

STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING REPORT
CONCERNING THE MINISTERIAL DIRECTION (PROPOSED TO BE MADE IN ACCORDANCE WITH
SECTION 31A OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED)
IN RELATION TO THE
EASTERN & MIDLAND REGIONAL ASSEMBLY REGIONAL SPATIAL AND ECONOMIC STRATEGY
2019 - 2031

To inform a determination under Article 9 of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations, 2004 (S.I. 435 of 2011), as amended.

Date of Notice: 12th December 2019

1.0 Introduction

Strategic Environmental Assessment (SEA), in accordance with the EU SEA Directive (2001/42/EC), is a process for evaluating, at the earliest appropriate stage, the environmental quality and consequences of plan or programme initiatives by statutory bodies. The purpose is to ensure that the environmental consequences of plans and programmes are assessed both during their preparation and prior to adoption. The SEA process also gives interested parties an opportunity to comment on the environmental impacts of the proposed plan or programme and to be kept informed during the decision making process.

This report considers the proposed Ministerial Direction in the context of the potential requirement to carry out a full SEA and therefore considers whether the proposed Direction, would or would not be likely to have significant effects on the environment (please refer to the enclosed draft Direction, dated 9/12/2019). In other words, the competent authority (in this case the Minister for HPLG) proposes to modify a plan (being the EMRA RSES 2019-2031), and in so doing the competent authority must decide whether the modification to a plan or programme would or would not be likely to have significant effects on the environment and that, in so doing, the competent authority will take account of relevant criteria set out in Schedule 1 of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations, 2004 (S.I. 435 of 2011), as amended. The analysis of the proposed Direction in the context of the criteria in Schedule 1 is presented in Section 4 of this Report.

This Report as well as submissions/ observations from the environmental authorities will be taken into consideration before finalisation of the SEA screening process and the publication of an SEA determination by the Minister, pursuant to S.I. 435 of 2004, as amended.

2.0 Overview and purpose of the proposed Ministerial Direction

The elected members of the Eastern and Midland Regional Assembly (EMRA) adopted the Regional Spatial and Economic Strategy 2019-2031 (hereafter referred to as the RSES) on June 28th 2019. This will provide context for planning and development in the region for the next 12 years (with review periods every six years) and beyond. The main statutory purpose of the RSES is to support the implementation of Project Ireland 2040 – the National Planning Framework (hereafter referred to as the NPF), and the economic policies and objectives of the Government by providing a long-term

strategic planning and economic framework for the development of the region. The RSES is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy, objective and target responses.

The Draft RSES underwent Strategic Environmental Assessment and an Environmental Report was published alongside the Draft RSES and underwent a period of public display. Elected members proposed material amendments to the Draft RSES and these proposed material amendments also underwent further SEA and an Environmental Report was produced.

The Department of Housing, Planning and Local Government (DHPLG) made a submission on behalf of the Minister for Housing, Planning and Local Government, dated 12 April 2019, to the Regional Assembly outlining concerns relating to a number of proposed material amendments to the Draft RSES regarding various topics. The Assembly incorporated a number of suggestions made in the Department's submission on the proposed material amendments to the Draft RSES. However, concerns remained in relation to Chapter 5 ('Dublin MASP') and Chapter 8 ('Connectivity').

The Regional Assembly was specifically requested in the submission made by DHPLG on behalf of the Minister on the 12 April to amend Section 5.6 and Table 8.2 which incorporated additional proposals for rail, metro and LUAS infrastructure projects, to revert to the text included at Draft Plan stage.

Ultimately, the Assembly did not comply with this aspect of the submission and took insufficient account of the submissions made by the Minister on 23 January 2019 and 12 April 2019 respectively.

It is thereby proposed that the Minister will issue the Eastern and Midland Regional Assembly with the proposed Ministerial Direction (enclosed) to take the following steps with regard to the RSES.

- (i) Amend Section 5.6 Integrated Land use and Transportation, page 108 of the adopted RSES, Key transport infrastructure in the metropolitan areas as set out in national policy, by amendment of the text underlined below, as taken from the RSES, which will be replaced by the text set out in the box further below:

"Rail;

- DART Expansion Programme - new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda and further north on the Northern Line, Celbridge-Hazelhatch or further south on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to provide DART services on the South-Eastern Line as far south as Greystones;
- New stations to provide interchanges with bus, LUAS and Metro network including at Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook;
- Implement the extension of the Dunboyne/M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy;
- Complete construction of Metrolink from Swords to Sandyford, including underground extensions to UCD and Knocklyon from Charlemont.
- LUAS Green Line Capacity Enhancement in advance of Metrolink; and
- Appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, Poolbeg, Hazelhatch, Booterstown and Blessington.

