

## Draft Leitrim County Development Plan 2015 - 2021

Determination of the need for a Strategic Environmental Assessment or/and an Appropriate Assessment in the case of the proposed Material Alterations to Draft County Development Plan 2015 – 2021.

(as required under Section 12 (7) (aa) of the Planning and Development Acts 2000 – 2014).

Revised December 2014



Comhairle Chontae Liatroma  
Leitrim County Council

**Disclaimer**

While all reasonable efforts have been made to ensure the accuracy of the material contained in this publication, complete accuracy is not guaranteed. Neither Leitrim County Council nor the author(s) of this report accept any responsibility whatsoever for loss or damage occasioned or claimed to have been occasioned, in part or in full, as a consequence of any person acting or refraining from acting, as a result of a matter contained in this publication.

<b>1</b>	<b>INTRODUCTION .....</b>	<b>4</b>
1.1	CONSULTATION ON SEA/AA DETERMINATION .....	5
1.2	DRAFT DEVELOPMENT PLAN 2015 - 2021 .....	5
<b>2</b>	<b>PROPOSED MATERIAL AMENDMENTS .....</b>	<b>6</b>
2.1	SUMMARY OF PROPOSED MATERIAL AMENDMENTS .....	7
<b>3</b>	<b>STRATEGIC ENVIRONMENTAL ASSESSMENT.....</b>	<b>8</b>
3.1	CRITERIA AND STRATEGIC ENVIRONMENTAL OBJECTIVES.....	11
3.2	POTENTIAL CONFLICT WITH STATUS OF SEO'S.....	12
3.3	MEASURES AIMED AT SECURING THE INTEGRITY OF THE ENVIRONMENT.....	13
3.3.1	<i>Development Management Measures.....</i>	<i>13</i>
3.3.2	<i>Development Plan Measures.....</i>	<i>13</i>
3.4	CRITERIA FOR DETERMINING WHETHER A PLAN IS LIKELY TO HAVE SIGNIFICANT EFFECT ON THE ENVIRONMENT .....	13
3.5	DETERMINATION – STRATEGIC ENVIRONMENTAL REPORT .....	16
<b>4</b>	<b>NATURA IMPACT REPORT .....</b>	<b>17</b>
4.1	SITES THAT ‘MAY BE AFFECTED’ .....	19
4.2	POTENTIAL IMPACT .....	19
4.3	COMBINATION IMPACTS.....	20
4.4	MEASURES AIMED AT SECURING THE INTEGRITY OF THE NATURA NETWORK.....	21
4.5	DETERMINATION – NATURA IMPACT REPORT .....	23
	Figure 1 Environmentally Sensitive Areas and Areas Under Development Pressure (NORTH) .....	9
	Figure 2 Environmentally Sensitive Areas and Areas under Development Pressure (SOUTH).....	10
	Figure 3 Natura 2000 sites within 15km of the Plan Area .....	17

# 1 INTRODUCTION

This is an updated version of the Determination of the need to carry out a Strategic Environmental Report and or an Appropriate Assessment on the proposed Material Amendments to the Draft Leitrim County Development Plan 2015 – 2021, as set out in the accompanying document entitled; “Proposed Alterations to Draft Leitrim County Development Plan 2015 – 2021”. This report provides clarification and an update on the earlier version of the Determination dated September 2014. In particular this report takes full cognisance of the issues raised in the submissions received in respect to the SEA/AA Determination (September 2014) during the public display of the proposed Material Alteration to the Draft Plan.

All of the documents associated with the making of the Draft Plan may be viewed on the Council website at;

[http://www.leitrimcoco.ie/eng/Services\\_A-Z/Planning\\_and\\_Building\\_Control/Development-Plans/County-Development-Plan/](http://www.leitrimcoco.ie/eng/Services_A-Z/Planning_and_Building_Control/Development-Plans/County-Development-Plan/)

This process is a requirement under (under Section 12 (7) (aa) of the Planning and Development Acts 2000 – 2014).

Section 12 (7) (aa) states;

*(aa) The planning authority shall determine if a strategic environmental assessment or an appropriate assessment or both such assessments, as the case may be, is or are required to be carried out as respects one or more than one proposed material alteration of the draft development plan.*

This report should be read in conjunction with the documents placed on public display during the consultation period on the Draft County Development Plan 2015 – 2021, including the *Manager’s Report on Submissions, Consultations and Public Meeting (June 2014)* and the *Chief Executive’s Report on the proposed Material Alteration to the Draft Plan (September 2014)*. This report supplements the Draft Strategic Environmental Report and the Draft Natura Impact Report, the latter two documents may be considered as work in progress.

A Strategic Environmental Assessment (SEA) was prepared on the Draft Plan in accordance with the requirements of the SEA Directive and transposing Regulations – this Assessment will be cross referenced to the final version of the SEA Environmental Report on the Draft Plan.

Likewise, a Natura Impact Report (NIR) prepared on the Draft Plan in accordance with the requirements of Article 6 (3) of the Habitats Directive and transposing Regulations – this Assessment will be cross reference to the final version of the NIR on the Draft Plan.

Having considered the Draft Plan and the Manager’s Report on the submissions, consultations and public meetings, the Elected Members have resolved to amend the Non-Material Amendments of Draft Plan and to place the proposed Material Amendments on Public display in accordance with the requirements of Section 12 (6) of the Planning and Development Acts 2000 – 2014.

Where in the case of the SEA requirements, it is determined that a proposed Material Amendment would be likely to have significant effects<sup>1</sup> on the environment, then the proposed Material Amendment must undergo SEA. Where the environmental effects of implementing the Material Alterations can be mitigated by the measures which have been integrated into the Draft Plan so as not to be significant, then an SEA is not required.

Where in the case of the NIR it is determined that a proposed Material Amendment would result in effects which are deemed to be significant, potentially significant or uncertain then the Material Amendment must undergo a Stage 2 HIR.

It should be noted that the SEA Directive requires that SEA is undertaken where Stage 2 HIS is being undertaken on plans, programmes or amendments/alterations to these.

