

**APPENDIX A
ENVIRONMENTAL AUTHORITY SUBMISSIONS
SCOPING STAGE
(DEC 11 – JAN 12)**



Mr Ger Walsh
Town Clerk
Clonmel Borough Council
Town Hall
Clonmel
Co. Tipperary

6th January 2012

Our Ref: SCP111204.1

Re: Issues Paper for the Clonmel and Environs Development Plan 2013-2019

Dear Mr Walsh,

I refer to and acknowledge your correspondence, dated 8th December 2011, in relation to the Issues Paper for Clonmel and Environs Development Plan, hereafter referred to as “the Plan”.

Please find enclosed the EPA’s initial submission, which consists of an SEA Guidance Document, and SEA Pack, to assist you in undertaking an environmental assessment as per the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004), as amended by S.I. 201 of 2011.

You are referred to the specific comments below which should be taken into account in the Plan and SEA.

Specific Comments to be considered

- It is noted that the Clonmel Poulavanogue Drinking Water Supply is currently listed on the EPA’s Remedial Action List due to “*inadequate treatment for cryptosporidium*”. It should be ensured that a safe and secure drinking water supply is in place to service the current and target population of the Plan area.
- In 2010, the Clonmel Waste Water Treatment facility “*failed to meet the overall requirements of the Urban Waste Water Treatment Regulations 2001*”. It should be ensured that adequate and appropriate waste water treatment infrastructure is in place prior to further development in the Plan area.
- It is noted that numerous recurring flood events have occurred within the Plan area. It should be ensured that a preliminary flood risk assessment is carried out in accordance with the Flood Risk Management Guidelines 2009 (OPW/DoEHLG). Zoning and development of lands within the Plan area should take into account the risk of flooding. Consideration should be given to including a Policy/Objective in the Plan, to incorporate any recommendations which may be forthcoming from the South Eastern CFRAMS upon its completion, as relevant to the Plan area.
- The Plan and SEA should seek to improve/protect surface water quality and groundwater vulnerability within the Plan area, in accordance with the South East River Basin District Management Plan.
- It should be ensured that designated conservation sites within the zone of influence of the Plan are protected.

- The potential for cumulative/in –combination effects resulting from this Plan and other relevant on-going Plans and Programmes within and adjacent to the Plan area should also be assessed. You are referred in particular, to the Marlfield LAP, currently undertaking SEA Screening, which should be taken into account, given its location to Clonmel & Environs.

Further comment will be provided by the Agency upon receipt of the Scoping Report during the next statutory consultation phase of the SEA Process.

Updated SEA Regulations / Circular

Your attention is brought to the new SEA Regulations, which should be referenced and integrated into the Plan and SEA process.

Two amending SEA Regulations were signed into Irish law on 3rd May 2011, amending the original SEA Regulations:

- European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011, (S.I. No. 200 of 2011), amending the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004), and
- Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011, (S.I. No. 201 of 2011), amending the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004).

You are also referred to the recent DoECLG Circular (PSSP 6/2011) issued on the 26th July 2011 to each County/City Manager, Director of Services and Town Clerk in relation to '*Further Transposition of the EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)*' which should also be referred to and integrated into the Plan.

European Communities (Birds and Natural Habitats) Regulations 2011

You are also referred to the requirements of the recent European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), which should be taken into account in implementing the Plan. These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in the CJEU judgements.

Environmental Authorities

You are reminded of the requirement, where appropriate under the SEA Regulations, and as amended by S.I. No. 201 of 2011, to give notice to the following:

- The Environmental Protection Agency
- The Minister for the Environment, Community & Local Government
- Minister for Agriculture, Marine and Food, and the Minister for Communications Energy and Natural Resources, where it appears to the planning authority that the plan or programme, or modification of the plan or programme, might have significant effects on fisheries or the marine environment



- where it appears to the competent authority that the plan or programme, or amendment to a plan or programme, might have significant effects in relation to the architectural heritage or to nature conservation, the Minister for Arts, Heritage and Gaeltacht Affairs, and
- any adjoining planning authority whose area is continuous to the area of a planning authority which prepared a draft plan, proposed variation or local area plan.

You are further reminded that a copy of your decision regarding the determination should be made available for public inspection at your offices, local authority website and should also be notified to any Environmental Authorities already consulted.

Should you have any queries or require further information in relation to the above please contact Ms Nicola Foley at foleyni@epa.ie.

I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: sea@epa.ie.

Yours Sincerely,

Cian O'Mahony
Scientific Officer
SEA Section - Environmental Research Centre
Office of Environmental Assessment
Environmental Protection Agency
Regional Inspectorate
Inniscarra, County Cork



EPA SEA SUBMISSION DRAFT CLONMEL AND ENVIRONS DEVELOPMENT PLAN

SEA Process Guidance

EPA SEA Pack

The EPA's SEA Pack has been issued as a separate file electronically. This Pack has been compiled by the EPA and is based on our experience to date as a statutory SEA Environmental Authority and on current best practice in the SEA process. The SEA Pack is issued as part of statutory SEA Scoping consultation in relation to the Development Plan, it is a matter for Clonmel Borough Council and South Tipperary County Council (the LAs) to ensure that the contents of the Pack are taken into account and followed as appropriate during the SEA process.

Up-to-date Environmental Monitoring Data etc.

The current state of the environment should be described using most recent and up-to-date environmental data, information and reports. Where updating of significant environmental data and associated reports become available during the SEA process, where possible, this information should be incorporated into the description of the current state of the environment and where relevant related environmental problems. In addition the current state of drinking water quality and treatment, along with waste water effluent quality and treatment infrastructure, should be described using the most recent and up-to-date data, information and reports.

You are referred in this regard to the full range of Water and Air Quality Reports prepared by the EPA.

(See www.epa.ie <https://www.epa.ie/downloads/pubs/>).

Geographical Information Systems

You are referred to the EPA's web based Environmental Mapping / Geographical Information System (GIS) ENVision, which can be found at:

<http://maps.epa.ie/InternetMapView/MapView.aspx>

The use, and application, of GIS should be considered where possible at the various key stages in the SEA process. GIS could, along with other methodologies, and depending on the availability of relevant spatial data, assist in determining the cumulative vulnerability of various environmental resources within the Plan area. GIS could also demonstrate visually how the Plan might impact on these resources. In undertaking the SEA, all the environmental data and information presented on these GIS based maps should be taken into account.

