

Determination of the Need for Strategic Environmental Assessment (SEA)



**Proposed Variation No. 4 of the Monaghan County Development Plan
2013 - 2019 (incorporating the development plans for Monaghan,
Carrickmacross, Castleblayney, Clones and Ballybay)**

**Vacant Sites
Urban Regeneration and Housing Act 2015**

July 2017

1. Introduction

The purpose of this report is to consider whether or not the proposed variation No. 4 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 introduction of the vacant sites levy under the Urban Regeneration and Housing Act 2015 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

To include in the County Development Plan (incorporating the development plans of Monaghan, Carrickmacross, Castleblayney, Clones and Ballybay) in Chapter 3 Settlement Strategy/Core Strategy after 3.4.6:

3.4.6.1 Urban Regeneration

The Urban Regeneration and Housing Act 2015 introduced a vacant site levy in order to incentivise the development of vacant sites in urban areas for housing and regeneration purposes. The application of the levy is intended to bring underutilised and vacant sites and buildings in urban areas into beneficial use.

Monaghan County Council will examine lands within urban areas, as appropriate, for the purposes as set out in the Urban Regeneration and Housing Act 2015, in relation to the vacant site levy.

It is an objective of this Plan to promote the appropriate development and renewal of urban sites and areas, identified having regard to the core strategy, that are in need of regeneration, in order to ensure there is no:

- (i) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,
- (ii) urban blight and decay,
- (iii) anti-social behaviour, or
- (iv) shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.

3. SEA Screening Methodology

Articles 2 and 3 of the SEA Directive set out the criteria to be used to determine the need for 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 the competent authority, Monaghan County Council is satisfied that the proposed variation of the Development Plan 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. Planning and Development Act 2000, as amended).

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 land use 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 effects 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 1, S.I. No. 435/2004 EC (Environmental Assessment of Certain Plans & Programmes) Regulations 2004 (as amended by S.I. No. 200.2011).

As the competent authority, Monaghan County Council will use the criteria set out in Annex II of the Directive (transposed into Irish law this refers to Schedule 1, S.I. No. 435 EC (Environmental Assessment of Certain Plans & Programmes) Regulations 2004 (as amended by S.I. No. 200/2011) to evaluate how likely the proposed variation is to have significant environmental effects. An assessment of the content of the proposed variation of the Development Plan in terms of the criteria set out in Schedule 1 of the Regulations is set out in Section 5 below.

The aim of the proposed variation of the Development Plan is to incentivise the development of vacant sites in urban areas for housing and regeneration purposes, in line with the Urban Regeneration and Housing Act 2015.

The proposed variation has been screened for 'Natura Impact Assessment' pursuant to Article 6 of the Habitats Directive 92/43/EEC to establish if the variation 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 Natura Impact assessment needs to be undertaken.

4. SEA Screening

4.1 Assessment in terms of Schedule 1, S.I. No. 435/2004 EC (Environmental Assessment of Certain Plans & Programmes) Regulations 2004 (as amended by S.I. No. 200/2011).

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.

This assessment takes cognisance of all of the legislatively required content of the proposed variation and county development plan in accordance with the Planning and Development Act 2000, as amended and the Urban Regeneration and Housing Act 2015, to determine whether elements of the variation would be likely to have significant effects on the environment.

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

(a) The degree to which the proposed variation sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions, or by allocation resources:

The proposal to be adopted, is as a variation, to the county development plan. The Monaghan County Development Plan sets out the overall statutory spatial framework for development locations and land use in County Monaghan and sets out the most appropriate locations for new developments, projects and activities. The County Development Plan is set in a context of national and regional strategies and guidelines, to create the appropriate conditions necessary to encourage sustainable development.

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

Set within the county development plan it is not anticipated that the proposed variation will have a significant environmental effect on any other Plans.

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

The Monaghan County Development Plan 2013-2019 was subject to a detailed SEA in accordance with the SEA Directive (2001/42/EEC) in 2014. 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 Monaghan County Development Plan and is threaded through the Plan stemming from the Strategic Objective contained in Chapter 4 Environment and Heritage, to ensure that the Council in the performance of its functions takes account of, inter alia, the Habitats and Birds Directive, and protects and improves its water resources.

The proposed variation is consistent with the Monaghan County Development Plan and higher-level plans, setting out objectives and policies that promote development in a controlled and sustainable manner and does not conflict with the development plan in any way with the view towards promoting sustainable development.

(d) Environmental problems relevant to the Plan

There are numerous areas of environmental sensitivity within the county. These include designated nature conservation sites (e.g. SAC, SPA, NHA), views and prospects, areas of high amenity, protected structures and recorded and national monuments. Details of all of these are set out in the Monaghan County Development Plan 2013-2019 and in the SEA report of the County Development Plan.

The environmental report conducted as part of the SEA process on the content of the Monaghan County Development Plan 2013-2019 considered issues of concern in the plan area (County Monaghan) and provided various mitigating measures to decrease impacts considered to be severe or significant.

The Monaghan County Development Plan 2013-2019 was subject to assessment pursuant to the SEA Directive. Specific issues of concern were raised at the outset during the scoping phase and assessed throughout the SEA included:

- Bio-diversity (flora and fauna)
- Population and Human Health
- Geology and Soils
- Water Resources including flooding
- Climate and Air Quality
- Material Assets including Energy & Renewable Energy, Waste Management, Water Services & Wastewater, Transport, and Noise
- Cultural Heritage – archaeology and built heritage
- Landscape

The proposed variation which aims to promote appropriate development and renewal of urban sites and areas, does not conflict with the policies or objectives of the Development Plan with regard to environmental matters. Any proposal for development shall be subjected to the policies and objectives of the Development Plan to seek to protect and conserve environmental sensitive areas within County Monaghan.

