

# **Addendum I**

## **to the SEA Screening Report**

### **relating to the Ballymote Local Area Plan 2012-2018**

## **Environmental consequences of the Amendments to the Draft LAP**

4 September 2012

### **1. Introduction**

The *Draft Ballymote Local Area Plan 2012-2018* was on public display from 23 January to 5 March 2012. The Draft LAP was accompanied by a Strategic Environmental Assessment (SEA) Screening Report, which described the characteristics and assessed the expected effects of implementing the LAP, based on the criteria set out in Schedule 2A of the SEA Regulations 2004.

The conclusion of the Screening Report was that the proposed LAP would not have significant effects on the environment and, accordingly, a full SEA (involving the preparation of an Environmental Report) was not required.

Following consultation with prescribed environmental authorities, the Planning Authority issued a Decision indicating that “full SEA is not required for the proposed Ballymote Local Area Plan, which is unlikely to give rise to any environmental effects, significant or otherwise”.

#### **1.1 First Manager’s Report**

During the public consultation period, Sligo County Council received 13 submissions relating to a range of issues, including zoning.

The First Manager’s Report on submissions and observations relating to the Draft LAP summarised all the issues raised in the submissions and gave the Manager’s response to each one, including recommendations as to whether or not the Draft LAP should be modified. The First Manager’s Report was submitted to the members of Sligo County Council on 17 April 2012.

#### **1.2 The role of the elected members**

Deciding whether to adopt or to propose amendments to the Draft LAP is a function reserved for the elected members of Sligo County Council.

On foot of the submissions received, and on review of the content of the Draft LAP, the Manager recommended a number of *material* (i.e. significant) alterations to the draft.

It was the members’ role to decide whether these or other material alterations should be made to the Draft Plan. At this stage, the members were required to consider all of the following:

- the Draft LAP;
- the SEA Screening Report;
- the Manager’s recommendations contained in the First Manager’s Report.

The Planning and Development Act 2000 (as amended) indicates the following:

“Where, following the consideration of the draft development plan and the manager’s report, it appears to the members that the draft should be accepted or amended ... they may, by resolution, accept or amend the draft and make the development plan accordingly” (S. 12 (6))

“In making the development plan ... the members shall be restricted to considering the proper planning and sustainable development of the area to which the development plan relates, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or any minister of the Government.” (S. 12 (11))

At the ordinary meeting of 14 May 2012, the members of Sligo County Council considered the Draft LAP and the First Manager’s Report and resolved to make a number of amendments to the Draft Plan. The Planning Authority considered that some of the proposed amendments, if made, would be material alterations of the Draft CDP. Consequently, a further period of public consultation is necessary.

### **1.3 Proposed amendments to the Draft LAP**

The members resolved to propose a total of 18 amendments to the Draft LAP. Of these, 17 were based on the Manager’s recommendations made in the First Manager’s Report. The additional amendment, proposed by the members, conflicted with the Manager’s recommendations.

There were 11 amendments proposed to the text of the Draft LAP, 3 amendments proposed to map legends, 3 proposed zoning amendments and one proposed amendment relating to a transport objective.

The potential for significant environmental effects of the proposed amendments is assessed in Section 2 of this Addendum.

The amendments recommended by the Manager remained largely within the scope of the Draft LAP, although some of these amendments were material alterations. These 17 amendments would not have changed the conclusion of the initial SEA Screening Report associated with the Draft LAP.

However, the additional amendment proposed by the members was assessed as having the potential to significantly impact on the environment.

### **1.4 Determination regarding the need for strategic environmental assessment of a proposed amendment**

Pursuant to S. 20(3)(f) of the Planning and Development Act 2000-2010, the Planning Authority has determined that strategic environmental assessment is required in respect of one proposed material alteration of the Draft LAP. This proposed amendment, A-17, involves the zoning for residential use of an area included in the Zone of Archaeological Potential surrounding an archaeological monument (SL033-09).

Schedule 2A of the SEA Regulations 2004 sets out the following 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.

Having regard to the criteria outlined above in **bold type**, it was considered that a significant environmental impact cannot be ruled out in respect of the aforementioned proposed amendment.

## 2. Assessment of the proposed amendments

Amendments have been proposed to the text of the Draft LAP (narrative, several policies and objectives and also the legend of some maps and illustration) and also to the Zoning and Transport objectives maps.

The proposed amendments to the text of the LAP are shown as follows:

- in red, strikethrough type ~~like this~~ for text proposed to be deleted
- in blue type like this for text proposed to be inserted.

