



14 January 2020

Mr. Jim Conway
Director,
Eastern Midland Regional Assembly,
3rd Floor, Ballymun Civic Centre,
Main Street,
Ballymun,
Dublin 9

EASTERN & MIDLAND
16 JAN 2020
REGIONAL ASSEMBLY

Section 31A of the Planning and Development Act 2000 (as amended)
**Decision to issue a Direction relating to the Eastern Midland Regional Assembly Regional Spatial
and Economic Strategy 2019 – 2031**

Dear Director,

I am writing to you to inform you of the following in relation to the Section 31A Draft Direction issued to the Eastern Midland Regional Assembly in August 2019, and the subsequent appointment of Mr. Patrick Ledwidge as an independent inspector, as provided for under Section 31A(11) of the Planning and Development Act 2000 (as amended), to review the Draft Direction, Director's report and submissions made.

As you are aware, the basis for issuing the draft Ministerial Direction was to ensure that the RSES is consistent with the GDA Transport Strategy. Having considered the Inspector's report including submissions and the SEA and AA screening of the amended Direction including submissions from Environmental Authorities and recommendations it is my determination to screen out SEA and AA for the amended Direction (refer to attached Appendices 1 & 2).

Therefore, it is now my intention to issue a Direction to EMRA which would amend the Draft Direction and to issue the amended Direction.

Accordingly, EMRA should **TAKE NOTICE** that on the 14 day of January, 2020 I have issued a Direction pursuant to Section 31A of the Planning and Development Act 2000 (as amended).

A copy of this Direction is attached to this letter.



STEPS TO BE TAKEN

In light of the foregoing the Regional Assembly is required, pursuant to Section 31A(2) of the Planning and Development Act 2000 (as amended) to comply with this Direction.

The Eastern Midland Regional Assembly Regional Spatial and Economic Strategy 2019 – 2031 must therefore be altered as indicated in the attached Direction, and the Regional Assembly should ensure that copies of the Regional Spatial and Economic Strategy as altered are available for inspection at its offices and on its website.

The Regional Assembly should also publish notice of the making of the Direction including alteration to the strategy and SEA / AA Determinations, and post a copy of such notice on its website.

My officials are available to assist you, as necessary, in complying with the foregoing process now underway.

Yours sincerely,

Eoghan Murphy T.D.

Minister for Housing, Planning and Local Government



Copied to:

**Cathaoirleach, Eastern and Midland Regional Assembly, Ballymun Civic Centre, Ballymun,
Dublin 9, D09 C8P5**

Department of Transport, Tourism and Sport, Leeson Lane, Dublin 2 D02 TR 60

National Transport Authority, Harcourt Lane, Dun Sceine, Dublin 2, D02 WT20

Office of the Planning Regulator, Block C, 77 Sir John Rogerson's Quay, Dublin 2, D02 VK60.

Screening for Appropriate Assessment (AA)

**Determination under the
European Communities (Birds and Natural Habitats) Regulations, 2011, as amended**

**CONCERNING THE PROPOSED 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 AND MIDLAND REGIONAL ASSEMBLY REGIONAL SPATIAL AND ECONOMIC STRATEGY
2019 – 2031**

In order to comply with the requirements of Regulation 42(7) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011, as amended), this determination has been made by the Minister for Housing, Planning and Local Government relating to the potential for the proposed Ministerial Direction (dated 9 December 2019) accompanying this determination relating to the Regional Spatial and Economic Strategy 2019-2031 (RSES), to have likely significant effects on 'European sites' (as defined by S.I. 477 of 2011), either alone or in combination with other plans and projects.

This determination has been made following a consideration of the information contained in the AA Screening Report (attached to this determination) and the text of the proposed Direction itself (attached to this determination).


