the existing development plan regarding the potential for significant effects on the environment.

In doing so, the Planning Authority of Clare County Council is seeking an additional period of up to 7 months to prepare the new Clare County Development Plan, which would result in the new Plan coming into effect by the 30<sup>th</sup> of April 2023. The appropriate plan period of the current Clare County Development Plan 2017-2023, as varied, ends on the 19<sup>th</sup> of March 2023 (This includes for the 54 days as set out in accordance with the provisions of section 251 of the Planning and Development Act 2000, as amended, which is covered by the SEA/AA of the current Development Plan).

In line with the requirements of the Planning and Development (Amendment) Act 2021 together with the SEA Directive, Screening for Strategic Environmental Assessment is required to establish if there could be any potential for environmental effects by extending the plan period of the current Clare County Development Plan 2017-2023 from the 19<sup>th</sup> March 2023 to 30<sup>th</sup> April 2023.

Screening is the process for deciding whether a particular Plan or Programme, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and thus would warrant SEA. The purpose of this report is to evaluate the requirement for SEA of the proposed extension from the 19<sup>th</sup> of March 2023 to the 30<sup>th</sup> of April 2023.

In doing so, the Council must decide whether the extension of duration would or would not be likely to have significant effects on the environment and in doing so must take account of the relevant criteria set out in the SEA Directive as transposed into Irish Legislation in the Planning and Development (Strategic Environmental Assessment) Regulations 2004 S.I. No. 436 of 2004 as amended by the Planning and Development (Strategic Environmental Assessment) Regulations 2011 S.I. No. 201 of 2011.

It should be noted that the Clare CDP 2017-2023 (as varied) was subject to full Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment all of which were fully incorporated into the Clare County Development Plan prior to its adoption. The appropriate environmental authorities were consulted throughout the SEA process and therefore the objectives and land use zonings contained there in have all been rigourously assessed.

The Council, in consultation with the statutory authorities, must make a determination as to whether an SEA is required, taking account of the relevant criteria set out in Schedule 2A of the Planning and Development Regulations 2001 (as amended) and any submissions or observations received from the prescribed environmental authorities.

### 1.1 Legislative context

The European Union Strategic Environmental Assessment (SEA) Directive (2001/42/EC) requires an environmental assessment be carried out for all plans or programmes that are prepared in one of 11 specified sectors as follows;

- Agriculture
- Forestry

- Fisheries
- Energy
- Industry
- Transport
- Waste Management
- Water Management
- Telecommunications
- Tourism
- Town and Country Planning
- Land Use

In Ireland this Directive has been transposed into legislation under two separate regulations **S.I. No. 435 of 2004 (European Communities) (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 to 2011**. These regulations set out the following:

**Schedule 1:** Criteria for determining whether a Plan or Programme (or Modification thereto) is likely to have significant effects on the Environment and therefore require an SEA.

**Schedule 2:** Information to be contained in an Environmental Report

**Articles 9-17** of those Regulations set out the requirement to complete an Environmental Report, scoping, timing, consultation, transboundary effects and monitoring associated with completing same.

**S.I. No. 436 of 2004 (European Communities) (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 to 2011.**

These Regulations specifically relate to the requirement to carry out SEA for Development Plans, Local Area Plans and Regional Planning Guidelines.

This report is the screening statement for the Strategic Environmental Assessment (SEA) of the proposed extension of duration to the Clare County Development Plan 2017-2023 (as amended). Article 3(4) of Directive 2001/42/EC requires that “*Member States shall determine whether plans and programmes other than those referred to in paragraph 2, which set the framework for future development consent of projects, are likely to have significant environmental effects*”. This process for deciding whether a particular plan, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and therefore, would require SEA is known as ‘Screening’.

The criteria for determining (or Screening) whether a particular plan *is likely to have significant environmental effects* are set out in Annex II of the SEA Directive. These criteria are reproduced in Schedule 1 of S.I. No. 435 of 2004, as amended by S.I. No. 200 of 2011, and again in Schedule 2A of the Planning and Development Regulations 2001, as amended.

## 2.0 Planning Hierarchy and the Purpose of the extension of duration

### The National Planning Framework

The National Planning Framework (NPF) is the Government’s high-level strategic plan for shaping the future growth and development of our country out to the year 2040. On the 16<sup>th</sup> of February 2018, the Government published the National Planning Framework (NPF), which, together with the National Development Plan (NDP), form ‘Project Ireland 2040’ – the Government’s vision for how to develop the country over the coming decades. It is a framework to guide

public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment – from our villages to our cities, and everything around and in between. The purpose of the National Planning Framework is to enable all parts of Ireland, whether rural or urban, to successfully accommodate growth and change, by facilitating a shift towards Ireland’s regions and cities other than Dublin, while also recognising Dublin’s ongoing key role.

The NPF was supported by the publication of the Implementation Roadmap for the National Planning Framework (‘Roadmap’) which was published on the 3<sup>rd</sup> of July 2018. This document confirmed that the NPF was adopted as a strategy to replace the National Spatial Strategy (2002-2020, NSS) and advised that the NPF is of direct relevance to the preparation of Regional Spatial and Economic Strategies and County Development Plans.

### **The Regional Spatial and Economic Strategy (RSES) for the Southern Region**

The RSES provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region and includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region’s three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford.

The RSES sets out a vision for the Southern Region to:

- Nurture all our places to realise their full potential
- Protect, and enhance our environment
- Successfully combat climate change
- Achieve economic prosperity and improved quality of life for all our citizens.
- Accommodate expanded growth and development in suitable locations.
- Make the Southern Region one of Europe’s most creative, innovative, greenest, and liveable regions.

### **The Clare County Development Plan 2017-2023 (as varied)**

The Development Plan is the principal policy document of the Planning Authority which sets out an overall strategy for the proper planning and sustainable development of its functional area over a 6-year period. Development Plans comprise of a written statement supported by maps indicating the development objectives for the area in question, including several mandatory objectives. A Planning Authority is required to prepare and adopt a Development Plan every 6 years. Not later than 4 years after the adoption of the Development Plan, a Planning Authority is required to review its existing Development Plan and commence the preparation of a new one. The preparation, content and adoption of a Development Plan are governed by the provisions of the Planning and Development Act 2000, as amended. In general, the preparation and adoption of a Development Plan is a 2-year process and involves a number of stages, the first of which is consultation with the public and other interested bodies. The existing Clare County Development Plan 2017-2023 (as varied) was adopted by the Elected Members of Clare County Council on 19th December 2016 and will remain in force until **January 2023** unless otherwise superseded by a revised County Development Plan or an extension of duration is approved subject to environmental assessment.

In accordance with Section 11 of the Planning and Development Act, 2000 (as amended) a planning authority is legally obliged to prepare a Development Plan (CDP) for its functional area every six years. However, section 11(AB) of the same Act states that *‘the council shall, not later than 4 years (or such longer period, not exceeding 5 years, as the Minister may specify by order) after making of a development plan, give notice of its intention to review its existing development plan and to prepare a new development plan for its area’*. Section 11 (1) (b) of the Planning and Development Act 2000 as amended sets out additional legislative provisions for the initiation of the review of County



Development Plans to enable the incorporation of the National Planning Framework and the Regional Spatial and Economic Strategy into a development plan:

*(i) where notice of a development plan review to be given is prior to the making of the relevant regional spatial and economic strategy, then notice of the review shall be deferred until not later than 13 weeks after the relevant regional spatial and economic strategy has been made,*

*(ii) where a development plan review has commenced and a draft plan has not been submitted to the members of the planning authority concerned in accordance with subsection (5) (a) prior to the making of the relevant regional spatial and economic strategy, then the review process shall be suspended until not later than 13 weeks after the making of the relevant regional spatial and economic strategy,*

*(iii) where notice of a development plan review to be given would be more than the period of 26 weeks after the making of the relevant regional spatial and economic strategy, then each planning authority concerned shall, within that period, either —*

*(I) give notice of a development plan variation in accordance with section 13, or*

*(II) give notice of a development plan review.*

Section 11 (1) (b) (iii) (II) is of relevance to Clare County Council as the current Development Plan was adopted in December 2016 and a review had not commenced before the adoption of the Regional Spatial and Economic Strategy for the Southern Region (RSES) on the 31<sup>st</sup> of January 2020. Therefore, the review process for the Draft County Development Plan, commenced on the 18<sup>th</sup> of September 2020, with the publication of the Strategic Issues Paper for the County.

