



Strategic Environmental Assessment Screening Report

for

Proposed Variation No. 3

of the

Tullamore Town and Environs Development Plan 2010 (as extended)

December 2017



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1. Introduction

1.1 Background

Proposed Variation No. 3 of the Tullamore Town and Environs Development Plan 2010 (as extended) seeks to incorporate provisions of the Urban Regeneration and Housing Act 2015 (URHA) relating specifically to the Vacant Site Levy, Urban Renewal and Regeneration. The aforementioned provisions of URHA 2015 are proposed to be incorporated in to the development plan for the purposes of the future application of the Vacant Site Levy, in two ways:

- 1) By way of new written objectives for the development and renewal of designated residential and regeneration lands
- 2) By the identification of lands/areas which may be subject to the future application of the Vacant Site Levy.

The URHA 2015 signed into law in July 2015 has a specific focus on addressing housing supply related issues across the country. The URHA 2015 aims to incentivize urban regeneration with a view to facilitating increased activity specifically in the housing construction sector. The URHA 2015 introduced the vacant site levy as a site activation measure which is required to be integrated as part of the development planning process, to ensure that vacant or underutilized land in urban areas is brought into beneficial use.

In making provision for the Vacant Site Levy in development plans the URHA 2015 requires Planning Authorities in the first instance to incorporate mandatory objective(s) to support Urban Regeneration and also to indicate areas to which the equitable application of the levy can occur.

1.2 Purpose of this Report

EU Directive 2001/42/EC as transposed into Irish law by SI No. 436 – Planning and Development (Strategic Environmental Assessment) Regulations 2004 (as amended by SI No. 201/2011), provides under Article 13 K that a determination needs to be made as to whether a variation of a development plan is required to undertake a Strategic Environment Assessment (SEA). Making such a determination is the first stage of the SEA process and is known as ‘Screening’. Screening is required under the abovementioned regulations to determine whether the policies or objectives of any plan or programme would be likely to have significant effects on the environment. This report will determine if the proposed variation requires a SEA.

In completing the screening exercise the following is required to be undertaken in this report:

- To set out and consider the characteristics of proposed variation no. 3 of the TTEDP 2010.
- To set out and consider the characteristics of the environmental effects of proposed variation no. 3 and the area likely to be affected.
- To inform all prescribed environmental authorities of the initial screening determination.

2. Proposed Variation No. 3

Proposed Variation no. 3 of the Tullamore Town and Environs Development Plan 2010 (as extended) seeks, in accordance with the provisions of the Urban Regeneration and Housing Act 2015 (Vacant Site Levy) to:

- (a) integrate specific objective(s) for the development and renewal of identified areas in need of regeneration or residential development and,
- (b) specify the areas identified in need of regeneration or residential development.

The proposed variation has been prepared in accordance with the provisions of section 13(2) of the Planning and Development Act 2000 (as amended).

3. Proposed Variation No. 3 and the Tullamore Town and Environs Development Plan 2010 (as extended)

The Tullamore Town and Environs Development Plan 2010 (as extended), is the strategic landuse and development plan for Tullamore Town and its environs. This plan has been extended in timeframe by the Electoral, Local Government and Planning and Development Act 2013 on foot of the dissolution of Tullamore Town Council. The plan is set within the framework of National, Regional and Local Policy and outlines the overall strategy for the proper planning and sustainable development of the town. The Tullamore Town and Environs Development Plan 2010 (as extended) was adopted by Tullamore Town Council and Offaly County Council on the 13th and 17th May 2010. **The plan was subject to a SEA in 2010 which assessed all policies and objectives to establish if they *'are likely to have significant environmental effects'*. This process provided for the inclusion and integration of relevant and important environmental considerations in order to promote and encourage sustainable development.**

Pursuant to the process and procedures set out under section 13 of the Planning and Development Act 2000 (as amended), Offaly County Council is seeking to vary the Tullamore Town and Environs Development Plan 2010 (as extended) to incorporate the provisions of the URHA 2015. This would provide for the integration of specific objectives to encourage the development and renewal of areas in need of regeneration or residential development (where there is a proven need). Additionally, the proposed variation will specify the areas that will be the focus for renewal and regeneration and possible future application of the Vacant Site Levy.

The implementation of the Vacant Site Levy is set within the context of sustainable urban development and a shared public interest in the most efficient use of land especially in urban areas. It is considered that having and employing appropriate enabling tools and mechanisms will facilitate local authorities in achieving compact settlements and would reduce unnecessary urban sprawl in line with the principles of proper planning and sustainable urban development.

The lands designated as *residential or regeneration* in line with the provisions of URHA 2015 have previously been zoned in the development plan and have already been subject to SEA which concluded that no significant environmental effects would be likely as a consequence of the implementation of the Development Plan. No material change to landuse zoning is proposed in this variation.

