



Offaly County Council & Tullamore  
Town Council

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

SEA Screening Determination Report

Date: July 2012

## Contents

1	Introduction .....	2
	1.1 Background.....	2
2	Strategic Environmental Assessment Screening .....	2
	2.1 Initial determination and recommendation under Article 13K of the Planning and Development (Strategic Environmental Assessment) Regulations 2004.....	2
	2.2 Consultation with the Environmental Authorities.....	3
	2.3 Minor Amendments to Variation No. 1.....	7
3	Final Determination Subsequent to Consultation with the Environmental Authorities .....	10

### **Appendix A** SEA Screening Statement (May 2012)

# 1 Introduction

## 1.1 Background

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 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.

This report constitutes the SEA Screening Determination Report of Variation No. 1 and follows on from the preparation of a SEA Screening Statement (May 2012) which was prepared in order to assist the Environmental Authorities, in the preparation of submissions/observations, on whether or not Variation No. 1 would be likely to have significant effects on the environment.

# 2 Strategic Environmental Assessment Screening

## 2.1 Initial determination and recommendation under Article 13K of the Planning and Development (Strategic Environmental Assessment) Regulations 2004

During this part of the SEA process it was noted that Variation No. 1 will be implemented in accordance with the principles of sustainable development and with the commitment to the enhancement and protection of the natural and man made environment, as set out in the current Tullamore Town and Environs Development Plan 2010-2016, which was subject to a full SEA and AA Screening in 2010.

This Variation relates specifically to Business/Employment land use (which will allow for the consideration of General Industry use) and also Open Space (due to the reconfiguration Open Space and the reduction of Open Space in the Southern Environs Masterplan area adjacent to the N52 Tullamore Bypass). It is not predicted that the intensification of Business/ Employment land uses in the Plan area or the reduction in lands zoned for Open Space will be such that vulnerable environmental areas will be significantly affected.

The implementation this Variation will not permit unsuitable general industry types to be located adjacent to, for example, lands zoned for residential development or public educational zoned lands. Any planning application submitted relating to General Industry development on Business/Employment zoned lands will be considered on an individual basis and will be subject to an appropriate project level environmental assessment and Habitats Directive assessment (where deemed required). This, along with the continued implementation of the Development Plan's environmental policies and objectives, will ensure that any developments relating to this Variation will not significantly impact on the receiving environment (*e.g.* human being, ecology, water, landscape *etc.*).

On the basis of the above assessment and consideration of the criteria as set out in Schedule 2A of the Regulations and the Screening Assessment completed as part of this process (see **Appendix A** of this the SEA Screening Statement Report, May 2011), it was considered that Variation No. 1 is unlikely to give rise to significant environmental effects, once the environmental policies and objectives within the Tullamore Town and Environs Development Plan 2010-2016 are adhered to and implemented; and therefore does not require an SEA.

## 2.2 Consultation with the Environmental Authorities

### 2.2.1 SEA Screening Consultation

As required by Article 13K (3) of the Planning and Development (Strategic Environmental Assessment) Regulations 2004, the SEA Screening Statement was forwarded to the following bodies on the 3<sup>rd</sup> May 2012, as part of the SEA Screening process.

- Environmental Protection Agency (EPA);
- Department of Environment, Community and Local Government (DoECLG);
- Department of Agriculture, Marine and Food (DoAMF);
- Department of Communications, Energy and Natural Resources (DCENR);
- Department of Arts, Heritage and Gaeltacht Affairs;
- Adjoining Planning Authorities.

The above bodies were invited to make a submissions or observations, in relation to whether or not Variation No. 1 to the Tullamore Town and Environs Development Plan 2010-2016 would be likely to have significant effects on the environment.

Of the 15 bodies consulted, one made a full submission, the Environmental Protection Agency. The main comments received from the EPA are outlined below:

- Consideration should be given to strengthening the 4<sup>th</sup> condition attached to industrial proposals in Business/Employment lands, as set out in *Section 4.2 - Masterplans*, as follows:  
"~~An acknowledgement of~~ **To take into account the appropriate future development of adjacent areas as per their land use zonings, and to put in place measures to prevent significant negative effects on adjacent land use zonings (i.e. mitigate against impact of noise, odours, etc. on Residential lands adjacent to Business/Employment/Industrial lands)**".

Taking on board the EPA's comments, the Council amended the 4<sup>th</sup> condition attached to industrial proposals in Business/Employment lands, as set out in *Section 4.2 - Masterplans* of the Variation, as follows:

**"To take into account the appropriate future development of adjacent areas as per their land use zonings, and to put in place measures to prevent significant negative effects on adjacent land use zonings (i.e. mitigate against impact of noise, odours etc. On residential lands adjacent to Business/Employment lands"**.

- It is noted that *Objective CHN6*, as varied, includes a requirement to link the linear open spaces shown on the map. In this context, consideration should be given to retaining a strip of buffer zone/open space adjacent to the former Strategic Distributor route and along the northern edge of the motorway as part of this Variation to maintain connectivity between the open spaces.

