

Screening for Strategic Environmental Assessment (SEA)

Determination under Article 9(2) of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations, 2004 (S.I. 435 of 2004), as amended

CONCERNING PROPOSED PLANNING AND DEVELOPMENT (AMENDMENT) REGULATIONS 2019

In order to comply with the requirements of Article 9(2) of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations, 2004 (S.I. 435 of 2004), as amended, this determination has been made by the Minister of State at the Department of Housing, Planning and Local Government relating to the potential for the proposed Planning and Development (Amendment) Regulations 2019 ('the proposed Statutory Instrument') to have likely significant effects on the environment.

This determination has been made following a consideration of the information contained in the SEA Screening Report (attached to this determination), the criteria set out in Schedule 1 to S.I. 435 of 2004, as amended, and to the consultation response received from the Environmental Protection Agency (attached to this determination) and to the text of the proposed Statutory Instrument itself (attached to this determination). The response of the Environmental Protection Agency did not recommend that an SEA should be undertaken.

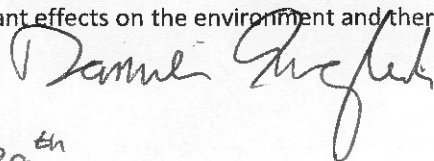
Following an analysis and evaluation of the relevant information, including in particular, the nature of the proposed legislation and their potential for effects on the environment that could result from the implementation of the proposed Statutory Instrument, the Minister accepts the recommendation of the SEA Screening Report that there is no possibility that the proposed Statutory Instrument would be likely to have any significant effects on the environment.

The main reasons leading to these conclusions included that the proposed Statutory Instrument has a restricted geographic application and will apply to specific proposals of a certain scale and nature. It is limited to proposed developments at ports managed by state port companies. The proposed Statutory Instrument sets the framework for the consent for proposals of a defined scale and nature. Certain scales and types of proposed development will not require planning consent. The characteristics of the effects of these exempted developments on the environment are discussed below. All of the types of development that are deemed to be exempt from planning consent would be regarded to be small in scale and are additions or modifications to within highly-disturbed environments. It is noted that any proposals that may require Environmental Impact Assessment or Appropriate Assessment as a result of a risk to the relevant environmental features will not be able to rely on the proposed exemptions and will be scrutinised as part of the planning consent process.

Therefore, SEA is not required for the proposed Statutory Instrument.

The Minister of State at the Department of Housing, Planning and Local Government having carefully considered the information in the SEA Screening Report and having regard to the advice of his officials, agrees with and adopts the reasoning and conclusion of the SEA Screening Report. The Minister hereby determines pursuant to Article 9(2) of S.I. 435 of 2004, as amended, that the proposed Statutory Instrument would not have likely significant effects on the environment and therefore an SEA is not required.

Signed:



Date: 30th January 2020

Attached:

- SEA Screening Report dated 20 December 2019
- Proposed Statutory Instrument dated 2 December 2019
- Email correspondence from DHPLG to SEA environmental authorities 20 December 2019
- Notice to SEA environmental authorities dated 20 December 2019 requesting Submissions and Observations on whether the proposed Statutory Instrument, would or would not be likely to have significant effects on the environment
- Submissions/observations from the EPA to DHPLG