## **1.1 CONSULTATION ON SEA/AA DETERMINATION**

A Determination of the need for a Strategic Environmental Assessment or/and an Appropriate Assessment in respect of the proposed Material Alterations was placed on public display alongside the proposed Material Alteration to the Draft Plan. As part of this process the prescribed bodies and other selected bodies were notified and submissions invited.

Submissions in respect to the Determination were received from the Department of Environment, Community and Local Government and the Development Application Unit - for details refer to the *Chief Executive's Report Chief Executive's Report on Submissions on Proposed Material Alteration to the Draft Plan, Nov 2014*.

It is considered that this updated version of the Determination addresses the issues raised by the Department of Environment, Community and Local Government (submission No 7) and the Department of Arts, Heritage and the Gaeltacht (submission No 8).

## **1.2 DRAFT DEVELOPMENT PLAN 2015 - 2021**

The Draft Development Plan sets out Leitrim County Council's policies and objectives for the proper planning and sustainable development of the County from 2015 to 2021. The Plan seeks to develop and improve, in a sustainable manner, the social, economic, cultural and environmental assets of the County. The making of the Development Plan has been guided and informed by other closely related reports including; the Housing Strategy, the Retail Strategy, the Strategic Environmental Report (including the Flood Risk Assessment) and the Natural Impact Report.

The Plan covers the administrative area of County Leitrim, which amounts to an area measuring 1,876 square kilometres (613 square miles).

"The development plan is a framework for both initiating and influencing the process of change in our surroundings in order to support the wider economic, social and environmental objectives of the community".

Reference: (DoEHLG, *Development Plans: Guidelines for Planning Authorities*, 2007).

Planning fulfils an important and pivotal function of the Local Authority primarily in the development of land. The Development Plan in turn acts as the primary guiding tool for the way in which this development is governed in the County Council area over the set period.

---

<sup>1</sup> Significant Effects/Impacts: A serious adverse impact in terms of such things as size, geographical extent, duration, frequency, or degree of reversibility. Source: <http://www.oxfordreference.com>

An impact which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment. Source: EPA Guidance Notes on preparation of EIS (2003).

*“The development plan is central to achieving greater balance in regional development and enabling all areas to develop to their maximum potential. The plan creates the vision for the area it covers; specifies the type, amount and quality of development needed to achieve that vision; and seeks to protect and enhance the environment and amenities. It creates the policy framework and necessary degree of certainty within which individual development decisions can be made over the life of the plan”.* Reference: (DoEHLG, Development Plans: Guidelines for Planning Authorities, 2007).

Therefore, the purpose of the Development Plan is to set out the overall strategy for the proper planning and sustainable development of the area. It is comprised of a written statement and attendant maps that give a graphic representation of the objectives contained in the Plan. The Development Plan can be regarded as an environmental contract between the Council and the community. The Plan sets out the policies and specific objectives that will guide the actions of the Council in its established roles as provider of physical infrastructure, protector of the environment and its emerging role as facilitator of social, cultural and economic development.

It should be noted that a range of measures have been already integrated into the Draft Plan which will provide for, and contribute towards, environmental protection, environmental management and sustainable development of the County and wider area. Many of these measures have been integrated into the Draft Plan through the SEA Environmental Report and Natura Impact Report. These measures, alongside a range of other Local, Regional, National and European measures will enable the mitigation of potential adverse effects arising from implementation of the Draft , including the Material Alterations, so as to ensure that residual adverse effects are not significant.

## **2 PROPOSED MATERIAL AMENDMENTS**

There are a significant number of proposed amendments (circa 40) arising from the consultation on the Draft Plan and the subsequent consideration by the Elected Members of *the Manager’s Report on the Submissions, Consultations and Public Meetings (June 2014)*. These amendments are primarily aimed at updating, clarifying and reinforcing the policies and objectives. As such most are not considered Material Alterations in terms of Section 12 (7) of the Acts. However, because of their nature and extent there are 6 proposed Amendments that have been considered as Material Amendments under the aforementioned Acts. The Amendments are dealt with in the Manager’s Report where they are referenced as follows;

1. Telecommunication Masts, pg 38<sup>2</sup>
2. Zoning of Lands at Ballinamore, pg 73<sup>2</sup> (also see note in Table 3 below)
3. Windfarms, pg 89<sup>2</sup>
4. Retailing, pg 97<sup>2</sup>
5. Regionally and Locally Important Roads, pg 109<sup>2</sup>
6. Water Services, , pg 111<sup>2</sup>

Details in respect to the proposed Material Amendments are set out in the accompanying document entitled; *Proposed Material Amendments to the Draft County Development Plan 2015 – 2021 (September 2014)*.

The *Manager’s Report on Submissions, Consultations and Public Meetings (June 2104)* may be viewed on the Council website at; <http://www.leitrimcoco.ie>

---

<sup>2</sup> Page No’s refers to the *Manager’s Report on submissions and Public Meetings (June 2014)*

## 2.1 SUMMARY OF PROPOSED MATERIAL AMENDMENTS

### 1. **Telecommunication Masts/Antenna**, Section 3.7.12.10 and 4.5.3 of the Draft Plan

This amendment arises from Government Guidelines in the form of Circular Letter PL07/12 which requires Planning Authorities not to use separation distances between telecommunication structures and certain buildings. Following this amendment, requirements in respect to separation distances will be determined on a case by case basis with reference to particular criteria that is consistent with Government Guidance and will better reflect current practice.

### 2. **Zoning of Lands at Ballinamore**, Volume 3, Appendix E, Book of Maps of the Draft Plan

This amendment emerges from the Council Meeting held on 15<sup>th</sup> September 2014 at which it was proposed to reverse the proposal in the Draft Plan to de-zoning of the lands located along Regional Road R202, immediately north of the new Ballinamore Community School and GAA grounds. Under this amendment the lands would remain zoned Enterprise and Employment as set out in the County Development Plan 2009 – 2014. (Refer to notes in Table 3 below).