Following the approval of the Planning and Development (Amendment) Act 2021 (No. 18 of 2021) for the extension of local authority development plan review processes, arising from the impacts of Covid-19, the new legislation includes provisions to enable a planning authority to take an additional period of up to 1 year to complete the preparation of a new Development Plan for the area, and as a necessary consequence to extend the duration of the existing development plan. Clare County Council has made the decision that due to the disruption arising from COVID, an additional period of 7 months is required to complete the review of the existing development plan and to make a new development plan. In doing so, the Planning Authority of Clare County Council is seeking an additional period of up to 7 months to prepare the new Clare County Development Plan, which would result in the new Plan coming into effect by the 30<sup>th</sup> of April 2023. The appropriate plan period of the current Clare County Development Plan 2017-2023, as varied, ends on the 19<sup>th</sup> of March 2023 (This includes for the 54 days as set out in accordance with the provisions of section 251 of the Planning and Development Act 2000, as amended, which is covered by the SEA/AA of the current Development Plan). Therefore, Screening for SEA is required on the proposed extension from the 19<sup>th</sup> of March 2023 to the 30<sup>th</sup> of April 2023.

### **3.0 Screening for Requirement for SEA of the proposed extension of duration**

Article 13B of the Planning and Development (Strategic Environmental Assessment) Regulation 2004 (S.I. 436 of 2004), as amended by S.I. 201 of 2011, makes SEA mandatory for development plans where the population or the target population of the area of a development plan is 10,000 persons or more. The purpose of the current assessment however does not relate to the preparation of a new Development Plan but rather the limited extension of duration for 42 days or 6 weeks.



The extension of duration is being screened for the requirement for SEA in accordance with the requirements of:

- Directive 2001/42/EC (SEA Directive) and particularly Articles 3(3), 3(4) & 3(5) relate to ‘Screening’ for the requirement for SEA.
- S.I. No. 435 & 436 of 2004 European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended by S.I. No. 200 & No. 201 of 2011 - European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011.
- Schedule 2A of the Planning and Development Regulations 2001, as amended, which sets out the “*Criteria for determining whether a plan or programme is likely to have significant effects on the environment*”.

This Report constitutes a Screening of the proposed extension of duration to the current Clare County Development Plan 2017 – 2023 (as varied) for the requirement for SEA in accordance with the above legislation. The final report will be presented following consultation with the Environmental Authorities specified in Paragraph 9(5) of S.I. No. 435 of 2004, as amended by S.I. No. 200 of 2011. The specified Environmental Authorities are listed in **Appendix 1** of this Report.

### 3.1 Appropriate Assessment (AA) and relationship to Screening for SEA

The EU Habitats Directive (92/43/EEC) requires an ‘Appropriate Assessment’ (AA) to be carried out where a plan or project is *likely to have a significant impact* on a European site. European sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

The first step in the process is to establish whether AA is required for the particular plan or project. This first step is referred to as Screening for the requirement for AA and the purpose is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone and in combination with other plans or projects, could have significant effects on a European site in view of the site’s conservation objectives.

As set out in Department Circular Letter SEA 1/08 & NPWS 1/084 (15th February 2008), Screening for AA is of relevance to screening for SEA in that “***where following screening, it is found that the draft plan or amendment may have an impact on the conservation status of a Natura 2000 site or that such an impact cannot be ruled out, adopting the precautionary approach:***

- an AA of the plan must be carried out, and
- in any case where an SEA would not otherwise be required, it must also be carried out.”

Hence, where the plan *requires AA* it shall *also require a SEA*.

Screening for Appropriate Assessment has been carried out in tandem with the Screening for Strategic Environmental Assessment and has informed the preparation of this report. RPS Group (on behalf of Clare County Council) have prepared a Screening Report on this assessment which concluded with a *Finding of No Significant Effects* which determined Appropriate Assessment was not required.

### 3.2 Consultation with Environmental Authorities

In accordance with Article 9(5) of S.I. No. 435 of 2004, as amended by S.I. No. 200 of 2011, Clare County Council provided notice to the specified environmental authorities (below) that extending the duration of the current Clare County Development Plan 2017-2023 (as varied) from the 19<sup>th</sup> March 2023 to the 30<sup>th</sup> of April 2023 would *not be likely to have significant effects on the environment* and sought submissions or observations prior to finalising the Screening for the Requirement for SEA.

The preliminary Screening for SEA was issued to the following specified environmental authorities:

- (a) the Environmental Protection Agency (EPA);
- (b) the Minister for Housing, Local Government and Heritage;
- (c) where it appears to the competent authority that the plan or programme, or modification to a plan or programme, might have significant effects in relation to the architectural or archaeological heritage or to nature conservation, the Minister for Tourism, Culture, Arts, Gaeltacht, Sports and Media;
- (d) where it appears to the competent authority that the plan or programme, or modification to a plan or programme, might have significant effects on fisheries or the marine environment, the Minister for Agriculture, Food and the Marine; and
- (e) the Minister for Environment, Climate and Communications

The preliminary Screening was also issued to the local authorities adjoining Clare County Council. A summary of the submissions received together with the SEA response is included in Appendix III of this report. There were no significant changes arising on foot of the submissions received. Three submissions in total were received from the EPA, GSI and Department of Environment, Climate and Communications. Each of the points raised were itemised and responded to within the summary of submissions.

## 6.0 Screening for the Requirement for Strategic Environmental Assessment (SEA)

The following section and table below present's the SEA screening assessment of the extension of duration against the criteria provided in Schedule 2a of SEA Regulations (S.I. 436 of 2004) as amended by the Planning and Development (SEA) (Amendment) Regulations 2011 (S.I. No. 201 of 2011), which details the criteria for determining whether a plan or programme is likely to have significant effects on the environment.

The Screening assessment should be read in conjunction with the Screening for Appropriate Assessment.

**Table 1 SEA Screening against Schedule 2a criteria**

<b>Criteria for determining whether the extension of duration is likely to have significant effects on the environment</b>	
<b>1. The characteristics of the extension of duration having regard to:</b>	
<b>(i)</b>	<b><i>the degree to which the extension of duration sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,</i></b>
<p>The Clare County Development Plan 2017-2023 as varied sets out the proposed Vision and objectives for the development of the County over a six-year period. The Development Plan aims to plan for and support the sustainable long-term development of Clare; provide for the future wellbeing of the residents and promote an appropriate balance of development across the County. All planning proposals are assessed against the objectives of the Development Plan and all lower plans must be consistent with the County Development Plan. The Plan was subject to both Strategic Environmental Assessment and Appropriate Assessment and the findings incorporated into the final CDP.</p> <p>The Core Strategy which defines the settlement hierarchy; identifies housing and population targets; providing a rationale for the land proposed to be zoned for residential development, together with the associated zoning this will not be altered as a result of the extension of duration.</p>	

The extension of duration does not set out the spatial framework for future development in Clare with regard to their location, nature and size. It does not provide for the re-zoning or de-zoning of lands and will not specify locational requirements. The Clare CDP 2017-2023 (as varied) sets out clearly the spatial framework for development locations and land use in the County with any future planning application assessed against its requirements which were the subject of rigour's assessment at the time of preparation. This will continue to be the case throughout the short period of the extension with no change to the framework.

