



Offaly County Council & Tullamore
Town Council

**Variation No. 1 of the Tullamore
Town and Environs Development
Plan 2010-2016**

Appropriate Assessment Screening
Determination Report

Date: July 2012

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Appendix A Appropriate Assessment Screening Statement (May 2012)

1 Introduction

Offaly County Council and Tullamore Town Council prepared Variation No. 1 to the Tullamore Town and Environs Development Plan 2010-2016 in accordance with Section 13 of the Planning and Development (Amendment) Act 2010. This Variation relates primarily to amending the written statement and zoning map of the Plan to allow for General Industrial use to be open for consideration within the Business/Employment land use zoning and in particular to allow for such use in the Southern Environs Masterplan area.

This Variation is without prejudice to the assessment of any planning application and the full range of issues which are required to be examined and decided upon during the course of any planning application.

Variation No. 1 was adopted on 16th July 2012 without any material alterations.

This report constitutes the Appropriate Assessment Screening Determination Report of Variation No. 1 and follows on from the preparation of an Appropriate Assessment Screening Statement (May, 2012) (see **Appendix A**).

2 Appropriate Assessment Screening

Development that may result from implementation of this Variation, could lead to a number of impacts resulting from, for example, pollutant spills, waste generation, surface and groundwater pollution, species disturbance (*e.g.* birds) and habitat fragmentation *etc.* However, any development arising from this Variation will be required to conform to National and European regulations and legislation for the prevention of environmental effects which would adversely impact on the integrity and conservation objectives of Natura 2000 sites and to adhere to **all** environmental protection policies and objectives contained within the current 2010 Town and Environs Plan. This will ensure that no development will be permitted that will significantly adversely impact on Natura 2000 sites or indeed sites of high ecological status (*e.g.* Esker Riada, Grand Canal).

Therefore, in accordance with the Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, it was concluded that Variation No. 1 to the Tullamore Town and Environs Development Plan 2010-2016, does not require any further assessment to demonstrate compliance with the Directive.

3 Statutory Consultation with the Environmental Authorities

The Appropriate Assessment Screening Report of Variation No. 1 to the Tullamore Town and Environs Development Plan 2010-2016 was completed in May 2012. This Report along with Variation No. 1 and the SEA Screening Report went on public display on 31st May 2012 to 28th June 2012 (both dates inclusive). All responses/submissions received following the public display of Variation No. 1 were assessed and responses to these submissions were incorporated into a Manager's Report. No responses specific to the Appropriate Assessment Screening Report were received during this statutory consultation process.

Minor amendments have been made to Variation No. 1. All amendments made are for clarity or improvement purposes only and do not constitute material amendments.

4 Minor Amendments to Variation No. 1

Variation No. 1 was adopted by the Members of Offaly County Council and Tullamore Town Council on the 16th July 2012. As mentioned in Section 3, this Variation was adopted with amendments which are considered minor in nature, therefore not requiring screening in terms of impacts on Natura 2000 sites.

The following sections detail the minor amendments applied to Variation No. 1 (note: red bold text indicates the minor amendments):

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"Policy ET5 Provide a direct connection to the southern by-pass. Capitalise upon the strategic opportunity presented by this connection by seeking the location of a landmark building at this junction with frontage to the by-pass"

Following a submission from Oakwood Partnership, **Policy ET5** has been amended to partly retain text of the original ET5 policy and also to add additional text which will strengthen this policy and will ensure that all applications are in compliance with the provisions of the Guidelines for Planning Authorities, Spatial Planning and National Roads, January 2012. The amended Policy is shown below:

"ET5 Provide a direct connection to the southern by-pass. Access arrangements shall be agreed with the NRA and demonstrate compliance with the provisions of the Guidelines for Planning Authorities, Spatial Planning and National Roads, January 2012."

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Prior to the public consultation process it was proposed that **Policy ET5** *“Provide a direct connection to the southern by-pass. Capitalise upon the strategic opportunity presented by this connection by seeking the location of a landmark building at this junction with frontage to the by-pass”* be removed.

However, taking on board the submission from Oakwood Partnership, this policy has been partly retained with additional text added. Therefore, **Policy ET5** which was included in the Proposed Variation has been renumbered **Policy ET6** to reflect this change (see below).

“ET5 No development shall be commenced within this node prior to the provision of adequate and appropriate water, foul sewerage and surface water infrastructure to the satisfaction of the Planning Authority.”

has been renumbered to:

“ET6 No development shall be commenced within this node prior to the provision of adequate and appropriate water, foul sewerage and surface water infrastructure to the satisfaction of the Planning Authority.”

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Taking on board comments from the Oakwood Partnership a new **Policy ET7** has been included in this Variation:

“ET7 Capitalise upon the strategic location of lands at the intersection of the N52 and N80 for the location of a landmark building or landmark development.”