### 3. **Windfarms** Section 3.7.12.7 of the Draft Plan.

This amendment would remove the High, Medium and Low capacity mapping in respect to the accommodation of Windfarms within the County. Criteria in relation to the development of windfarms, based on Government Guidelines, are proposed. Under the amendment all applications will be dealt with on a case by case basis and on their merit.

### 4. **Retailing** Section 1.7.12, 3.6.5 and 4.4.3 of the Draft Plan

This amendment emerges from the Draft Retail Strategy which is included in the documents on display. It reflects issues raised during the public consultation period in relation to the strengthening of the vitality and viability of town and villages centres. The amendment replaces the Sections 1.7.12, 3.6.5 and 4.4.3 of the Draft Plan. It updates and clarifies the aims, policies and objectives of the Draft Plan in relation to Retailing.

### 5. **Regionally and Locally Important Roads** Section 4.6.7 table 4.3 and 4.6.7.2

This amendment arises from consultations with the Roads Department. It will, if adopted, include all of Regional Road R201 from Annaduff, via Carrigallen to the Leitrim Cavan Boundary as a *Regionally and Locally Important Road*. Under the Draft Plan this route extended from Annaduff to Mohill, it is now proposed to extend the route further to the Leitrim/Cavan boundary.

### 6. **Water Services** Section 3.7.12.1 of the Draft Plan

This amendment arises from consultation with Water Services. It updates the policies and objectives in relation to the development of Water and Wastewater Services within the County and in particular reflects the relationship between the Council and Irish Water in terms of the development of water and wastewater services. It also refers to the Council's priorities in terms of investment in Water and Wastewater Investment.

### 3 STRATEGIC ENVIRONMENTAL ASSESSMENT

The following assessment, should be read in conjunction with the *Manager's Report on the Draft Plan (June 2014)* and the Draft Strategic Environmental Assessment Report. The Draft SEA report is itself a work in progress and has been updated significantly since it was placed on public display alongside the Manager's Report (June 2014).

This assessment is required in order to determine whether the Proposed Material Alteration is likely to give rise to any significant effects on the environment – other than those already assessed by the SEA on the Draft Plan

Environmentally sensitive areas within the County are shown on Figure 1 and Figure 2 below. These maps show areas which are designated within the Draft Plan and to which particular measures apply. The consideration of these areas has been central to the making of the Draft Plan;