**(ii) the degree to which the extension of duration influences other plans, including those in a hierarchy,**

The Clare County Development Plan 2017-2023 as varied sits at Local Government level, of the Spatial Planning Hierarchy in Ireland, and below the Regional Assembly and Government level. The Plan sits at the top of the local Government level and influences Local Area Plans (LAP).

The extension of duration will not alter this hierarchy and will not change the influence with which the Clare County Development Plan has on other plans in the hierarchy instead it will be led by those higher up in the process as is the current scenario.

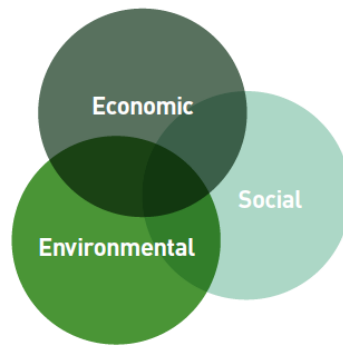
**(iii) the relevance of the extension of duration in the integration of environmental considerations in particular with a view to promoting sustainable development,**

The Clare County Development Plan was subject to full SEA and AA. The extension of duration takes account of the existing requirements of the Clare County Development Plan 2017-2023 (as varied) to: avoid effects on European Sites –

- The extension of duration has been subject to Screening for the requirement for AA;
- Avoid giving rise to adverse flooding effects, or effects on existing flood patterns –
  - A SFRA was prepared as part of the Clare County Development Plan 2017-2023 (as varied) and will still be valid should the extension of duration be adopted.
- The zoning within the current Clare County Development Plan 2017-2023 (as varied) ensures adequacy of critical infrastructure including, wastewater treatment, potable water supply, sustainable transport corridors; and
- Provides for sustainable development, in terms of meeting the needs for balanced population growth, enhanced biodiversity, promotion of green infrastructure, positive climate action and protection of heritage. This will not change should the extension of duration be adopted.

As the extension of duration will not lead to the alteration of existing protective objectives within the Clare County Development Plan 2017-2023 (as varied) it will be subject to the high-level protective objectives with which it must comply together with the SEA Strategic Environmental Objectives associated with the Clare County Development Plan. Of relevance are the following objectives which promote sustainable development across the 3 pillars of sustainability – economic, social and environmental and which have not been altered as a result of the Extension of duration;

- CDP Objective 14.1-14.27
- CDP Objectives 18.1-18.10



The Clare County Development Plan 2017-2023 as varied, which underwent full SEA and Appropriate Assessment (AA), integrated environmental considerations into the Plan and concluded that the Plan is based on the principles of sustainable development.

**(iv) *Environmental problems relevant to the extension of duration***

The SEA Environmental Report of the Clare County Development Plan 2017-2023 (as varied) provides considerable detail on environmental issues relevant to the County.

The environmental report conducted as part of the SEA process on the entire content of the Clare County Development Plan 2017-2023 discussed various issues of concern in the plan area (County Clare) and provided various mitigating measures to decrease impacts considered to be severe or significant.

There are numerous areas of environmental sensitivity within the County, many of which are designated under the legislative framework. These include: Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas, Proposed National Heritage Areas (pNHA), views and prospects, Architectural and Archeological Conservation Areas, protected structures, recorded monuments and structures, and recreational and amenity areas. Details of these areas together with aims and policies for their protection is set out in the Clare CDP 2017-2023, as varied, and the accompanying SEA and AA.

As already stated the extension of duration will not give rise to any rezoning of lands and simply see the continuation of the implementation of the CDP consistency with the environmental assessments as prepared and which sets out the framework for development and landuse. Therefore, any future development associated with the CDP will continue to be subject to CDP Objective 2.1.

**It is an objective of the development plan:**

- a) To require the preparation and assessment of all planning applications in the plan area to have regard to the information, data and requirements of the Appropriate Assessment Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of this development plan;**
- b) To require projects to be fully informed by ecological and environmental constraints at the earliest stage of project planning and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;**
- c) To require compliance with the objectives and requirements of the Habitats Directive, specifically Article 6(3) and, where necessary, Article 6(4), the Bird Directive, Water Framework Directive and all other relevant EU Directives.**

**(v) the relevance of the extension of duration in the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection).**

The extension of duration will see the continuation of the implementation of European environmental legislation as already set out in the Clare County Development Plan 2017-2023 (as varied) , or where otherwise required or updated since the adoption of the Clare County Development Plan.

The EU has a wide range of environmental legislation, dealing with such issues as tackling climate change, sustainable development, waste management, air pollution, water protection, nature and biodiversity, soil protection and noise pollution. Directives relating to the environment are specifically mentioned in the Clare CDP such as;

- **EU Habitats Directive (92/43/EEC),**
- **EU Birds Directive (2009/147/EC),**
- **EU Water Framework Directive (2006/60/EC),**
- **EU Groundwater Directive 92006/118/EC),**
- **European Communities (Water Policy) Regulations 2014 S.I. 350 of 2014**
- **Wildlife Act 1976, as amended, and**
- **Flora Protection Order 1999**
- **EU Waste Framework Directive (2008/98/EC)**

The extension of duration will maintain consistency with all existing national and regional policy documents which include policies relating to environmental protection, water supply, water quality, ground water, waste management, landscape and cultural heritage in compliance with EU legislation. These include the *Water Framework Directive*, *Groundwater Directive*, *Habitats Directive* and *Birds Directive*. The extension of duration does not in its own right relate to the direct implementation of any of these Directives.

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

**(i) the probability, duration, frequency and reversibility of the effects,**

This extension of duration does not seek to diverge from the uses or zoning as identified in the Clare County Development Plan and only serves to provide an extended period of time within which the new County Development Plan can be prepared. In addition, its incorporation does not conflict with or lead to cumulative or in-combination effects with the current CDP. Therefore, no effects arise which are likely to impact on the environment.

**(ii) the cumulative nature of the effects,**

No cumulative effects are identified to arise from the extension of duration. There are no specific development proposals arising from the extension of duration and no changes to the Core Strategy which could potentially lead to cumulative effects with the current County Development Plan. The extension of duration forms part of the overall balanced development strategy of Clare County Council as set out in the Clare County Development Plan 2017-2023 (as varied). The Clare County Development Plan, which included the land use objectives for the county, was subject to SEA. Given the strategic nature of a County Development Plan and it's position in the planning hierarchy, there are no other statutory plans which are due for preparation or adoption currently which could lead to cumulative effects. Any plans which have been prepared since the publication of the current CDP 2017-2023 (as varied) have all been subject to both AA and SEA and will be incorporated into the new CDP. Their implementation e.g. Project Ireland 2040 relies on incorporation into the CDP in terms of objectives or landuse zoning. Until such time as this takes place once the new Plan is prepared subsequent to this extension then there is no risk of cumulative or in-combination effects. Please

see Appendix II for a full list of the relevant Plans and Programmes together with an assessment of the cumulative and in-combination effects.

**(iii) the transboundary nature of the effects**

In terms of negative transboundary environmental effects/impacts it is considered that with proper regard and consistency with the environmental protection objectives contained in the adopted 2017-2023 Development Plan (as varied) and the completion of appropriate environmental assessments and planning process for any proposed development arising from the Plan as it currently exists, no negative transboundary environmental effects are predicted. With respect to the adjoining Local Authorities Limerick, Galway and Tipperary are all in the process of preparing their new County Development Plans and therefore until such time as they are prepared in line with national policy it is not anticipated that there is any potential for effects to arise from the proposed 6 week extension of duration of the current Plan.

