



Variation No. 2 of the Thurles and Environs Development Plan 2009-2015

DETERMINATION OF NEED FOR ENVIRONMENTAL ASSESSMENT OF VARIATION NO.2 OF THE THURLES AND ENVIRONS DEVELOPMENT PLAN IN TERMS OF THE PROVISIONS OF ARTICLE 13 OF THE PLANNING AND DEVELOPMENT (STRATEGIC ENVIRONMENTAL ASSESSMENT) REGULATIONS 2004 AND PLANNING AND DEVELOPMENT (STRATEGIC ENVIRONMENTAL ASSESSMENT) REGULATIONS 2011.

DETERMINATION OF NEED FOR A HABITATS DIRECTIVE ASSESSMENT SCREENING OF THE DEVELOPMENT, IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 6(3) OF THE EU HABITATS DIRECTIVE (92/43/EEC).

September 2012

**Thurles Town Council
North Tipperary County Council
Forward Planning Section**

1.0 Legislative Context

The European Union Strategic Environmental Assessment (SEA) Directive (2001/42/EC) requires an environmental assessment to be carried out for all plans and programmes that are prepared for certain specified sectors, including land use planning. The Planning and Development (SEA) Regulations 2004 (S.I 436 of 2004) and amending Regulations 2011 (S.I. No. 201 of 2011) (here in after referred to as the 'SEA regulations') transposed this directive into Irish Law.

Thurles Town Council and North Tipperary County Council (here in after referred to as 'the Planning Authorities') intend to make a Variation to the Thurles and Environs Development Plan in accordance with the Planning and Development Acts, 2000 to 2010. Therefore, this variation in terms of its preparation and implementation is subject to the requirements of the SEA Regulations.

The SEA Regulations 2004 state that an SEA is mandatory for certain plans/projects while screening for SEA is required for other plans or projects that fall below specified thresholds. Where plans or projects fall below or outside specified thresholds a screening report is required to be carried out to determine whether the making and implementation of a particular plan or project will or will not, lead to significant environmental consequences for the plan area.

The SEA Regulations 2004 have set a threshold of 10,000 population for which an SEA is mandatory. The population of Thurles and its Environs in 2011 was 6,929 (CSO, 2011) and thus falls below this specified mandatory threshold and therefore the variation will be screened.

"Screening" is defined as "the process for deciding whether a particular plan, other than those for which SEA is mandatory, would be likely to have significant environmental effects and would thus warrant SEA" (Assessment for the Effects of Certain Plans and Programmes on the Environment, 2004, Guidelines for Planning Authorities, page 12). The criteria for determining whether an SEA is required are set out under Schedule 2A of the Regulations.

2.0 Purpose of the Report

The purpose of this screening report pursuant to Article 13K of the SEA Regulations is to enable a determination as to whether a Strategic Environmental Assessment is required for the proposed variation.

The report will firstly outline the key aims of Variation No. 2 of the Thurles and Environs Development Plan. The report will then assess the proposed variation in the context of the criteria set down by the regulations. The report will then conclude with a determination as to whether the Strategic Environmental Assessment is necessary.

3.0 Statutory Consultation

The prescribed environmental authorities set out under Article 13 of the SEA Regulations, were consulted on 28th June, 2012. Replies were received from the Department of Arts Heritage and the Gaeltacht, the Office of the Minister for Agriculture, Food and the Marine and the Environmental Protection Agency.

Department of Arts, Heritage and the Gaeltacht acknowledged receipt of Screening Process Report. The submission suggests that once a draft variation is prepared an additional screening process should take place to ensure that the assumptions of the screening process at this stage remain correct.

Department of Agriculture, Fisheries and Food acknowledged receipt of Screening Process Report.

Environmental Protection Agency acknowledged receipt of Screening Process Report and submits specific comments and guidance document to ensure the integration of environmental considerations into the Plan. Comments include:

