

# PROPOSED VARIATION NO. 1 TO THE BOYLE LOCAL AREA PLAN 2015-2021

## Strategic Environmental Assessment Screening Report

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# Strategic Assessment **Built Environment**

CLIENT: **Roscommon County Council**

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## Contents Amendment Record

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## 1.0 Introduction

### 1.1 Introduction and Background

The Urban Regeneration and Housing Act 2015 was signed into law on 28<sup>th</sup> July 2015. The Act has a number of components, all of which are collectively intended to incentivise urban regeneration and address housing supply related issues. The Act has six parts:

- Part 1 - Preliminary and General
- Part 2 – Vacant Site Levy
- Part 3 – Amendment to Section 23 of the Derelict Sites Act 1990
- Part 4 – Development Plans and Development Contributions
- Part 5 – Amendment of Part V of the Act of 2000 (Housing Supply)
- Part 6 – Amendment of Housing (Miscellaneous Provisions) Act 2009

The Urban Regeneration & Housing Act 2015 is cited as:

*‘An Act to make provision with respect to land in areas in which housing is required and in areas which are in need of renewal to prevent it lying idle or remaining vacant, to establish a register of vacant sites in those areas, to provide for a vacant sites levy, to amend the Derelict Sites Act 1990, to amend Parts II, III and V of the Planning and Development Act 2000, to amend the Housing (Miscellaneous Provisions) Act 2009 and to provide for related matters.*

The overall vacant site levy mechanism, which will primarily be orchestrated through the planning process, is intended to stimulate site activation in urban areas, which will “bring underutilised vacant sites and buildings into beneficial use, ensuring more sustainable urban development and an efficient return on state investment in enabling infrastructure.”<sup>1</sup>

Roscommon County Council (the Planning Authority) is proposing Variation No.1 to the Boyle Local Area Plan 2015-2021 in order to incorporate objectives to provide for the renewal of areas in need of regeneration as defined under Section 10(2)(h) of the Planning and Development Act 2000, as amended. In addition to the amendments proposed concerning the introduction of the Vacant Sites Levy, other amendments recommended in the Urban Regeneration and Housing Act 2015 concerning social and affordable housing also form part of the proposed Variation.

### 1.2 The Boyle Local Area Plan 2015-2021

The Boyle Local Area Plan came into effect in 2015 and sets the agenda for the development of the LAP area over a six year time period.

The adopted plan underwent Strategic Environmental Assessment (SEA) as part of the making of this plan and the Environmental Report documenting it concluded that, overall, the impact of implementation of many of the policies and objectives of the Boyle LAP would have beneficial effects for the environment.

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<sup>1</sup> Circular letter PL6/2015, 31 August 2015.

Within the hierarchy of land use plans, the variation to the LAP should comply with the aims and objectives of the Roscommon County Development Plan 2014-2020, as well as the Regional and National Government Plans and Guidelines.

## 2.0 Environmental Assessment

### 2.1 Strategic Environmental Assessment

Strategic Environmental Assessment (SEA) is a process for assessing the environmental consequences of implementing particular Plans or Programmes (PPs). The key focus of SEA is to ensure that environmental issues and in particular 'likely significant environmental effects' of a Plan or Programme are appropriately considered during the plan or programme-making process.

The requirement for SEA derives from the provisions of Directive 2001/42/EC (Assessment of the Effects of Certain Plans and Programmes on the Environment) – also known as the 'SEA Directive' – as transposed into Irish legislation by:

- S.I. No. 435 of 2004 European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations, as amended by S.I. No. 200 of 2011 (European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations

and

- S.I. No. 436 of 2004 Planning and Development (Strategic Environmental Assessment) Regulations, as amended by S.I. No. 201 of 2011 Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations.

The overall objective of the SEA Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans, programme or variations with a view to promoting sustainable development.

Article 14A of S.I. 436 of the Planning and Development (Strategic Environmental Assessment) Regulations (as amended by S.I. No. 201 of 2011) sets out the process by which a determination of the need for strategic environmental assessment of a variation to a local area plan is made. In particular, Article 14A of the regulations states that:

*'Where a planning authority proposes to prepare or amend a local area plan referred to in sub-article (1), the planning authority shall, prior to giving notice under section 20(3) of the Act, consider whether or not implementation of the local area plan or amended plan would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A.'*

Therefore, as Strategic Environmental Assessment (SEA) is not a mandatory requirement for a variation to a local area plan, this report comprises a screening of the requirement for SEA for Variation No.1 of the Boyle Local Area Plan, to incorporate the Urban Regeneration and Housing Act 2015.