You are referred to the EPA GISEA Manual, which has recently updated and posted as a Consultation Document on the EPA's SEA WebPage. This document can be downloaded via the following link:

<http://www.epa.ie/downloads/consultation/name.25835.en.html>

Appropriate Assessment

You are referred to the requirements of Article 6 of *Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora*, the Habitats Directive. Appropriate Assessment, in accordance with the Directive, is required for:



“Any plan or project not directly connected with or necessary to the management of the site (Natura 2000 sites) but likely to have 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 sites conservation Objectives...”

The LAs should consult with the National Parks and Wildlife Service (NPWS) with regard to screening of the Plan for Appropriate Assessment. Where Appropriate Assessment is required, any findings or recommendations should be incorporated into the SEA Environmental Report and Plan, as appropriate.

In order to determine the requirement for an Appropriate Assessment the following Guidance is referenced.

European Commission, 2000. Managing Natura 2000 Sites – The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf

European Commission, 2002. Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_asses_s_en.pdf

National Parks and Wildlife Service, 2009. Appropriate Assessment of Plans and Projects in Ireland

<http://www.npws.ie/en/media/NPWS/Publications/CodesofPractice/AA%20Guidance.pdf>

National Parks and Wildlife Service, Natura 2000 Screening Protocol – Water Service Plans and Projects

<http://www.npws.ie/en/>

Scoping Meetings/Workshops

As part of the SEA Scoping process, we would suggest that the convening of a Scoping Meeting / Workshop with key staff within the LAs (planning, roads, environment, heritage etc.) be considered. There would also be merits in having personnel from National Parks and Wildlife Service (NPWS), Department of Communications, Energy and National Resources (DCENR), and Environmental Protection Agency, as appropriate, at this meeting.

For any environmental issue(s) determined to be scoped out of the SEA process, clear justification should be included in the Environmental Report as to why the specific environmental issues were not considered likely to be potentially affected by the Plan.

Alternatives

In considering and assessing alternatives, the alternatives proposed should be reasonable and realistic and should be set at the appropriate strategic level at which the Plan will be implemented operating within the national planning hierarchy. They should be assessed against the relevant environmental objectives established for the key environmental aspects of the environment likely to be significantly affected. Clear justification should be provided for the selection of the preferred alternative/ combination of alternatives.

Where relevant, the development of alternatives should be clearly described. In addition, the methodology applied in the assessment of alternatives along with any assumptions made should be described.

Consultation

In order to promote Best Practice in SEA in the context of consultation, it is recommended that the public be given an opportunity to make submissions on the issues to be addressed in the SEA process for the Plan. To this effect consideration should be given to the publication of relevant and appropriate notices etc. to inform and engage the wider public in the SEA process.

Following completion of the Draft Scoping Report consideration should be given to the making available of this document on the LA website or other relevant websites.

Assessment of Likely Significant Effects

In assessing the likely significant effects of the Plan on the full range of environmental issues likely to be significantly affected, the full range of effects as set out in Annex I of the SEA Directive - likely significant effects should include- secondary, cumulative, synergistic, short, medium and long term, permanent, temporary, positive and negative effects, should be assessed and reported on.

Particular reference should be made to the potential for cumulative effects associated with the implementation of the Plan in association with other relevant Plans / Programmes and projects within the Plan area and adjoining areas.

The methodology applied in the assessment of the preferred alternative along with any assumptions made should be described. Where possible and practical, quantitative assessments should be undertaken of the assessment of the preferred alternative/ combination of alternatives.

Mitigation of Significant Effects

Where significant adverse effects are identified associated with the implementation of the Plan, there should be a clear link with relevant and appropriate mitigation measure(s). The emphasis should, in the first instance, be on avoidance of significant adverse effects.

Monitoring Proposals

Monitoring arrangements should be clearly set out along with responsibilities, frequency of monitoring, analysis, and reporting on monitoring. Monitoring arrangements should be sufficiently flexible so as to be able to react to unforeseen / unexpected events. Maximum use should be made of existing environmental monitoring programmes. To this effect, the significant environmental monitoring required under the Water Framework Directive should fulfil most if not all of the requirements with respect to water quality.

The monitoring arrangements and related monitoring programme for the Plan should include relevant and appropriate thresholds which should trigger when remedial action should be undertaken for the particular aspect of the environment being monitored.

Process and SEA-Environmental Report Compliance

The SEA Process for the Plan should comply fully with the procedural and output requirements set out in the SEA Directive, and the relevant national SEA Regulations. The Environmental Report should be prepared in accordance with the specific information specified in Article 5 - Environmental Report, Paragraphs 1 – 3 and Annex I of the SEA Directive.

Integration of SEA and Plan/Programme

Particular emphasis should be given during the SEA and Plan-making process to ensuring that both processes are fully integrated from the outset. Appropriate SEA Team /Plan Team Workshops should be held at key stages during both processes to ensure full engagement, interaction, and sharing of information with key members of both teams and to ensure full integration of environmental considerations in the Plan.

Consideration could also be given to the assigning a facilitator either within or external to the LAs with the specific role of ensuring full integration takes place during the SEA process and the Plan making process. This can be particularly beneficial where SEA is being undertaken by the LAs.

Documentation of the SEA Process

Where key decisions are made during the SEA process e.g. Scoping In/Out environmental topics, selection of preferred alternative (s) etc. these decisions should be documented as part of an overall SEA/ Plan making process.

Possible Proposed Amendments to the Draft Plan

You are referred to the requirement for any amendments proposed to the Draft Plan, to be assessed for likely significant effects. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I 436 of 2004) and should be subject to the same method of assessment as undertaken in the “environmental assessment” of the Draft Plan.

Information on the Decision/ SEA Statement

Following adoption of the Plan the competent authority is required to make available the adopted P/P and a statement setting out relevant “Information on the Decision” as set out in Article 9 of the SEA Directive.

You are referred to the requirement to prepare an SEA Statement outlining “Information on the Decision” as required by Article 13 of Planning and Development Regulations as amended by Article 7 of the SEA Regulations in relation to Development Plans.

This SEA Statement should summarise the following:

- how environmental considerations have been integrated into the Plan;
- how the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan;
- the reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,
- the measures decided upon to monitor the significant environmental effects of implementation of the Plan.

