

Decision of
Sligo County Council
regarding the need for
Strategic Environmental Assessment of the
Proposed Amendment No. 1 of
Charlestown-Bellaghy LAP 2010-2016

Sligo County Council, in co-operation with Mayo County Council, intends to make an amendment, entitled Amendment No. 1, to the Charlestown-Bellaghy Local Area Plan 2010-2016.

Having assessed the potential environmental effects of implementing the Proposed Amendment, and having consulted with the prescribed environmental authorities, the Planning Authority has determined that **the Proposed Amendment No. 1 to the Charlestown-Bellaghy Local Area Plan 2010-2016 is not likely to have significant effects on the environment. Therefore, full Strategic Environmental Assessment (SEA) is not required.**

The SEA screening process and the reasons for this decision are summarised in the following pages.

1. Background to the Proposed Amendment to Charlestown-Bellaghy LAP 2010-2016

Charlestown-Bellaghy Local Area Plan 2010-2016 was adopted by Sligo County Council and Mayo County Council and prior to the enactment of the Planning and Development (Amendment) Act 2010, which introduced the requirement for Core Strategies to be incorporated into development plans.

Following the incorporation of Core Strategies by both Sligo and Mayo County Councils into their respective County Development Plans, it is now necessary to implement the provisions of these Strategies into local area plans. The implementation of changes in population targets and corresponding housing land allocation is done using the LAP amendment procedure specified in Sections 19-20 of the Planning and Development Act 2000 (as amended).

The Proposed Amendment No. 1 of Charlestown-Bellaghy LAP is intended to bring the Plan in line with the Core Strategies of both Sligo and Mayo County Development Plans.

2. SEA – legal requirements

The Strategic Environmental Assessment (SEA) Directive (2001/42/EC) applies to plans and programmes for which formal preparatory action started on or after the 21st July 2004. The component of the SEA Directive relating to land use planning was transposed into Irish law in the form of the Planning and Development (SEA) Regulations 2004 (S.I. 436/04), which was amended by the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011, (S.I. No. 201 of 2011).

In accordance with Article 14A of the SEA Regulations, prior to commencing the procedure for amending the local area plan, it was necessary to “screen” the Proposed Amendment, or determine whether the implementation of the plan as amended would have significant effects on the environment.

3. SEA screening

The Proposed Amendment was screened for potential environmental effects in accordance with the criteria set out in Schedule 2A of the SEA Regulations. The initial screening decision was as follows:

Having regard to:

- *Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulations*
- *The previous SEA screening carried out on the existing Charlestown-Bellaghy LAP which resulted in the integration of environmental consideration and mitigation measures into the plan*

- *The nature of the proposed amendment which will result in a more sustainable outcome in terms of land use within the plan area*

Mayo County Council and Sligo County Council to date consider that proposed Amendment No. 1 to the Charlestown-Bellaghy Local Area Plan 2010-2016 would not be likely to have significant effects on the environment.

The Screening Report relating to the Proposed Amendment No. 1 of the Charlestown-Bellaghy LAP 2010-2016 can be inspected or purchased from the Planning Offices of Sligo and Mayo County Councils. It can also be downloaded from the Councils' websites at www.sligococo.ie/bellaghy and www.mayococo.ie.

The Planning Authority **did not determine** that the implementation of the Proposed Amendment would have significant effects on the environment.

Therefore, in accordance with the requirements of the SEA Regulations, the Planning Authority proceeded to the next stage, i.e. consultation with the following bodies:

1. The Development Applications Unit, Department of the Environment, Community & Local Government
2. The Co-ordination Unit, Dept. of Communications, Energy and Natural Resources
3. The Environmental Protection Agency (EPA), SEA Section, Office of Environmental Assessment
4. The Planning System and Spatial Policy Section, Department of Environment, Community and Local Government
5. The Seafood Policy and Development Section, Department of Agriculture, Fisheries and Food
6. Donegal County Council
7. Leitrim County Council
8. Roscommon County Council

4. Consultation with prescribed environmental authorities

Formal notification, accompanied by the Screening Report, was issued to the prescribed environmental authorities on 16 March 2012, giving them an opportunity to comment on the likely environmental effects of implementing the Proposed Amendment to the Charlestown-Bellaghy LAP. The deadline for returning comments was 13 April 2012.

5. Response to notification

The Environmental Protection Agency responded on 12 April 2012. The EPA noted the Planning Authority's position with regard to the need for Strategic Environmental Assessment (SEA) of the Proposed Amendment to the Charlestown-Bellaghy Plan. Two specific comments were made as follows:

- "It should be clarified whether a flood risk assessment has been carried out as part of the amendment (either jointly for the entire LAP area, or individually for each local authority area), and whether this flood risk assessment(s) has been taken into account in the zoning and phasing of lands in the LAP area.
- It is noted that in 2010 the Charlestown Waste Water Treatment was over capacity and "failed to meet *the overall requirements of the Urban Waste Water treatment Regulations 2001*". It should be ensured that adequate and appropriate waste water treatment infrastructure is in place prior to further permissions for development being granted."

The EPA also highlighted the responsibilities of the Planning Authority with regard to future amendments to the Plan, the obligations with respect to national plans and policies and EU environmental legislation, including the European Communities (Birds and Natural Habitats) Regulations 2011.

The EPA also brought to the attention of the Planning Authority the updated SEA Regulations (2011) and Circular PSSP 6 /2011 in relation to "*Further Transposition of the EU Directive 2001/42/EC on Strategic Environmental Assessment*".

No submissions were received from the other bodies notified.

6. Considerations

The submission from the EPA is noted. The concerns raised have been adequately addressed in the Proposed Amendment to the Charlestown-Bellaghy LAP.

A Flood Risk Assessment has been carried out as part of the Proposed Amendment for the entire LAP area and its recommendations have been taken into account in the zoning and phasing of lands in the Plan area.

Regarding the wastewater treatment infrastructure, it should be noted that **Section 2.3.3 Infrastructure** of the LAP already contains a Strategic Objective "*to ensure that the provision of water and wastewater treatment facilities is undertaken in accordance with EU policies and Directives, relevant national legislation and national/regional policies*".

Furthermore, the policies relating to wastewater infrastructure in the Mayo and Sligo County Development Plans are applicable to the Charlestown and Bellaghy areas respectively.

In the Sligo CDP, the relevant section is **9.3 Wastewater treatment**, particularly the following wastewater policy:

P-WW-7 *Development proposing to connect to public wastewater treatment systems shall not be permitted unless the Planning Authority is satisfied that adequate capacity is available.*

Exceptions to this policy will be considered in cases where works on upgrading the wastewater facilities have commenced and will be completed within a reasonable timeframe. In such cases, appropriate conditions shall be applied to planning permissions to ensure that the proposed development and the upgrading works are suitable phased.

The lack of a response from the other prescribed environmental authorities cannot be construed as an implicit agreement with the Planning Authority's conclusion regarding the level of impact of the Proposed Amendment to the Charlestown-Bellaghy LAP on the environment. However, in the absence of comments from the other environmental authorities, the Planning Authority has no reason to alter the Proposed Amendment to the Charlestown-Bellaghy LAP or the corresponding SEA Screening Report.

7. Decision

Based on the conclusion of the Screening Report, the response of the prescribed environmental authorities and the above considerations, it is the decision of Sligo County Council that full SEA is not required for the Proposed Amendment to the Charlestown-Bellaghy Local Area Plan 2010-2016, which is unlikely to give rise to any environmental effects, significant or otherwise.

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