- In principle there is a need to carry out an evaluation of underground metro routes within the M50.”

And amend to the text in the box below. For the purposes of clarity, the new text in the proposed Direction is identified as underlined below.

Rail;

- DART Expansion Programme - new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda or further north on the Northern Line, Celbridge-Hazelhatch or further south on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to provide DART services on the SouthEastern Line as far south as Greystones;
- New stations to provide interchanges with bus, LUAS and Metro network including at Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook;
- Reappraisal of the extension of the Dunboyne/M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy, see also Chapter 8 Connectivity;
- Complete construction of Metrolink from Swords to Sandyford and consider underground extensions to other locations from Charlemont;
- LUAS Green Line Capacity Enhancement in advance of Metrolink; and
- Appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, Poolbeg.
- Assessment, and, if appropriate, planning and design of LUAS network expansion to Hazelhatch and Booterstown.
- In principle there is a need to carry out an evaluation of underground metro routes within the M50.”

- (ii) Amend Table 8.2 Rail projects for the Region, page 190, by amendment of the text underlined below, as taken from the RSES, which will be replaced by the text set out in the box further below:

“Rail;

- DART Expansion Programme - new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda and further north on the Northern Line, Celbridge-Hazelhatch or further south on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to provide DART services on the South-Eastern Line as far south as Greystones;
- Provide for an appropriate level of commuter rail service in the Midlands and South-East;
- Complete the construction of the National Train Control Centre;
- New stations to provide interchange with bus, LUAS and Metro network at including Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook;

- A feasibility study of high-speed rail between Dublin Belfast, Dublin Limerick Junction/Cork will be carried out;
- Implement the extension of the Dunboyne/M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy;
- Complete construction of Metrolink from Swords to Sandyford, including underground extensions to UCD and Knocklyon from Charlemont.
- LUAS Green Line Capacity Enhancement in advance of Metrolink
- Undertake appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, Poolbeg, Hazelhatch, Booterstown and Blessington.
- In principle there is a need to carry out an evaluation of underground metro routes within the M50”

And amend to the text in the box below. For the purposes of clarity, the new text in the proposed Direction is identified as underlined below:

Table 8.2 Rail projects for the Region
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| <ul style="list-style-type: none"> • DART Expansion Programme – new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda <u>or</u> further north on the Northern Line, Celbridge-Hazelhatch or further south on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to improve DART services on the South-Eastern Line as far south as Greystones. • Provide for an appropriate level of commuter rail service in the Midlands and South-East. • Complete the construction of the National Train Control Centre. • New stations to provide interchange with bus, LUAS and Metro network including Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook. • A feasibility study of high-speed rail between Dublin Belfast, Dublin Limerick Junction/Cork will be carried out. • <u>Reappraisal</u> of the extension of the Dunboyne/ M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy. • Complete construction of Metrolink from Swords to Sandyford and <u>consider underground extensions to other locations from Charlemont;</u> • LUAS Green Line Capacity Enhancement in advance of Metrolink • <u>Undertake appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, Poolbeg.</u> • Undertake assessment, and, if appropriate, planning and design of LUAS network expansion to Hazelhatch and Booterstown. • In principle there is a need to carry out an evaluation of underground metro routes within the M50 |
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The unaltered text in the boxes above has been subject to SEA during the preparation of the Draft RSES and/or the consideration of the material amendments. Therefore, it is not necessary to consider

the unchanged text as part of the screening for SEA, except where there may be interactions or relationships with the proposed changes.

3.0 Procedural Requirements for Screening for SEA

The European Directive (2001/42/EC) on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the SEA Directive), was transposed into national legislation in Ireland by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435/2004), as amended and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436/2004), as amended. The procedures of S.I. 436 of 2004, as amended, apply to certain identified statutory land use plans and variations thereto. Whereas the procedures of S.I. 435 of 2004, as amended, apply to all other plans and programmes which are subject to SEA and which are not covered by S.I. 436.

S.I. 435 of 2004, as amended, applies to the proposed Ministerial Direction, the subject of this report.

The SEA Directive requires that certain plans and programmes, prepared by statutory bodies, which are likely to have a significant impact on the environment, be subject to the SEA process.