A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process.

While not a mandatory requirement consideration should be given at the Draft Plan stage to providing summary key information on: the key findings of the environmental assessment and how these findings have been integrated within the Plan.

SEA Guidance /Methodology

You are referred to the following Guidance/ Methodology, which should be referred to along with other relevant and appropriate SEA and related Guidance during the SEA process:



- EPA –Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland –Synthesis report (EPA, 2003)
<http://www.epa.ie/downloads/advice/ea/name.13547.en.html>
- The Department of Environment Community and Local Government Guidelines: “Implementation of SEA Directive 92001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment –Guidelines for Local Authorities and Planning Authorities” (DoEH&LG, November 2004) While the focus is on Land use Planning, this SEA guidance is of relevance.
<http://www.environ.ie/en/Publications/DevelopmentandHousing/Planning/FileDownload,1616.en.pdf>

In addition, to the above, it is brought to your attention that a Draft Consultation SEA Process Checklist has been published on the EPA website. The Checklist can be accessed at the following link:

<http://www.epa.ie/downloads/consultation/name.24012.en.html>

You are also referred to SEA Process Checklist in EPA –*Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland – Synthesis report* (EPA, 2003).

Updated SEA Regulations / Circular

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- Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011, (S.I. No. 201 of 2011), amending the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004).

You are also referred to the recent DoECLG Circular (PSSP 6/2011) issued on the 26th July 2011 to each County/City Manager, Director of Services and Town Clerk in relation to ‘*Further Transposition of the EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)*’ which should also be referred to and integrated into the Plan.

European Communities (Birds and Natural Habitats) Regulations 2011

You are referred to the requirements of the recent *European Communities (Birds and Natural Habitats) Regulations 2011*, (S.I. No. 477 of 2011), which should be taken into account in implementing the Plan. These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in the CJEU judgements.

Environmental Authorities

You are reminded of the requirement, where appropriate under the SEA Regulations, and as amended by S.I. No. 201 of 2011, to give notice to the following:

- The Environmental Protection Agency



- The Minister for the Environment, Community & Local Government
- Minister for Agriculture, Marine and Food, and the Minister for Communications Energy and Natural Resources, where it appears to the planning authority that the plan or programme, or modification of the plan or programme, might have significant effects on fisheries or the marine environment
- where it appears to the competent authority that the plan or programme, or amendment to a plan or programme, might have significant effects in relation to the architectural heritage or to nature conservation, the Minister for Arts, Heritage and Gaeltacht Affairs, and
- any adjoining planning authority whose area is continuous to the area of a planning authority which prepared a draft plan, proposed variation or local area plan.

You are further reminded that a copy of your decision regarding the determination should be made available for public inspection at your offices, local authority website and should also be notified to any Environmental Authorities already consulted.



INTEGRATION OF ENVIRONMENTAL CONSIDERATIONS IN THE DRAFT CLONMEL & ENVIRONS DEVELOPMENT PLAN

The Clonmel and Environs Development Plan, hereafter referred to as “the Plan”, should be set in the context of the planning hierarchy and a clear statement should be provided as to the function of the Plan and what the Plan can and cannot do. Where other Plans/Programmes/Strategies are responsible for implementing relevant policies / objectives / initiatives, these should be acknowledged and fully referenced in the Plan.

The comments below relate to the integration of the environmental considerations and recommendations that have been set out in the Environmental Report, as well as the additional information highlighted by the EPA, within the Plan. Suggestions are put forward for consideration with a view to addressing the integration of a number of key environmental considerations within the Plan.

The EPA is a statutory Environmental Authority under the SEA Regulations. The EPA’s role in SEA in relation to Land Use Plans focuses on promoting full integration of the findings of the Environmental Assessment into the Plan. It is not the function of the EPA to either approve or enforce Land Use Plans.

Summary of Latest Updates in 2012

Changes	Comments
05/01/12	Added Green Infrastructure links to Section 2.4

1 WATER

1.1 Water Framework Directive

It is noted that the River Suir is classified as being of “good status” under the Water Framework Directive (WFD) upstream of the Plan area and of “moderate status” downstream of the Plan area. The River Suir was also recorded as being of good quality (Q4 upstream and downstream) by the EPA in 2011. In addition, the Carrickcree River and the Knockreevan River are classified as being of “poor status” under the WFD. The Plan should promote the protection of surface water and groundwater resources and their associated habitats and species.

Provisions should be made in the Plan for the incorporation of the specific relevant objectives and measures for individual water bodies set out in the South Eastern River Basin Management Plan (SERBMP) and associated Programme of Measures (POM). The Plan should not hinder, and where possible promote the achievement of these specific objectives at water body level. In addition the plan should outline the current water quality status and the status to be achieved by 2015 in any receiving waters covered by the Plan.

You are in particular referred to the Water Maps GIS Tool within this weblink:

<http://www.wfdireland.ie/maps.html>

You are also referred to the full range of Protected Areas within the South Eastern River Basin Districts (SERBD) as set out in Annex IV 1(i) – (v) inclusive of the Water Framework Directive. These should be taken into account in the Drafting of the Plan.



The Plan should refer to and incorporate the recent Surface Water legislation ‘*Environmental Objectives (Surface Waters) Regulations 2009*’ 2009 (S.I. No 272 of 2009), where relevant and appropriate. You are referred to the Legislation at:

<http://www.environ.ie/en/Environment/Water/WaterQuality/EnvironmentalObjectivesSurfaceWatersRegulations2009/>

The Plan should refer to the recent ‘*Water Quality in Ireland 2007 – 2009*’ (EPA, 2011) as appropriate and relevant. You are referred to the Report at:

<http://www.epa.ie/downloads/pubs/water/waterqua/>

1.2 Drinking Water/Water Supply

The SEA and Plan making processes should address drinking water supply capacity, leakage and quality in the Plan area. Future predicted increases in population and demand should be taken into consideration in the context of current drinking water supply and future requirements.