## 2.2 Appropriate Assessment

The Habitats Directive (92/43/EEC) requires that proposed plans and programmes (including amendments or variations) undergo screening for likely or potential effects on European Sites (also Natura 2000 sites) arising from their implementation.

Screening of the draft variation for Appropriate Assessment has been undertaken and determined that a full Stage 2 AA of the Variation will not be required for the proposed Variation No. 1.

An Appropriate Assessment Screening Report accompanies this document.

## **3.0 Proposed Variation No. 1**

### **3.1 Reading of the Proposed Variation No.1**

The document sets out the relevant chapter title and section heading in which proposed changes to the Plan are located. Proposed text additions are shown in blue font and deletions are denoted using a strikethrough.

Please note that this screening report for Proposed Variation No. 1 shows only the relevant sections of the Boyle Local Area Plan which it is proposed to change, not the entire Plan. Therefore it is advised that it is read in conjunction with the current Boyle Local Area Plan.

### **3.2 SEA Screening Analysis of Proposed Variation No. 1**

Table 3.1 examines whether each part of the proposed Variation would be likely to have significant environmental effects (and thus would have warranted the undertaking of SEA which provides details on the likely significant effects, if unmitigated, of implementing the Proposed Variation in combination with the Draft Variation. The full range of environmental effects, including cumulative effects are considered in this assessment



**Table 3.1 SEA Screening of the Proposed Variation of Boyle LAP 2015 - 2021**

Proposed Variation	Strategic Environmental Assessment (SEA) Screening
<p>To add the following text to <b>Section 5, Vision And Development Strategy</b>:</p> <p><b>Objective 2:</b> Improve the vibrancy of the town core by encouraging the philosophy of re-use and redevelopment of existing vacant buildings. <i>Those properties on the Vacant Sites Register are of particular relevance.</i></p>	<p>The proposed changes allow for the introduction of another site activation measure to stimulate regeneration and renewal within the LAP area.</p> <p>This will result in positive benefits for settlements and will not result in any adverse environmental impacts.</p> <p>Therefore, SEA is not required.</p>
<p>To add the following text to <b>Section 5.2.1 Development Strategy for Residential Development</b>:</p> <p><i>The Council will maintain a Vacant Site Register and implement the Vacant Site Levy as required by the Urban Regeneration and Housing Act, 2015, as a mechanism to stimulate site activation in urban areas, which is intended to “bring underutilised vacant sites and buildings into beneficial use, ensuring more sustainable urban development and an efficient return on state investment in enabling infrastructure.”<sup>2</sup></i></p> <p><i>The site activation measure aims to encourage the release of zoned lands at key locations in order to stimulate development, deliver housing at appropriate locations, and, stimulate the regeneration of vacant urban sites.</i></p>	<p>Any increase in site activation measures, including those which may arise as a result of the Register of Vacant Sites, will contribute towards sustainable mobility, minimising increases in energy usage and emissions to air, including greenhouse gas emissions and other emissions. Such development would also avoid the need to develop more sensitive greenfield lands elsewhere in the County and beyond, thereby avoiding potential adverse effects on various environmental components.</p>
<p>To insert the following text into <b>Section 6 on Land Use Zoning</b> figures:</p> <p>This plan identifies specific areas for specific types of land use in accordance with the principles of proper planning and sustainable <i>development and the Land Use Zoning Maps reflect this detail.</i></p> <p><i>In addition, explanatory maps have been provided which apply specific hatching over the Land Use Zones for “Residential” lands to give effect to the requirements of the Urban Regeneration and Housing Act, 2015. The hatching applies to lands where the Vacant Site Levy may apply.</i></p>	<p>The proposed change in text references land use zoning maps where hatching has been introduced to indicate “residential” and “regeneration” lands where the Vacant Sites Levy may apply. A portion of these lands are centrally located within the Town Centre, are brownfield sites and would contribute to urban regeneration and renewal.</p> <p>As these changes would not result in significant environmental effects, SEA is not required.</p>

<sup>2</sup> Circular letter PL6/2015, 31 August 2015.