**(iv) the risks to human health or the environment (e.g. due to accidents)**

The Clare County Development Plan 2017-2023 as varied contains protective objectives for human health and the environment. No risks to human health or to the environment due to accidents or other considerations due to the adoption of the extension of duration have been identified.

**(v) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).**

The Clare County Development Plan 2017-2023, as varied, contains objectives to facilitate population and economic growth. The purpose of the extension of duration is to allow additional time for the preparation of the new County Development Plan due to the disruption caused by COVID-19, it does not facilitate any changes to the current County Development Plan 2017-2023 (as varied). The extension of duration itself is not envisaged to lead to any negative effects and will not go beyond or over and above the effects arising from the Vision and Objectives of the current Clare County Development Plan 2017-2023 (as varied).

**(vi) the value and vulnerability of the area likely to be affected due to:**

**(a) special natural characteristics or cultural heritage**

The Clare County Development Plan 2017-2023 as varied contains protective objectives with respect to the special natural characteristics or cultural heritage of the area. The extension of duration will not affect any European Sites or Natural Heritage Areas within the geographical extent of the Clare County Development Plan. The extension of duration will not alter, remove or change these protective objectives which will ensure the continued protection of these sites and features.

**(b) exceeded environmental quality standards or limit values,**

As the extension of duration and any works arising during the time period for which the extension is sought (19<sup>th</sup> March 2023 – 30<sup>th</sup> April 2023) must be consistent and compliant with the Clare CDP 2017-2023 as varied including specific provisions regarding environmental quality standards such as those contained in the Water Framework Directive and other environmental standards it is not anticipated that any environmental quality standards will be exceeded.

**(c) intensive land-use,**

The extension of duration does not represent a change in landuse or potentially permitted activities or any intensification of land-use within the remit of the Clare County Development Plan.

**(d) the effects on areas or landscapes which have a recognised national, European Union or international protection status.**

The Clare County Development Plan 2017-2023 as varied recognises the importance of sites with National and European designations and sets out clear objectives for their protection as already outlined within this assessment.

A separate Screening for Appropriate Assessment has been carried out in tandem with the SEA Screening of the extension of duration in accordance with the requirements of Article 6(3) of the EU Habitats Directive to assess the *likely significant effects* in relation to the conservation management objectives of European sites and the extension of duration. The AA Screening concluded that the extension of duration, in view of best scientific knowledge and on the basis of objective information, either individually or in combination with other plans or projects, is not likely to have significant effects on the conservation objectives of any European sites.

The extension of duration does not identify specific areas for development which have a recognised national, European Union or international protection status. Therefore, effects on areas or landscapes are not envisaged.



## 6.0 Recommendation on requirement for SEA

Following detailed review and assessment it is considered that the extension of duration of the Clare County Development Plan 2017-2023 (as varied) in accordance with the Planning and Development (Amendment) Act 2021 (No. 18 of 2021) will **not result in significant adverse environmental effects and therefore, does not require further assessment of the likely effect on the environment of the adoption of the extension of duration through SEA.**

This assessment is derived from consideration of the following factors:

- The statutory land use plan for the County, the Clare County Development Plan 2017-2023 (as varied) will not be altered;
- The lands which were zoned in the Clare County Development Plan 2017-2023 (as varied) which was subject to full SEA and AA will not be altered;
- The existing protective objectives and policies of the Clare County Development Plan 2017-2023 (as varied) still apply;
- The extension of duration does not require AA;
- Consultation with Environmental Authorities,
- And taking the following into consideration;
  - Strategic Issues Paper (prepared by CCC, 2021);
  - AA Screening of the 2017-2023 CDP (CCC, 2017)
  - Natura Impact Report of the 2017-2023 CDP (CCC, Jan 2017 and March 2017);
  - Ministerial Direction (Appendix E of the NIR);
  - SEA of the 2017-2023 CDP (CCC, 2017);
  - AA and SEA of Variation No.1 (CCC, 2019);
  - Strategic Issues Paper (prepared by CCC September 2020);
  - AA Screening Report prepared on the Draft CDP (prepared by CCC November 2020);
  - AA Screening Report prepared on the Draft CDP and Renewable Energy Strategy (RPS, May 2021);
  - SEA Scoping Report for the CDP (prepared by CCC October 2020); and
  - SEA Scoping Report prepared separately for the RES (prepared by RPS April 2021).
  - Further information and related documentation on the CDP 2022-2028 can be found at: <https://clarecdp2022-2028.clarecoco.ie/> and of the existing 2017-2023 CDP and at <https://www.clarecoco.ie/services/planning/publications/clare-county-development-plan-2017-2023-volume-10a-natura-impact-report-24140.pdf>

#### **Appendix 1: List of Statutory Environmental Authorities**

- Environmental Protection Agency
- Department of Housing, Local Government and Heritage
- Department of Agriculture, Food and the Marine
- Department of the Environment, Climate and Communications
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Adjoining Planning Authorities

## **Appendix 2: Cumulative and In-Combination assessment**

Plan/Programme/Policy	Potential for In-Combination Effects and cumulative effects
<p><b>Regional Spatial and Economic Strategy for the Southern Region</b></p> <p>Contains objectives for the delivery of the NPF with regional rather than national focus.</p>	<p>This plan was subject to AA. Potential for in- combination effects as activity and development in the region may have indirect impacts on land use, population growth and scale of development outside their administrative boundary. AA will be undertaken at all levels in the planning hierarchy, evolving alongside greater certainty/details in proposals through the regional, county and local level, in all cases ensuring those proposals are in keeping with the objectives of the Habitats Directive.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th of March 2023 to the 30th of April in combination with other plans and projects are excluded.</p>
<p><b>National Planning Framework (Ireland 2040 Our Plan)</b></p> <p>The National Planning Framework is a long-term strategy for the next 20 years and it will focus on ensuring compatibility between future growth of cities/ towns within Ireland alongside environmental sustainability. It is intended that the National Planning Framework will both provide the focus to guide and inform future planning and set the framework for integrated investment decisions. It is intended that the national policy will be detailed through the Regional Spatial and Economic Strategies in order to set out long term national, regional and local development frameworks from within which sectors will work together to ensure proper planning and sustainable development. Both the National Planning Framework and the</p>	<p>No potential for in-combination effects as it sets the policy framework on which future County Development Plans are based or Variations to same. Linkage to wider policies such as for European Sites under the Birds and Habitats Directives and the Water Framework Directive is recognised and the need to set high level planning policies in protecting and making responsible use of our natural environment. The plan has been subject to AA.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th of March 2023 to the 30th April in combination with other plans and projects are excluded.</p>