The Plan should implement the European Communities (Drinking Water)(No.2) Regulations 2007 and should implement and include, as appropriate, the relevant recommendations set out in *The Provision and Quality of Drinking Water in Ireland – A Report for the Years 2008-2009*, (Office of Environment Enforcement- EPA, 2011). You are referred to this Report at:

<http://www.epa.ie/downloads/pubs/water/drinking/>

The Plan should seek to implement best practice in the provision of appropriate drinking water to service the Plan area. Where disinfection of drinking water is concerned, you are referred to the recently published *Water Treatment Manual: Disinfection* (EPA, 2011). This manual is a revision of the 1998 EPA Disinfection Manual and has been revised to reflect best practice in drinking water disinfection and the supervisory role of the EPA. It provides practical guidance in plant operation, management, maintenance and supervision as well as an overview of the current disinfection technologies available. It is also available at the link provided above.

It is noted that the Clonmel Poulavanogue Drinking Water Supply is currently listed on the EPA’s Remedial Action List due to “*inadequate treatment of Cryptosporidium*”. The Plan should include, where applicable, specific objectives for the improvement of any water supplies in the Plan area. In particular, the Plan should address the specific objectives to be achieved where these water supplies are included on the EPA’s Remedial Action List (RAL). The RAL published in the most recent annual Drinking Water report can be found at: <http://www.epa.ie/downloads/pubs/water/drinking/>. It should be noted that the RAL is a dynamic list which is reviewed quarterly by the EPA, so the current list may differ from that published in the most recent annual Drinking Water Report. Guidance on the Remedial Action List has been prepared by the EPA and is available in Section 6 of the Drinking Water Handbook mentioned above and available at:

<http://www.epa.ie/downloads/pubs/water/drinking/>.

The Plan should refer to the EPA guidance handbook on the *Implementation of the Regulations for Water Services Authorities for Public Water Supplies* which has been prepared under the European Communities (Drinking Water) (No.2) Regulations 2007. This guidance handbook was published in 2010 and contains practical information for local authorities on the implementation of the Drinking Water Regulations, including statutory and binding guidance on certain issues in accordance with the Regulations. You are referred to this guidance document at: <http://www.epa.ie/downloads/pubs/water/drinking/>.



Two parallel handbooks were prepared, one to assist private water suppliers and WSAs to implement the Regulations in respect of private water supplies and the second handbook to cover public water supplies including the role of the EPA as the supervisory authority. The two handbooks together replace the previous handbook, published by the EPA in 2004. The handbooks also replace and incorporate the guidance booklets number 1 to 4 published by the EPA in the last two years. The drinking water guidance booklets that are replaced are as follows:

- Guidance Booklet No.1. *Guidance for local authorities on Regulation 9 and Regulation 10 of EC (Drinking Water) (No.2) Regulations 2007.*
- Guidance Booklet No.2. *Annual reporting of drinking water monitoring results.*
- Guidance Booklet No.3. *Guidance for local authorities on the Remedial Action List for public water supplies.*
- Guidance Booklet No.4. *Risk Screening for Cryptosporidium.*

The EPA has also published a series of Drinking Water Advice Notes, which include the following areas:

- Advice Note No. 1: Lead Compliance Monitoring and Surveys
- Advice Note No. 2: Action programmes to restore the quality of drinking water impacted by lead pipes and lead plumbing
- Advice Note No. 3: E.coli in Drinking Water
- Advice Note No. 4: Disinfection By-Products in Drinking Water
- Advice Note No. 5: Turbidity in Drinking Water
- Advice Note No. 6: Restoring Public Water Supplies Affected by Flooding
- Advice Note No. 9: Cryptosporidium Sampling and Monitoring
- Advice Note No. 10: Service Reservoir Inspection, Cleaning and Maintenance

The complete list of available Advice Notes is available at: <http://www.epa.ie/downloads/advice/water/drinkingwater/>

These Advice Notes set out EPA guidance on the actions that are necessary following exceedances of these parameters and also the preventative measures that should be taken to improve the security of the supply to prevent a repeat failure in the future. This is provided in the context of the EPA recommended approach to managing a drinking water supply i.e. the Water Safety Plan Approach. Please be aware that EPA Lead Guidance Circulars No.s 1 and 2 have been reissued as Advice Notes No.s 1 and 2 though there has been no change to the text of these documents.

As set out in the recommendations referred to above, the Local Authority must develop appropriate solutions that may involve abandoning or replacing drinking water sources, upgrading the treatment facilities or improving management and operational practices.

The Plan should take account of any Groundwater Protection Schemes and Groundwater Source Protection Zones data available at the Geological Survey of Ireland: <http://www.gsi.ie>

1.3 Waste Water Treatment

The Plan should highlight the requirement under *The Waste Water Discharge (Authorisation) Regulations* for all for all wastewater discharges, including storm water discharges which come within the scope of these Regulations to be licensed (for agglomerations over 500pe) or certified (for agglomeration below 500p.e). In this regard, the Plan should highlight the specific requirements of Regulations 43 & 44 of the *Waste Water Discharge (Authorisation) Regulations, 2007*, S.I. No. 684 of 2007, regarding the consideration of proposals and consultation on such proposals by Planning Authorities and An Bord Pleanála, where applications for proposed development are being considered and decided upon.



The Plan should include as appropriate measures to improve water quality impacted by waste water discharges as identified in the EPA Waste Water Report and the Water Quality in Ireland reports.

It is noted that in 2010, the Clonmel Waste Water Treatment Plant “*failed to meet the overall requirements of the Urban Waste Water Treatment Regulations 2001*”. The Plan should implement the Urban Waste Water Treatment Regulations 2001 and 2004 and promote, as appropriate, specific provisions for the implementation of the relevant recommendations set out in *Urban Waste Water Discharges in Ireland for Population Equivalents Greater than 500 Persons – A Report for the Years 2006 and 2007* (EPA, 2009). You are referred to this Report at: <http://www.epa.ie/downloads/pubs/water/wastewater/>

The EPA has published a *Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e ≤ 10)*, (EPA, 2009). The code of practice (CoP) establishes an overall framework of best practice in relation to the development of wastewater treatment and disposal systems, in unsewered rural areas, for protection of our environment and specifically water quality. The code replaces previous guidance issued by the EPA on wastewater treatment systems for single houses (EPA, 2000) and incorporates the requirements of new European guidelines, recent research findings and submissions and comments received during the consultation process. It is available from the link provided above.

The Plan should, where possible and appropriate, include/ and /or promote the inclusion of specific Policies and Objectives regarding the provision and maintenance of adequate and appropriate wastewater treatment infrastructure to service zoned lands and developments within the Plan area.