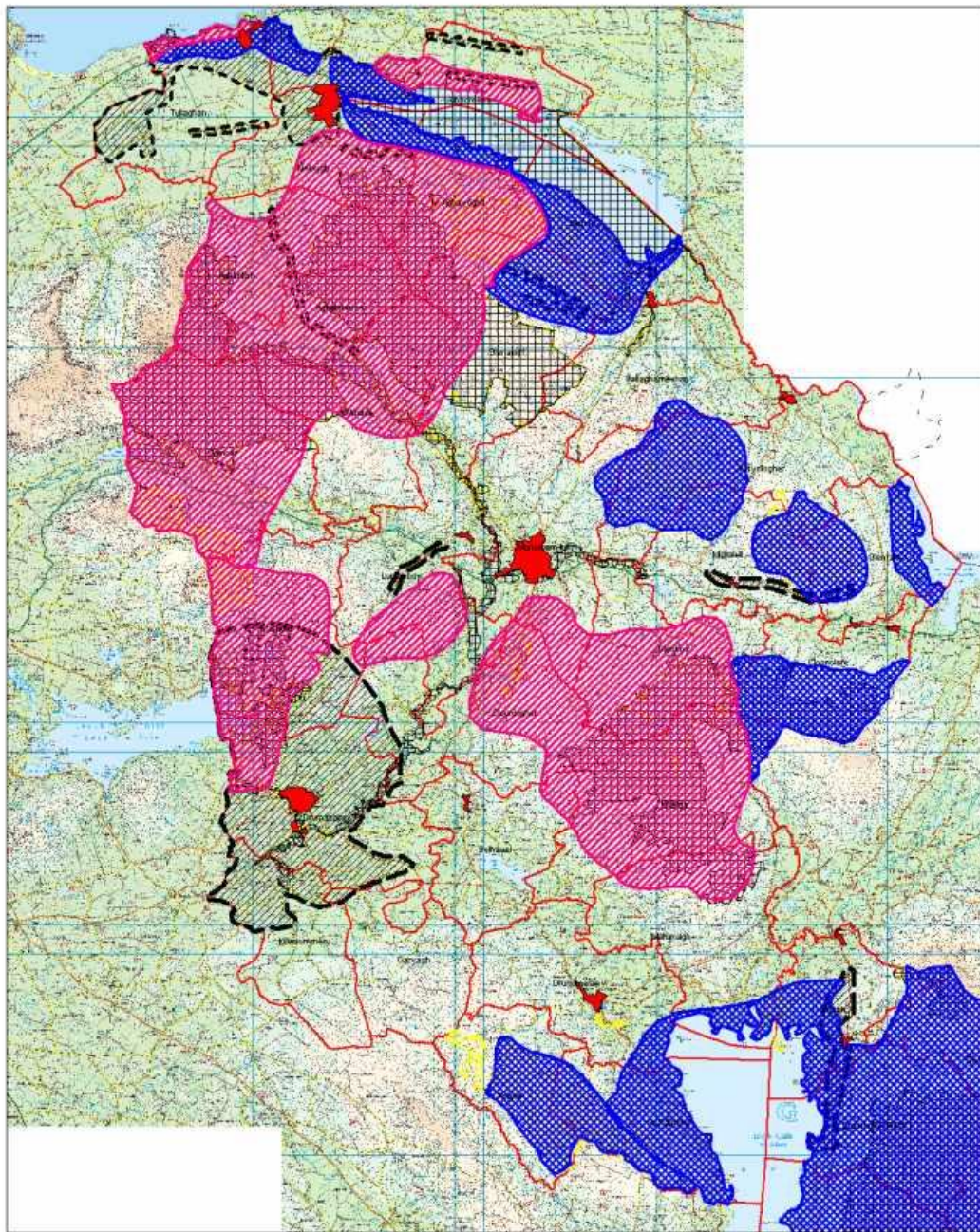
Special Areas of Conservation

Natural Heritage Areas

Areas of Outstanding Beauty

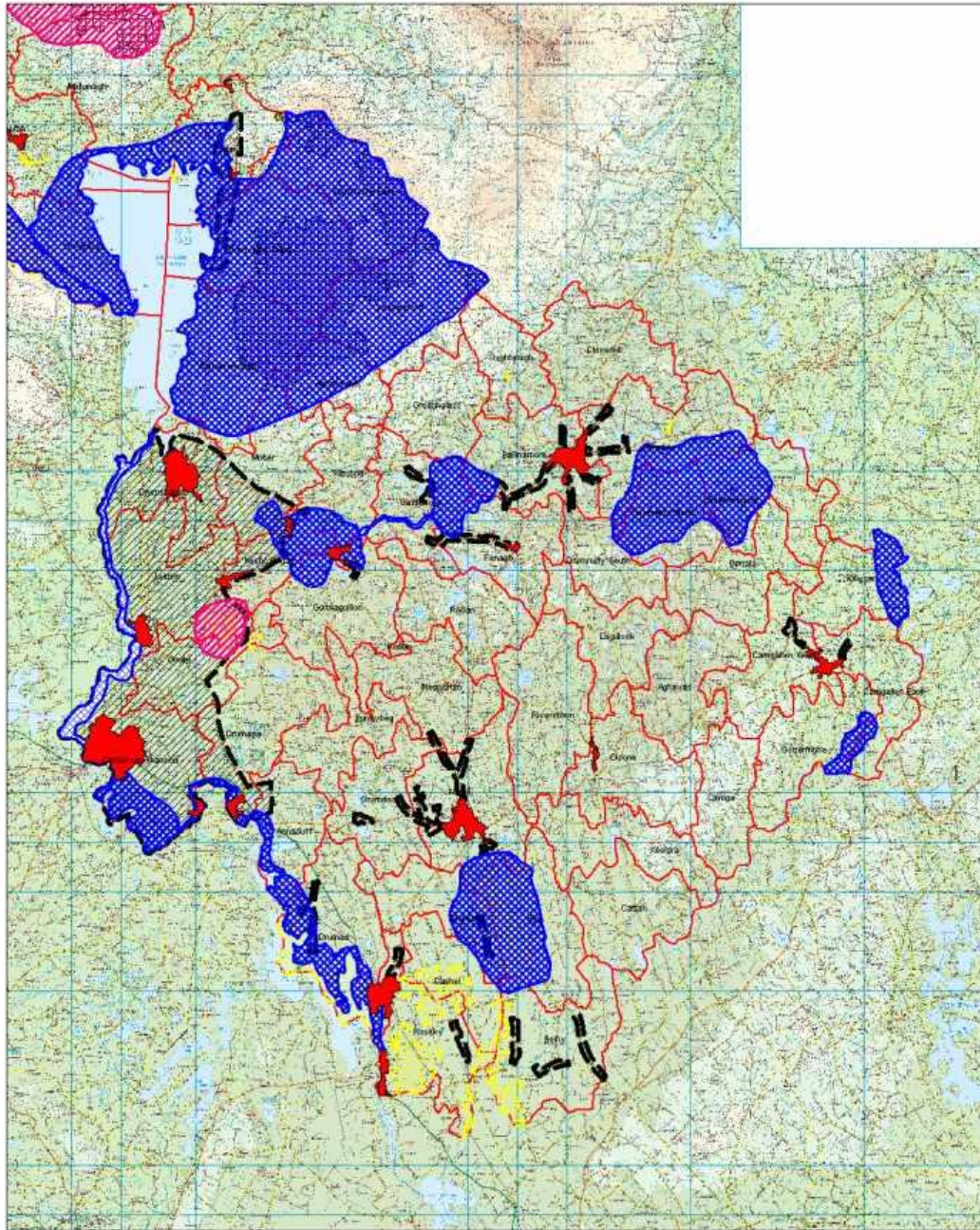
Areas of High Visual Amenity

Areas under pressure from one-off housing



- |                                       |   |
|---------------------------------------|---|
| Special Areas of Conservation         |  |
| Natural Heritage Areas                |  |
| Areas of Outstanding Natural Beauty   |  |
| Areas of High Visual Amenity          |  |
| Areas under pressure from development |  |

**Figure 1 Environmentally Sensitive Areas and Areas Under Development Pressure (NORTH)**



- Special Areas of Conservation
- Natural Heritage Areas
- Areas of Outstanding Natural Beauty
- Areas of High Visual Amenity
- Areas under pressure from development



**Figure 2 Environmentally Sensitive Areas and Areas under Development Pressure (SOUTH)**

### 3.1 CRITERIA AND STRATEGIC ENVIRONMENTAL OBJECTIVES

‘Criteria’ and ‘Strategic Environmental Objectives’ (SEO’s) indicated below have been formulated as part of the Environmental Report on the Draft Plan .

**Table 1 Criteria for appraising the effect of Plan provisions on Strategic Environmental Objectives**

Probable Conflict with status of SEOs – unlikely to be mitigated	Uncertain interaction with status of SEO’s	Potential Conflict with status of SEO’s	Neutral interaction with status of SEO’s	No interaction with status of SEO’s	Likely Improve status of SEO’s	Likely to
--	---	--	---	--	---	--------------

**Table 2 Strategic Environmental Objectives (SEOs)**

SEO Code	SEO
B1:	Conserve and promote the diversity of habitats and protected species
B2:	Protect, conserve and enhance habitats, species and areas of national or international importance and promote the sustainable management of habitat networks.
P1:	Facilitate a high standard of living for Leitrim’s population by ensuring high quality residential, recreational and working environments.
W1:	Protect the quality of surface and ground waters as sources of drinking water and as valuable assets for amenity and recreation.
W2:	Achieve and maintain required water quality standards and reduce discharges of pollutants or contaminants to waters
S1:	Maximise the use of brownfield lands and the existing built environment to reduce the need to develop Greenfield lands
S2:	Promote the principles of waste prevention, minimisation, reuse, recycling, energy recovery and the environmentally responsible disposal of residual waste
C1:	Conserve and enhance the archaeological, natural, built and cultural heritage of the county for present and future generations
C2:	Conserve and enhance valued natural and historic landscape features
A1:	Encourage walking and cycling as an alternative to car use.
A2:	Minimise emission of greenhouse gases to contribute to a reduction and avoidance of human induced global climate change.
A3:	Encourage energy efficiency in building design and maximise the use of renewable energy forms.

