

Leitrim County Development Plan

2015 – 2021

Volume 1 Written Statement



PROPOSED EXTENSION OF DURATION OF THE LEITRIM COUNTY DEVELOPMENT PLAN 2015-2021 (AS VARIED) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 11D OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED



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1 INTRODUCTION

Pursuant to the *Planning and Development (Amendment) Act 2021* and Section 11D of the *Planning and Development Act 2000*, as amended, Leitrim County Council intends to extend the duration of the existing Leitrim County Development Plan 2015-2021 (as varied) up to the 31st of March 2023. The extension of duration of the existing Leitrim County Development Plan 2015-2021 (as varied) is necessary in order to ensure it remains in operation until such time as the new Leitrim County Development Plan 2023-2029 comes into effect.

The extension of duration will provide for a further period of time to be accommodated to complete the review of the Leitrim County Development Plan 2015-2021 (as varied) and to prepare and make a new Leitrim County Development Plan for the functional area of Leitrim County Council over the plan period of 2023-2029. The reason for the initiation of this process is due to the disruption resulting from restrictions introduced as a result of the Covid-19 pandemic on the development review process which have impacted on the timeline for the making of the new Leitrim County Development Plan 2023-2029.

2 OVERVIEW OF THE DEVELOPMENT PLAN REVIEW PROCESS TIMELINE

The Development Plan sets out the overall strategy for the proper planning and sustainable development of the plan area and consists of a written statement and a plan or plans indicating the development objectives for the area in question. The Development Plan is informed by a series of consultations with prescribed bodies, relevant stakeholders and the general public. In tandem with this process, the Development Plan is informed and supported by three separate assessments, the Strategic Environmental Assessment (SEA), the Habitats Directive Assessment (HDA – or otherwise known as Appropriate Assessment (AA)) and the Strategic Flood Risk Assessment (SFRA). These scientific assessments examine the emerging Development Plan in respect of its potential impact on the environment, protected sites of European ecological importance (i.e. Natura 200 sites such as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)) and areas vulnerable to flooding. These assessments also require specific consultation with specialist prescribed bodies such as the Environmental Protection Agency (EPA), the National Parks and Wildlife Service (NPWS) and the Office of Public Works (OPW).

Every Planning Authority is obliged to make a Development Plan for their functional area every 6 years. The *Planning and Development Act 2000*, as amended, prescribes a number of legislative requirements a Planning Authority must undertake in preparation of a new Development Plan, including the statutory timelines for the process, the level of consultation required and the content and mandatory objectives that must be included in the Development Plan.

In addition, the Act also establishes that the Development Plan should have regard to a suite of Ministerial Guidelines, known as Section 28 guidelines (currently 26 no. separate Section 28 guidelines have been published), and include a statement within the Development Plan which demonstrates how the Plan has conformed with the various policies and objectives associated with each of the separate Section 28 guidelines.

Section 11 of the Act prescribes that no later than 4 years after the making of a Development Plan, a Planning Authority shall give statutory notice of its intention to review its existing Development Plan and to prepare a new Development Plan for its area. This statutory notice marks the official start of the Development Plan review process, with the period for making a Development Plan defined as being not more than 2 years, subject to certain legislative provisions which provide for a small

extension on this timeline (where a Strategic Environmental Assessment (SEA) or Appropriate Assessment (AA) or both of Material Alterations to the Draft Development Plan is required).

An infographic illustrating the various stages and associated timelines of the Development Plan review process is appended to this report.

3 LEGISLATIVE PROVISIONS FOR EXTENSION OF DEVELOPMENT PLAN REVIEW PROCESS

In response to the disruption caused by restrictions arising from the Covid-19 pandemic, the *Planning and Development (Amendment) Act 2021* was enacted in July 2021 to provide a mechanism for Planning Authorities to avail of an extension to their Development Plan review process, and simultaneously to extend the duration of their existing Development Plan, for a period not exceeding one year. This provision is subject to the requirement to carry certain environmental assessments (SEA and AA) and giving notice of the proposal to extend this process to the Minister, the Office of the Planning Regulator (OPR), An Bord Pleanála (ABP), the NWRA, adjoining Planning Authorities, prescribed bodies, the local community development committee (LCDC) and also to advertise the proposal in a local newspaper. These provisions are available to a Planning Authority where a review of a Development Plan and the preparation of a new Development Plan was commenced but not completed before the date of the coming into operation of the Planning and Development (Amendment) Act 2021 i.e. the 16th of July 2021. This is applicable to Leitrim County Council, which commenced its review of the Leitrim County Development Plan 2015-2021 on the 17th of June 2020.