The amendments to the Zoning Map and Zoning Detail are indicated by a **black outline** and are accompanied by the number of the corresponding amendment.

The amendment to the Transport Map is indicated as a **brown dotted line**.

The text in green under each proposed amendment represents the Planning Authority's assessment of the amendment's potential to change the conclusion of the initial SEA Screening Report relating to the Draft LAP. The assessment is based on the criteria specified in Schedule 2A of the SEA Regulations 2004.

### 2.1 Proposed amendments to the text

#### A-1

Modify **Section 4.2.2 Street market** (p. 24 of the Draft LAP) as follows:

Weekly markets are held every Thursday in Ballymote: several stalls are set up outside the Emlaghfad Church of Ireland on Lord Edward Street. The location of this casual trading area can cause traffic congestion in the town.

The area to the side of the Church, along Emmett Street, would be a more practical location from which to host this weekly event. Regular public car parking could be restricted in this area during the hours that the casual trading is taking place. Emmett Street does not experience the traffic volumes of Lord Edward Street. Any displaced parking could be accommodated in the proposed off-street car parking area to the rear of Lord Edward Street (see Map 9 Transport and mobility objectives, in Chapter 12). *It is also acknowledged that there may be suitable places, other than Emmett Street, for the relocation the casual trading area. All available options should be explored before making a decision in this regard.*"

*This is a minor amendment, which would not change the conclusion of the initial SEA Screening.*

#### A-2

In Section **4.2 Retail Development**, modify policy **P-RDO-4** (p. 25 of the Draft LAP) as follows:

**RDO-4** Facilitate the provision of an additional supermarket in Ballymote, *or an extension of the existing grocery floor space*, with a net retail floor space of up to 1,500 sq.m. within the area zoned for mixed uses. The development shall take place on the basis of a masterplan for consolidated landholdings, to ensure the protection of neighbouring amenities and the creation of a high quality urban environment'.

*This is a minor amendment, which would not change the conclusion of the initial SEA Screening.*

### A-3

In Section **4.2 Retail Development**, modify objective **RDO-3** (p. 25 of the Draft LAP) as follows:

**RDO-3** Facilitate the relocation and expansion of the casual trading area to Emmett Street or another suitable place.

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

### A-4

Change the heading of **Section 6.4** (p. 42 of the Draft Plan) from ~~'Health care and elderly care facilities'~~ to 'Primary care, mental health and older persons' health care facilities'.

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

### A-5

Change the heading of **Section 6.4.1** (p. 42 of the Draft Plan) from ~~'Health centre'~~ to 'Primary Care Centre'.

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

### A- 6

Modify the text in the second paragraph of **Section 6.4.1** (p. 42 of the Draft LAP) as follows:

The Rock Health Centre along Lord Edward Street provides a mental health day centre ~~on behalf of the HSE~~. It also provides clinical accommodation for 11 staff working in Mental Health Services. ~~The building was deemed unsuitable to meet the needs and it is now proposed that the Primary Care Centre would also accommodate these services.~~ The building has been refurbished and this has improved the environment for patients, staff and the local community.

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

### A- 7

Change the heading of **Section 6.4.2** (p. 42 of the Draft Plan) from ~~'Elderly care'~~ to 'Older persons' care'.

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

## A-8

Modify the text of **Section 6.4.2** (p. 42 of the Draft Plan) as follows:

The Sisters of St. John of God founded Ballymote's original Health Unit in 1953. The Ballymote Community Nursing Unit is now run as an independent company ~~in conjunction with~~ on behalf of the HSE. The nursing unit provides 25 beds and a number of facilities and services including outreach programmes, physiotherapy, wound care clinics, anti-natal classes, chiropody and day care centre.

St. Vincent de Paul provides elderly accommodation adjacent to the nursing unit. There are 28 units in total and home-help ~~and meals on wheels are provided based on need of~~ the inhabitants of these units by the HSE. If necessary, additional nursing care facilities can be accommodated either on lands zoned for community facilities or on lands zoned for residential uses.

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

## A-9

Modify **Section 8.3.3 Car parking** (p. 60 of the Draft LAP) as follows:

There are public and private car-parking areas within Ballymote. The train station provides parking for up to 40 vehicles and the Roman Catholic Church also provides car-parking facilities for its patrons. Commercial businesses such as the hotel and supermarkets provide car-parking facilities to the rear of their premises. However, the majority of public car parking within Ballymote takes the form of on-street parking.

Traffic congestion along Teeling Street, Lord Edward Street and O'Connell Street has become a real problem in recent years, due to the haphazard manner in which parking takes place. Along Lord Edward Street and O'Connell Street, cars reverse out of parking spaces using both sides of the road while doing so. This obstructs on-coming traffic, which in turn causes delays in traffic flows.