**Table 3 Strategic Environmental Assessment Matrix on Proposed Material Amendments to Draft Plan**

Proposed Material Amendment to the Draft Plan	Probable Conflict with status of SEOs – unlikely to be mitigated	Uncertain interaction with status of SEO’s	Potential Conflict with status of SEO’s <sup>3</sup>	Neutral interaction with status of SEO’s	No interaction with status of SEO’s	Likely Improve status of SEO’s	Likely to
1. Telecommunication Masts/Antenna			B1 B2 W1 W2 C1 C2		S1 S2 A1 A2 A3	P1	

<sup>3</sup> Refer to Section 3.2 for clarification on the Potential Conflict with status of SEO’s

2. Zoning in Ballinamore			B1 W1 W2 S1		P1 B2 S2 C1 C2 A1 A2 A3	
3. Windfarms			B1 B2 P1 W1 W2 C1 C2		S1 S2 A1	A2 A3
4. Retailing			B1 B2 W1 W2 C1 C2		S2 A3	P1 S1 A1 A2
5. Regionally and Locally Important Roads			B1 B2 W1 W2 C1 C2		S1 S2 A1 A2 A3	P1
6. Water Services.			B1 B2 C1 C2		S1 S2 A1 A2 A3	P1 W1 W2

#### Note

In relation to the zoning of lands in Ballinamore (Amendment No 2 above) it is noted that the lands concerned are zoned 'Enterprise and Employment' in the current County Development Plan 2009 – 2015. The Draft Plan proposed to omit the zoning of the lands. It is noted that part of the lands are at risk of flooding, refer to Draft Strategic Flood Risk Assessment 2015 – 2021 and to Manager's Report June 2014, submission No 170. It is noted also that part of the lands concerned are located close to a former landfill site. The lands are not designated as environmentally sensitive.

The Elected Members have proposed (at a Council Meeting held on 15<sup>th</sup> September 2014) to amend the Draft Plan and thereby maintain the current zoning of lands as Enterprise an Employment.

Whereas the zoning of the land would not trigger the need for an SEA. Any development of the lands would be subject to the measures outlined in the Draft Plan, including where necessary a Flood Risk Assessment. The impact of any development would be local. Nevertheless it is recommended that this issue should be re-considered by the Local Authority prior to the adoption of the Draft Plan and that the lands are not zoned.

### 3.2 POTENTIAL CONFLICT WITH STATUS OF SEO'S

'Potential Conflicts' are those that may arise in the event of the measures set out in the Plan not being applied. Prior to the issue of a consent for, or decision to proceed with, any proposed project, the appropriateness of the project will be fully assessed in terms of the requirements of the County Development Plan and in particular the requirement in respect to environmental impacts. The identification of a Potential conflict above does not necessarily mean a significant conflict.

Whereas, in the absence of measures set out in the Draft Plan, the proposed Material Amendments may have the potential to conflict with the status of the Strategic Environmental Objectives, as referred to above, the Planning Authority is confident that any potential for a significant adverse environmental impact can be removed or mitigated to an acceptable level through the implementation of the Draft Plan, otherwise, the necessary consent for the proposed project will not issue. In this regard the potential for any adverse impacts are not considered so significant as to in any way compromise the integrity of those items of acknowledged importance within the environment.

The potential conflicts are dependent on the location, nature and extent of the project concerned. The identification of Potential Impacts does not imply a significant impact on the environment. 'Potential Conflicts' under Table 2 that may arise from development works linked to the proposed Amendments are of a kind identified in the parent Environmental Report on the Draft Plan.

Having regard to the nature and extent of the proposed material amendments, it is considered that they would, in the main, have an overall positive impact in terms of protecting the status of the environment, they would be subject to compliance with; the measures set out in the Draft Plan subject to other planning related legislative requirements, international, national and regional documents. In general terms the proposed material amendments will update, strengthen and clarify the related policies and objectives and thereby improve the implementation of the Draft Plan.

It is considered that the implementation of the proposed material amendments will not give rise to probable environmental conflicts.

### **3.3 MEASURES AIMED AT SECURING THE INTEGRITY OF THE ENVIRONMENT**

#### **3.3.1 DEVELOPMENT MANAGEMENT MEASURES**

All proposals for development works are assessed in terms of their environmental impact and compliance with the requirements of the County Development Plan, Regional and National Guidelines and environmental related legislative requirements. Where appropriate the necessary environmental reports are required to accompany proposal. For example, most proposal are required to demonstrate compliance with Article 6 (3) of the Habitats Directive, others may be required to submit Environmental Impact Reports in accordance with the Environmental Impact Assessment legislative requirements. Environmental Reports, Archeologically Reports, Flood Risk Reports, Traffic Management Reports, Waste Disposal Management Plans, Architectural Conservation and Protection Reports and the like are required where appropriate. Proposals for development (apart from minor works) are referred to the Prescribed Bodies in accordance with legislative requirements. Where it is determined by the Planning Authority that a proposed development fails to demonstrate compliance with the requirements of the County Development Plan in respect to the proper management of the Natura 2000 network, the necessary consent for the development will not issue.

#### **3.3.2 DEVELOPMENT PLAN MEASURES**

The Draft Plan contains a comprehensive range of measures aimed at the management of the environment. In particular Section 1.8 sets out the Strategic Goals in respect to Resources, Environment and Heritage, Economic Development, Transport and Infrastructure, Social Development. The Strategic Goals are translated into a Strategic Development Framework. This provides a broad indication of the main areas of growth and development to be provided for, and how this is to be accommodated geographically. Based on the Strategic Goals and Strategic Framework, a range of specific statements, policies, objectives and development standards are developed with respect to topic areas such as; settlement patterns, provision of infrastructural and community services and facilities, water quality, biodiversity, landscape and cultural heritage, afforestation, energy supply, climate change, flood risk and waste management.