To avail of these provisions, there are several steps to the process which are set out as follows:

Step 1: Decision to Initiate the Process

To initiate the extension of a Development Plan review period, the Planning Authority may, by simple majority, approve a resolution, having regard to the extraordinary circumstances arising from the risk to public health posed by the spread of Covid-19 and the disruption to the completion of the review of the Development Plan and the preparation of a new Development Plan caused by restrictions introduced in response to the Covid-19 pandemic, that a further period of up to but not exceeding one year may be necessary and appropriate to complete the review and to prepare and make a new Development Plan. Members will then submit that resolution to the Chief Executive of the Planning Authority, together with the reasons given by the members of the authority for reaching the resolution.

Step 1 – Leitrim County Council decided at the statutory Council meeting of 6th September 2021 that an additional period of up to 9 months will be needed to complete the review of the existing 2015-2021 County Development Plan and to prepare and make a new County Development Plan for the period 2023-2029. The decision included the particular reasons outlining why such additional time was required having regard to the disruption caused by Covid-19 restrictions to the review process, both directly and indirectly.

Step 2: Environmental Assessments

Having initiated the process, the Planning Authority must then examine the impact of the proposed extension of duration of the existing Development Plan(s) with regard to the effects on the environment (SEA) and on the integrity of European sites (AA). The length of time this may take will

depend on whether it is possible to screen out the need for SEA and AA, or whether SEA or AA are required to be undertaken.

2A: Screening

Depending on the length of additional time sought and the particular circumstances of the Plan in question, it may be possible for the Planning Authority to be satisfied, on the basis of screening for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA), as to the environmental implications. The Planning Authority will be required to prepare screening reports which assess the implications of the proposed extension of the existing Plan(s), including taking into account any previous extension of the Plan(s).

With regard to SEA, this process of screening involves a statutory consultation with the environmental authorities within a minimum period of 4 weeks following the preparation of the draft screening report and notification to those authorities. Allowing for the preparation of reports and consideration of responses, the screening stage could take approximately 6-8 weeks to complete.

2B: Undertaking SEA or AA

Where either the above screening exercises indicate, or the Planning Authority otherwise decides that a full SEA and/or AA is required, those full assessments will need to be carried out, and consultation with the relevant prescribed bodies undertaken before the Planning Authority can be satisfied as to the environmental implications of the extension of the Plan(s), taking into account any previous extensions of the Plan(s). Given the varying lengths of additional time which a Planning Authority may decide are required and the particular circumstances of each plan, it is difficult to be definitive as to the timescale for this process, however, it will generally take approximately 5 months (20 weeks) to prepare the assessments and to undertake the necessary consultation.

Step 2 – As the Competent Authority, Leitrim County Council has examined the impact of the proposed extension of duration of the existing Leitrim County Development Plan 2015-2021 (as varied) with regard to the effects on the environment (Strategic Environmental Assessment) and on the integrity of European Sites (Appropriate Assessment). This examination has taken the form of screening exercises for SEA and AA of the proposed extension and has been informed by consultation with the relevant prescribed bodies over the statutory minimum period of 4 weeks (consultation ran from Friday the 4th March 2022 to Friday 1st April). Following these screening exercises, it has been determined that the proposed extension of the Leitrim County Development Plan 2015-2021 (as varied) would not be likely to result in significant environmental effects nor give rise to any effects on the ecological integrity of any European Site, alone or in combination with any other plans, programmes and projects. Further details on these determinations can be found in the accompanying SEA Screening Report and AA Screening Report prepared by CAAS Ltd.

Step 3: Consultation Stage

Having considered the above, the next step required is to undertake consultation on the proposed extension of duration of the existing Development Plan(s), involving the following:

- (a) giving notice to the Minister, the OPR, ABP, the NWRA, and where appropriate, adjoining Planning Authorities, prescribed bodies, and the LCDC; and

- (b) publishing notice of the proposed extension of the duration of the existing Development Plan in a local newspaper.

The consultation provisions require a minimum of 4 weeks for the receipt of submissions and observations in response to the above notices.

Step 3 – The process is currently at this stage with consultation on the proposed extension of duration of the current Leitrim County Development Plan 2015-2021 (as varied) taking place from Wednesday 27th April 2022 to 4.30 p.m. on Wednesday 25th May 2022 inclusive. Submission/observations on the proposed extension are invited during this period and will inform the Chief Executive’s Report to Elected Members at the final decision stage of the process (Step 4).

Step 4: Final Decision

The final key step involves the preparation of a Chief Executive’s report to the elected members within a period of 8 weeks from the notification of the proposals in Step 3, and a decision by the members (by resolution) at either an ordinary or a special meeting as to whether or not to extend the duration of the existing Development Plan(s). This step would therefore take a further 4 weeks.