The Oakwood Partnership submission details their concerns that they are losing a designation for the provision of a Landmark building on their lands by the relocation of a proposed roundabout on the N52. Given their strategic location at the intersection of two public roads, they feel an opportunity is presented for a signature development to provide a strong visual introduction to the Town from the southern approach. Taking the above on board, it was determined that the element of the original ET5 Policy relating to the landmark building will be retained with an alternative emphasis on the location of a landmark building on more appropriately located lands such as those at the intersection of the N52 and N80.

The addition of **Policy ET7** does not constitute a material change.

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“CHN6 Encourage the linking of the linear open space areas which are shown both alongside the

bypass and within the masterplan area as amenities serving future development."

In response to the submission from the EPA, the wording of **Policy CHN6** has been amended to strengthen this policy. This objective provides the flexibility to link open space areas through the design and layout stage of planning applications by whatever proposal, creative or otherwise, can be brought forward by individual applicants for development sites to incorporate.

The amendment to strengthen **Policy CHN6** is as follows:

"CHN6 *Encourage the linking of the linear open space areas which are shown both alongside the bypass and within the masterplan area as amenities serving future development through the planning application process."*

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"Policy TTEP 08-22 *It is the Councils' policy that permissible development requiring direct access i.e. other than via a public road, to the national secondary roads, outside designated speed limits in Tullamore environs, will be restricted to the residential requirements of established landowners e.g. farmers, and their sons/daughters only, where the requirement to live on their land is essential for the management of the land. It must be clearly demonstrated in the case of permissible development that a "need" for the dwelling is established and that no reasonable alternative site with access off a minor road is available. There will be no direct access to the Bypass Road except as provided for by an objective of this plan"*

As mentioned in the Managers Report **Policy TTEP 08-22** is a policy relating to the residential requirements of farmers and their sons/daughters whose fundamental requirement to live in the area is driven by their necessity to manage land in the area but have no reasonable alternative but to have direct access to a national secondary road in areas outside the designated speed limits in the Tullamore Environs.

A submission received from the Midlands Regional Authority makes a recommendation in relation to capacity of strategically important road infrastructure. It should be noted that all applicants for single houses on sites requiring access off national secondary roads in the Tullamore environs area must satisfy specific criteria relating to local need for sites. As part of any assessment of such a planning application traffic movement and safety are examined in addition to capacity issues of the road where access/egress is proposed. This assessment must be undertaken in a manner that is consistent with the relevant provisions of the recently published guidelines (January 2012) relating to Spatial Planning and National Roads. It is noted that this section of the Proposed Variation and indeed the Tullamore

Town and Environs Development Plan 2010-2016 should be updated to include reference to the newly published guidelines.

Taking the above on board **Policy TTEP 08-22** has been strengthened to ensure that all proposals requiring direct access onto National Roads are assessed in accordance with the provisions of the 2012 Spatial Planning and National Roads Guidelines for Planning Authorities.

The amendments to strengthen **Policy TTEP 08-22** are detailed below. This amendment does not constitute a material change:

Policy TTEP 08-22 *It is the Councils' policy that permissible development requiring direct access i.e. other than via a public road, to the national secondary roads, outside designated speed limits in Tullamore environs, will be restricted to the residential requirements of established landowners e.g. farmers, and their sons/daughters only, where the requirement to live on their land is essential for the management of the land. It must be clearly demonstrated in the case of permissible development that a "need" for the dwelling is established and that no reasonable alternative site with access off a minor road is available. There will be no direct access to the Bypass Road except as provided for by an objective of this plan. **Proposals requiring direct access onto National Roads will be assessed in accordance with the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities issued in January 2012.***

These amendments and the developments that may arise from them are without prejudice to the assessment of any planning application and the full range of issues which are required to be examined and decided upon during the course of any application. All developments will be required to confirm to National and European regulations and legislation for the prevention of environmental effects which would adversely impact on the integrity and conservation objectives of Natura 2000 sites and to adhere to **all** environmental protection policies and objectives contained within the current 2010 Town and Environs Plan and indeed the 2009 County Development Plan. This will ensure that no development will be permitted that will significantly adversely impact on Natura 2000 sites or indeed sites of high ecological status.

In summary, the amendments above are considered minor in nature and therefore not likely to have significant effects on the environment. Thereby, it was concluded they were not material in nature and did not require AA screening.

5 Final Determination

In order to determine whether an Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive was required, Variation No. 1 was subject to a formal Screening process carried out in accordance with the Commission's methodological guidance (EC, 2002). This process was carried out to determine:

- whether Variation No. 1 is directly connected to or necessary for the management of the site; and
- whether Variation No. 1, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site(s) in view of the site(s) conservation objectives.

In terms of the amendments made to Variation No. 1 after consultation, it was determined that these were not material in nature and were not likely to have significant affects on Natura 2000 sites.

Taking the above on board, along with the conclusions of the Appropriate Assessment Screening Statement (January 2012), it was determined that Variation No. 1 to the Tullamore Town and Environs Development Plan 2010-2016 does not require any further Appropriate Assessment. Variation No. 1 has been prepared to ensure that any development arising from Variation No. 1 (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity or conservation objectives of any Natura 2000 sites.

Appendix A

AA Screening Statement (May 2012)