- Consistency with the Mid West Regional Planning Guidelines should be ensured.
- Consideration should be given to including a zoning map.
- It should be clarified whether a flood risk assessment has been carried out and if so whether it has been taken into consideration in the zoning/de-zoning.
- It should be noted that the Thurles drinking water supply is listed on EPA remedial Action list. Therefore, adequate drinking water infrastructure should be in place prior to further permission being issued.
- Any future amendments/variations should be assessed in accordance with SEA Regulations, Schedule 2A criteria.
- Appropriate infrastructure should be in place or be required to be put in place.
- Requirements of the Habitats Directive are highlighted and it is recommended that the National Parks and Wildlife Service be consulted. .
- Two amending SEA Regulations were signed into Irish law on 3rd May, 2011 amending two original SEA Regulations:
 - European Communities (Environmental Assessment of Certain Plans and Programme) (Amendment) Regulations, 2011, (S.I. No. 200 of 2011) amending the European Communities (Environmental Assessment of Certain Plans and Programme) Regulations, 2004 (S.I. No. 435 of 2004 and
 - Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations, 2011 (S.I. No. 201 of 2004) amending the Planning and Development (Strategic Environmental Assessment) Regulations, 2004 (S.I. No. 436 of 2004).
 - DoECLG Circular (PSSP 6/2011) – ‘Further Transposition on Strategic Environmental Assessment’. References to this circular should be integrated into the Variation as appropriate
- EPA references the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) which consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010 as well as addressing transposition failures in the CJEU judgments.
- Outline of the statutory consultees and requirement to make decision regarding the determination available for public inspection and available to the consultees.

4.0 Aims of the Thurles and Environs Development Plan 2009-2015

The Variation No.2 of the Thurles and Environs Development Plan, 2009-2015 will be prepared in accordance with the Planning and Development Acts 2000 to 2010. The Planning Acts require that development plans, and subsequently their variations, provide a land use planning framework which is underpinned by the principle of sustainable development. Therefore the variation will ensure that policies and objectives brought forward for economic and social development will not have an adverse effect on the environment.

The main aims of the variation can be summarised as follows:

- (i) Provide policy framework to allow the appropriate development of a number of development types:
 - (a) residential, industrial, and associated services which will utilise and support sustainable modes of transport;
 - (b) The improvement and expansion of employment uses on the former sugar factory site and adjacent lands so as to ensure the sustainable renewal and regeneration of this area;
 - (c) amenity, recreational, social and public land uses which will contribute to the sustainable and balanced development of Thurles and its environs including the Ballycarrane area;

- (d) Consolidation of existing residential development and
- (e) protect lands identified for agricultural use from inappropriate development on the urban fringe;
- (ii) To ensure the strategic development potential of the Ballycarrane area in Thurles is maintained for development in the future i.e. that developments in the short term do not impact negatively on the long term potential;
- (iii) Promote policies and objectives which insure development of the Ballycarrane area is carried out in a sustainable manner with particular reference to the social, cultural and community requirements of the area;

5.0 Assessment in terms of Schedule 2A: Criteria for determining whether a plan is likely to have significant effects on the environment.

5.1 The characteristics of the plan/variation having regard, in particular, to:

5.1.1 The degree to which the plan/variation sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.

This variation will provide for the inclusion of the Ballycarrane Area of Thurles into the Thurles and Environs Development Plan 2009-2016. The variation will detail changes to the land use zoning objectives and specific development objectives within the defined plan area. A number of the objectives will substantially reduce the acreage of zoned lands within the plan area due to land being rezoned for non-developmental purposes. A number of the objectives will set out relevant standards for the development of zoned lands within the plan area.

5.1.2 The degree to which the plan influences other plans, including those in a hierarchy.

This plan is set within the context of the Mid-West Regional Planning Guidelines 2010-2022, the North Tipperary County Development Plan 2010-2016, the Thurles and Environs Development Plan 2009 and the Ballycarrane Local Area Plan 2007 and will influence all future developments within the boundary of the settlement plan area only.

5.1.3 The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development.

This plan is set within the criteria of Sections 13 of the Act and therefore relates to the proper planning and sustainable development of the area. The plan will also identify a number of aims, specific development policies and objectives which will work toward achieving sustainability through:

- (i) identifying lands for appropriate uses, and to provide a number of specific objectives which will ensure the physical, economic, social and environmental development of the plan area is achieved through sustainable means;
- (ii) providing a basis for assessing the detailed planning applications submitted to the planning authority in order to allow the existing town encourage and assimilate change, which is essential to the future sustainable development of the plan area; and,
- (iii) ensuring the provision of adequate community facilities and other infrastructure/services and the conservation of heritage assets.

5.1.4 Environmental problems relevant to the plan.

There are not considered to be any strategic environmental problems related to the development and implementation of the variation. Where local environmental issues arise they will be dealt with by policies and objectives as may be appropriate.

5.1.5 The relevance of the variation for the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection).

These plans and programmes are set out in the North Tipperary County Development Plan 2010-2016 and the Thurles and Environs Development Plan 2009-2015. Where such plans and programmes relate to Ballycarrane, the variation will accommodate necessary legislation in a sustainable manner.