Section 3.7 of the Draft Plan contains measures that are directed specifically at ensuring the proper management of the environment and ensuring that works will not give rise to significant adverse environmental impacts. The measures in the Draft Plan set the framework within which it is envisaged that the County will develop over the period of the Plan, a framework that is founded on the principles of sustainable development.

### **3.4 CRITERIA FOR DETERMINING WHETHER A PLAN IS LIKELY TO HAVE SIGNIFICANT EFFECT ON THE ENVIRONMENT**

#### **Introduction**

The following methodology is based on Schedule 2A 'Criteria for determining whether a plan is likely to have significant effects on the environment' of the SEA Regulations, as amended. It should be

noted that Schedule 2A is not applied to SEA Screening of Material Alterations in the legislation, however it does provide a mechanism for the screening of environmental impacts.

#### **Schedule 2A: Part A**

**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 proposed Material Amendments are in general terms similar in nature to the aims, policies and objectives of the Draft Plan, i.e. they govern similar type development as those in the Draft Plan and are focused on providing a framework for the sustainable development of the County for the period of the Plan and beyond.

The potential environmental effects that may be associated with each of the proposed Material Amendments are dependent on the location, nature and extend of any proposal for development that may arise.

The Planning Authority is confident that all potential environmental effects arising from the Proposed Material Alterations will, through the implementation of the measures set out in the Draft Plan, be avoided or mitigated so as not to be likely to have a significant environmental effects.

**2. The characteristics of the plan having regard, in particular, to: the degree to which the plan influences other plans, including those in a hierarchy.**

The Plan, with or without the proposed Alteration, is governed by a hierarchy of regional and national plans and guidelines and must be consistent with these documents. The Plan must also provide a framework for lower level plans including Local Area Plans. The Plan must comply with National and European Planning related legislative requirements.

The Draft Plan, (with or without the proposed Alteration) together with the Natura Impact Report and Strategic Environmental Assessment, should be read in conjunction with, and, in the context of, other relevant plans and policies relating to the County and its surrounding area. It is important to note that the management and care of the environment falls within the responsibility of a very wide range of Departments and Agencies. Within rural areas for instance, major land-uses can be entirely managed by Departments dealing with agriculture, forestry, the marine or energy – all of which have separate specialist approval and evaluation procedures that protect environmental resources. Similarly, it is important to note that other agencies make plans for the development of road, rail, tourism, telecommunications, waste management, fisheries and energy, which must be considered in the making of County and Local Plans. Such agencies are responsible for the separate environmental assessments in respect to the implementation of these plans.

There are significant bodies of European and National legislation that determine how environmental resources are to be managed. These exist and are largely implemented at a higher level – with no local discretion. Such regulations cover a wide range of environmental concerns, including; the quality of air and water [surface, ground, drinking, marine and bathing waters], River Basin Districts, the management of ecological resources [habitats, species] and cultural heritage including archaeological and architectural heritage.

**3. The characteristics of the plan having regard, in particular, to: the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development**

The Plan, with or without the proposed Material Alterations, has the status of a statutory document that has evolved thorough an expensive public consultation process and adopted by means of the democratic process. Securing the sustainable development of the County and wider area in conjunction with other interested parties is at the heart of the Plan

The Plan, with or without the proposed Material Alterations, sets out the overall strategy for the proper planning and sustainable development of the area. It is comprised of a written statement and attendant maps that give a graphic representation of the objectives contained in the Plan. The Development Plan can be regarded as an environmental contract between the Council and the Community affected by the Plan. The Plan sets out the policies and specific objectives that will guide the actions of the Council in its established roles as provider of certain physical infrastructure, protector of the environment and its emerging role as facilitator of social, cultural and economic development.

**4. The characteristics of the plan having regard, in particular, to: **environmental problems relevant to the plan****

Key environmental issues that arise include; water supply, treatment of waste water and transportation. Increased population growth in the region is likely to give rise to an increase in car use, particularly where public transport and rail freight is not readily available. This can lead to negative impacts in terms of carbon emissions, air quality and human health.

The more significant environmental issues identified during the SEA process include settlement patterns, water quality, biodiversity, landscape and cultural heritage, afforestation, energy supply, climate change, flood risk and waste management. The provision of a good quality of life for the people who live, work or visit the region is considered to be a key objective of the SEA process. Securing economic development and social equity, together with preserving and enhancing the urban and rural character of the region, are closely associated with environmental issues.

The Draft Plan together with the proposed Material Alterations has been formulated in order to address the foregoing issues. Recommendations arising from the SEA process (and the Appropriate Assessment process) have been incorporated into the Draft Plan.

**5. The characteristics of the plan having regard, in particular, to: **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)****

The formulation of the Draft Plan including has been guided by European Union legislation on the environment. The Draft Plan with or without the Proposed Material Alterations, is considered to be consistent with all National European and European legislation on the environment including those plans linked to waste management, water protection and climate change.

**Schedule 2A: Part B**

**1. 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**

Not applicable; no significant effects likely.

**2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the cumulative nature of the effects**

Not applicable; no significant effects likely.

**3. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the Transboundary nature of the effects**

Not applicable; no significant effects likely.

**4. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the risks to human health or the environment (e.g. due to accidents)**

Not applicable; no significant effects likely.

**5. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)**

Not applicable; no significant effects likely.

**6. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the value and vulnerability of the area likely to be affected due to:**

**a) special natural characteristics or cultural heritage;**

Not applicable; no significant effects likely.

**b) exceeded environmental quality standards or limit values, and;**

Not applicable; no significant effects likely.

**c) intensive land-use.**

Not applicable; no significant effects likely.

**7. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the effects on areas or landscapes which have a recognised national, European Union or international protection status**

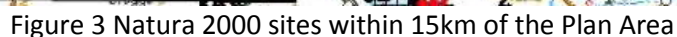
Not applicable; no significant effects likely.