4. Screening Methodology

Articles 2 and 3 of the SEA Directive set out the criteria to be used to determine the need for a SEA.

Article 2 of the SEA Directive details the characteristics that 'plans and programmes' must possess for the SEA Directive to apply and include those:

- *'which are subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by parliament or Government, and*
- *which are required by legislative, regulatory or administrative provisions.'*

As competent authority, Offaly County Council is satisfied that the Proposed Variation comes within the scope of Article 2 of EU Directive 2001/42/EC as it is a plan that is (a) subject to adoption by a Local Authority and (b) is directed by the legislative and regulatory provisions (i.e. section 66B of the Local Government Reform Act 2014).

Article 3 of the SEA Directive sets out the scope of application. This Article expresses the requirement for an environmental assessment of certain plans which are likely to have significant environmental effects. It also defines the classes of plans which require assessment. According to this Article environmental assessment is required for plans or programmes which:

- *'are likely to have significant environmental effects'*
- *'are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or landuse and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EC' (the EIA Directive) or*
- *'in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC'*

Article 3 provides for a determination on a case by case basis as to whether plans are likely to have significant environmental effects taking into account the criteria of Annex II of the Directive (transposed into Irish Law this refers to Schedule 2A, SI No. 436/2004 Planning and Development (Strategic Environmental Assessment) Regulations 2004 (as amended by SI No. 201/2011).

As competent authority, Offaly County Council will be using the criteria set out in Annex II of the Directive (transposed into Irish Law this refers to Schedule 2A, SI No. 436/2004 Planning and Development (Strategic Environmental Assessment) Regulations 2004 (as amended by SI No. 201/2011) to evaluate how likely the Proposed Variation to the Tullamore Town and Environs Development Plan 2010 (as extended) is to have

significant environmental effects. An assessment of the Proposed Variation in terms of the criteria set out in Schedule 2A of the Regulations is set out in **Section 5** below.

The Proposed Variation has been screened for 'Appropriate Assessment' pursuant to Article 6 of the Habitats Directive 92/43/EEC to establish if the plan is found to have significant environmental effects under Article 6 (3) of the Habitats Directive on a certain site or sites and therefore triggers the application of the SEA Directive. On foot of the screening exercise undertaken, it is considered that no further assessment i.e. a Natura Impact Report (stage 2) needs to be undertaken (please refer to the Appropriate Assessment Screening Report accompanying this SEA Screening Report).

5. SEA Screening

5.1 Assessment in terms of Schedule 2A, SI No. 436/2004 Planning and Development (Strategic Environmental Assessment) Regulations 2004 (as amended by SI No. 201/2011).

An assessment of the proposed variation in terms of the criteria set out in the above-mentioned Regulations is set out below and is carried out in the order in which the criteria have been laid out in that schedule.

5.2 The characteristics of the plan having regard, in particular to:

(a) The degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions, or by allocating resources;

The proposed variation gives effect to the provisions of the URHA 2015 providing for the implementation of the vacant site levy. The application of the levy is intended to bring underutilised and vacant sites and buildings in urban areas into beneficial use for the supply of housing where there is a determined need.

The proposed variation is seeking in the first instance to integrate specific objectives for the efficient and sustainable use of urban lands and to bring them forward for residential development. Secondly the proposed variation is seeking to identify specific areas where the application of site activation measures such as the Vacant Site Levy may apply.

The additional text proposed supports and supplements existing policies and objectives in the Tullamore Town and Environs Development Plan 2010 (as extended) that also call for the efficient and sustainable use of urban lands. No changes are proposed to landuse zoning objectives.

The proposed variation will not set a framework for projects and other activities with regard to location, nature, size and operating conditions or by allocating resources. The Tullamore Town and Environs Development Plan 2010 (as extended) sets out clearly the spatial framework for development locations and landuse in Tullamore Town and this will not be altered.

(b) the degree to which the plan influences other plans, including those in a hierarchy

The Tullamore Town and Environs Development Plan 2010 (as extended) particularly through its core strategy (as adopted through variation no. 2 to the plan) already provides for the promotion of sustainable development and the efficient use of land in Tullamore. In addition, renewal and regeneration are issues

identified in chapter 7 (Town Centre, Renewal and Retail). The SEA process successfully facilitated the integration of mitigation into the plan in order to contribute towards the protection of the environment. The proposed variation provides further detail on where and how an enabling tool i.e. Vacant Site Levy will be applied in Tullamore Town. This enabling tool has the potential to assist the Local Authority in the achievement of existing objectives in the plan and to generally assist in the sustainable development of the town. The positive effects of inter alia, renewal, regeneration and efficient use of land have all been assessed and envisaged by the SEA of the Tullamore Town and Environs Development Plan 2010 (as extended) and will further contribute (positively) to this.