Where the introduction of additional lands for development is being proposed within the Plan area, relevant Policies/objectives should be included in the Plan, and as appropriate, to promote assessment of the adequacy of the existing wastewater treatment facility (ies) in terms of both capacity and performance and the potential risk to human health and water quality. Where relevant, the potential impact on habitats and species of ecological importance should be addressed.

The Plan should include as appropriate measures to ensure that trade effluent in the area covered by the Plan is managed properly and discharged to sewer in accordance with relevant discharge licences where appropriate.

1.4 Groundwater Protection

The Geological Survey of Ireland has identified areas of high and extreme groundwater vulnerability within the Plan area. The Plan should include clear Policy and Objective for the protection of groundwater resources and associated habitats and species. The Plan should make reference to the requirements of the Groundwater Directive (2006/118/EC) on the protection of groundwater against pollution and deterioration, which came into force on the 12th December 2006.

This Directive addresses the main elements of groundwater protection as required by Article 17 of the WFD. It establishes underground water quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater. You are referred to the following recent legislation *European Communities Environmental Objectives (Groundwater) Regulations 2010* (S.I.9 of 2010) at:

<http://www.environ.ie/en/Environment/Water/WaterQuality/GroundwaterRegulations2010/>



The Agency has also published a number of reports in relation to groundwater which should be integrated as appropriate into the Plan. You are referred to these reports at:

<http://www.epa.ie/downloads/pubs/water/ground/>

Where not already available, the Plan should promote the development of a Groundwater Protection Scheme for the relevant local authority areas covered by the Plan.

Consideration should also be given, where relevant and appropriate, to promotion of the inclusion of Policies and Objectives in the Plan for the following:

- *Enforcement of Planning Conditions related to installation, operation and maintenance of on-site wastewater treatment / septic tank systems.*
- *Connection of all remaining houses within Town Boundary to the Wastewater Treatment Plant.*
- *The development of a wastewater leak detection programme. The use of a strategic metering system to aid in leak detection should be considered*
- *The implementation and enforcement of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 and associated European Communities (Good Agricultural Practice For Protection Of Waters) Regulations 2010- S.I.610 of 2010.*

1.5 Water Conservation

The Plan should include measures to promote conservation of water. In this context, the development of a Water Conservation Strategy should be considered, and where relevant addressed in combination with adjoining local authorities. The Strategy should address new and existing developments within the Plan area. Where such a Strategy is being developed, specific timescales should be assigned to its preparation with clear responsibilities and timescales for its implementation.

1.6 Water Services Act 2007- Strategic Water Services Plans

The Plan should include provisions to promote the preparation and implementation of Water Services Plans in accordance with any Regulations likely to be made under Section 36 of the Water Services Act 2007.

Section 36 Subsection (7) c. of the Water Services Act 2007 makes specific reference to the inclusion in Water Services Strategic Plans, where considered reasonable and necessary, of objectives to:

- *“protect human health and the environment”;*
- *“facilitate the provision of sufficient water services for domestic and non – domestic requirements in the area to which the plan relates”;* and,
- *“support proper planning and sustainable development including sustainable use of water resources”.*

1.7 Flood Prevention and Management

The OPW have identified numerous recurring flood events within the Plan area. The Plan should promote the appropriate zoning of lands and restriction of use in areas liable to flooding to avoid increased risk of flooding of the lands either within or adjoining the zoned areas. A specific Policy should be included to provide for/promote appropriate flood risk assessments to be undertaken, where development(s) and zoning are being proposed in the Plan area where there is risk of flooding.



The Plan should make reference to the E.U Directive (2007/60/EC) on the assessment and management of flood risks entered into force on 12 December 2007. The provisions of this Directive include the development of flood risk management plans.

The Flood Risk Management approach as adopted by the Office of Public Works (OPW) should be promoted, as appropriate, in consultation with the OPW where there is potential risk of flooding in the Plan area. You are referred to the Planning Guidelines on flooding in “*The Planning System and Flood Risk Management - Guidelines for Planning Authorities (Environment, Heritage and Local Government – OPW, November 2009* which can be consulted at:

<http://www.environ.ie/en/Publications/DevelopmentandHousing/Planning/NationalSpatialStrategy/Flood%20Risk%20Management/>

The Plan should promote the development, where appropriate, of adaptation measures to account for the likely increased risk of flooding due to Climate Change within the Plan area.

The Plan should include measures to promote the implementation of adequate and appropriate Sustainable Urban Drainage Systems.

The Plan should provide for protection, management, and as appropriate, enhancement of existing wetland habitats where flood protection/management measures are necessary. See definition of “Wetlands” in - *Wetlands Conservation and Protection in EPA Code of Practice: Environmental Risk Assessment for Waste Sites (EPA, 2007)*. The full report is available at:

http://www.epa.ie/downloads/pubs/other/corporate/oe/cop_waste_sites_consultation_draft.pdf

1.8 Hydrometrics

Consideration should be given to incorporating hydrometric information, as relevant and appropriate, into the Plan, particularly in relation to water services and wastewater treatment. You are referred to the Agency’s available information in this regard at: <http://hydronet.epa.ie/conditions>.

Where flood risk assessment is concerned, your attention is also brought to existing hydrometric data available from the OPW: See: <http://www.opw.ie/hydro/index.asp>

1.9 Integration of infrastructure, zoning and development

Where zoning/rezoning of lands and the introduction of new development is being proposed within the Plan area, the Plan should ensure the adequacy of the existing water supply/wastewater treatment facilities and associated networks are assessed. This should address both capacity and performance and the potential risk to human health, water quality and water quantity. The potential impact on habitats and species of ecological importance should also be addressed as appropriate, from pressures impacting on water quality and quantity.

Zoning for development within the Plan area should be linked to availability and adequacy of water supply/waste water treatment infrastructure and capacity. The provision of adequate and appropriate infrastructure in advance of development within the Plan area should be promoted through the Plan.

The implications of Flood Risk likely to be associated with already zoned and undeveloped lands in the Plan area should also be considered. This should be considered in the context of possible rezoning options as appropriate.

The above requirements should be promoted in the Plan and as appropriate should be reflected in relevant Policies/Objectives.