Following an analysis and evaluation of the relevant information, including in particular, the nature of the proposed changes and their potential relationship with European sites that could result from the implementation of the proposed Direction, as well as considering other plans and projects, and applying the precautionary principle, the Minister accepts the recommendation of the AA Screening Report that there is no possibility that the proposed Direction would be likely to have any significant effects on any European sites.

The main reasons leading to the conclusions in the AA Screening Report was that the changes to the RSES proposed in the Direction all represent a change in the level of commitments to specific rail projects as compared to the adopted RSES. These changes 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 changes do not facilitate consent for these projects or provide a framework whereby they may be given consent. Rather, the changes represent a strategic intent to consider these projects. Assessments of risk of likely significant effects on European Sites, either in isolation or in combination with other plans or projects, associated with the consent of these projects will be included during the aforementioned appraisals and assessments referred to in the changes to the RSES.

Therefore, appropriate assessment is not required for the proposed Ministerial Direction.

The Minister for Housing, Planning and Local Government having carefully considered the information in the AA Screening Report and having regard to the advice of his officials, agrees with and adopts the reasoning and conclusion of the AA Screening Report. The Minister hereby determines pursuant to Regulation 42 of S.I. 477 of 2011, as amended, and for the purposes of Article 6(3) of the Habitats Directive that, on the basis of objective information, the proposed Direction, individually, or in combination with other plans and projects would not have likely significant effect on a European site and therefore an appropriate assessment is not required.

Signed:



Date: 14th January 2020

*Attached: AA Screening Report dated 12 December 2019
Proposed Ministerial Direction dated 9 December 2019*

Screening for Strategic Environmental Assessment (SEA)

Determination under Article 9(2) of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations, 2004 (S.I. 435 of 2011), as amended

CONCERNING THE PROPOSED 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 AND MIDLAND REGIONAL ASSEMBLY REGIONAL SPATIAL AND ECONOMIC STRATEGY 2019 – 2031

In order to comply with the requirements of Article 9(2) of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations, 2004 (S.I. 435 of 2011), as amended, this determination has been made by the Minister for Housing, Planning and Local Government relating to the potential for the proposed Ministerial Direction (dated 9 December 2019) accompanying this determination relating to the Regional Spatial and Economic Strategy 2019-2031 (RSES), to have likely significant effects on the environment.

This determination has been made following a consideration of the information contained in the SEA Screening Report (attached to this determination), the criteria set out in Schedule 1 to S.I. 435 of 2004, as amended, and to consultation responses received from the Environmental Protection Agency, the Department of Culture, Heritage and the Gaeltacht, the Department of Agriculture, Food and the Marine (attached to this determination) and to the text of the proposed Direction itself (attached to this determination). None of the environmental authorities who provided a submission/observation advised that an SEA should be undertaken.

Following an analysis and evaluation of the relevant information, including in particular, the nature of the proposed changes and their potential for effects on the environment that could result from the implementation of the proposed Direction, the Minister accepts the recommendation of the SEA Screening Report that there is no possibility that the proposed Direction would be likely to have any significant effects on the environment.

The main reasons leading to these conclusions was that the changes to the RSES proposed in the Direction all represent a change in the level of commitments to specific rail projects as compared to the adopted RSES. These changes 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 changes do not facilitate consent for these projects or provide a framework whereby they may be given consent. Rather, the changes represent a strategic intent to consider these projects. Assessments of risk of likely significant effects on the environment associated with the consent of these projects would be expected to be included during the aforementioned appraisals and assessments referred to in the changes to the RSES.

Therefore, SEA is not required for the proposed Ministerial Direction.

The Minister for Housing, Planning and Local Government having carefully considered the information in the SEA Screening Report and having regard to the advice of his officials, agrees with and adopts the reasoning and conclusion of the SEA Screening Report. The Minister hereby determines pursuant to Article 9(2) of S.I. 435 of 2004, as amended, that the proposed Direction would not have likely significant effects on the environment and therefore an SEA is not required.

Signed:



Date: 14 January 2020