**Strategic Environmental Assessment**

**Screening Report**

**Proposed Variation of**

**Cavan Town and Environs Development Plan**

**2014 - 2020**

** **

**1.0 INTRODUCTION**

The Cavan Town and Environs Development Plan 2014 – 2020 was adopted by Cavan County Council and Cavan Town Council in May 2014. The Development Plan sets out the Council’s policies and objectives for the proper planning and sustainable development of the Town and Environs area from 2014 to 2020. The purpose of this report is to consider whether or not the proposed Variation to the Cavan Town and Environs Development Plan relating to the permitting of residential developments on Phase 2 and 3 lands subject to compliance with the Core Strategy as well as the introduction of the vacant sites levy under the Urban Regeneration and Housing Act 2015 requires a Strategic Environmental Assessment.

Strategic Environmental Assessment is the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme, or modification to a plan or programme, before a decision is made to adopt it. Under the requirements of the Strategic Environmental Assessment (SEA) Directive (2001/42/EC), transposed onto Irish legislation by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 – 2011, certain plans or programmes are subject to SEA prior to their adoption and implementation. The Cavan Town and Environs Development Plan 2014 – 2020 was subject to SEA prior to its adoption, the results of which are documented in an Environmental Report on the Strategic Environmental Assessment.

Under the requirements of the Planning and Development (SEA) (Amendment) Regulations 2011, a Proposed Variation to a Development Plan is required to be screened for SEA. Screening is the process for determining whether a particular plan or programme, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and therefore warrants SEA. This report presents the results of the SEA Screening exercise carried out in relation to the proposed Variation No. 1 of the Cavan Town and Environs Development Plan 2014 – 2020.

**2.0 PROPOSED VARIATION OF CAVAN TOWN AND ENVIORNS DEVELOPMENT PLAN 2014 – 2020**

**2.1 Purpose of the Proposed Variation**

The Proposed Variation of the Cavan Town and Environs Development Plan 2014 – 2020 is

intended to provide a policy framework for implementation of the Vacant Site Levy. The Urban Regeneration and Housing Act 2015 introduced the Vacant Site Levy as a site activation measure, to ensure that vacant or underutilised land in urban areas is brought into beneficial use, while also ensuring that a more efficient return on State provided enabling infrastructure and helping to counter unsustainable urban sprawl. The Levy is intended to incentivise the development of vacant or idle sites in urban areas identified by planning authorities as “regeneration land” or “residential land”, with a view to bringing such sites into beneficial use. The Vacant Site Levy makes provision for the active and efficient use of unused or underused zoned lands served by existing public infrastructure and facilities. The Levy can be imposed by Cavan County Council under certain conditions in designated areas.

The proposed Variation also seeks to extend the areas permitting residential development in the Cavan Town and Environs Development Plan to include Residential Phase 2 and Residential Phase 3 lands as per currently zoned. Following in-depth analysis as part of preparatory work for the Vacant Site Levy, a comprehensive study of zoned residential lands in Cavan Town and Environs Development Plan 2014-2020 was carried out. This study has concluded that there are serious issues in relation to the viability of developing the lands currently zoned Residential Phase 1. This is due in most part to the topography of the lands in question which would result in the development of these lands uneconomically viable for development.

**3.0 LEGISLATION**

The section examines whether each part of the Proposed Variation would be likely to have significant environmental effects (and thus would warrant the undertaking of Strategic Environmental Assessment). This examination takes account of relevant criteria set out in Schedule 2A ‘Criteria for determining whether a plan is likely to have significant effects on the environment’ of the SEA Regulations, as amended, and will be updated to take account of any submission made by any of the environmental authorities in response to a SEA screening notice

**3.1 SCREENING CRITERIA**

The SEA screening procedure is based on criteria set out in Annex II of the SEA

Directive and Schedule 2A of the Planning and Development (Strategic Environmental

Assessment) Regulations 2004.

**3.3 SCREENING EXERCISE**

**Screening Criteria For Determining Whether A Plan Is Likely To Have Significant Effects On The Environment**

The following is an assessment of the proposed variation in relation to the criteria set out in Schedule 2A;

**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 Variation intends to provide a policy framework for implementation of the Vacant Site Levy. The Urban Regeneration and Housing Act 2015 introduced the Vacant Site Levy as a site activation measure, to ensure that vacant or underutilised land in urban areas is brought into beneficial use, while also ensuring that a more efficient return on State provided enabling infrastructure and helping to counter unsustainable urban sprawl. The Levy is intended to incentivise the development of vacant or idle sites in urban areas identified by planning authorities as “regeneration land” or “residential land”, with a view to bringing such sites into beneficial use. The Vacant Site Levy makes provision for the active and efficient use of unused or underused zoned lands served by existing public infrastructure and facilities. The Levy can be imposed by Cavan County Council under certain conditions in designated areas.