### **3.5 DETERMINATION – STRATEGIC ENVIRONMENTAL REPORT**

Having regard to the foregoing, it may be concluded, that the implementation of the Draft Plan as altered by the proposed Material Amendments will not, either on their own or taken in combination with the proposed non-material amendments or other relevant plans or programmes, give rise to any significant adverse environmental impacts that cannot be mitigated to an acceptable level.

Accordingly it is the Determination of this report that a Strategic Environmental , in respect of the proposed Material Amendments, is not required under the terms of Section 12 (7) (aa) of the Planning and Development Acts, 2000 – 2014.

This assessment, and in particular Table 4 below, should be read in conjunction with the Manager's Report on the Draft Plan (June 2014) and in particular, the parent Draft Natura Impact Report, January 2014, (NIR). The parent Draft NIR is itself a work in progress and has been updated significantly since it was placed on public display alongside the Manager's Report (June 2014). This report supplements the Draft Natura Impact Report and the Draft Strategic Environmental Report in respect of the Draft Plan.



Note: 15 Km buffer line shown dotted in blue/SAC shown hatched in black/SPA's shown hatched in red.

Where it is determined that a proposed Material Amendment would result in effects which are deemed to be significant, potentially significant or uncertain, then the Material Amendment must undergo a Stage 2 HIR.

**Table 4 Natura Assessment Matrix on Proposed Material Amendments to Draft Plan**

Proposed Material Amendment	Natura 2000 that may be affected (Name/code) <sup>4</sup>	Potential Impact of Policy Objective <sup>5</sup> /	Risk of Significant Impact	Potential of 'combination impacts'	Risk of Significant 'combination impacts'
1. Telecommunication Masts/Antenna	Some sites	Yes – Any or all relevant impacts to be eliminated or mitigated to an acceptable level.	None	Low (not significant)	None
2. Zoning of lands at Ballinamore	000584 – Cuilcagh – Anierin Uplands	Yes – Any or all relevant impacts to be eliminated or mitigated to an acceptable level.	None	None	None
3. Windfarms	Some sites	Yes – Any or all relevant impacts to be eliminated or mitigated to an acceptable level.	None	Low (not significant)	None
4. Retailing	Some sites	Yes – Any or all relevant impacts to be eliminated or mitigated to an acceptable level.	None	Low (not significant)	None
5. Regionally and Locally Important Roads	000007 Lough Oughter and Associated	Yes – Any or all relevant impacts to be eliminated or mitigated to an acceptable level.	None	Low (not significant)	None

<sup>4</sup> Refer to Section 4.1 for clarification on 'may be affected'

<sup>5</sup> Refer to Section 4.2 for clarification on 'potential impact'

6. Water Services Section	Some sites	Yes – Any or all relevant impacts to be eliminated or mitigated to an acceptable level.	None	Low (not significant)	None
<p><b>Note</b></p> <p>In relation to the zoning of lands in Ballinamore (item 2 above) it is noted that the lands concerned are zoned ‘Enterprise and Employment’ in the current County Development Plan 2009 – 2015. It is noted that part of the lands are at risk of flooding. The Draft Plan proposed to omit the zoning of the lands, as recommended in; the Manager’s Report (June 2014), the Draft Environmental Report (January 2014), and the Flood Risk Assessment (January 2014). It is noted also that part of the lands concerned are located close to a former landfill site. The lands are not designated as environmentally sensitive.</p> <p>The Elected Members have proposed (at a Council Meeting held on 15<sup>th</sup> September 2014) to amend the Draft Plan and thereby maintain the current zoning of lands as Enterprise and Employment.</p> <p>Whereas this proposed amendment would not either on its own or in combination with plans and projects, have a significant impact on the qualifying interest of any Natura 2000 site, it is recommended that this amendment should be re-considered by the Local Authority prior to the adoption of the Draft Plan and that the lands are not zoned.</p>					

#### 4.1 SITES THAT ‘MAY BE AFFECTED’

‘May be affected’ under

Table 4 refers to an initial identification of Natura 2000 sites within the ‘zone of influence’ of the proposed Material Amendment. It should not be concluded in any way that the sites concerned will be affected by the proposed Material Amendments or that the effects will be significant, potentially significant or uncertain in terms of the qualifying interests of a Natura site.

The initial identification of Natura sites that ‘may be affected’ is largely based on the consideration of the ‘zone of influence’, as set out in Section 3.2.3, Natura 2000 Sites, DoEHLG (2009) [Appropriate Assessment of Plans & Projects - Guidance for Planning Authorities](#). As set out in the aforementioned Guidelines, the ‘zone of influence’ is taken as a 15 Km distance from the site.

Mindful of the 15 Km distance mentioned above and considering the nature of projects that may be involved under the proposed Amendments, it is reasonable to conclude that only some sites will fall under the ‘zone of influence’. The sites that ‘may be affected’ in the case of proposed Amendments 1, 3, 4 and 6 are dependent on the location, nature and extent of any development that may be proposed.

However, in the case of proposed Amendments 2 (zoning in Ballinamore) and 5 (R201 from Annaduff, via Carrigallen to the Leitrim Cavan Boundary) the location of any development is known and the sites within the zone of that ‘may be affected’ can be identified as indicated below.

Details of the Natura Sites that ‘may be affected’, including, Site name, Qualifying interests, Conservation objectives and Threats to site integrity, are provided in the parent Natura Impact Report (January 2014), Appendix 1 and 2 of the said report refers.

#### 4.2 POTENTIAL IMPACT

‘Potential Impacts’ are based on those impacts that may arise in the event of the measures set out in the Plan not being applied. Prior to the issue of a consent for, or a decision to proceed with, any proposed project, the appropriateness of any such project will be fully assessed in terms of the requirements of the County Development Plan and in particular the requirement under Article 6 (3) of the Habitats Directive. It is established practice within the Planning Authority to require proposal

for development works (with the exception of minor works) to demonstrate compliance with the requirements of Article 6 (3) of the Habitats Directive. This requires the submission of a Natura Impact Screening Statement and where necessary a full Natura Impact Statement. This requirement applies equally to plans and programmes undertaken by or on behalf of Leitrim County Council.