<p>To insert the text into <b>Policy 88 in Section 7.12 Economic Development and Employment:</b></p> <p><b>Policy 88</b></p> <p>Encourage consolidation of the existing retail core of the town through the reuse and regeneration of derelict and vacant buildings for retail uses in line with the Sequential Approach, <a href="#">and in order to prevent—</a></p> <p><a href="#">(i) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,</a></p> <p><a href="#">(ii) urban blight and decay,</a></p> <p><a href="#">(iii) anti-social behaviour, or</a></p> <p><a href="#">(iv) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.</a></p> <p><a href="#">Those properties listed on the Vacant Sites Register are of particular relevance.</a></p>	<p>Urban regeneration and renewal of areas that are in need of regeneration will contribute towards sustainable mobility, minimising increases in energy usage and emissions to air, including greenhouse gas emissions and other emissions. Such development would also avoid the need to develop more sensitive greenfield lands elsewhere in the County and beyond, thereby avoiding potential adverse effects on various environmental components.</p> <p>As these changes would not result in significant environmental effects, SEA is not required.</p>
<p>To insert the following <b>Policy</b> into <b>Section 7.13 Urban Development and Design:</b></p> <p><a href="#">To provide for the renewal of areas in need to regeneration in order to prevent—</a></p> <p><a href="#">(i) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,</a></p> <p><a href="#">(ii) urban blight and decay,</a></p> <p><a href="#">(iii) anti-social behaviour, or</a></p> <p><a href="#">(iv) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.</a></p>	<p>Urban regeneration and renewal of areas that are in need of regeneration will contribute towards sustainable mobility, minimising increases in energy usage and emissions to air, including greenhouse gas emissions and other emissions. Such development would also avoid the need to develop more sensitive greenfield lands elsewhere in the County and beyond, thereby avoiding potential adverse effects on various environmental components.</p> <p>As these changes would not result in significant environmental effects, SEA is not required.</p>

<p>To insert the following paragraph into <b>Section 8.2 Development Management and Built Form</b>:</p> <p><b>2. Vacant Sites Register and Levy</b></p> <p>The Council will maintain a Vacant Site Register and implement the Vacant Site Levy as required by the Urban Regeneration and Housing Act, 2015, as a mechanism to stimulate site activation in urban areas, which is intended to “bring underutilised vacant sites and buildings into beneficial use, ensuring more sustainable urban development and an efficient return on state investment in enabling infrastructure.”<sup>3</sup></p> <p>The site activation measure aims to encourage the release of zoned lands at key locations in order to stimulate development, deliver housing at appropriate locations, and, stimulate the regeneration of vacant urban sites.</p>	<p>Any increase in site activation measures, including those which may arise as a result of the Register of Vacant Sites, will contribute towards sustainable mobility, minimising increases in energy usage and emissions to air, including greenhouse gas emissions and other emissions. Such development would also avoid the need to develop more sensitive greenfield lands elsewhere in the County and beyond, thereby avoiding potential adverse effects on various environmental components.</p> <p>As these changes would not result in significant environmental effects, SEA is not required.</p>
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<sup>3</sup> Circular letter PL6/2015, 31 August 2015.



## 4.0 Screening for Strategic Environmental Assessment

### 4.1 Introduction

‘Screening’ is a process for deciding whether a particular plan, variation nor amendment, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and would warrant SEA<sup>4</sup>. The criteria for determining whether a particular plan is likely to have significant environmental impacts, regard must be had to the criteria set out in Annex II of the SEA Directive. These criteria are reproduced in Schedule 2A of the Planning and Development Regulations 2001, as inserted by Article 12 of the Planning and Development (Strategic Environmental Assessment) Regulations, 2004.

Schedule 2A of the Planning and Development Regulations 2001 set out two main criteria for determining whether a plan would be likely to have significant environmental effects:

- Characteristics of a Plan;
- Characteristics of the effects and of the area likely to be affected.

Section 4.2 below presents the SEA Screening assessment by assessing the available information in relation to the Urban Regeneration and Housing Act 2015 against the criteria provided in Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulations 2001-2011.

### 4.2 The Characteristics of the Plan

The following assessment (Table 4.1) has been conducted in accordance with the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI No. 436 of 2004). Thus the Screening provides an assessment as to whether, having regard to the characteristics of the plan, the incorporation of the Urban Regeneration and Housing Act for Boyle is likely to have significant impacts on the environment.

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<sup>4</sup> Implementation of the SEA Directive (2001/42/EC): Assessment of the Effect of Certain Plans and Programmes on the Environment – Guidelines for Regional Authorities and Planning Authorities (DECLG, 2004)

**Table 1: Assessment of proposed Variation No. 1 of Boyle LAP 2015-2021 against Schedule 2A of S.I. 436 of 2004 Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended.**