2 BIODIVERSITY

The Convention on Biological Diversity defines biodiversity as “*the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part.*” This includes sites, habitats, species and networks of importance at the international, national or local level, and which may occur within or outside the plan area. The Plan should include clear Objectives to conserve and protect all designated sites within and adjacent to the Plan area (including the habitats and/or species for which they have been selected, or which they support), and should also promote the protection of undesignated sites and local biodiversity features.

The main elements of biodiversity are:

- European (Natura 2000) sites (SACs and SPAs, and candidate SACs and SPAs),
- NHAs, National Parks, Nature Reserves, Wildfowl Sanctuaries, Refuges for Fauna or Flora or sites proposed for designation,
- Undesignated sites such as proposed NHAs (pNHAs), local biodiversity areas,
- Sites and habitats that can be considered to be corridors or stepping stones for the purpose of Article 10 of the Habitats Directive,
- ‘Natural habitats and protected species’ for the purposes of the Environmental Liability Directive, including habitats and species listed under the Habitats Directive (Annex I habitats, Annex II and Annex IV species and their habitats) and Birds Directives (Annex I species and their habitats, and regularly occurring migratory birds) wherever they occur,
- Legally protected species including protected flora under the European Communities (Birds and Natural Habitats) Regulations 2011 and Wildlife Acts 1976-2000,
- Sites identified under the Bern, Ramsar and Bonn Conventions,
- Biodiversity in general including habitats important for birds, red listed and BoCCI listed species, natural and semi-natural habitat areas including wetlands, woodlands, waterbodies, etc.

Specific Sites to be considered in the Plan

The following designated sites, located within 15km of the Plan area, should be taken into account in the Plan: Lower River Suir (SAC), Comeragh Mountains (SAC/pNHA), Nier Valley Woodlands (SAC/pNHA), Blackwater River (Cork/Waterford) (SAC), Slievenamon Bog (NHA), Power’s Wood (pNHA), Lizzy Smith’s Bog (pNHA), Moneypark Fethard (pNHA), Grove Wood (pNHA), Templetney Quarry (pNHA), Scaragh Wood (pNHA), Cahir Park Woodland (pNHA), Marlfield Lake (pNHA), Glenboy Wood (pNHA), Kilsheelin Lake (pNHA), and Toor Wood (pNHA).

In addition, the Fresh Water Pearl Mussel Sub Basin Management Plan for the Clodiagh Catchment, located downstream of the Plan area, should be taken into account in the Plan where relevant.

2.1 Legislation

European Communities (Birds and Natural Habitats) Regulations 2011

You are referred to the requirements of the recent European Communities (Birds and Natural Habitats) Regulations 2011, (S.I. No. 477 of 2011), which should be taken into account in implementing the Plan. These Regulations consolidate the European Communities (Natural

Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in the CJEU judgements. Full details of the Regulations can be found at <http://www.npws.ie/legislationandconventions/irishlaw/euregulations/>

Other relevant legislation that should be taken into account include the Habitats and Birds Directives, the Wildlife Acts, the Environmental Liability Directive, etc (see below).

2.2 EU Protected Habitats and Species in Ireland

Habitats Directive

The Plan should include, where relevant, a specific commitment to deliver the requirement of the Habitats Directive (Article 4, Paragraph 4) for the maintenance or restoration of annexed habitats and species within SACs at a “favourable conservation status”. In particular, the Plan should include a specific Policy/Objective for promoting the maintenance and, as appropriate, achievement of favourable conservation status of habitats and species, in association with the NPWS and other stakeholders. (See section on Annex I, II and IV below)

In addition, provisions should be made in the Plan to deliver the requirements of Article 3, Paragraph 3, to “*improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora*”. (see section on green infrastructure below)

Further, the Plan should include a Policy/Objective to reflect the provisions of Article 10 of the Habitats Directive:

“Member States shall endeavour, where they consider it necessary, in their land-use planning and development policies, and in particular, with a view to improving the ecological coherence of the Natura 2000 Network, to encourage the management of features of the landscape which are of major importance for wild fauna and flora. Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.”

Annex I/Annex II/Annex IV Habitats Directive

The Plan should also commit to the protection of SACs, Annex I habitats and Annex II and Annex IV species and their key habitats which occur within and adjoining the Plan area as per the Habitats Directive and Environmental Liability Directive.

Birds Directive

The Plan should include a commitment to protect SPAs, Annex I bird species, and regularly occurring migratory bird species and their habitats, and to avoid pollution or deterioration of important bird habitats outside SPAs (as per Article 4(4) of the Birds Directive). The Plan should also promote the protection of wetlands and, in particular, wetlands of international importance as required by Article 4, Paragraph 2 of the Birds Directive.

Appropriate Assessment

The Plan should promote the setting up of procedures to ensure compliance with the requirements of Article 6 of the Habitats Directive, and should be itself subject to Appropriate Assessment (AA). The Plan also should include a clear Policy/Objective that sets out a requirement for AA Screening for new, reviewed or amended Plans and proposed projects being prepared by the local authority for the Plan area, which may have the potential to



impact on European sites. Potential for cumulative/in-combination effects associated with other relevant Plans/Programmes/Projects should also be determined.

A determination for the requirement for an Appropriate Assessment of all Land Use Plans and related variations should be made in consultation with the DAHG - National Parks and Wildlife Service, and this should be highlighted in the Plan.

The Plan should promote the application of the Guidance set out in the recent DoEHLG Publication ‘*Appropriate Assessment of Plans and Projects in Ireland- Guidance for Planning Authorities* (2009; revision 2010)’, which can be found at:

<http://www.npws.ie/en/media/NPWS/Publications/CodesofPractice/AA%20Guidance.pdf>

The Plan should also promote the application of the EU Guidance “*Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites*” and “*Managing Natura 2000 Sites*”, which can be found at the links below. Section 3.6 “*Habitats Directive Article 6(3) and (4) Assessment Review Package*” of the former is of particular relevance and can be found at:

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_asses_s_en.pdf

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf

The Plan should include Policies/Objectives to ensure that the local authority, in fulfilling its responsibilities in the supply of services, zoning of lands and undertaking and authorisation of development, addresses the potential effects on biodiversity and the needs of priority habitats and species which occur within or adjoining the LA areas, as identified in the National Parks and Wildlife Service Report “*The Status of EU Protected Habitats and Species in Ireland*”, (NPWS, Department of the Environment, Heritage and Local Government, 2008).
<http://www.npws.ie/en/media/Media,6440,en.pdf>

Water Framework Directive

You are referred to the Water Framework Directive Register of Protected Areas (www.wfdireland.ie), and in particular those protected areas relating to biodiversity. The Plan should include policies/objectives for the protection of these areas occurring within and adjacent to the Plan area.