Whereas the proposed Material Amendments may have the potential to impact on the Natura 2000 network as defined above, the Planning Authority is confident that any potential adverse environmental impacts can be removed or mitigated to an acceptable level through the implementation of the Draft Plan. It should be noted that where it is established at the plan or programme consent stage that an impact on a Natura site would be significant, potentially significant or uncertain, planning permission will be refused. The potential for any adverse impacts arising from the Draft Plan are not considered so significant as to in any way compromise the integrity of the qualifying interests of any Natura site.

The potential impacts are dependent on the location, nature and extend of the project concerned. The identification of Potential Impacts does not imply a significant impact in term of the qualifying interests of a Natura 2000 site. 'Potential impacts' under

Table 4 that may arise from development works may include;

- Habitat loss and degradation
- Alteration of hydrology
- Deterioration in water quality
- Disturbance during construction / operation
- Introduction of alien invasive species

The threats to Natura 2000 site has been identified in the parent Natura Impact Report on the Draft Plan.

Having regard to the nature and extent of the proposed material amendments, and mindful of the mitigation measures contained in the Draft Plan, it is considered that the proposed Material Amendments would, in general terms, have an overall positive impact in term of protecting the status of the Natura 2000 network.

### **4.3 COMBINATION IMPACTS**

The Plan, with or without the proposed Material Amendments, acts in combination with a host of other European, National and Regional Legislation, Plans and Guidance documents in terms of the management of the environment. The formulation of the Draft Plan has been guided by, and will operate within, the framework set out in National Plans and Guidance Documents and in particular by the Border Regional Planning Guidelines 2010 – 2022.

Having regard to the measures set out in the Draft Plan the Planning Authority is confident that no projects giving rise to significant; direct, indirect, secondary or cumulative impacts on Natura 2000 Sites/Network arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects; shall be permitted on the basis of the Plan (either individually or in combination with other relevant plans or projects) .

#### 4.4 MEASURES AIMED AT SECURING THE INTEGRITY OF THE NATURA NETWORK

Considering that virtually all parts of Leitrim are within the 'zone of influence' (within a 15Km distance) of Natura 2000 sites, all proposal for development works (apart from minor works) are required to demonstrate compliance with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC). This is current practice within the Local Authority and it is intended that this practice will continue in accordance with National Guidelines. Proposals for development (apart from minor works) are referred to the National Parks and Wildlife under the auspices of the Department of Arts, Heritage and the Gaeltacht. Where it is determined by the Planning Authority that a proposed development fails to demonstrate compliance with the requirements of the County Development Plan in respect to the proper management of the Natura 2000 network, the necessary consent for the development will not issue.

As indicated in the parent Habitats Impact Report, the Draft Plan contains numerous measures in the form of statements, policies and objectives which are designed to secure the conservation and protection of Natura Sites in accordance with the requirements of the Habitats Directive. In particular Volume 1, Written Statement, Section 3.7.3.1, "Protection of the Natural Environment/Natural Heritage, Natura sites" states;

*"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to "appropriate assessment" of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4 of the Habitats Directive the Council shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public".*

Also, Policies 73, 74 and 75 states;

*"Policies 73 it is the policy of the Council to protect and conserve Special Areas of Conservation and Special Protection Areas including 'Candidate' and 'Proposed' areas.*

*Policies 74 It is the Policy of the Council to ensure that all Plans and Projects that have the potential to negatively impact on the integrity of the Natura 2000 network, will be subject to a Habitats Directive Assessment (HDA), in accordance with Article 6 of the Habitats Directive and in accordance with best practice and guidance.*

*Policies 75 No projects or programme giving rise to significant adverse; direct, indirect, secondary or cumulative impacts upon the integrity of any Natura 2000 sites, having regard to their qualifying interests and conservation objectives, arising from their size, scale, area or land take, shall be permitted on the basis of this Draft Plan (either alone or in combination with other plans or projects)<sup>6</sup>".*

*Objective 65 It is an objective of the Council to protect those sites identified as candidate Special Areas of Conservation as well as any other sites that may be so identified during the lifetime of this plan.*

---

<sup>6</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. there must be:

- (a) No alternative solution available;
- (b) Imperative reasons for overriding public interest, including those of a social and economic nature; and,
- (c) Adequate compensatory measures to ensure that the overall coherence of Natura 2000 is protected.

*Objective 66 It is an objective to protect the character, appearance and quality of the habitats and semi-natural features in County Leitrim such as woodlands, hedgerows, peatlands, wetlands and artificial waterways of historic or ecological importance.*

*Objective 67 It is an objective of the Council in partnership with the relevant agencies to promote the development and implementation of codes of best practices through initiatives such as The Golden Mile Competition, Environmental Partnership and the Green Schools projects.*

*Objective 68 It is an objective of the Council to protect the proposed Special Protection Areas and all others as they become proposed and designated during the lifetime of this plan.*

The Draft Plan also contains particular measures in respect of the requirements under Article 10 of the Habitats Directive. These measures are highlighted in the parent Natura Impact Report on the Draft Plan

#### **4.5 DETERMINATION – NATURA IMPACT REPORT**

Having regard to the foregoing, it may be concluded, that the implementation of the Draft Plan as altered by the proposed Material Amendments, will not, either on their own or taken in combination with the proposed non-material amendments or other relevant plans or programmes, give rise to any significant adverse impacts that cannot be mitigated to an acceptable level. The Draft Plan, including the proposed Material Amendments would not in any way undermine the site's conservation objectives (i.e. objectives that relate to the Birds or Habitats Directives). Accordingly it is the Determination of this report that an Appropriate Assessment is not required under the terms of Section 12 (7) (aa) of the Planning and Development Acts, 2000 – 2014.

#### Note

It should be noted that the Draft Environmental Impact Assessment and the Draft Natura Impact Report are part of an ongoing process. Further details of the Plan making process are available on the Council website at; [www.leitrimcoco.ie](http://www.leitrimcoco.ie)

Signed: .....

Joseph Gilhooly

Director of Services, Economic Development, Planning, Environment and Transportation