Applying Article 9(1) of S.I. 435, as amended by S.I. 200 of 2011, verifies the statutory requirement for SEA:

“an environmental assessment shall be carried out for all plans and programmes

*(a which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism and **town and country planning or land use**, and which set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive, or*

(b) which are not directly connected with or necessary to the management of a European site but, either individually or in combination with other plans, are likely to have a significant effect on any such site.”

The proposed Ministerial Direction falls under the description of being within the land use sector. Whilst not a typical land use plan or programme it nevertheless is within the overall context of a larger plan (the RSES) which has undergone full SEA.

The RSES and the proposed Direction may be seen as an overall plan that sets the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive. This framework is delivered via the implementation of County Development Plans, Local Area Plans and Strategic Development Zone Planning Schemes, all of which must be consistent with the overarching RSES.

Article 3(3) of the SEA Directive states:

“Plans and programmes referred to in paragraph 2 which determine the use of small areas at local level and minor modifications to plans and programmes referred to in paragraph 2 shall require an environmental assessment only where the Member States determine that they are likely to have significant environmental effects.”

Article 3(3) of the Directive is transposed into Irish law by Article 9(2) of S.I.435 of 2004, as amended, as follows:

“A plan or programme referred to in sub-article (1) which determines the use of a small area at local level or a minor modification to a plan or programme referred to in sub-article (1) shall require an environmental assessment only where the competent authority determines that it is likely to have significant effects on the environment and, for this purpose, the competent authority shall make any necessary determination.”

Due the small number of changes proposed to the RSES by the proposed Direction It would be reasonable to take the position that the proposed Direction would be *“a minor modification”* to the adopted RSES and therefore a full SEA may not be required if it is determined that these changes will not be likely to have significant effects on the environment.

The SEA Screening process requires a consideration of the criteria in Schedule 1 of S.I. 435 of 2004. The record of this consideration is contained within this SEA Screening Report as far it applies to the changes proposed in the Ministerial Direction. Following the completion of the Screening Report after the conclusion of the four-week period required for consultation with the relevant environmental authorities, the Minister will issue a (screening) determination and make it available to the public for inspection in the Department’s offices (at Custom House, Dublin 1) during office hours and on the Department’s website and also notify the environmental authorities which were notified/consulted previously.

S.I. 435 of 2004, as amended, contains a mandatory requirement to consult the relevant environmental authorities as part of the SEA Screening process. In this regard Article 9(5) of S.I. 435 of 2004, as amended, states that the following bodies must be given notice:

- Environmental Protection Agency;
- Minister for Culture, Heritage and the Gaeltacht (functions transferred from Minister for Environment, Heritage and Local Government/ Minister for Housing, Planning and Local Government to Minister for Culture, Heritage and the Gaeltacht by S.I. 192 of 2011);
- Minister for Communications, Climate Action and Environment; and
- Minister for Agriculture, Food and the Marine.

4.0 Consideration of the SEA screening criteria in Schedule 1 of S.I. 435 of 2004

This SEA Screening Report includes a consideration of the criteria set out in Schedule 1 of S.I. 435 of 2004. These qualitative criteria are used to assist in the determination as to whether the proposed Direction is likely to have significant effects on the environment.

The proposed changes to the adopted RSES can be summarised as follows:

- Change of approach regarding the extension of the Dunboyne/M3 Parkway line to Navan from *“implement”* to *“reappraisal of”*.
- Reduction of specificity of proposed construction of the Metrolink to remove specific reference to UCD and Knocklyon and replace it with a more strategic propose to *“consider”* underground extensions to *“other locations”* from Charlemont.
- Removal of specific locations regarding the appraisal, planning and design of the expansion of the LUAS network, including Hazelhatch, Booterstown and Blessington. However, two of these settlements are referred to in new text below.

- Additional commitment to carry out assessment, and it appropriate, planning and design of the LUAS network expansion to Hazelhatch and Booterstown.

Criteria 1. The characteristics of the plan or programme, or modification to a plan or programme, having regard, in particular, to

— the degree to which the plan or programme, or modification to a plan or programme, sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.

Whilst all of the proposed changes relate to specific projects (rail, Metrolink, LUAS), none of them would be used to provide a framework for the consent of individual, projects. Commitments to a) reappraise the rail extension to Navan, b) consider Metrolink extensions beyond Charlemont and c) to assess the LUAS expansion to Hazelhatch and Booterstown, are not proposals to give consent to these projects or to provide a framework whereby they may be given consent. All of the changes represent a strategic intent to consider these projects. All environmental considerations associated with the consent of these projects would be expected to be included during the aforementioned appraisals and assessments.