Assessment Criterion	Description
<b>The characteristics of the plan or programme having regard, in particular, to:</b>	
— the degree to which the plan or programme (variation) sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<p>The Proposed Variation No.1 to the Boyle Local Area Plan incorporates objectives to provide for the renewal of areas in need of regeneration as defined under Section 10(2)(h) of the Planning And Development Act 2000, as amended. Maps have been included which show hatching over zoned lands which indicate “residential” and “regeneration” lands where the Vacant Sites Levy may apply.</p> <p>The Boyle LAP already provides for the development of lands for residential use, industrial use, business and tourism etc. This proposed variation does not alter the zoning of lands and simply indicates where the Vacant Sites Levy may apply to “regeneration” and “residential” lands. It also encourages the renewal and regeneration of all lands within the LAP area. There are no additional adverse effects arising from this change.</p> <p>Taking the above and the examination of Proposed Variation No.1 provided under Section 3.2 into account, and considering the Boyle LAP sets a framework for projects and development within the LAP area, the proposed Variation will positively contribute to that end and would not be likely to result in significant environmental effects.</p>
— the degree to which the plan or programme influences other plans, including those in a hierarchy	The proposed Variation is being made to the existing Local Area Plan. The Local Area Plan is influenced by higher level legislation, plans and programmes and can influence lower tier action plans, frameworks or strategies. Considering the LAP sets a framework for projects and development within its jurisdiction, the proposed Variation will positively contribute to that end and would not be likely to result in significant environmental effects.
— the relevance of the plan or programme for the integration of environmental considerations in particular with a view to	<p>Environmental problems arise where there is a conflict between current environmental conditions and legislative targets.</p> <p>The Boyle LAP to which the proposed Variation relates has undergone SEA. This process integrated</p>

Assessment Criterion	Description
<b>The characteristics of the plan or programme having regard, in particular, to:</b>	
promoting sustainable development	<p>environmental considerations into the Plan and found that the Plan contributes to environmental protection, management and sustainable development.</p> <p>Taking the above and the examination of the proposed Variation provided under Section 3.2 into account, and considering the Boyle LAP sets a framework for projects and development within the LAP area, the proposed Variation will positively contribute to the sustainable development of the area and would not be likely to result in significant environmental effects.</p>
— environmental problems relevant to the plan or programme	<p>Environmental problems arise where there is a conflict between current environmental conditions and legislative targets.</p> <p>Taking the above and the examination of the proposed Variation provided under Section 3.2 into account, considering the Boyle LAP sets a framework for projects and development within the LAP area, the proposed Variation will positively contribute to the sustainable development of the area and would not be likely to result in significant environmental effects.</p>
— the relevance of the plan or programme for the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection).	<p>A number of policies and objectives in the Boyle Local Area Plan focus on the implementation of EU environmental legislation, for example those relevant to the Habitats Directives and the Water Framework Directive.</p> <p>Taking into account the constituent parts of the Proposed Variation, it is considered that Proposed Variation No. 1 will not affect the implementation of European Union legislation on the environment and will therefore, not be likely to result in significant environmental effects.</p>
— the probability, duration, frequency and reversibility of the effects	<p>The characteristics of the effects of Proposed Variation No.1 in terms of probability, duration, frequency and reversibility will be the same as the adopted plan and are anticipated to be positive and of lengthy duration. In terms of reversibility and frequency, the effects, due to their positive nature should be regarded as positive on the surrounding environment and therefore would not be likely to result in</p>

Assessment Criterion	Description
<b>The characteristics of the plan or programme having regard, in particular, to:</b>	
	significant environmental effects.
— the cumulative nature of the effects	<p>The Proposed Variation No. 1 is not envisaged to contribute to significant adverse effects on the environment, is therefore not anticipated to result in cumulative effects, in combination with other plans and programmes.</p> <p>As a consequence of the proposed Variation, it is possible that some positive effects will result in positive cumulative effects on the environment due to the preference to use vacant underutilised sites as well as to regenerate central brownfield sites over selecting greenfield areas, which are most likely to be in the periphery of settlements. Therefore, taking the above into account it is considered that Proposed Variation No. 1 would not be likely to result in significant environmental effects.</p>
— the transboundary nature of the effects,	<p>The constituent parts of Proposed Variation No.1 are legislative measures to give effect to a sustainable urban form. The characteristics of the trans-boundary nature of the effects of Proposed Variation No.1 will be the same as the adopted plan.</p> <p>Proposed Variation No.1 would not be likely to result in significant environmental effects.</p>
— the risks to human health or the environment ( <i>e.g.</i> due to accidents),	The Proposed Variation comprises legislative measures to give effect to a sustainable urban form and therefore are not likely to result in significant environmental impacts or risks to human health.
— the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The Proposed Variation applies to lands already zoned in the Boyle plan area and would not be likely to result in significant environmental effects.
a) special natural characteristics or cultural heritage,	The Proposed Variation No.1 would not be likely to result in significant environmental effects.
b) exceeded environmental quality standards or limit values	The Proposed Variation No. 1 would not be likely to result in significant environmental quality standards or limit values being exceeded.