The delineation of car-parking bays ~~parallel to the kerb~~ would have a positive effect on the public realm, by reducing the 'car clutter' on the street and re-organising it into a more orderly and manageable form. This would produce an overall improvement of the streetscape.

~~However, the implementation of the above measure would reduce the amount of car parking available in the town centre. Therefore additional car parking will need to be accommodated elsewhere in the town centre.~~ Notwithstanding the above, additional car parking will need to be accommodated elsewhere in the town centre. Suitable lands have been identified for future car parking to the rear of the Cattle Mart (on days when the mart is not in operation) and to the rear of premises fronting onto Lord Edward Street. (See Map 9 - Objectives Map).

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

## A-10

In **Chapter 8 Mobility and transport**, modify objective **TMO-4** (p. 64 of the Draft LAP) as follows:

**TMO-4** Delineate ~~parallel~~ parking bays along Lord Edward & O'Connell Street.

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

## A-11

In Chapter 12 Maps, modify **Note 2** (p. 90 of the Draft LAP) as follows:

**Note 2:** There is **no** commercial zoning (COM) and no natural resource reservation (NR) in Ballymote.

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

## 2.2 Proposed amendments to map legends

### A-12

Omit the label ~~‘commercial uses’~~ from the legend in **Fig. 3.D, 3.F**, on **Map 2 Zoning** and **Map 3 Zoning details**.

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

### A-13

Amend the legends on **Map 2. Zoning** and **Map 3. Zoning Detail** by omitting ~~‘industrial uses’~~ and replacing it with **‘business and enterprise’**.

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

### A-14

Amend the legends on **Map 2. Zoning** and **Map 3. Zoning Detail** by modifying the label ~~‘public open space’~~ to read **‘open space’**.

This is a minor amendment, which would not change the conclusion of the initial SEA Screening.

## 2.3 Proposed amendments to Maps 2 and 3 – Zoning Map/Detail

### A-15

Change the zoning of the **site marked A-15** on the Proposed Amendments Map from ‘community facilities’ to ‘residential uses’ and include it in the Strategic Land Reserve.



This change of zoning objective is a material alteration. However, the impact of “residential zoning/Strategic Land Reserve” might in fact be less significant than the impact of the initial “community facilities” zoning objective, as the inclusion of lands in the Strategic Land Reserve imposes a delay in the development of housing on the respective lands.

This amendment, if adopted, would not change the conclusion of the initial SEA Screening.

### A-16

Change the zoning of the **site marked A-16** on the Proposed Amendments Map from ‘buffer zone’ to ‘residential uses’ and include it in the Strategic Land Reserve.



This change of zoning objective is a material alteration. Development on this greenfield site has the potential to affect soil and biodiversity. However, as no residential development would take place during the lifetime of the Plan, there would be no such impacts associated with the LAP 2012-2018.

This amendment, if adopted, would not change the conclusion of the initial SEA Screening.

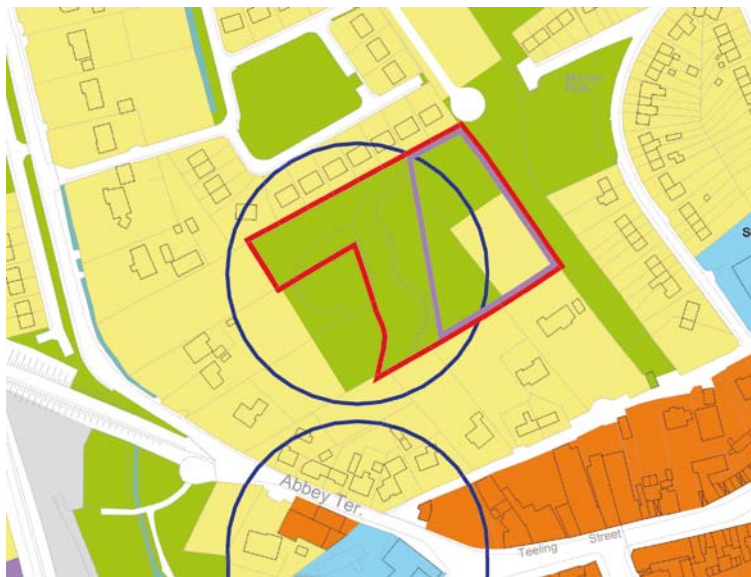


## A-17

Change the zoning of the **site marked A-17** on the Proposed Amendments Map from 'open space' to 'residential uses'.