The Plan should incorporate, as relevant, the objectives of the Water Framework Directive River Basin Management Plans. Consideration should also be given to the protection of Freshwater Pearl Mussels. Copies of the Draft Management Plans and Programmes of Measures for this species can be accessed at:
http://www.wfdireland.ie/docs/5_FreshwaterPearlMusselPlans/

2.3 Nationally Designated Habitats and Species

The Plan should include policies/objectives for the protection of NHAs, National Parks, Nature Reserves, Wildfowl Sanctuaries, Refuges for Fauna or Flora and sites proposed for designation. In addition, species protected under the Wildlife Acts including protected flora (Flora (Protection) Order, 1999 – S.I. No. 94 of 1999) should be taken into account. Consideration should be given to protecting proposed NHAs in a similar way to fully designated NHAs.

2.4 Other (Undesignated) Biodiversity Considerations

The Plan should promote the protection of non-designated areas including the protection of habitats, species and local biodiversity features including rivers, wetlands, hedgerows, individual trees, streams, grassland, *coastal areas* etc. (See section 10 (ca) of the P&D 2010



act). The protection of habitats in undesignated areas such as pNHAs, and species found on Irish Red Lists and Birds of Conservation Concern in Ireland (BoCCI), should also be promoted in the Plan. These can be found at: <http://www.npws.ie/publications/redlists/>

Buffer Zones / Linkages

The Plan should promote the provision/application of appropriate buffer zones between designated ecological sites and areas zoned for development, and should take cognisance of potential boundary changes to designated sites made during the lifetime of the Plan. Where the application of buffer zones is being considered, you should consult with the National Parks and Wildlife Service (NPWS) of the Department of Arts, Heritage and the Gaeltacht (DAHG). Inland Fisheries Ireland should also be consulted where fisheries protection is a concern/objective.

The provision of appropriate buffer zones between local (undesignated) biodiversity features and areas zoned for development should be considered. The Plan should promote the protection of linkages between local biodiversity features and ecological networks, e.g. hedgerows, watercourses etc. Opportunities for enhancement of local biodiversity features should be promoted where appropriate.

A relevant policy should be included to maintain or enhance biodiversity richness by protecting rivers, stream corridors and valleys by reserving riparian zones/ecological corridors, maintaining them free from inappropriate development, discouraging culverting or realignment, and promoting natural flood functions.

Green Infrastructure

Green infrastructure is the network of green spaces, habitats and ecosystems, including wild, semi natural and developed environments, which provide multiple social, environmental and economic benefits to society (including ecosystem services). Consideration should be given to including policies/objectives in the Plan for the development of green infrastructure within the Plan area. It should be noted that the new EU Biodiversity strategy promotes green infrastructure, and an EU strategy on green infrastructure is likely to emerge in 2012. Publications on green infrastructure are available at:

- <http://www.irishlandscapeinstitute.com/home.html>
- <http://www.uep.ie/news/greencity.htm>
- <http://www.eea.europa.eu/publications/green-infrastructure-and-territorial-cohesion>

Habitat Mapping

Plans with landuse zoning should be supported/informed by available habitat information and maps (including wetland mapping) and other ecological surveys. Where these are not available, consideration should be given to including a policy/objective in the Plan for carrying out future habitat mapping. This Habitat Mapping should be undertaken at an appropriate scale and in accordance with the Heritage Council's "*Best Practice Guidance to Habitat Mapping and Survey*" available at <http://www.heritagecouncil.ie/wildlife/publications/>. It should be undertaken on a phased basis and should have specific timescales assigned. The scope of the proposed habitat mapping should be agreed in consultation with the National Parks and Wildlife Service, DAHG, the Heritage Council, Inland Fisheries Ireland, and other relevant statutory and non-statutory nature conservation interest groups.

Biodiversity Action Plans

The Plan should support/acknowledge existing Local Heritage/Biodiversity Plans and should promote the implementation of key actions set out in these Plans. Where not already prepared and adopted through County Development Plans, the Plan should promote the preparation of



County and, where relevant and appropriate, Local Heritage/Biodiversity Plans. These county/local plans should reflect the actions/goals of the National Biodiversity Action Plan.

2.5 Data Sources / Resources

Alien Species & Noxious Weeds

The Plan should promote the implementation of measures to control and manage alien/invasive species (e.g. Japanese Knotweed, Giant Hogweed, Zebra Mussel etc.) and noxious weeds (e.g. Ragwort, Thistle, Dock etc.) within the Plan area according to best practice (as per the new Birds and Habitats Regulations).

Invasive Species Action Plans are available for a number of species on the Invasive Species Ireland website. Information on invasive species can be found at: <http://www.invasivespeciesireland.com/>

In addition, the National Biodiversity Data Centre website <http://invasives.biodiversityireland.ie/> contains online maps and information showing the distribution of invasive species on a national level which should be consulted where relevant.

The National Roads Authority has produced a report entitled the “Management of Noxious Weeds and Non-Native Invasive Plant Species on National Roads” which can be found at: <http://www.nra.ie/Publications/DownloadableDocumentation/Environment/file.16172.en.pdf>

The measures set out in these documents should be applied at a Plan level where appropriate and could control further spread of these species at regional, county and local level.

European Environmental Agency “10 Message” Publications

The European Environment Agency (EEA) has released a series of publications which provide a short assessment of European Biodiversity and associated climate change impacts on a range of ecosystems. These topics include the following: *Protected Areas, Freshwater Ecosystems, Forest Ecosystems, Urban Ecosystems, Agriculture Ecosystems, Mountain Ecosystems, and Cultural landscapes and biodiversity heritage*. These publications are available at:

<http://www.eea.europa.eu/publications/10-messages-for-2010>

Ramsar “Wise Use of Wetlands” Handbooks

The Ramsar Convention on Wetlands has released a series of handbooks on the “wise use of wetlands” which can be found at http://www.ramsar.org/cda/en/ramsar-pubs-handbooks/main/ramsar/1-30-33_4000_0 “*Handbook 13 Inventory, Assessment and Monitoring*” of wetlands may be of particular relevance: <http://www.ramsar.org/pdf/lib/hbk4-13.pdf>

National Parks and Wildlife Service

The National Parks and Wildlife Service holds data and information on nature conservation sites, ecological survey datasets, including data on certain habitats and species inside and outside designated sites, ecological survey reports and ecological monitoring reports, including as summarised in *The Status of EU Protected Habitats and Species in Ireland* (NPWS, Department of the Environment, Heritage and Local Government, 2008).