This consideration must be based on the reasons for seeking the additional time to prepare a new Development Plan, and the environmental implications of extending the duration of the existing Development Plan(s).

Where the Planning Authority decides to extend the duration of the existing Development Plan(s), it may then decide to take the additional time to complete the preparation of the new Development Plan for the area.

4 RATIONALE FOR SEEKING AN EXTENSION OF DEVELOPMENT PLAN REVIEW PROCESS

Notwithstanding the disruptions caused by the restrictions arising from the Covid-19 pandemic, the review of the Leitrim County Development Plan 2015-2021 (as varied) has been severely impacted by a number of external factors outside of the control of the Council, which have delayed the Development Plan review process.

As referenced previously, Section 11 of the Act prescribes that no later than 4 years after the making of a Development Plan, a Planning Authority shall give statutory notice of its intention to review its existing Development Plan and to prepare a new Development Plan for its functional area. In the case of the existing Leitrim County Development Plan, this was adopted on the 12th of January 2015, with the review of this Plan required to commence by 17th February 2019 (accounting for time limits referenced in the Act under Section 251) at the latest.

However, the review of the Development Plan was required to be deferred, for the purposes of enabling the incorporation of the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) into the Development Plan, in accordance with the provisions of Section 11(1)(b)(i) of the Act which stipulates that where a Development Plan review is due to commence

prior to the making of the relevant RSES, then commencement of the review shall be deferred until not later than 13 weeks after the relevant RSES has been made.

The relevant RSES, in this case the Northern and Western Regional Authority (NWRA) RSES, was made on the 24th of January 2020. Under the aforementioned provisions of Section 11(1)(b)(i), the review of the Development Plan should have commenced by the 24th of April 2020 at the latest (i.e. 13 weeks after the RSES was made). However, by this stage the Covid-19 pandemic was prevalent, with widespread restrictions on public health grounds well established by this date. In response to the then emerging pandemic, the *Emergency Measures in the Public Interest (Covid-19) Act 2020* was enacted which inserted the new Section 251A into the *Planning and Development Act 2000*, as amended, which provided that the period of the emergency shall be disregarded when “calculating any appropriate period, specified period or other time limit referred to” in the Act, including the time limits provisions specified under Section 11(1)(b)(i), i.e. the deferral of the commencement of the review of the Development Plan until not later than 13 weeks after the NWRA RSES was made.

Effectively, the provisions of the *Emergency Measures in the Public Interest (Covid-19) Act 2020* introduced a 56 day suspension, beginning on the 29th March 2020 and concluding on the 23rd May 2020, of the various time limits prescribed in the *Planning and Development Act 2000*, as amended. As a result, the latest date to which review of the Development Plan could commence was the 19th June 2020. To recap, the actual commencement date of the review of the Plan was the 17th June 2020, therefore, in accordance with the statutory provisions outlined above. Under the normal statutory timelines for making the Development Plan (i.e. not availing of any extension to the review period), the latest date for the making of the new Leitrim County Development Plan would be the 29th May 2022.

Accordingly, given the extenuating circumstances outlined above which have impacted on the review of the Leitrim County Development Plan 2015-2021 (as varied), it is proposed to avail of the provisions contained within the *Planning and Development (Amendment) Act 2021* and Section 11D of the *Planning and Development Act 2000*, as amended, to extend the review period by approximately 9 months up to the 31st March 2023.

5 STRATEGIC ENVIRONMENTAL ASSESSMENT AND APPROPRIATE ASSESSMENT

As outlined previously, a key consideration under Section 11D(2) of the *Planning and Development Act 2000*, as amended, is the impact the proposed extension to the duration of the existing Leitrim County Development Plan 2015-2021 (as varied) with regard to the effects on the environment (assessed by way of Strategic Environmental Assessment (SEA) process) and on the integrity of European sites (assessed by way of Appropriate Assessment).

In compliance with the *Planning and Development (Amendment) Act 2021* and Section 11D(2) of the *Planning and Development Act 2000*, as amended, the Planning Authority has undertaken screening for Strategic Environmental Assessment (SEA) in considering the extension of duration of the existing Leitrim County Development Plan 2015-2021 (as varied), in accordance with the *Strategic Environmental Assessment Directive (2001/42/EC)* and pursuant to Article 13B of the *Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No.436 of 2004)*, as amended. As a result of this screening, it has been determined that the proposed extension of the Leitrim County Development Plan 2015-2021 (as varied) would not be likely to result in significant environmental effects.