This change of zoning objective is a material alteration. The amendment involves the zoning of 0.93 acres of land for residential use instead of open space. A portion of 0.62 acres of the area concerned is located within the Zone of Archaeological Potential (ZAP) which surrounds the archaeological monument SL033-090 (ringfort/rath in the townland of Stoneparks) (see illustration below).



- The red outline indicates the lands which were zoned 'open space' in the 2005-2011 LAP.
- The yellow rectangle inside the red line represents the area initially proposed to be zoned 'residential'.
- The purple outline inside the red line is the total area of land that would be zoned 'residential' if the proposed amendment is adopted.
- The black circle shows the extent of the Zone of Archaeological protection.

It is noted that a certain amount of development has already taken place within the said ZAP (five dwelling units).

Zoning 0.62 acres land for residential development within the ZAP could result in the construction of 5 additional residential units (based on a density of 8 units per acre), with all the works and soil disturbance involved, causing further erosion of the monument and its setting.

This would be considered a significant negative effect.

The potential impact of residential development zoning on the site subject to the proposed amendment A-17 should be mitigated through specific policies/objectives in addition to the general policies contained in the Draft Ballymote LAP and the County Development Plan.

## 2.4 Proposed amendment to Map 9 – Transport Objectives

### A-18

On **Map 9 Transport and mobility objectives**, extend the dotted line along Teeling Street to the point where the recent remedial works to the footpath have been carried out outside the library (the proposed extension is shown in brown in the illustration below).



Although it is a material alteration, this amendment would not change the conclusion of the initial SEA Screening.

## 3. Consultation with environmental authorities

Having regard to the criteria set out in Schedule 2A of the SEA Regulations 2004, on 29 May 2012 the Planning Authority determined that strategic environmental assessment was required in respect of the aforementioned proposed amendment of the Draft LAP, pursuant to S. 20(3)(f) of the Planning and Development Act 2000-2010.

The proposed amendments were screened for potential environmental effects.

An **Addendum to the SEA Screening Report** (similar to this report) was prepared and circulated to the following environmental authorities:

- The Environmental Protection Agency (EPA)
- The Department of Communications, Energy and Natural Resources (DCENR)
- The Department of Environment, Community and Local Government (DECLG) and Department of Arts, Heritage and the Gaeltacht (DAHG)
- The Department of Agriculture, Fisheries and Food (DAFF)

The **Addendum** concluded that:

The majority of the proposed amendments, if adopted, would not change the conclusion of the initial SEA Screening Report. However, the proposed amendment A-17 has the potential for significant effects on the archaeological monument located in the vicinity of the subject site.

The EPA replied on the 3<sup>rd</sup> of July, indicating the following:

*In relation to Proposed Amendment A-17, in light of the existing available residential zoned lands within the Plan area, already available within the Strategic Land Reserve, it is unclear to what extent a need exists for further rezoning to residential purposes at this location. The Agency acknowledges Section 3 - Conclusion of the Assessment of the SEA Screening Report and the potential significant impact identified on the zone of archaeological potential. It should be ensured that any proposals for rezoning are done in agreement with and in consultation with the Department of Arts, Heritage and the Gaeltacht.*

*Consideration should be given to ensuring that any proposal for re-zoning of residential lands is set in the context of promoting sustainable development and is linked to the ability to provide adequate and appropriate critical service infrastructure in advance of permission for development being given. It should also be ensured that any such further development of residential zoned lands takes into account the existing economic climate.*

*It should be ensured that the proposed Amendments do not conflict with the Policies / Objectives of the County Development Plan and Regional Planning Guidelines in particular.*

The DAHG replied on the 10<sup>th</sup> of July, indicating the following:

**A-17**

*This department has serious concerns regarding the proposed rezoning and would actively oppose the rezoning from “open space” to “residential”. The Recorded Monument (SL 033-90 – Ringfort) and the area sufficient to protect its amenity, character and setting around the monument should be excluded from any change of zoning.*

## 4. Assessment conclusion and recommendation

The majority of the proposed amendments, if adopted, would not have changed the conclusion of the initial SEA Screening Report.

**However, the proposed amendment A-17 had the potential for significant effects on the archaeological monument located in the vicinity of the subject site, and this is confirmed by the EPA and the DAHG.**

Any development within the ZAP pertaining to a monument has the potential to impact on the monument and its setting by eroding them. Any further erosion of the ZAP, amenity, character and setting of the monument would be contrary to the policies for the protection of archaeological heritage as contained within the Sligo County Development Plan 2011-2017 (CDP) and the Department of Arts, Heritage and the Gaeltacht’s policy guidance on protection of the archaeological resource as set out in the *Framework and Principles for the Protection of the Archaeological Heritage*.