— the degree to which the plan or programme, or modification to a plan or programme, influences other plans including those in a hierarchy.

The proposed changes would be expected to be delivered via County Development Plans and/or Local Area Plans which must be consistent with the RSES. The environmental effects of the proposed changes would be assessed at the appropriate level of detail at in these Plans and the relevant assessments will be required as stated in the adopted RSES, which itself was subject to SEA:

“RPO 8.8: The RSES supports delivery of the rail projects set out in Table 8.2, subject to the outcome of appropriate environmental assessment and the planning process”

— the relevance of the plan or programme, or modification to a plan or programme, for the integration of environmental considerations in particular with a view to promoting sustainable development

As stated the Environmental Statement for the final version of the RSES, there are positive long-term benefits to Population, Human Health, air quality and climatic factors by investing in much needed rail based public transport infrastructure. A modal shift from car to public transport has significant direct and indirect positive impacts. The proposed changes continue this approach but make less specific commitments to specific projects and locations.

— environmental problems relevant to the plan or programme, or modification to a plan or programme,

There are no specific environmental problems relating to the proposed changes to the adopted RSES. As stated above the overall strategy of shifting from car to public transport would be predicted to bring about positive long-term impacts.

— *the relevance of the plan or programme, or modification to a plan or programme, for the implementation of European Union legislation on the environment (e.g. plans and programmes linked to waste management or water protection).*

As stated above the overall strategy of shifting from car to public transport would be predicted to bring about positive long-term impacts and would be consistent with other approaches to help achieve air quality and climate change targets set at national and European levels.

Criteria 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:*
 - (a) special natural characteristics or cultural heritage,*
 - (b) exceeded environmental quality standards or limit values,*
 - (c) intensive land-use,*
- *the effects on areas or landscapes which have a recognised national, European Union or international protection status.*

These sub-criteria have been addressed together:

The precise nature of the effects can only be considered at a strategic level and must take into account that the proposed changes represent a strategic intent to consider certain projects but not to provide support for their consent until environmental considerations have been taken into account. The SEA Statement for the RSES detailed the results of the assessment of likely significant effects of rail projects (see p39 of SEA Statement) and ensured that all environmental effects are suitably addressed at the correct level when there is greater geographic specificity regarding the location and nature of the proposed development.

5.0 Conclusions

The purpose of this Report is to present the results of the SEA screening of the proposed Section 31(A) Ministerial Direction in relation to the Eastern & Midland Regional Assembly Regional Spatial and Economic Strategy 2019 - 2031. The objective of this SEA screening is to determine if the proposed Direction is likely to have significant effects on the environment. It was regarded that the proposed Direction required screening, since the implication of it being implemented would result in “a minor

modification” to a plan or programme as per Article 9(2) of S.I. 435 of 2004. The screening process therefore applied the criteria in Schedule 1 of S.I. 435 of 2004, as amended, to determine if the proposed Direction would be likely to have significant effects on the environment.

The outcome and recommendation of this SEA Screening Report is that the proposed Direction is not likely to have any significant effects on the environment and does not require further assessment in the form an SEA. The main reasons leading to this conclusion are that the proposed changes all represent a change in the level of commitments to specific rail projects compared to the adopted RSES. These include a) “reappraise” the rail extension to Navan, b) “consider” Metrolink extensions “beyond Charlemont” and c) to “assess” the LUAS expansion to Hazelhatch and Booterstown, prior to any decision to plan or design any proposal. These are not proposals to give consent to these projects or to provide a framework whereby they may be given consent. All of the changes represent a strategic intent to consider these projects. All environmental considerations associated with the consent of these projects would be expected to be included during the aforementioned appraisals and assessments. There is also an existing requirement in objective RPO8.8 in the adopted to RSES to ensure that any support for these rail projects is “*subject to the outcome of appropriate environmental assessment and the planning process*”.

You are therefore invited to note that a submission or observation on behalf of one of the statutory environmental authorities identified by S.I. 435 of 2004, as amended, in relation to whether the modification to a plan or programme would or would not be likely to have significant effects on the environment, may be made to DHPLG (Environmental Planning Policy Unit) no later than 4 weeks from the date of the attached notice (under Article 9(2)) by the 9th January 2020.

This Report as well as submissions/ observations from the statutory environmental authorities will be taken into consideration before finalisation of the SEA screening process and the publication of an SEA determination by the Minister.