The proposed variation is likely to influence other plans and projects in that it will, when adopted, form part of the statutory Tullamore Town and Environs Development Plan 2010 (as extended). The policies and objectives of the development plan must be consistent with those of spatial hierarchy at Regional and National level. Additionally, it is envisaged that the variation as incorporated into the plan will influence projects in particular and especially those that bring about the regeneration of areas within the urban setting including brownfield sites. Proposed variation no. 3, given its nature and wider objective would not be likely to result in significant environmental effects.

It is not anticipated that the proposed variation will have a significant environmental effect on any other plans. However other plans/projects will be directly influenced by the variation as it becomes part of the Tullamore Town and Environs Development Plan 2010 (as extended), a plan which must be consistent with the spatial planning hierarchy and to which projects being delivered must be consistent with.

(c) The relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development.

The Tullamore Town and Environs Development Plan 2010 (as extended) was subject to a detailed SEA in accordance with the SEA Directive (2001/42/EEC) in 2010. This process allowed for consideration of the environmental implications of implementing the plan. The SEA Environmental Report highlighted a number of issues or concerns in relation to the local environment, and in response a variety of protection policies and objectives were considered and incorporated within the plan. Such issues highlighted included flooding, water quality, landscape sensitivity *etc.* The assessment process concluded that full implementation of the plan, particularly its environmental protection policies and objectives coupled with the mitigation measures included in the environmental report would result in a neutral impact overall on the various environmental receptors.

The integration of environmental considerations, in promoting sustainable development is fundamental in the Tullamore Town and Environs Development Plan 2010 (as extended) and is threaded through the plan.

The proposed variation is relevant for the integration of environmental considerations, particularly in respect of promoting the sustainable development of urban areas through maximising the efficient use of urban lands. The proposed variation will serve to augment environmental considerations already provided for in the Tullamore Town and Environs Development Plan 2010 (as extended). The proposed variation would not be likely to result in significant environmental effects.

(d) Environmental problems relevant to the Plan

Environmental problems arise where there is a conflict between current environmental conditions and legislative targets. Through its provisions relating to environmental protection and management, the existing plan contributes towards ensuring that environmental conditions do not get worse and, where possible, it contributes towards their amelioration. Taking the above into account and having considered the constituent parts of the Proposed Variation No.3 it is considered that Proposed Variation No.3 will contribute to the improvement of environmental problems relevant to the plan area. Therefore, Proposed Variation No.3 would not be likely to result in significant environmental effects.

The proposed variation will contribute to the improvement of environmental problems, particularly relating to urban areas and the delivery of development in a more efficient and sustainable manner. This is already encouraged through existing policies and objectives of the development plan. Therefore the proposed variation would not be likely to result in significant environmental effects.

(e) The relevance of the Plan for the implementation of European Union legislation on the environment (e.g. Plans linked to waste management or water protection)

A number of policies and objectives in Tullamore Town and Environs Development Plan 2010 (as extended) focus on the implementation of EU environmental legislation and the plan was prepared with strict adherence to the SEA and Habitats Directives. The plan, as a whole, contains policies, objectives and a framework which promote implementation of EU legislation including those relating to the waste management and the Water Framework Directive. Proposed Variation No.3 relates to the land use sector which underwent SEA in the development plan process.

Taking the above into account and having considered the nature of Proposed Variation No.3 it is considered that Proposed Variation No.3 will not affect the implementation of European Union legislation on the environment, therefore Proposed Variation No.3 would not be likely to result in significant environmental effects.

5.3 The 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

Generally, it is considered that the characteristics of the effects are likely to increase the likelihood of Tullamore Town to develop in a more sustainable manner over the lifetime of the plan by reinforcing and putting into practice some of the objectives and principles of the core strategy of the development plan.

The proposed variation gives effect to an enabling tool that provides for sustainable and compact urban development. Therefore the probability, duration, frequency and reversibility will be the same as the adopted development plan and are anticipated to be positive and lengthy. The positive nature is considered to be beneficial for the environment. As the proposed variation works as a constituent part of the Tullamore Town and Environs Development Plan 2010 (as extended) it is expected that the positive effects would be permanent and therefore irreversible.

Therefore the proposed variation would not be likely to result in significant environmental effects.

(ii) The cumulative nature of the effects

It is not envisaged that the proposed variation will contribute to significant adverse effects on the environment. Therefore it is not anticipated to result in cumulative effects in combination with other plans and programmes. It is possible that some positive effects as a consequence of the variation will result in positive cumulative effects on the environment particularly in light of the achievement of existing objectives of the Tullamore Town and Environs Development Plan 2010 (as extended). Once the environmental protection measures within the Tullamore Town and Environs Development Plan 2010 (as extended) are followed, adhered to and implemented, it is predicted that the proposed variation will not compromise the quality of the receiving environment.