6.1 Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

6.2.1 The probability, duration, frequency and reversibility of the effects.

Key Effect – Residential

The development of area-specific policy and land zoning will ensure that measures are put in place to encourage and promote sustainable development. To accommodate population targets for the Region, only appropriate quantities of land will be zoned in the Ballycarrane area. Land use zoning provision for residential development will take full account of the population targets for the region as set out in the North Tipperary County Development Plan, 2010 and taking the sequential approach to development. In this regard it is intended to de-zone land in the area and reduce the boundary of the plan area. Any remaining residentially-zoned areas will be subject to various development policies which may, depending on the extent of the contiguous, residentially-zoned land identified, require the preparation of master plans and, where relevant, Environmental Impact Statements. The planning authority consider that such policies will ensure that all residentially-zoned land will be developed in an integrated manner

through the provision of adequate physical infrastructure, social, educational and community facilities, strategic infrastructure identified in the plan and other ancillary mixed uses and services. It is not considered that the variation will have any negative environmental impacts.

Key Effect – Commercial

Taking cognisance of recent development trends within the existing town, the variation (once adopted) will identify existing Brownfield sites for appropriate commercial development. Throughout the settlement plan area all retail-related commercial activities will be controlled by the provisions of the County Retail Strategy, and the relevant development management policies of the plan. Relevant commercial land uses will be set out in a land use zoning matrix. The plan will also protect the commercially-zoned lands from inappropriate uses.

Key Effect – Industrial

The Planning Authority recognises that the provision of employment in the industrial sector in Ballycarrane is important particularly at the former Sugar factory site. The Planning Authority considers that this brownfield site provides an opportunity to further develop this sector and provide employment opportunities at a scale appropriate to its setting. Throughout the settlement plan area all industrial-related activities will be controlled by the provisions of the relevant development management policies of the Thurles and Environs Development Plan. Relevant industrial land uses will be set out in a land use zoning matrix. Where relevant, Environmental Impact Statements may be required as part of the detail of any planning application. The rehabilitation of former brownfield land in Ballycarrane is at the centre of this variation.

Key Effect – Amenity & Open Space

The variation will refer to compliance with the requirements of the North Tipperary County Development Plan 2010-2016 and the Thurles and Environs Development Plan 209-2015, with regard to the provision of amenity and open space, therefore taking into consideration the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DoEHLG 2008) together with its accompanying Urban Design Manual. It is anticipated that a number of key specific amenity objectives will be set out in the plan. The minimum requirements for community facilities will be clearly stated.

Key Effect – Treatment of Effluent

The variation proposed set outs substantial rezoning of land to non-development uses when compared to the Ballycarrane Local Area Plan 2007. The consequence of this is that there will be reduced demands for the treatment of effluent. There is a requirement in the plan that any development proposal has regard to the capacity of the Waste Water Treatment Plan (WWTP). The sewage treatment plant has recently undergone an upgrade and as such is able to cater for development. It is not expected that any environmental quality standards will be exceeded or that the value of vulnerable areas limited as a result of the variation.

6.2.2 The cumulative nature of the effects.

Based on the possible increase in population over the plan period, the zoning of land for specific uses and the adherence to the principles of sustainable development, it is considered that there will be no significant cumulative effects on the environment in Thurles and its Environs.

6.2.3 The transboundary nature of the effects.

Given the fact that the variation relates to an area adjacent to an urban area there will be immediate trans-boundary effects on a micro level with regard to travel patterns, community and infrastructure between it and the remainder of the County. However, given the limited area to which the plan will apply, the planning authority consider that such effects will be accommodated through the policy and land use objectives of the variation.

Much of the commercial / retail role of the town is currently controlled – and will continue to be controlled – by the County Retail Strategy. The plan will be structured so as to provide a sustainable balance between the provision of lands and services for community, commercial, industrial and residential uses which will ensure the continued market role of the town within its rural hinterland. The variation policies will adhere strictly to the policies and objectives of North Tipperary County Development Plan 2010-2016 (where appropriate), the Thurles and Environs Development Plan 2009-2015 and seek the implementation of objectives set out in the Mid-West Regional Planning Guidelines 2010-2022.

6.2.4 The risks to human health or the environment (e.g. due to accidents).

No negative risks to human health or the environment due to accidents have been identified. Furthermore, the plan will set out a number of key infrastructural improvements required to ensure improvement to the existing infrastructure network and public amenities located in the plan area, which will ensure safer and more usable environments throughout.

6.2.5 The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).

Thurles Town, as defined by the Census of Population, had a population of 6,831 in 2006 which increased to 6929 in 2011. Thurles Environs, as defined by the Census of Population, had an 18% increase from 851 persons in 2006 to 1004 persons in 2011. While there has been some continuing pressure for development in Thurles, a number of zoned land banks and other lands remain undeveloped. It is anticipated that in order to comply with the core strategy that there is a necessity for the rezoning of residential development lands to non-development uses.