The proposed Variation also seeks to extend the areas permitting residential development in the Cavan Town and Environs Development Plan to include Residential Phase 2 and Residential Phase 3 lands (as per currently zoned). Following in-depth analysis as part of preparatory work for the Vacant Site Levy a comprehensive study of zoned residential lands in Cavan Town and Environs Development Plan 2014-2020 was carried out. This study has concluded that there are serious issues in relation to the viability of developing Residential Phase 1 lands. This is due in most part to the topography of the lands in question which would result in the development of these lands being uneconomically viable for residential development. This could result in a shortage of housing supply to the county town.

The purpose of the variation is to provide a clear strategy for the lands to which the vacant site levy can be applied as per the Housing and Urban Regeneration Act 2015. The aim of this legislation is to utilise lands that are vacant or idle which are suitable for urban regeneration or housing. The Variation is also seeking to overcome an issue with the topography of lands around Cavan Town. It is considered that same is prohibitive to the development of housing in Cavan Town and so the variation, whilst maintaining that 65 hectares will be developed over the lifetime of the plan, seeks to permit subject to services and proper planning, residential development in Residential Phase 2 and Residential Phase 3 lands in Cavan Town and Environs Development Plan. It is considered that the above variations are required in order to achieve the objectives of the Core Strategy in the development plan.

The Variation also incorporates objectives to provide for the renewal of areas in need of regeneration. The proposed variation identifies areas within the county which will be subject to the Vacant Sites Levy which may apply to ‘residential lands’ or ‘regeneration lands’. It is considered the proposed variation will positively contribute to the development plan and would not be likely to result in a significant environmental effect.

**- the degree to which the plan influences other plans, including those in a hierarchy,**

The Cavan Town and Environs Development Plan 2014-2020 is influenced by a hierarchy of international, national and regional plans, strategies and legislation and it in turn influences lower tier action plans, frameworks or strategies. Considering the Cavan Town and Environs Development Plan sets a framework for projects and developments the proposed Variation will positively contribute and would not be likely to result in significant environmental effects.

* **the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development,**

The Cavan Town and Environs Development Plan 2014-2020 to which this proposed Variation relates has undergone SEA. This process integrated environmental considerations into the Plan and found that the Plan contributes to environmental protection and management and sustainable development. The proposed Variation is consistent with the existing plan in its consideration of sustainable development.

* + **environmental problems relevant to the plan,**

The Cavan Town and Environs Development Plan 2014-2020 to which this proposed Variation relates has undergone SEA. This process integrated environmental considerations into the Plan and found that the Plan contributes to environmental protection and management and sustainable development. The proposed Variation is consistent with the existing plan in its consideration of sustainable development.

**- 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).**

A number of policies and objectives in the Cavan Town and Environs Development Plan 2014-2020 focus on the implementation of EU environmental legislation e.g. Habitats Directives and Water Framework Directive.

Taking into account the Variation, it is considered that the proposed Variation will not affect the implementation of EU legislation on the environment and will therefore, not be likely to result in significant environmental effects.

2. **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,**
* **the cumulative nature of the effects,**
* **the transboundary nature of the effects,**
* **the risks to human health or the environment (e.g. due to accidents),**
* **the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),**
* **the value and vulnerability of the area likely to be affected due to:**
* **special natural characteristics or cultural heritage,**
* **exceeded environmental quality standards or limit values,**
* **intensive land-use,**
* **the effects on areas or landscapes which have a recognised national, European Union or international protection status.**

The proposed variation represents a refinement and improvement in environmental terms to the Cavan Town and Environs Development Plan 2014-2020 policies and objectives in respect to the development of vacant lands and the sustainable growth of the town.

The characteristics of the effects of the proposed Variation in terms of probability, duration, frequency and reversibility will be the same as the adopted plan and are anticipated to be positive and of lengthy duration. In terms of reversibility and frequency, the effects, due to their positive nature should be regarded as positive in the surrounding environment and therefore would not be likely to result in significant environmental effects.

As the variation is not envisaged to contribute to significant adverse effects on the environment, it is not anticipated to result in cumulative effects in combination with other plans and programmes. It is possible some positive cumulative effects on the environment will result from the Variation, due to the preference to use vacant underutilised sites as well as regenerate brownfield sites over selecting greenfield areas which are more likely to be on periphery of settlements.

The characteristics of the trans-boundary nature of the effects of the proposed Variation No. 1 will be the same as the adopted plan.

Variation No. 1 is not likely to result in significant environmental impacts or risks to human health.

Variation No. 1 relates to lands already zoned in the Cavan Town and Environs Development Plan 2014-2020 and so would not be likely to result in significant environmental effects.

Having regard to special natural characteristics or cultural heritage, exceeded environmental quality standards or limit values, or intensive land use or effects on areas or landscapes which have a recognised national, EU or international protection status, the proposed Variation No. 1 would not be likely to result in significant environmental standards.

**4.0 CONSULTATION WITH STATUTORY ENVIRONMENTAL AUTHORITIES**

Under the requirement of Article 13(A)(4)(a) of the Regulations 2004 (as amended), the SEA Screening Report was forwarded to the relevant statutory environmental authorities for consultation. The statutory consultees, as listed below, were invited to make a submission or observation in relation to whether implementation of the Proposed Variation to the Cavan Town and Environs Development Plan 2014-2020 would be likely to have significant effects on the environment.