<p>Regional Spatial and Economic are being subject to the AA process.</p>	
<p><b>National Development Plan 2018-2027</b></p> <p>The National Development Plan sets out the investment priorities that will underpin the implementation of the National Planning Framework (NPF). This will guide national, regional and local planning and investment decisions in Ireland over the next two decades, to cater for an expected population increase of over 1 million people.</p>	<p>The NDP is a high level budgetary and finance document which identifies priorities for capital investment. Given the nature of the capital investment the majority of the projects referenced and funded under the NDP have been or will be subject to EIA/AA. The NDP does not confer planning, it identifies strategic need. It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th of March 2023 to the 30th April in combination with other plans and projects are excluded.</p>
<p><b>Water Services Strategic Plan</b></p> <p>Irish Water has prepared a Water Services Strategic Plan (WSSP, 2015), under Section 33 of the Water Service No. 2 Act of 2013 to address the delivery of strategic objectives which will contribute towards improved water quality and WFD requirements. The WSSP forms the highest tier of asset management plans (Tier 1) which Irish Water prepare, and it sets the overarching framework for subsequent detailed implementation plans (Tier 2) and water services projects (Tier 3). The WSSP sets out the challenges we face as a country in relation to the provision of water services and identifies strategic national priorities. It includes Irish Water's short, medium- and long-term objectives and identifies strategies to achieve these objectives. As such, the plan provides the context for subsequent detailed implementation plans (Tier 2) which will</p>	<p>The WSSP has undergone SEA and AA, which highlighted the need for additional plan/project environmental assessments to be carried out at the tier 2 and tier 3 levels. No likely significant in-combination effects are envisaged.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th March 2023 to the 30th April in combination with other plans and projects are excluded.</p>

<p>document the approach to be used for key water service areas such as water resource management, wastewater compliance and sludge management. The WSSP also sets out the strategic objectives against which the Irish Water Capital Investment Programme is developed. The current version of the CIP outlines the proposals for capital expenditure in terms of upgrades and new builds within the Irish Water owned asset.</p>	
<p><b>Catchment Flood Risk Assessment and Management (CFRAM) Programme, under the Floods Directive</b></p> <p>The Office of Public Works (OPW) is responsible for the implementation of the Floods Directive 2007/60/EC which is being carried out through a Catchment based Flood Risk Assessment and Management (CFRAM) Programme. As part of the directive Ireland is required to undertake a Preliminary Flood Risk Assessment, to identify areas of existing or potentially significant future flood risk and to prepare flood hazard and risk maps for these areas. Following this, Flood Risk Management Plans (FRMPs) are developed for these areas setting objectives for managing the flood risk and setting out a prioritised set of measures to achieve the objectives. The CFRAM programme is currently being rolled out and Flood Risk Management Plans have been prepared. These plans have been subject AA.</p>	<p>CFRAM Studies and their product Flood Risk Management Plans have undergone appropriate assessment. Any future flood plans will have to take into account the design and implementation of water management infrastructure as it has the potential to impact on hydromorphology and potentially on the ecological status and favourable conservation status of water bodies. The establishment where flooding is occurring is an importing consideration for the RSES and spatial planning in general, with regard to the siting of houses, services and infrastructure. The AA of the CFRAMs considered the potential for impacts from hard engineering solutions and how they might affect hydrological connectivity and hydromorphological supporting conditions for protected habitats and species. No likely significant in-combination effects are envisaged.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th March 2023 to the 30th April in combination with other plans and projects are excluded.</p>

<p><b>Culture 2025</b></p> <p>Culture 2025 is a Framework Policy to 2025 which sets the vision for the future of culture and the arts in Ireland and prioritises actions. It recognises the diverse and multi-faceted nature of culture in Ireland and the contribution of 'culture' to sense of self, national identity and the arts.</p>	<p>This strategy includes a number of aims relating to regeneration and reuse of building stock. Potential in-combination impacts relate to urban regeneration, infill development and reuse of protected/ vacant / derelict buildings (e.g. potential habitats for bats). However, at a project level any project will be subject to AA and any necessary mitigation. Therefore, no potential for in-combination impacts are envisaged.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th of March 2023 to the 30th April in combination with other plans and projects are excluded.</p>
<p><b>Healthy Ireland –a Framework for Improved Health and Wellbeing 2015-2025</b></p> <p>The main aims of Healthy Ireland are: to increase the numbers of people experiencing good health (mental and physical) at all life stages; reduce health inequalities with a focus on social factors; protect the public and increase preparedness for threats to public health; and to encourage every individual and society as a whole to collaboratively engage with its own health and wellbeing. The first Implementation Plan has been published covering 2015-2017.</p>	<p>Healthy Ireland is a long-term strategy concerned with the health and wellbeing of people and communities, The plan encourages healthier lifestyles such as walking and cycling which, in combination with the Clare CDP policies for greenways (which will more than likely be included due to their presence in the RSES), could lead to species disturbance particularly along coasts and rivers. As noted elsewhere, robust route / site selection must be applied for all linear infrastructure to avoid potential for impacts.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th March 2023 to the 30th April in combination with other plans and projects are excluded.</p>
<p><b>Towards Nearly Zero Energy Buildings in Ireland</b></p> <p>Planning for 2020 and Beyond Proposed approach to Irish compliance with the EPBD commitments, prepared by the DECLG in November 2012. By 2020 all new dwellings in Ireland will have a Maximum Permitted</p>	<p>This framework includes a number of aims which are linked to the aims under the RSES related to climate change and the transition to a low-carbon economy. Potential in-combination impacts relate to construction of infrastructure. However, at a project level each project will be subject to AA and any necessary mitigation. Therefore, no potential for in-combination impacts are envisaged.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p>



<p>Energy Performance Coefficient (MPEPC) and Maximum Permitted Carbon Performance Coefficient (MPCPC) of 0.30 and 0.35 in accordance with the common general framework set out in Annex I of EPBD.</p>	<p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place. Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th March 2023 to the 30th April in combination with other plans and projects are excluded.</p>
<p><b>Climate Action Plan 2019</b></p> <p>The plan focuses on energy, transport, waste, agriculture and buildings. The plan includes new governance structures necessary to implement changes and sets out specific targets for each sector.</p>	<p>Potential for in-combination effects as it sets out actions which directly relate to CDP and the Renewable Energy Strategy which forms a key volume of the Plan through land use planning, energy and transportation in particular. Many of the consolidation policies already identified through the NPF are aligned with the actions promoted through the CAP. The main thrust of the plan is positive and would not be expected to conflict with any aspects of the RSES but to positively influence it going forward</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th March 2023 to the 30th April in combination with other plans and projects are excluded.</p>
<p><b>National Climate and Energy Plan 2021-2030</b></p> <p>The plan brings together energy and climate planning and describes how Ireland will achieve the EUs main climate targets. The plan covers the key areas of (i) energy security; (ii) internal energy market; (iii) energy efficiency; (iv) decarbonisation; and (v) research, innovation and competitiveness.</p>	<p>The plan supports decarbonisation and as such the main thrust of the plan is positive as it addresses climate change aspects however renewable energies such as wind energy have potential for adverse effects on European sites and protected species. In the short to medium term, the move toward electrification of transport and heat will still rely on non-renewable sources of electricity generation. The Plan has also been subject to SEA and AA.</p>
<p><b>The Energy Performance of Buildings Directive</b> (2002/91/EC recast by Directive 2010/31/EU) Contains a range of provisions to improve the energy performance of new and existing buildings. One of the key measures in this Directive is that all new</p>	<p>No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve energy efficiency and therefore environmental quality.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p>

buildings must be nearly zero energy buildings by 31st December 2020 (public buildings by 31 December 2018).	There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place. Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th March 2023 to the 30th April in combination with other plans and projects are excluded.
<b>National Energy Efficiency Action Plan (NEEAP)</b>  Presents the national ambition to deliver a 20% reduction in energy demand across the whole of the economy by 2020, along with a 33% reduction in public sector energy use. Ireland's third NEEAP was published 2014 and the fourth was produced in early 2017.	This plan would not be expected to conflict with any aspects of the Clare CDP but to positively contribute to it going forward subject to AA of the 4th review. It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects. There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place. Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th of March 2023 to the 30th April in combination with other plans and projects are excluded.
<b>White Paper 'Ireland's Transition to a Low Carbon Energy Future (2015 – 2030)</b>  “A complete energy policy update, which sets out a framework to guide policy between now and 2030”. This instrument ensures supplies of energy to the public and private sector remain secure, affordable and competitive	Ireland’s White Paper underwent consultation and was developed with cognisance of environmental impact. This plan has similar aims to the NPF with the key focus being a reduction in national greenhouse gas emissions. The Clare CDP 2017-2023 has a responsibility to also address GHG emissions at the county level. No likely significant in-combination effects are envisaged. It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects. There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place. Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th of March 2023 to the 30th April in combination with other plans and projects are excluded.
<b>Action Plan for Rural Development</b>  Action Plan for Rural Development sets out the Government’s approach for rural places in Ireland to grow and adapt through supportive measures which encourage innovation and build on the existing strengths of rural communities in Ireland.	No SEA appears to have been carried out for the Action Plan for Rural Development which includes over 230 actions focused on developing the rural economy. As such there is potential for in combination impacts with the Clare CDP and other agricultural plan and policies. SEA screening of the Action Plan is required to offset the potential for in-combination effects. However, it is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.