In contrast and in order to assist, encourage and stimulate Industrial development within the town and its environs, the zoning of Industrial lands is important to the economic well being of the town and its growing population.

The plan policies, objectives and land uses will guide the development of all lands within the identified boundary and will prevent inappropriate and unsustainable patterns of development. Such changes will be carried out having regard to the sequential approach, possible risk of flooding, availability of services and having regard to the proper planning and sustainable development of the area.

6.2.6 The value and vulnerability of the area likely to be affected due to:

(a) special natural characteristics or cultural heritage;

- Architectural Conservation Areas: There are no ACAs within the settlement area as set out in the variation. It is not anticipated that the proposed variation will have any impact on existing ACAs within the town.
- Special Areas of Conservation: The River Suir flows through Thurles, 2 km to the south of the town, at Cabragh Bridge, the Lower River Suir (site code 002137) is designated as a SAC and lies circa 200m to the south west of the plan area. As the boundaries of the settlement plan area lie outside the SAC it is considered that there will be no destruction of habitat. While there may be some limited danger to the site from water pollution it is considered to be minimal. To help guard against this the land use zoning will have regard to possible flooding which if occurring could see run off to the SAC. This will also have the benefit of creating additional flood residence areas which is useful for larger scale catchment management flood control practices.
- Proposed Natural Heritage Areas: There are no pNHAs within the settlement plan area. The nearest pNHA Cabragh Wetlands lies 650m south of the plan boundary and a second Cabragh Wetlands site is located at 3.6km to the north at Ardbaun (site code 001934). It is considered that the risk to these sites is minimal.
- Special Protection Areas: none identified.
- Nature Reserves: none identified.
- Geological Sites: none identified.
- Protected Views: none identified.
- Record of Protected Structures: It is not envisaged that any changes will be made to the Record of Protected Structures identified in the current Thurles and Environs Development Plan.
- Tree Preservation Orders: The proposed variation does not impact on this issue.
- National Monuments: The proposed variation does not impact on this issue.
- Trees identified as contributing to amenity: The proposed variation does not impact on this issue.
- Water Quality Information: Taking cognisance of this fact, the plan policies and objectives will be consistent with the key management measures, particularly regarding municipal, industrial and trade discharges and urban drainage management. In this way the plan will be consistent with the River Basin Management Plan.
- Archaeological Sites: no changes are proposed.
- Other Habitats of Interest: there may be necessary additions of specific features worthy of retention such as hedgerows, field drains, surface water ponds, earthen banks, etc as deemed necessary when identifying development briefs and master plan briefs for the development of specific lands located within the plan area.

(b) exceeded environmental quality standards or limit values;

It is not expected that any environmental quality standards will be exceeded or that the value of vulnerable areas limited as a result of the variation. The sewage system in the town is able to cater for future projected development. There will as a consequence of the variation less land available for development which will reduce the possible demands on the WWTP.

(c) intensive land-use.

It is a key objective of the Variation to ensure that future expansion of the town and a controlled intensification of land uses does not undermine the town's physical or natural environment.

6.2.7 The effects on areas or landscapes which have a recognised national, European Union or international protection status.

It is not anticipated that the provisions and policies within Variation 2 will have a direct impact on sites, conforming as they do with polices protecting such sites in relevant Plans. This is further examined in the Habitats Directive Assessment screening document.

7.0 Screening Decision and Reasons

The Planning Authorities, pursuant to Article 13K of the Strategic Environmental Assessment) Regulations, 2004 consider that Variation No.2 of the Thurles and Environs Development Plan, 2009-2015 will not result in any significant impact on the environment. This decision is made for the following reasons:

- Variation No.2 of the Thurles and Environs Development Plan, 2009-2015 will be fully consistent with Mid-West Regional Planning Guidelines 2010, the North Tipperary County Development Plan, 2010 and the Thurles and Environs Development Plan 2009-2015 which were subject to a Strategic Environmental Assessment. Therefore, the framework for development in the plan area will be subject to on-going environmental assessment.
- Variation No.2 of the Thurles and Environs Development Plan, 2009-2015 is a plan area of limited area and extent and its population falls well below the population threshold for which a Strategic Environmental Assessment is mandatory. Furthermore, the Planning and Development Act, 2010, has placed a requirement for the development plan to include a Core Strategy and evidence based approach to the zoning of land. The new legislative provisions will ensure that the growth of the plan area will occur in a co-ordinated and phased manner.
- The Plan will ensure that policies and objectives are incorporated which ensure the long-term protection of the environment in its functional area.