

# **Determination of the Need for Strategic Environmental Assessment (SEA)**



**Proposed Variation No. 5 of the Monaghan County Development Plan  
2013 - 2019**

**(Incorporation of Policy RHP14 - Unfinished Housing in  
Rural Areas Under Strong Urban Influence)**

July 2017

**1. Introduction**

The purpose of this report is to consider whether or not the proposed variation No. 5 of the Monaghan County Development Plan (incorporating the Development Plans for the Towns of Monaghan, Carrickmacross, Castleblayney, Clones and Ballybay) 2013-2019, relating to the incorporation within the Development Plan of Policy RHP14 - Unfinished Housing in Rural Areas Under Strong Urban Influence requires a Strategic Environmental Assessment. The variation procedure will be carried out in accordance with Section 13 of the Planning and Development Act 2000 (as amended).

Article 13K(1) of the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2004 (as amended) indicates the following:

*Where a planning authority proposes to make a variation of a development plan under section 13 of the Act, it shall, before giving notice under section 13(2) of the Act, consider whether or not the proposed variation would be likely to have significant effects on the environment, taking into account of relevant criteria set out in Schedule 2A.*

## **2. Detail of the Proposed Variation**

The Sustainable Rural Housing Guidelines for Planning Authorities were introduced in 2005 requiring all planning authorities to designate areas which were considered to be under development pressure due to their proximity to the urban areas. The purpose of designating these Rural Areas Under Strong Urban Influence (RAUSUI) was to limit housing in these areas to that which was generated within that rural area, and thus controlling or prevent housing taking place in these areas that was urban generated. Planning Authorities were also required to include objectives and policies within their development plans to control urban generated housing and facilitate rural generated housing demand in these areas.

These designated areas, and related objectives and policies, were included within the Monaghan County Development Plan 2007-2013, in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities. Proposals for dwellings in RAUSUI submitted after the adoption of the development plan were subject to control in accordance with the objectives and policies. The Monaghan County Development Plan 2013-2019 also incorporated designated RAUSUI and included objectives and policies to control urban generated housing and facilitate rural generated housing demand in these areas.

Permissions for dwellings obtained prior to the designation of the RAUSUI in 2007 were not subject to control, and if a dwelling within these areas was completed within the lifetime of the planning permission, there were no repercussions for these developments arising from the change in planning policy. However, where dwellings in these designated RAUSUI were not completed within the lifetime of the permission, complications arose in respect of their completion. In effect an application for the retention and completion of dwellings within these subsequently designated areas would have to demonstrate that they were in compliance with the objectives and policies restricting development in these areas, where they had not been previously required to do so. In some cases applicants were unable to demonstrate that they met the objectives and policy tests and so were unable to obtain permission to complete the dwelling.

In other instances, the applicant did not complete the development due to a change in personal economic circumstances following the economic downturn in 2007/2008. Some of these people subsequently emigrated, or found employment and housing elsewhere in this country, and now have no intention of completing or occupying the development due to their change in circumstances.

These scenarios have resulted in a number of unfinished houses existing in these areas, which have become unsightly with the passage of time. Despite a recovering economy, a limited number of these developments remain unfinished and as such it is considered necessary for the Planning Authority to intervene to remedy this problem. In this regard, it is noted that a number of policy and funding initiatives have been successfully employed to remedy the unfinished housing problem in our towns and villages.

It is proposed to incorporate Policy HDP14 into the County Development Plan to allow the planning authority to take into account economic, commercial or technical circumstances that prevented the completion of the development within the duration of the original permission. (refer to proposed wording below)

This policy will only be applied in exceptional circumstances where the applicant has demonstrated to the satisfaction of the planning authority that there were extenuating circumstances as to why the dwelling was not completed within the duration of the permission and visual/environmental gain will be served by the completion of the dwelling. The applicant will be required to demonstrate that the development is in compliance with all other policies within the Monaghan County Development Plan relevant to the development. To prevent any misuse of this exceptional policy provision, the planning authority in granting planning permission under this policy, may consider it necessary to impose restrictions on future development of lands within the applicant's control having regard to the prevailing circumstances.

#### **Policy RHP14**

*Where planning permission has been granted for a dwelling prior to 2010, in an area that is currently designated as a Rural Area Under Strong Urban Influence, where substantial works have been carried out but the development has not been completed, the planning authority may grant planning permission for the retention and completion of the development, without the necessity to comply with the provisions of paragraph 3.5.1 of the Monaghan County Development Plan 2013 – 2019. Planning permission will only be forthcoming if the applicant can demonstrate to the satisfaction of the planning authority that economic, commercial or technical circumstances prevented the completion of the development within the duration of the original permission. The applicant will be required to demonstrate that the development is in compliance with all other policies within the Monaghan County Development Plan 2013-2019. The planning authority in granting planning permission under this policy may consider it necessary to impose restrictions on future development of lands within the applicant's control having regard to the prevailing circumstances.*

### **3. Environmental Impacts of Proposed Variation**

A screening exercise has been carried out in accordance with Article 13K (1) of the SEA Regulations, taking into account the relevant criteria set out in Schedule 2A of the Regulations.

The factors considered in this screening process include the criteria laid down in Schedule 2A of the Planning and Development (SEA) Regulations 2004 (See Appendix 1) and Task 1.2 of the EPA Synthesis Report.

The incorporation of Policy RHP14 into the County Development Plan will permit the completion of unfinished dwellings located in the countryside which have become unsightly and environmentally unacceptable. Given the limited number of cases that this policy would apply to and finite number of these cases, it is considered that the incorporation of this policy into the Development Plan would

not result in significant environmental impacts as defined under the SEA Regulations. The application of this policy will not diminish the effect of the existing policies regarding the protection of the environment.

#### **4. Conclusion**

A Strategic Environmental Assessment is not mandatory for the proposed variation No. 5 to the Monaghan County Development Plan 2013 - 2019 (incorporating the Development Plans for the towns of Monaghan, Carrickmacross, Castleblayney and Clones) as it does not meet any of the criteria outlined in Schedule 2A which is included within Appendix 1 of this report. Through the screening process it has been established that there will not be any significant environmental effects due to the adoption of this variation. As a result, there is no requirement to proceed beyond the screening stage of the SEA process.

#### **5. Recommendation**

It is considered that a Strategic Environmental Assessment is not required for the adoption of the proposed variation No. 5 to the Monaghan County Development Plan 2013-2019 (incorporating the Development Plans for the Towns of Monaghan, Carrickmacross, Castleblayney, Clones and Ballybay).

## **Appendix 1**

### **“SCHEDULE 2A**

**CRITERIA FOR DETERMINING WHETHER A PLAN IS LIKELY TO HAVE SIGNIFICANT EFFECTS ON THE ENVIRONMENT**

1. The characteristics of the plan having regard, in particular, to

- 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 degree to which the plan influences other plans, including those in a hierarchy,
- the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan,
- 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).

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

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
  - (a) special natural characteristics or cultural heritage,
  - (b) exceeded environmental quality standards or limit values,
  - (c) intensive land-use,
- the effects on areas or landscapes which have a recognised national, European Union or international protection status.