	<p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects upon European Sites as a result of the extension of duration of the period for the CDP from the 19th March 2023 to the 30th April in combination with other plans and projects are excluded.</p>
<p><b>Nitrates Directive (91/676/EEC) and Nitrates Action Programme (currently being updated)</b></p> <p>This Directive has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and preventing further pollution. The NAP is Ireland's response to implementing the directive.</p>	<p>No risk of likely significant in-combination effects from the Directive as the primary purpose of is to improve environmental quality. Furthermore, it is noted that the latest update to the NAP is undergoing AA and SEA with the documents in preparations. This will ensure appropriate mitigation is included to prevent significant in combination effects from occurring.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th March 2023 to the 30th April in combination with other plans and projects are excluded.</p>
<p><b>The EU Sustainable Development Strategy (EU SDS) and our Sustainable Future: A Framework for Sustainable Development in Ireland (2012) (national)</b></p> <p>The overarching sustainable development policy document in the EU. During the 2009 review the EU noted a number of unsustainable trends that require urgent action including a decrease in high energy consumption in the transport sector in line with the 2020 Strategy. At national level, Our Sustainable Future: A Framework for Sustainable Development in Ireland (2012) has followed the model used in the EU SDS.</p>	<p>There is potential for in-combination effects with the Clare CDP in terms of infrastructure requirements resulting in habitat loss, fragmentation, degradation and the associated ecological impacts. However, the main thrust of the plan is positive and would not be expected to conflict with any aspects of the Clare CDP but to positively influence it going forward.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th of March 2023 to the 30th April in combination with other plans and projects are excluded.</p>

<p><b>Smarter Travel 'A New Transport Policy for Ireland' 2009-2020</b></p> <p>Sets out five key goals: to reduce overall travel demand; to maximise the efficiency of the transport network; to reduce reliance on fossil fuels; to reduce transport emissions; and to improve accessibility to transport.</p>	<p>There is potential for in-combination effects with the Clare CDP in terms of infrastructure requirements resulting in habitat loss, fragmentation, degradation and the associated ecological impacts, potential collision impacts and/or disturbance. However, the main thrust of the plan is overall positive as it relates to reducing emissions and reliance on fossil fuels in the transport sector and therefore will positively influence/inform the CDP going forward.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th of March 2023 to the 30th April in combination with other plans and projects are excluded.</p>
<p><b>Water Framework Directive (2000/60/EC)</b></p> <p>The primary purpose of this Directive and the various pieces of national legislation that have enacted through the implementation of River Basin Management Plans, is to achieve good status for all water bodies, with no deterioration in water body status.</p>	<p>No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve ecological status. The proper management of agriculture, forestry and infrastructural development will contribute to achieving the objectives of the WFD as developed through the RBMP. The second cycle River Basin Management Plan 2018-2021 has been published together with an NIS including mitigation to offset negative effects. The third cycle River Basin Management Plan is currently in preparation and will be subject to the SEA process.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19<sup>th</sup> of March 2023 to the 30<sup>th</sup> April in combination with other plans and projects are excluded.</p>
<p><b>Marine Strategy Framework Directive (2008/56/EC)</b></p> <p>The Marine Strategy Framework Directive (MSFD) has adopted an ecosystem-based approach to protect and manage the marine environment. This forms an integral component of maritime spatial planning</p>	<p>The MSFD Programme of Measures have not been subject to AA as all measures included within the POMs are currently being applied in Ireland under existing directive implementation e.g. WFD POMs, marine planning and licensing etc.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p>

<p>within the EU and requires Member States to develop a strategy to achieve or maintain good environmental status in their marine waters by 2020. Ireland has developed a Programme of Measures that will meet targets set in order to achieve or maintain good environmental status. This is of direct relevance to the RBMP which is required under the WFD which sets a goal of achieving good ecological status for all EU ground and surface waters (including intertidal, transitional and coastal waters), which directly complements the goal of good environmental status under the Marine Strategy Framework Directive.</p>	<p>Therefore, Likely Significant Effects (LSEs) upon European Sites as a result of the extension of duration of the period for the CDP from the 19<sup>th</sup> of March 2023 to the 30<sup>th</sup> April in combination with other plans and projects are excluded.</p>
<p><b>Maritime Spatial Planning Directive 2014/89/EU</b></p> <p>The Maritime Spatial Planning Directive obliges all coastal Member States to establish maritime spatial plans as soon as possible and at the latest by 31<sup>st</sup> March 2021. This will help promote sustainable growth of maritime activities <b>9ecognized9</b> the ever-increasing use and exploitation of the maritime space and its resources by a number of sectors such as fishing, shipping, leisure, aquaculture and renewable energy.</p>	<p>Ireland is addressing its obligations under the Maritime Spatial Planning Directive through the preparation of the National Marine Planning Framework. A draft framework has been prepared and this is now the subject of statutory consultation alongside SEA and AA processes. Mitigation has been proposed under the AA to offset potential for adverse effects. The intention is these measures will cascade through the planning system and align with those already in place as a result of the AA for the National Planning Framework. Potential for in-combination effects as it sets policy framework on which relates to social. Economic and environmental issues which are directly relevant to the RSES. It is a policy of the Framework to ensure the resilience of our natural resources and cultural assets. Linkage to wider policies such as for European Sites under the Birds and Habitats Directives and the Marine Framework Directive are 9ecognized and the need to set high level planning policies in protecting and making responsible use of our natural environment. It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects. There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place. Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19<sup>th</sup> of March 2023 to the 30<sup>th</sup> April in combination with other plans and projects are excluded.</p>

<p><b>EU Groundwater Directive (2006/118/EC)</b></p> <p>This Directive establishes a regime, which sets groundwater quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater.</p>	<p>No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19<sup>th</sup> of March 2023 to the 30<sup>th</sup> April in combination with other plans and projects are excluded.</p>
<p><b>The Integrated Pollution Prevention Control Directive (96/61/EC)</b></p> <p>Objective is to achieve a high level of protection of the environment through measures to prevent in the first instance or to reduce emissions to air, water and land from industrial sources.</p>	<p>Particularly relevant to the electricity generation and transport sector. No risk of likely significant in-combination effects will result as the primary purpose of the Directive is to improve environmental quality.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19<sup>th</sup> March 2023 to the 30<sup>th</sup> April in combination with other plans and projects are excluded.</p>
<p><b>European Union Biodiversity Strategy to 2020</b></p> <p>Aims to halt or reverse biodiversity loss and speed up the EU's transition towards a resource efficient and green economy as per the Convention on Biological Diversity</p>	<p>No risk of likely significant in-combination effects will result as the primary purpose of the Strategy is to halt the loss of habitat and species. One target is to increase the contribution of agriculture and forest to biodiversity, integrating more biodiversity needs into CAP and forest management plans. Opportunities exist in the implementation of the Clare CDP to assist in achieving the objectives of the Strategy through consideration and integration of environmental issues throughout the spatial planning hierarchy.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19<sup>th</sup> of March 2023 to the 30<sup>th</sup> April in combination with other plans and projects are excluded.</p>
<p><b>Biodiversity Action Plan 2017-2021</b></p>	<p>As the BAP is aimed at environmental protection, there are no in-combination effects.</p>

