

Decision of the Planning Authority
regarding the need for
Strategic Environmental Assessment of the proposed
Amendment of Enniscrone Local Area Plan

Sligo County Council proposes to amend Enniscrone Local Area Plan 2004-2010 (LAP), by extending the life of the plan by three years, to 2013.

Having assessed the potential environmental effects of implementing the amendment to the plan, and having consulted with the prescribed environmental authorities, the Planning Authority has determined that **the proposed Amendment of Enniscrone Local Area Plan 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. Amending Enniscrone Local Area Plan – legislative context

The proposed Amendment of Enniscrone Local Area Plan 2004-2010 is prepared in accordance with Sections 19 and 20 of the Planning and Development Act 2000 (as amended). Current legislation requires that an existing local area plan be amended “at least every 6 years after the making of the previous local area plan” (S. 19(1)(c)(ii)).

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).

In accordance with Section 14A of the SEA Regulations, prior to commencing the procedure for amending Enniscrone LAP, it was necessary to “screen” the proposed amendment, or determine whether the implementation of the amendment/amended plan would have significant effects on the environment.

In undertaking the screening exercise, the Planning Authority took account of the criteria set out in Schedule 2A of the SEA Regulations.

3. Consultation with the elected members

During January 2010, the Development Planning Unit of Sligo County Council undertook a background study aimed at assessing the degree to which the main goals and objectives set out in Enniscrone LAP 2004-2010 have been implemented since the adoption of the Plan in March 2004. The result of this study was a Progress Report, which was submitted to the elected members for their consideration.

The Progress Report indicated that, while a certain amount of development has taken place since 2004, the key development objectives of the Local Area Plan continue to be relevant, as they have not yet been substantially achieved.

It was therefore recommended that all the objectives of the Plan, including zoning objectives, be maintained unchanged and that the only amendment of the LAP should relate to the extension of its life by three years, to 2013 (i.e. until after the adoption of a new County Development Plan).

At their ordinary meeting on on 1 February 2010, the members of Sligo County Council resolved that

“all objectives of the Enniscrone Local Area Plan, including zoning objectives, be maintained unchanged and that the only amendment of the LAP relate to the extension of its life by three years to 2013.”

4. 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 conclusion of the screening exercise was as follows:

“The proposal is that the Enniscrone Local Area Plan remains as adopted in 2004 and its life is extended by a further three years to 2013. Since the proposed amendment is not considered likely to have a significant effect on the environment, it is the opinion of the Planning Authority that a full strategic environmental assessment is not required.”

The Screening Report relating to the proposed Amendment of Enniscrone LAP can be inspected at/ purchased from the Planning Office of Sligo County Council, and it can be downloaded for free from the Council’s website at <http://www.sligococo.ie/Services/Planning/LocalAreaPlans/EnniscroneLAP/>

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, Heritage and Local Government (Dept. of EHLG) and the Minister for Communications, Energy and Natural Resources (Dept. of CENR).

5. Consultation with prescribed environmental authorities

Formal notification, accompanied by the Screening Report, was issued to the prescribed environmental authorities on 26 February 2010, giving them an opportunity to comment on the likely environmental effects of implementing the proposed Amendment of Enniscrone Local Area Plan. The deadline for receiving comments was 29 March 2010.

6. Response to notification

- A. The Environmental Protection Agency responded on 29 March 2010. The letter included a complete review of existing legislation, guidance documents and sources of environmental information and data relevant to the LAP area.

The EPA noted the conclusion of the Screening Report and indicated that

“it is a matter for Sligo County Council to determine whether or not any proposed amendments to the LAP would be likely to have significant effects on the environment.”

The EPA referred to the need for undertaking Flood Risk Assessment and Appropriate Assessment (Habitats Directive Assessment) when preparing an amended plan. In addition, it was emphasised that

“In proposing the Plan, and any related amendments, variations etc. of the Plan and in implementing the Plan, adequate and appropriate infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the particular Plan.

In particular, adequate and appropriate wastewater treatment, water supply, surface and storm water drainage, transport, waste management, community services and amenities etc. should be planned and phased to address any current problems or deficits and to reflect predicted increases in population.”

- B. The Coordination Unit of the Department of Communications, Energy and Natural Resources indicated that it had no comments/observations to make.
- C. No submission was received from the Development Applications Unit of the Department of the Environment, Heritage and Local Government.

7. Considerations

- A. The references to relevant SEA legislation, guidance documents and sources of environmental information are noted.

The amendment of Enniscrone LAP could have amounted to a full review and the preparation of a new Plan. However, this was not the intention of the elected members of the County Council, who clearly indicated their wish to maintain unchanged all the objectives of Enniscrone LAP for a further three years, until 2013.

It is intended to undertake a full review of the LAP after the adoption of a new County Development Plan (currently under preparation).

The CDP review commenced in April 2009 and the new CDP is expected to be adopted in March 2011. The SEA associated with the CDP review will inform and benefit all LAPs in the County area,

as it will be instrumental in determining what aspects of the environment should be considered at CDP level and what environmental issues are better addressed at LAP level.

- B.** The position of the Coordination Unit of the Department of Communications, Energy and Natural Resources is noted.
- C.** The lack of a response from one of the three 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 on the environment. However, in the absence of recommendations from the Development Applications Unit of the Department of the Environment, Heritage and Local Government, the Planning Authority has no reason to alter the proposed amendment.

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 Amendment of Enniscrone LAP, which is unlikely to give rise to any environmental effects, significant or otherwise.

Strategic Environmental Assessment, Appropriate Assessment and Flood Risk Assessment, however, should be undertaken in conjunction with a full review of the Enniscrone LAP, envisaged for 2013.

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