Taking on board the EPA's comments, the Council amended Objective CHN6 to read as follows:

CHN6: Encourage the **linking of the linear open space areas which are shown both alongside the bypass and within the masterplan area** development of the existing commercial forest as an amenity ~~ies~~ serving future residential development **through the planning application process**.

- It is noted that lands adjacent to the Grand Canal pNHA which are zoned for Business/Employment will also be affected by the Variation. It should be ensured that mechanisms are in place to protect the Grand Canal from potential negative effects associated with industry. Consideration should be given to zoning buffer zones between areas for development and the Grand Canal pNHA.

The protection of the Grand Canal is of paramount importance in the current 2010 Development Plan and this is demonstrated by **Policy TTEP 13-05** "*It is the Councils' policy to protect, conserve and enhance Tullamore's biodiversity and natural heritage including wildlife (flora and fauna), habitats,*

*landscapes and/or landscape features of importance to wildlife, especially along the Railway line, the Grand Canal and the Tullamore, Silver and Clodiagh Rivers"*

All developments which arise from this Variation will be required to comply with **TTEP 13-02** *"It is the Councils' policy to prohibit any development that would be harmful to or that would result in a significant deterioration of habitats and/or disturbance of protected species within Tullamore and to support/co-operate with statutory authorities and others in support of measures taken to manage proposed or designated sites in order to achieve their conservation objectives"* and **Objectives TTEO 13-01** *"To conserve and protect European and National sites and to ensure that any development proposal in the vicinity of, or affecting a European or National designated site, provides sufficient information to show how its proposals will impact on the habitat of the site, and appropriate amelioration, and the Councils will consult with the Department of Environment, Heritage and Local Government in this regard"*.

Any industrial development arising from this Variation will be required to confirm to National and European regulations and legislation for the prevention of environmental effects which would adversely impact on designated sites and all developments will be required to adhere to **all** environmental protection policies and objectives contained within the current 2010 Town and Environs Plan. This will ensure that no industrial development is permitted that will significantly adversely impact on the Grand Canal pNHA.

- For varied *Objective ET4*, it should be clarified whether the landscape buffer along the route of the bypass is to be provided by the Local Authority or the developer. Consideration should also be given to retaining the requirement to complete the landscaped buffer prior to further development of the adjacent lands.

Taking on board the EPA's comments this Objective amended in the Variation as follows:

"Provision of a landscape buffer along route of the by-pass which can also serve as an amenity route and wildlife corridor. The landscape buffer shall be managed in accordance with a Management Plan to be approved in advance by the Planning Authority. This landscaped buffer shall be completed **by the developer** prior to in tandem with the expansion **development** of **contiguous lands**. the business park to the south. **Development on lands adjoining the landscaped buffer should address and be responsive to it by means of building design, orientation, public realm design and treatment and the use of other appropriate boundary treatments."**

- Varied *Objective ET6* (to be renumbered as ET5) should be strengthened as follows: *"~~The building shall be occupied~~ **No development shall be commenced** within this node prior to the provision of **adequate and appropriate** water, foul sewerage and surface water infrastructure..."*

This Objective was amended as follows:

**Objective 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".

- The first requirement of *Section 5.4.4.7* should be strengthened as follows: "*That all ancillary required infrastructure will be developed ~~in tandem with~~ **prior to** the principle use on site*".

The Variation was amended to take on board the suggested wording above.

- Consideration should be given to including more site specific information in the baseline in Section 2 Purpose of Proposed Variation No. 1.

Section 2 of the Screening Report was amended to include more specific baseline information prior to the Public Consultation of the Variation No. 1, Appropriate Assessment Screening Report and SEA Screening Statement Report.

#### 2.2.2 Public Consultation of Variation No. 1

The SEA Screening Statement along with Variation No. 1 and the AA Screening Report went on public display on 31<sup>st</sup> May 2012 to 28<sup>th</sup> 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 SEA Screening Statement were received during this statutory consultation process.

## 2.3 Minor Amendments to Variation No. 1

Variation No. 1 was adopted by the Members of Offaly County Council and Tullamore Town Council on the 16<sup>th</sup> July 2012. This Variation was adopted with amendments which are considered minor in nature, hence not requiring SEA screening.

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

### **Pg 10**

*"**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."**

### **Pg 10**

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."*

**Pg 10**

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.

**Pg 12**

**"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."*

**Pg 19**

**"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.***

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 SEA screening.

### 3 Final Determination Subsequent to Consultation with the Environmental Authorities

Having had regard to the requirements of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (as amended by S.I. No. 200 and S.I. No. 201 of 2011), and having consulted with the Environmental Authorities and considered the submission received, it is the final determination of the Planning Authority under Article 14 A (5) of the Regulations that a Strategic Environmental Assessment is not required in respect to Variation No. 1 of the Tullamore Town and Environs Development Plan 2010-2016.

This decision has been taken having regard to the EU Strategic Environmental Assessment Directive (2001/42/EC) and the Strategic Environmental Assessment Guidelines for Regional Authorities and the Planning Authorities (November 2004) (DoEHLG).

## **Appendix A**

### **SEA Screening Statement (May 2012)**