

## **Decision of the Planning Authority**

regarding the need for

Strategic Environmental Assessment of the proposed

### **BALLYMOTE LOCAL AREA PLAN 2012-2018**

Sligo County Council has prepared a Local Area Plan for Ballymote for 2012-2018.

Having assessed the potential environmental effects of implementing the proposed plan, and having consulted with the prescribed environmental authorities, the Planning Authority has determined that **the proposed Ballymote Local Area Plan 2012-2018 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. Proposed Ballymote LAP 2012-2018 - background**

Ballymote Local Area Plan 2005-2011 was adopted by Sligo County Council on the 5<sup>th</sup> December 2005. The Sligo County Development Plan 2011-2017 (CDP) now specifies that the Ballymote Local Area Plan is to be reviewed by 2014.

This LAP is prepared in accordance with the procedure set out in Sections 18–20 of the Planning and Development Acts 2000-2010.

The CDP earmarks Ballymote as a Key Support Town, in order to build on its strengths and existing scale of development. As recommended in the CDP, the strategy for Ballymote is to consolidate the town through the provision of an appropriate range of services including social infrastructure, retail, office, commercial and enterprise facilities to enable it to serve its catchment in an appropriate manner.

## **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 preparing the local area plan, it was necessary to “screen” the proposed plan, or determine whether the implementation of the plan would have significant effects on the environment.

## **4. SEA screening**

The proposed plan was screened for potential environmental effects in accordance with the criteria set out in Schedule 2A of the SEA Regulations. The conclusion of the screening exercise was as follows:

*The LAP will be prepared in the context of the existing CDP 2011-2017 which sets out a strategy for the proper planning and sustainable development of the County and has already been assessed under the SEA completed as part of the CDP process. The LAP will be consistent with the CDP and the CDP provisions (including the incorporated SEA mitigation measures) will also continue to apply to the LAP area.*

*The LAP will be focused on the consolidation of the town, with appropriate provision made for some expansion in appropriate areas. When compared to the existing Ballymote LAP 2005-2011, the proposed LAP will involve a significant reduction in the extent of overall area of greenfield land available for development during the plan period, particularly in relation to residential development which will be reduced from 65 hectares to 21 hectares.*

*Having described the characteristics and assessed the expected effects of implementing the Local Area Plan for Ballymote, and having regard to the characteristics of the area likely to be affected, it appears that the proposed LAP, if implemented, would have negligible effects on the environment.*

*On the basis of the above assessment based on the criteria set out in Schedule 2A of the SEA Regulations, it is the opinion of the planning authority at this stage of the process that the proposed Ballymote LAP is not likely to have significant effects on the environment.*

*Accordingly, a full Strategic Environmental Assessment is not required.*

The Screening Report relating to the proposed Ballymote LAP 2012-2018 can be inspected or purchased from the Planning Office of Sligo County Council. It can also be downloaded from the Council's website at [www.sligococo.ie/ballymote](http://www.sligococo.ie/ballymote)

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 prescribed environmental authorities – the Environmental Protection Agency (EPA), the Minister for the Environment, Community and Local Government, the Minister for Agriculture, Marine and Food, the Minister for Communications, Energy and Natural Resources (DCENR), and the Minister for Arts, Heritage and Gaeltacht Affairs.

## **5. Consultation with prescribed environmental authorities**

Formal notification, accompanied by the Screening Report, was issued to the prescribed environmental authorities on 9 December 2011, giving them an opportunity to comment on the likely environmental effects of implementing the proposed Ballymote LAP. The deadline for returning comments was 6 January 2012.

## 6. Response to notification

A. The Environmental Protection Agency responded on 3 January 2012. The EPA noted the Planning Authority's position with regard to the need for Strategic Environmental Assessment (SEA) of the proposed plan. A number of specific comments were made as follows:

- There would be merits in including an objective to incorporate the recommendations of the Western CFRAMS upon adoption as relevant and appropriate to Ballymote.
- Given that the Plan area is adjacent to areas of designated landscape character (sensitive rural landscape), consideration should be given to requiring visual impact assessment where appropriate for development within the Plan area with potential to adversely impact landscape character.
- Consideration should also be given to including a spatial / zoning map, highlighting the areas of proposed rezoning/de-zoning/phasing within the Plan area.
- It is noted that the Ballymote wastewater treatment plant *“failed to meet the overall requirements of the Urban Waste Water Treatment Regulations 2001”* in 2010. It should be ensured that adequate and appropriate wastewater treatment infrastructure is established prior to further development in the Plan area.
- It is also noted that the Lough Talt drinking water supply, servicing the Plan area, is currently listed on the EPA's Remedial Action List due to *“inadequate treatment for cryptosporidium”*. It should be ensured that a safe and secure drinking water supply is provided to service the current population and projected population targets for the Plan area.
- The River Ballanascarrow West, flowing through Ballymote town, is classified as being of *“poor status”* under the Water Framework Directive (WFD). The groundwater within the Plan area is also classified as being of *“poor status”*. The protection of surface and groundwater resources should also be integrated into the development of the Plan area.

The EPA also highlighted the responsibilities of the Planning Authority with regard to future amendments to the Draft Plan, infrastructure planning and compliance with other relevant policies and legislation.

B. The Department of Arts Heritage and the Gaeltacht responded on 30 December 2011. In summary, the comments were as follows:

- The importance of archaeological heritage was highlighted for incorporation into the Ballymote Local Area Plan. The submission suggested policies and objectives dealing with archaeological heritage in the proposed plan.

- In relation to nature conservation, it was stated that the new Lough Talt water treatment plant may significantly impact on the integrity of the Lough Hoe Bog SAC. It was also noted that this development will be subject to compliance with the Habitats Directive.
- It is the opinion of the Department that the present discharge of the wastewater treatment plant to a tributary of the Owenmore River, which flows into the Templehouse and Cloonacleigha Lough SAC, may negatively impact downstream on the Natura 2000 site. It is recommended that the upgrading of the treatment plant should occur within the lifetime of the LAP and it is noted that any such development will be subject to compliance with the Habitats Directive.
- The Department highlighted Article 10 of the EU Habitats Directive and recommended that the protection of the relevant features therein should be an objective of the Local Area Plan.

C. No submissions were received from the other prescribed environmental authorities.

## 7. Considerations

The submissions from prescribed environmental authorities are noted. Their recommendations and suggestions have been adequately incorporated into the Draft LAP. It should be noted that, as outlined in the Ballymote LAP, the existing provisions of the County Development Plan will continue to apply to the plan area.

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 LAP on the environment. However, in the absence of recommendations from the Minister for the Environment, Community and Local Government, the Minister for Agriculture, Marine and Food, and the Minister for Communications, Energy and Natural Resources (DCENR), the Planning Authority has no reason to alter the proposed LAP or the SEA Screening Report.

## 8. 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 the Planning Authority 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.

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