It was considered that the limited residential zoning provision as shown on the Zoning Map/Detail in the Draft LAP, was appropriate and should be retained, with the remainder of the ZAP area zoned ‘open space’.

## 5. Adoption of Ballymote LAP 2012-2018

Following public consultation on the proposed amendments, which took place from 18 July to 15 August, a Second Manager's Report was prepared on submissions received in relation to the amendments. One of these submissions supported the proposed amendment A-17 that would have seen the zoning for residential uses of a portion of the ZAP pertaining to the archaeological monument SL33-090.

The Manager's Report strongly recommended against the adoption of the proposed amendment A-17, based on its potentially negative impact on archaeology and other policy considerations.

At the Ordinary Meeting of 3 September, the Members of Sligo County Council decided to adopt the Ballymote LAP 2012-2018 with all the amendments that had been on public display, including A-17, against the Manager's recommendation. They Members specified that only one house (family home) could be built on the lands subject to amendment A-17.

## 6. Addressing the potential negative impacts

The Ballymote LAP, as adopted, remains almost entirely within the framework set out in the Draft LAP.

The potential negative impacts of the amendment A-17/zoning for residential uses of a portion of a ZAP would be likely to occur only if the site is developed intensively, as a result of a grant of planning permission.

However, the policies of the County Development Plan (CDP) take precedence over the objectives of the LAP. The CDP policies will apply in any situation where a LAP objective (including zoning objective) conflicts with the provisions of the CDP.

It is considered that the following **CDP policies and objectives** should be applied in the assessment of any planning application involving the site subject to the zoning amendment A-17, in order to avoid, reduce or mitigate any potential negative impacts that might result from development on the site:

### **Archaeological heritage policies**

- P-AH-1** *Protect and enhance archaeological sites, monuments, their setting, appreciation and amenity within the Plan area, including those that are listed in the Record of Monuments and Places (RMP) or newly discovered archaeological sites and/or sub-surface archaeological remains.*
- P-AH-2** *Require archaeological assessment, surveys, test excavation and/or monitoring for planning applications in areas of archaeological importance, if a development proposal is likely to impact upon in-situ archaeological monuments their setting and archaeological deposits.*
- P-AH-5** *Ensure that development within the vicinity of a Recorded Monument does not detract from the setting of the feature and is sited and designed appropriately.*
- P-AH-8** *Facilitate and enhance public access to and understanding of the archaeological heritage and disseminate information and advice on the archaeological heritage to prospective developers and the general public.*

### **Archaeological heritage objectives**

- O-AH-1** *Require an Archaeological Impact Assessment when considering development proposals with a potential to affect archaeological heritage, and have regard to the advice and recommendations of the prescribed bodies as defined in the Planning and Development Act 2000 in relation to undertaking, approving or authorising development.*
- O-AH-3** *Require the preservation of the context amenity and visual integrity and connection of archaeological monuments to their setting. Views to and from archaeological monuments should not be obscured by inappropriate development. Archaeological visual impact assessments should be undertaken to demonstrate the continued preservation of an archaeological monument's siting and context.*
- O-AH-7** *Identify appropriate archaeological sites in the Plan area to which public access could be provided and work to secure public access, where appropriate, in consultation with the land owners.*

The adopted **Ballymote LAP 2012-2018** also includes the following relevant policies:

- AHP-1** Protect the archaeological heritage of Ballymote from damage.
- AHP-2** Secure the preservation (in-situ, or as a minimum, preservation by record) of:
- the archaeological monuments included in the Record of Monuments as established under section 12 of the National Monuments (Amendment) Act, 1994;
  - sites and features of historical and archaeological interest.

In securing such preservation the Planning Authority will have regard to the advice and recommendations of the Department, both in respect of whether or not to grant planning permission and in respect of the conditions to which permission, if granted, should be subjected.

Any development either above or below ground, within the vicinity of a site of archaeological interest shall not be detrimental to the character of the archaeological site or its setting.

## **7. Conclusion**

Having regard to the archaeological heritage protection policies and objectives included in the CDP and in the Ballymote LAP, it is considered that any potential negative impacts on archaeology, resulting from the zoning for residential use of a portion of the ZAP pertaining to the Recorded Monument SL033-90, can be avoided, reduced or mitigated.

Therefore, the Ballymote Local Area Plan 2012-2018, as adopted, is not likely to have significant effects on the environment.