(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 policies and objectives contained in the adopted 2010 (as extended) plan to which the proposed variation will form part, no negative transboundary environmental effects are predicted.

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

The SEA undertaken on the Tullamore Town and Environs Development Plan 2010 (as extended) assessed the risks to the environment and to human health. The proposed variation endorses objectives already provided for

in the development plan that support sustainable urban development. Therefore the risks to human health or the environment will be the same as the adopted plan.

The proposed variation would not be likely to result in significant environmental effects.

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

The Tullamore Town and Environs Development Plan 2010-2016 (as extended to 2020) provides for a population increase of 5,571 persons in accordance with its core strategy thus providing for a population of just short of 20,000 persons. The population according to the 2016 census is 14,655 persons.

The quantity of land zoned and particularly residentially zoned land contained within the Tullamore Town and Environs Development Plan 2010 (as extended) is predicated by the projected population figures. This has already been provided for and examined in the context of its effects on the environment through the SEA process undertaken with the making of the plan.

The proposed variation applies to the residential and town centre areas of landuse in the Tullamore Town and Environs Development Plan 2010 (as extended). The magnitude and spatial extent of the effects of the proposed variation will be the same as the development plan. The proposed variation would therefore, not be likely to result in significant environmental effects.

5.4 The value and vulnerability of the area likely to be affected due to:

a) Special natural characteristics or cultural heritage

The areas of special natural characteristics and cultural heritage in Tullamore Town and its environs are set out in the Tullamore Town and Environs Development Plan 2010 (as extended) in chapter 13 and in the associated SEA Environmental Report (2010). The policies and objectives of the Tullamore Town and Environs Development Plan 2010 (as extended) provide that inappropriate development is directed away from environmentally sensitive areas and towards environmentally robust areas. In steering inappropriate development away from these environmentally sensitive areas, the additional safeguards as directed by the SEA of the TTEDP are carried out.

The proposed variation will not conflict with the policies and objectives of the Development Plan which seek to protect the special natural characteristics and cultural heritage of Tullamore Town.

b) Exceeded environmental quality standards or limit values

The SEA undertaken on the adopted development plan identified that the plan would not result in exceeding environmental quality standards or limit values. It is anticipated that environmental quality standards will not be exceeded by the proposed variation.

The proposed variation provides a policy measure for the promotion of the more efficient use of land and therefore more sustainable urban development. The proposed variation will not result in environmental quality standards or limit values being exceeded. The proposed variation would not result in significant environmental effects.

c) Intensive land use

The proposed variation provides a policy measure for the promotion of the more efficient use of land and therefore more sustainable urban development. The proposed variation will not result in environmental quality standards or limit values being exceeded. The proposed variation would not result in significant environmental effects.

The proposed variation will not be seeking to intensify landuses beyond what has already been set out and environmentally assessed in the Tullamore Town and Environs Development Plan 2010 (as extended).

5.5 The effects on areas or landscapes which have recognised national, European Union or international protection status

The Tullamore Town and Environs Development Plan 2010 (as extended) identifies and recognises the importance of sites with National and European designations and sets out policies and objectives for their protection. It is not considered the implementation of the proposed variation, in line with sustainable development and consistent with the policies and objectives of the plan, will not have significant negative effects on areas or landscapes which have recognised national, European Union or international protection status.

The proposed variation applies only to lands zoned in urban areas. The proposed variation would not be likely to result in significant environmental effects.

6. Statutory Consultation

An important and significant element to the SEA Screening process is consultation with the Environmental Authorities. In line with Article 13A(4) of the Regulations (S.I. No. 201 of 2011), the specified environmental authorities which will be consulted in relation to the proposed variation are;

- Environmental Protection Agency (EPA)
- Department of Housing, Planning, Community and Local Government (DHPCLG)
- Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (DAHRRGA)
- Department of Communications, Climate Change and Environment (DCCE)
- Department of Agriculture, Food and the Marine (DAFM)

7. Determination in Terms of Article 13 K

The proposed variation 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 Tullamore Town and Environs Development Plan 2010 (as extended), which was subject to a full SEA and AA in 2010.

On the basis of the above assessment and consideration of the criteria as set out in Schedule 2A of the Regulations, it is considered that the proposed variation is unlikely to give rise to significant environmental effects, once the environmental policies and objectives within the Tullamore Town and Environs Development Plan 2010 (as extended) are adhered to and implemented; and therefore does not require an SEA.

A final determination however will not be made until the specified environmental authorities have been consulted.

END