<p>Ireland's third iteration of the Biodiversity Action Plan (BAP), for conserving and restoring Ireland's biodiversity covering the period 2017 to 2021.</p> <p>The aims are to achieve Ireland's Vision for Biodiversity through addressing issues ranging from improving the management of protected areas to increasing awareness and appreciation of biodiversity and ecosystem services.</p>	<p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as result of the extension of duration of the period for the CDP from the 19<sup>th</sup> March 2023 to the 30<sup>th</sup> April in combination with other plans and projects are excluded.</p>
<p><b>National Transport Strategy</b></p> <p>The NTA's Transport Strategy for the Greater Dublin Area (GDA) provides a framework for the planning and delivery of transport infrastructure and services over the period 2016 - 2035.</p>	<p>This Transport Strategy will inform the Clare CDP. The RSES and the Clare CDP is required by legislation to be consistent with the National Transport Authority's Transportation Strategy for the Greater Dublin Area. The strategy has undergone AA.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19<sup>th</sup> March 2023 to the 30<sup>th</sup> April in combination with other plans and projects are excluded.</p>
<p><b>National Hazardous Waste Management Plan 2010-2020</b></p> <p>The National Hazardous Waste Management Plan 2010-2020, prepared by the EPA identifies priority actions to prevent hazardous waste, improve the collection rate of hazardous waste in certain categories, movement towards self-sufficiency in hazardous waste management for Ireland and the identification and regulation of legacy issues in relation to</p>	<p>Non-compliances with the Environmental Quality Standards for Priority Substances and Priority Hazardous Substances in Ireland is very low and not of significant concern with the exception of two ubiquitous substances (mercury and PAHs).</p> <p>Good chemical status can only be achieved if there are no breaches of Environmental Quality Standards for any priority substance. In relation to the Clare CDP, this will influence for example, certain agricultural practices including the application of herbicides and pesticides and the use of sheep dip. The National Hazardous Waste Management Plan has been subject to Screening for AA. The revised plan has been screened out for AA, however, any specific plan or project proposal relating to or arising out of the recommendations in the revised plan will need to be subjected to the AA processes at the level of the more details sectoral plans and ultimately at individual project level. As such, no in- combination effects are expected with the Clare CDP.</p>



<p>hazardous waste. In addition, three Regional Waste Plans (Eastern-Midlands; Southern; and Connaught-Ulster) were published in 2015 to provide a framework for the prevention and management of wastes for the three defined regional area. These documents include policies and actions which will be complementary to the Clare CDP, in particular those addressing remediation of historic and illegal landfills</p>	<p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects. Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th of March 2023 to the 30th April in combination with other plans and projects are excluded.</p>
<p><b>National Water Resources Plan</b></p> <p>This Framework will deliver a sustainable water supply on a catchment and water resource zone basis, meeting growth and demand requirements through drought and critical periods. The resources plan will need to take account of WFD objectives and the programme of measures proposed in the relevant catchments and water resource zones. Specific measures in the plan with relevance to Irish Water include those for urban wastewater and urban runoff and also as part of other measures in relation to the lead in drinking water.</p>	<p>The plan will seek to develop sustainable water supplies but must consider particularly critical drought periods when assimilation capacity for diffuse runoff may be reduced. The Plan has been subject to both SEA and AA. In the context of the Clare CDP it will need to adhere to the requirements of the NPF and in this regard will be required to allow the phasing of development / growth where the availability of services in advance of planning are shown. Therefore, Water and Wastewater Infrastructure will need to be provided for in line with the National Water Resources Plan before the Clare CDP can provide for this type of development. While there may be conflict between the CDP wanting to allow development the NWRS plan will ensure there is no risk of in combination effects. Also, this is not something which Clare CoCo are looking to accommodate as part of this extension of duration and will be more applicable to the new County Development Plan.</p> <p>It is therefore not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th March 2023 to the 30th April in combination with other plans and projects are excluded.</p>
<p><b>Lead in Drinking Water Mitigation Plan</b></p> <p>The Government published a National Strategy to reduce exposure to Lead in Drinking Water in June 2015. In support of this strategy Irish Water, as the national</p>	<p>An SEA of the Lead Mitigation Plan has been undertaken. Mitigation measures proposed included a lead services replacement Standard Operating Procedure to ensure best industry practice for the management of site operation.</p> <p>Another measure, Corrective Water Treatment i.e. orthophosphate treatment is proposed as an interim measure to reduce lead concentrations in drinking water. A bespoke environmental assessment methodology has been developed for the plan, in consultation with the EPA and NPWS, to ensure that risks</p>

<p>public water utility has prepared the Irish Water Lead in Drinking Water Mitigation Plan in collaboration with the HSE and EPA. The plan proposes orthophosphate dosing of the water supply at various treatment sites as orthophosphate is a corrosion inhibitor that creates a coating on lead and other metal pipes which prevents the lead dissolving into the water. Orthophosphate dosing takes a period of 6-18 months to develop a full coating, after which dosing must be maintained in order to sustain the protective coating.</p>	<p>to water bodies in the context of achieving WFD objectives and Birds and Habitats Directives, can be assessed and mitigated as the dosing programme is rolled out. Subject to the AA process which has been specified for each dosing location, and appropriate mitigation measures being identified, it is expected that there will be no in combination effects on European sites.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant Effects as a result of the extension of duration of the period for the CDP from the 19th of March 2023 to the 30th April in combination with other plans and projects are excluded.</p>
<p><b>National Wastewater Sludge Management Plan (2015)</b></p> <p>The National Wastewater Sludge Management Plan was prepared in 2015, outlining the measures needed to improve the management of wastewater sludge.</p>	<p>The plan was subject to both AA and SEA and includes a number of mitigation measures which were identified in relation to transport of materials, land spreading of sludge and additional education and research requirements. This plan does not specifically address domestic wastewater loads, only those relating to Irish Water facilities. A plan is proposed in relation to national drinking water sludge management to complement the NWSMP, but no details on the drinking water sludge plan are yet available. In relation to the plan as it stands, no in-combination effects are expected with the implementation of proposed mitigation measures.</p> <p>It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts in combination with other plans and projects.</p> <p>There are no changes to the CDP and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation has been fully incorporated and shall remain in place.</p> <p>Therefore, significant effects as a result of the extension of duration of the period for the CDP from the 19th March 2023 to the 30th April in combination with other plans and projects are excluded.</p>