Screening for Appropriate Assessment has also been carried out in considering the extension of duration of the existing Leitrim County Development Plan 2015-2021 (as varied), in accordance with the requirements of Article 6 (3) of the *Habitats Directive (92/43/EEC)* and Section 177U of the *Planning and Development Act 2000*, as amended. In accordance with Section 177U it has been determined by the Competent Authority (Leitrim County Council) that the proposed extension of the existing Leitrim County Development Plan 2015-2021 (as varied) would not give rise to any effects on the ecological integrity of any European Site, alone or in combination with any other plans, programmes, and projects Appropriate Assessment is not required.

Further details on these determinations can be found in the accompanying Strategic Environmental Assessment (SEA) Screening Report and Appropriate Assessment (AA) Screening Report prepared by CAAS Ltd. on behalf of Leitrim County Council.

APPENDIX 1 – OVERVIEW OF DEVELOPMENT PLAN REVIEW STAGES

| STAGE | TIMELINE |
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| <p>Stage 1 Preliminary</p> <p>Measured from at least one year before the commencement of the development plan review</p> | <p>Up to 52 weeks in advance of commencement</p> <p>Preparation of:</p> <ol style="list-style-type: none"> Baseline Report Cross-sectoral engagement Issues and Options Paper Scoping for SEA and other environmental assessments as appropriate |
| <p>Stage 2 Pre-draft</p> <p>Measured from the time the notification of the commencement of the plan review is published up to when the draft plan is finalised by the elected members (s. 11 inclusive)</p> | <p>By Week 46 after commencement</p> <ul style="list-style-type: none"> - Notice of intention to review the existing plan, normally not later than four years after it was made. - Minimum 8 weeks initial public consultation period. - Within 16 weeks from date of notice, prepare and submit a report of the Chief Executive (CE) on the initial public consultation to the elected members as the planning authority. - Not later than 10 weeks after CE's report is submitted, the elected members may issue directions to the CE. - Within 12 weeks of receipt of directions, the draft development plan is prepared and submitted to elected members for consideration. - Within 8 weeks of draft development plan being submitted to elected members, amendments may be made by resolution and the draft plan must be finalised. |
| <p>Stage 3 Draft Plan</p> <p>Measured from the time the draft is being prepared for public consultation up to the consideration of the Chief Executive's Report on submissions received on the draft plan (s. 12(1) to s 12(6) inclusive)</p> | <p>By Week 82 after commencement (+36 weeks)</p> <ul style="list-style-type: none"> - Within 2 weeks of the draft plan being finalised by the elected members, prepare the draft development plan and publish notice of a minimum 10-week public consultation period on the draft Plan and associated environmental assessment documentation (including the (SEA) Environmental Report and the (AA) Natura Impact Statement. - Within 22 weeks of the date of notice, prepare and submit a report of the Chief Executive (CE) on the draft plan public consultation to the elected members as the planning authority. - Within 12 weeks of the CE's report being submitted to elected members, they must consider the draft and the report of the CE and may, by resolution, amend or make the development plan. |
| <p>Stage 4 Material Alterations</p> <p>Measured from when any decision is made to amend the draft plan by elected members up to the consideration of the Chief Executive's Report on submissions received on the material alterations (s 12(6) to s 12(10) inclusive)</p> | <p>By Week 99 after commencement, or later subject to SEA/AA (+17 weeks or more)</p> <ul style="list-style-type: none"> - Within 3 weeks after the passing of any resolution to amend the draft plan, publish notice of material alterations with a minimum public consultation period of not less than 4 weeks. + Within the 3-week period, a determination is to be made on the requirement to carry out SEA and/or AA on the material amendments. Within 2 weeks of the determination, the Chief Executive specifies the period required to facilitate the assessment. - Within 8 weeks from date of notice of any material alterations, prepare and submit the report of the Chief Executive (CE) on the material alteration public consultation to the elected members as the planning authority. - Within 6 weeks of the submission of the CE's report, to the elected members, they must consider the report of the CE and make the development plan and in doing so, may, by resolution, make non-material modifications to the material alteration(s) |
| <p>Stage 5 Adoption and Immediate Post-Adoption</p> <p>Elected members make the plan (s. 12(6) or (10) and s.11 to s. 12(12) inclusive and s.12(17))</p> | <ul style="list-style-type: none"> - Publication of notice of the making of the plan, after a resolution of the Council, as planning authority, to make the plan under either Section 12(6) or (10). - Publication of the SEA Statement and Appropriate Assessment Conclusion Statement. - The Plan comes into effect 6 weeks after the resolution is made. |

Source: *Development Plans – Guidelines for Planning Authorities (Draft for Consultation)*, Department of Housing, Local Government and Heritage (2021)