(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)

Issues relating to European Union Legislation on the environment are provided for in the Monaghan County Development Plan 2013-2019. The proposed variation is consistent with the policies and objectives of this Development Plan which itself was the subject of an SEA and AA in 2013. Hence, the proposed variation will therefore be directed and informed by the relevant European legislation on the environment including; waste management and water protection policies, and objectives as set out in the Neagh Bann and North Western International River Basin Management Plans.

The proposed variation complies with the requirements of Article 6 of the Habitats Directive. A Natura Impact Assessment Screening Report has been prepared and following a period statutory consultation, no submissions were received.

4.3 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

The probability, duration, frequency and reversibility of effects will be dependent on the extent of development likely to result from the proposed variation during its lifetime. However, the Development Plan includes appropriate policies and objectives to minimise the overall impact on Bio-diversity, Flora and Fauna and indeed all environmental aspects (e.g. landscape, water and cultural heritage, etc.). It is considered that there will be no significant negative effects arising from implementing the proposed variation as any development proposed will have to comply with the Development Plan's protection policies and objectives.

(ii) The cumulative nature of the effects

The provisions of the proposed variation have been formulated using the strategic objectives, the principles and the policies and objectives of the Monaghan County Development Plan 2013-2019 (for which a full SEA was prepared and published in 2013). This will ensure that any new development resulting from policies and objectives of the proposed variation will take place in accordance with the framework set out by the Development Plan, in line with current environmental and planning legislation and guidance e.g. Section 28 Guidelines, Water Framework Directive and Habitats Directive), in accordance with the principles of the core strategy (as in the right development in the

right location at the right time), with the establishment of appropriate facilities and infrastructure thereby promoting sustainable development in the county.

Once the environmental protection measures within the County Development Plan 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 2013-2019 Development Plan and the completion of required environmental assessments and planning process for any proposed development arising from the proposed variation, no negative transboundary environmental effects are predicted.

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

There are no Seveso sites in County Monaghan. However, should new Seveso sites be identified in County Monaghan, the Health and Safety Authority (HSA), as the designated authority for Seveso sites, will notify the Council. The Council will continue to work in cooperation with the HSA when dealing with applications relating to Seveso sites and land use plans in the vicinity of such sites. Policy MAP2 of the Monaghan County Development Plan states,

Facilitate the implementation of the 'Seveso II and III' major accidents directives in respect of the siting of new establishments, modifications to existing establishments and major infrastructure projects including any proposed gas pipeline, rail links and major roads.

The proposed variation does not conflict with the County Development Plan's policy MAP2 and will therefore not result on any risks to human health.

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

The population of County Monaghan in 2011 was 60,483. The population increased by 8% between 2006 and 2011. The Monaghan County Development Plan 2013-2019 through its core strategy provides and has set the framework for a population increase of 8,379 persons over the lifetime of the plan (6 years). The quantity of land zoned and particularly residentially zoned land contained within the Monaghan County Development Plan is predicted by the projected population figures. The proposed variation works within these projected population figures in accordance with the core strategy of the Development Plan.

4.4 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 County Monaghan are set out in the Development Plan 2013-2019 and in the associated SEA Environmental Report 2013.

The policies and objectives of the County Development Plan 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 County Development Plan are carried out.

The proposed variation does not conflict with the policies and objectives of the Development Plan which seek to protect the special natural characteristics and cultural heritage of the County Monaghan.

b) Exceeded environmental quality standards or limit values

The proposed variation is consistent and complies with the Development Plan's environmental protection policies and objectives.

c) Intensive land use

The proposed variation is consistent with the policies and objectives of the County Development Plan and in particular the core strategy of the plan, the purpose of which is to:

- (a) Rationalise land use planning and population distribution,
- (b) Align investment with infrastructural services and facilities and
- (c) Enhance sustainability and ensure quality of life and protection of the environment.

The Monaghan County Development Plan 2013-2019 was subject to SEA and AA in 2013. The proposed variation will not be seeking for the intensification of land uses beyond what has been set out in the County Development Plan.

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

The Monaghan County Development Plan 2013-2019 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 have significant negative effects on areas or landscapes which have recognised national, European Union or international protection status.

Each development arising from the proposed variation will be subject to an appropriate project level environmental assessment and Habitats Directive assessment (where necessary). This, along with the continued implementation of the development plan's environmental policies and objectives, will ensure that that any developments emanating from the proposed variation will not significantly

impact on the receiving environment, including areas or landscapes which have recognised national, European Union or international protection status.

5. 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 proposed variation provides for the promotion of appropriate development and renewal of urban sites and areas, to comply with the requirements of the Urban Regeneration and Housing Act 2015.

It is considered that the proposed variation would not result in significant environmental impacts as defined under the SEA Regulations. Any development affected by the proposed variation will not diminish the effect of the existing policies regarding the protection of the environment.

6. Conclusion

A Strategic Environmental Assessment is not mandatory for the proposed variation no. 4 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.

7. Recommendation

It is considered that a Strategic Environmental Assessment is not required for the adoption of the proposed variation no. 4 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

Articles 13A, 13K and 14A

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.