* Environmental Protection Agency (EPA)
* Minister for Housing, Planning and Local Government
* Minister for Agriculture, Food and Marine
* Minister for Communications, Climate Action and Environment
* Minister for Culture, Heritage and the Gaeltacht
* All Adjoining Planning Authorities

Two submissions were received, from the EPA and Department of Culture, Heritage and the Gaeltacht. The key points raised in these submissions are presented below along with a comment on how these points have been addresses. Copies of submissions received are presented in Appendix 1 of this document.

**Review of Submissions**

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| **No.**  | **Key Submission Points**  | **Comment/Response**  |
| **1.** | **Submission from EPA**  |
|  | Where brownfield lands are proposed for re-use/regeneration these should be appropriately remediated to avoid or minimise any potential significant environmental impacts or human health impacts that may arise. Assessment of these sites should consider aspects such as contaminated soil removal, noise issues, air quality, waste management and presence of invasive species  | Planning Authority recognises the merit of issues raised in this point and any potential environmental sensitivities are taken into account through the development management process. Existing policies in the Cavan Town and Environs Development Plans 2014-2020 support initiatives to reduce the risk of invasive species, protect, manage and conserve the county’s natural heritage and biodiversity and protection of the environment.  |
|  | Any proposed zoning/development associated with the Variation should be linked to the ability to provide adequate and appropriate critical service infrastructure including water and wastewater infrastructure  | The Planning Authority concurs with the issue raised regarding capacity of water and wastewater infrastructure and will take this issue into account in the development management process. Objective WS-01 contained in the plan ensures that no further development is permitted until the appropriate provision of water and wastewater infrastructure capacity is available.  |
|  | The intention to permit residential development on Phase 2 and Phase 3 Resideital lands has been noted and any proposed development should be consistent with the policies and objectives of the Development Plan and National Planning Framework.  | Cavan Town is recognised as one of the 10,000 plus population towns in the National Planning Framework and this variation seeks to ensure that the growth in the town is achievable.The National Planning Framework requires a greater proportion of residential development to be facilitated on brownfield sites. The proposed policy frameworks are therefore consistent with this approach. The intention to permit residential development on Phase 2 and Phase 3 residential lands aims to ensure that the housing requirements for the town as set out in the Core Strategy of the Cavan Town and Environs Development Plan 2014-2020 are achieved.  |
|  | Where changes to the Variation are made prior to finalisation or where modifications to the Variation are made following its adoption, these should be screened for potential for likely effects in accordance with criteria set out in SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004) | Agreed  |
|  | Notice should be given to * Minister for Housing, Planning and Local Government
* Minister for Agriculture, Food and Marine
* Minister for Communications, Climate Action and Environment
* Minister for Culture, Heritage and the Gaeltacht
* Regional Assembly
* All adjoining planning authorities
 | Agreed  |
| **2** | **Department of Culture, Heritiage and the Gaeltacht –Architectural Heritage**  |
|  | The revitalisation and consolidation of historic towns is supported as a key conservation regeneration strategy and the most appropriate approach to sustainable development. | This is reflected in the current Cavan Town and Environs Development Plan 2014-2020.  |
|  | The documentation submitted does not include maps pertaining to the location of the sites of the proposed variation. The potential of archaeological significance should be considered and evaluation of the extant historic buildings and sites within the historic town undertaken or prompted as part of pre planning discussions.  | The protection of archaeological significance of Cavan Town is acknowledged in the current plan. The zone of archaeological potential in Cavan Town is protected in the current development plan. The importance of archaeology is assessed in the development management process for any new planning applications. Any application for demolition or renovation of relevant or historic streetscape buildings will be surveyed to establish evidence of early architectural features or structures A key component of any new development being considered would be consultation re Archaeological heritage with the Department of Culture, Heritage and the Gaeltacht. |
|  | The proximity of historic structure to the River Cavan and its potential to flood should be considered as an integral issue to resolving and promoting reuse of vacant and redundant buildings –where possible the appropriate management of land, areas of mature planting, historic structures and boundaries to be identified as part of the overall flood relief strategy and to form part of the guidance on the regeneration of the historic town sites.  | Flood Risk Management Objectives are included in the current Cavan Town and Environs Development Plan 2014-2020 to ensure that the potential of new developments to cause flooding is controlled and assessed. In addition any planning application would be assessed with regard to potential for flooding having regard to Flood Risk Management Guidelines. |

**CONCLUSIONS AND NEXT STEPS**

**Final Determination**

The proposed variation to the Cavan Town and Environs Development Plan 2014-2020 has been screened against the relevant environmental criteria, as set out in Schedule 2A of the Planning and Development (SEA) Regulations 2001 (as amended), as required by Article 7 (13K)(1) of the Regulations.

Based on this screening exercise and taking into account the submissions received from the statutory environmental authorities, it is considered that the proposed variation will not give rise to significant environmental effects, in terms of the characteristics of the Variation or the characteristics of the effects and of the area likely to be affected, and therefore SEA is not required.

**Next Steps**

The proposed Variation will be made available for public display at the office of Cavan County Council and on the Councils website. A copy of the final screening determination will also be notified to the Environmental Authorities consulted.