### **Appendix 3: Summary of Submissions**

No.	Issue of Relevance to SEA Raised	SEA Response	SEA Update to Documents
<b>1. Environmental Protection Agency</b>			
1a	<p>We acknowledge your notice, dated 24<sup>th</sup> August 2021, in relation to the Proposed Extension of Duration of the Clare County Development Plan 2017-2023 (the 'Plan') and associated Strategic Environmental Assessment (SEA) screening.</p> <p>The EPA is one of the statutory environmental authorities under the SEA Regulations. In our role as an SEA environmental authority, we focus on promoting the full and transparent integration of the findings of the Environmental Assessment into the Plan and advocating that the key environmental challenges for Ireland are addressed as relevant and appropriate to the plan. Our functions as an SEA environmental authority do not include approving or enforcing SEAs or plans.</p> <p>As a priority, we focus our efforts on reviewing and commenting on key sector plans. For land use plans at county and local level, we provide a 'self-service approach' via the attached guidance document 'SEA of Local Authority Land Use Plans – EPA Recommendations and Resources'.</p> <p>This document is updated regularly and sets out our key recommendations for integrating environmental considerations into Local Authority Land Use Plans. We suggest that you take this guidance document into account and incorporate the relevant recommendations, in finalising and implementing the Plan. We note your Screening Report determination that SEA is not required for the extended Plan. We do suggest that you take this guidance document into account and incorporate the relevant recommendations into the extended plan as relevant and appropriate.</p> <p>Clare County Council should ensure that the Plan remains consistent with the need for proper planning and sustainable development. Adequate and appropriate critical service infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the extended Plan.</p>	<p>Noted.</p> <p>The EPA's 'SEA of Local Authority Land Use Plans – EPA Recommendations and Resources' document has been considered in preparation of the Screening assessment for the extension of duration to the current Clare County Development Plan 2017-2023 (as varied).</p> <p>None of the CDP objectives will change as a result of this extension of duration therefore Objectives 3.10 in terms of restricting growth in the absence of physical infrastructure will still apply. In addition objective 8.24 which requires <i>"that development proposals comply with the standards and requirements of Irish Water in relation to water and waste water infrastructure to facilitate the proposed development"</i> and 8.27 <i>"To encourage and support a changeover from septic tanks/private waste water treatment plants to public collection networks wherever feasible, subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available."</i> Will also apply and ensure the critical infrastructure required to service any such development is in place prior to development.</p>	None.

No.	Issue of Relevance to SEA Raised	SEA Response	SEA Update to Documents
1b	In implementing the extended Plan, Clare County Council should take into account the need to align with national commitments on climate change mitigation and adaptation, as well as incorporating any relevant recommendations in sectoral, regional and local climate adaptation plans.	Noted. It is not anticipated that a 6-week extension of duration of the current CDP 2017-2023 will result in negative impacts on the environment and in particular with respect to climate change. There are no changes to the CDP, and the objectives within the plan which ensure the protection of European Sites, water quality and any other supporting habitats/features to European Sites will not change. Any mitigation which has already been fully incorporated into the CDP shall remain in place. The new County Development Plan 2022-2028 will incorporate all new climate action, mitigation and adaptation places together with any regional guidance.	
1c	<b>State of the Environment Report – Ireland’s Environment 2020</b> The recommendations, key issues and challenges described in our State of the Environment Report Ireland’s Environment – An Integrated Assessment 2020 (EPA, 2020) should be considered, as relevant and appropriate to the extended plan.	Noted. This report has been and will be taken into account in undertaking the SEA and preparing the Plan.	None.
1d	<b>Available Guidance &amp; Resources</b> The SEA resources and guidance documents provided on the EPA web-site should be used to inform the assessment together with the available mapping tools such as the Environmental Sensitivity Mapping Too, EPA SEA WebGIS Tool, EPA WFD Application and the EPA AA GeoTool	Noted. These resources and GIS tools have been interrogated and utilised for the preparation of the Screening Report.	
1e	<b>SEA Determination</b> As soon as practicable after making your determination as to whether SEA is required or not, you should make a copy of your decision, including, as appropriate, the reasons for not requiring an environmental assessment, available for public inspection in your offices and on your website. You should also send a copy of your determination to the relevant environmental authorities consulted.	Noted. In accordance with Section 11D of the Planning and Development Act 2000, as amended, Clare County Council will be placing the extension of duration on public consultation for a period of 4 weeks. During this time both the SEA Screening Report and the Screening for appropriate assessment will be available to the public for inspection. Simultaneously, the final SEA Screening Report will be issued to the relevant environmental authorities consulted.	The Draft Screening Report will be updated to include a synopsis of the submissions received and the relevant SEA response.
<b>2. Geological Survey, Department of Environment, Climate and Communications</b>			
2a	The Geological Survey Ireland has no specific comment or observations to make on this matter at this time.	Noted. Refer	None.
<b>3. Department of Environment, Climate and Communications</b>			
	In respect of waste we would be obliged if the local authority would consult directly with their respective Regional Waste Management Planning Office regarding development of the final plans.	Note. The SEA Screening Report was issued to the Southern Region Waste Management Office for comment.	

## **Appendix 4: SEA Determination**



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

## **Screening for SEA Determination in relation to the Proposed Extension of Duration to the Clare County Development Plan 2017-2023 (as varied)**

Clare County Council has taken the decision to avail of the new legislation as set out in the Planning and Development (Amendment) Act 2021 and Section 11D of the Planning and Development Act 2000, as amended, to initiate the process to extend the duration of the existing Clare County Development Plan 2017-2023 (as varied) in order to provide a further period of time to complete the review of the existing Clare County Development Plan 2017-2023 (as varied), and prepare and make a new Clare County Development Plan. In initiating the process to extend the duration of the existing Clare County Development Plan 2017-2023, (as varied), it is necessary in the first instance to examine the impact of the proposed extension of duration of the existing Clare County Development Plan 2017-2023, (as varied), regarding the potential for significant effects on the environment.

In doing so, the Planning Authority of Clare County Council is seeking an additional period of up to 7 months to review the Clare County Development Plan 2017-2023 (as varied) and to prepare the new Clare County Development Plan, which would result in the new Plan coming into effect by the 30<sup>th</sup> of April 2023. The appropriate plan period of the current Clare County Development Plan 2017-2023 (as varied), ends on the 19<sup>th</sup> of March 2023 (This includes for the 54 days as set out in accordance with the provisions of section 251 of the Planning and Development Act 2000, as amended, which is covered by the SEA/AA of the existing Clare County Development Plan 2017-2023, (as varied)).

The SEA Directive has been transposed into Irish law by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (Statutory Instrument No. (SI No. 435 of 2004), as amended, and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI No. 436 of 2004), as amended. Article 9 of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (SI No. 435 of 2004), as amended, requires, subject to certain exceptions, that SEA is carried out for all plans and programmes:

- (a) 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
- (b) 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.

In compliance with Section 11D(2)(a) of the Planning and Development Act 2000, as amended, the Planning Authority has carried out Screening for Strategic Environmental Assessment (SEA) in considering the extension of duration of the existing Clare County Development Plan 2017-2023 (as varied), in accordance with the Strategic Environmental Assessment Directive (2001/42/EC) and pursuant to Article 13B of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No.436 of 2004), as amended.

The proposed extension of duration is not directly connected with or necessary to the management of a European Site; and following the undertaking of Screening for Appropriate Assessment it has been determined that there is no potential to affect the integrity of any European Site(s). Consequently, it has been determined that Appropriate Assessment of the proposed extension of duration is not required. This process has been undertaken in accordance with the requirements under: European Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora; and European Union (Birds and Natural Habitats) (Amendment) Regulations 2021.



Taking into account the content of the extension of duration, the Screening for Appropriate Assessment and the SEA assessment as outlined in the SEA Screening Report with respect to Schedule 2A '*Criteria for determining whether a plan is likely to have significant effects on the environment*', it has been determined that SEA is not required in accordance with SEA requirements under: Directive 2001/42/EC of the European Parliament and of the Council of Ministers of 27 June 2001 on the Assessment of the Effects of Certain Plans and Programmes on the Environment; and European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (SI No. 435 of 2004), as amended.



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**Helen Quinn**  
**Acting Senior Planner**

**Date: 27/09/2021**



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**Sheila Downes**  
**Environmental Assessment Officer**

**Date: 27/09/2021**