Assessment Criterion	Description
<b>The characteristics of the plan or programme having regard, in particular, to:</b>	
c) intensive land-use,	The Proposed Variation No. 1 will not result in the value and vulnerability of the area being affected by intensive land use.
— the effects on areas or landscapes which have a recognised national, European Union or international protection status.	The Proposed Variation No. 1 would not be likely to result in significant environmental effects.

## 5.0 Consultations

As part of the screening process, environmental authorities were notified that a submission or observation in relation to whether or not implementation of the Proposed Variation would be likely to have significant effects on the environment could be made to the Council. The authorities were invited to make a submission to the Planning Authority between the period 24<sup>th</sup> March 2016 to 24<sup>th</sup> April 2016.

The environmental authorities in this instance comprised the Environmental Protection Agency, Department of Communications, Climate Action and Environment, Department of Agriculture, Food and the Marine, Department of Housing, Planning, Community and Local Government, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Galway County Council, Leitrim County Council, Longford County Council, Mayo County Council, Offaly County Council, Sligo County Council and Westmeath County Council,

One submission was received from the Environmental Protection Agency and the comments raised in this submission are summarised below:

- The development of lands associated with this Variation should be linked to the ability to provide appropriate critical service infrastructure to support further development. Additionally, the Variation should ensure that environmental sensitivities/vulnerabilities are taken into consideration.
- A commitment should be made to ensure that the relevant CFRAMS will be taken into account, and also that the requirements of the Planning System and Flood Risk Management – Guidelines for Planning Authorities (OPW / DEHLG, 2009) will also be reflected in the implementation of the Variation.
- It is worth noting that a number of key plans are currently being prepared (and undergoing SEA), which should be taken into account in implementing the Variation. These include:
  - National Planning Framework (DHPCLG)
  - Regional Spatial and Economic Strategies (Regional Authorities)
  - 2nd Cycle of Water Framework Directive River Basin Management Plans (DHPCLG)
- The EPA has recently published our latest 'State of the Environment Report' - Ireland's Environment 2016 – An Assessment (EPA, 2016). The recommendations, key issues and challenges described within this report should be taken into account, as relevant and appropriate to the Plan area. This report can be consulted at: <http://www.epa.ie/irelandsenvironment/stateoftheenvironmentreport/>
- Roscommon County Council should determine whether or not any future proposed Variations / Amendments would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004).
- Under the SEA Regulations (S.I. No. 436 of 2004), as amended by S.I. No. 201 of 2011, notice should also be given to the following:
  - The Minister for the Environment, Community and Local Government (now the Minister for Housing, Planning, Community and Local Government)
  - Minister for Agriculture, Food and the Marine, and the Minister for Communications Energy and Natural Resources (now the Minister for Communications, Climate Action and Environment), where it appears to the planning authority that the plan or programme, or modification of the plan or programme, might have significant effects on fisheries or the marine environment

- where it appears to the competent authority that the plan or programme, or amendment to a plan or programme, might have significant effects in relation to the architectural heritage or to nature conservation, the Minister for Arts, Heritage and the Gaeltacht (now the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs), and
- any adjoining planning authority whose area is continuous to the area of a planning authority which prepared a draft plan, proposed variation or local area plan.

In response to the EPA submission, the following points of clarity were provided by Roscommon County Council:

- The provision of critical infrastructure to support further development is provided for in policies and objectives already contained in the existing plans.
- The Variation does not propose any zoning changes and environmental sensitivities were taken into consideration in the Draft of the original plans.
- Various policies and objectives are included in the plans already which address requirements as part of various pieces of legislation and guidelines produced by government. This Variation is only to give effect to changes required as part of the Urban Regeneration and Housing Act 2015
- Once the National Planning Framework and Regional Spatial and Economic Strategies are adopted Land Use plans will need to be varied to take these new policies into consideration
- Environmental Screening reports will be prepared each time a Variation or amendment to the LAP is prepared and their extent is known.

## 6.0 Recommendation under Article 14A of the Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended.

Having regard to the Criteria set out in Schedule 2A to the Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended, this screening assessment has concluded that no significant environmental effects are likely as a consequence of the proposed Variation No. 1 to the Boyle LAP 2015-2021.

This screening assessment of the proposed Variation No. 1 is referred to Roscommon County Council for SEA Screening Determination.



## **APPENDIX 1 – MAP 14(C) REGENERATION & RESIDENTIAL LANDS IN BOYLE**