<http://www.npws.ie/en/media/Media.6440.en.pdf>

Management Plans for Designated Areas

The availability of conservation objectives and Management Plans for European sites within the Plan area should be determined. Where available, the Plan should include a specific



Policy/Objective in local authority land use Plans to take into account the objectives and management practices proposed in the available Management Plans.

National Biodiversity Data Centre (the Data Centre)

The National Biodiversity Data Centre has recently launched a new website. <http://www.biodiversityireland.ie/>. This website is to be used as a national resource, presenting data and information on all aspects of biodiversity. It also serves as a link between the Data Centre knowledgebase and the provision of high quality information to improve decision making. Key features of the website include:

- Easy access to detailed information on over 1.5 million observations of Ireland's wildlife (as of July 2011). This includes a feature to query the database for protected, threatened or invasive species of interest only.
- Provisional distribution maps of more than 10,000 Irish species (as of July 2011) presented on national Biodiversity Maps, including a dedicated mapping tool for information on Ireland's threatened habitats and species which serves as a portal to data and information on all species protected under legislation in Ireland and all Red Listed species, available at: <http://maps.biodiversityireland.ie/>
- An inventory of the primary sources of data on Ireland's biodiversity resource <http://biodiversity.biodiversityireland.ie/>
- A latest news feature to highlight any new developments in wildlife recording and surveying in Ireland

3 AIR, NOISE AND CLIMATIC FACTORS

3.1 Noise

The Plan should include reference to and, as appropriate, promote the implementation of Noise Directive and associated national regulations.

3.2 Air & Climatic Factors

Consideration should be given to promoting specific Policies / Objectives in the Plan for the protection and improvement, as appropriate, of air quality within the Plan area, particularly in areas zoned for increased urban and transport related development.

The Plan should promote specific Policies/Objectives and associated provisions for the development and promotion of appropriate climate change adaptation and mitigation measures that can be implemented through relevant land use plans and/or specific plans e.g. Flood Risk Management Plans, etc.

The Plan should also promote the inclusion of specific Policies, which promote the integration of the implications of Climate Change at a regional and local level, in land use planning within the Plan area. In particular the Plan should refer to *Ireland's National Climate Strategy 2007 – 2012*. This is available at: <http://www.environ.ie/en/Environment/Atmosphere/ClimateChange/>

As referred to above, the European Environment Agency (EEA) has released *10 Messages for 2010* including a publication on '*Climate Change and Biodiversity*' which provides a short assessment focusing on climate change. This is available at: <http://www.eea.europa.eu/publications/10-messages-for-2010>



The Plan should also address how climate change might impact on the Plan area. In this regard you are referred to the potential impact of climate change on “increased risk of flooding” and possible “increased occurrence of drought conditions”

You are referred to *Air Quality in Ireland 2009, (EPA, 2010)*, which sets out the most recent status in each of the four air quality zones in Ireland. You are referred to this report at: <http://www.epa.ie/downloads/pubs/air/quality/>

The objectives of EU and Irish air quality legislation is “*to avoid, prevent or reduce harmful effects on human health and the environment as a whole*”, and the relevant local authorities, where appropriate, “*shall promote the preservation of best ambient air quality compatible with sustainable development.*” To this effect the Plan should include as appropriate a Policy/Objective to ensure this requirement is complied with.

Consideration should be given to promoting specific Policies / Objectives in the Plan for the protection and improvement, as appropriate, of air quality within the Plan area, particularly in areas zoned for increased urban and transport related development.

3.3 Radon

The RPII have identified that >20% of homes within the Plan area are above the reference level for radon. The Plan should consider the significant concentrations of radon, which may occur within the Plan area. In this context, you are referred to available Radon Maps provided by the Radiological Protection Institute of Ireland (www.rpii.ie) with regard to assessing the risk of radon, which should be integrated as appropriate into the Plan.

4 ENERGY CONSERVATION/RENEWABLE ENERGY

Consideration should be given to the inclusion in the Plan, as appropriate, of a Policy/Objective in relation to the preparation and implementation of “An Energy Conservation Strategy” and associated awareness campaign within the Plan area. Specific timescales should be assigned to the preparation of such a strategy.

The Plan should promote, where appropriate, the use of renewable energy systems (e.g. solar, wind, geothermal etc.) within the Plan area. The Plan should also provide for promotion of energy conservation measures in buildings. Relevant guidance can be found on the website of Sustainable Energy Ireland: www.sei.ie

5 LANDSCAPE CHARACTER ASSESSMENT

The Plan should promote the protection of designated scenic landscapes, scenic views, scenic routes and landscape features of regional, county and local value. Where not already available the Plan should promote the undertaking of Landscape Character Assessment in accordance with the relevant Guidance from the Department of the Environment, Community and Local Government and the Heritage Council.

The Plan should also take into account the landscape character adjoining the Plan area. There is a need to take into account landscape features and designations adjoining the Plan area.

Consideration should also be given to promoting the requirement for an appropriate “Visual Impact Assessment” for proposed development with potential to impact adversely on significant landscape features within the Plan area. The Plan should promote the application of standard impact assessment methodology for all such development.



Consideration should also be given to the promotion of the designation, and use of, agreed and appropriate viewing points for these assessments. The scope of each assessment should be agreed in consultation with the relevant Planning Department staff.

The Plan should promote the recognition of visual linkages between established landmarks and landscape features and views which should be taken into account when land is being zoned and when individual development proposals are being assessed / considered within the Plan area.

6 GEOLOGY / GEOMORPHOLOGY

Where relevant and appropriate, the Plan should promote the protection of any designated Geological and Geomorphological NHAs/pNHAs, which may be present within or adjacent to the Plan area. The Geological Survey of Ireland should be consulted in this regard.

7 HUMAN HEALTH / QUALITY OF LIFE

The Plan should ensure provision of adequate and appropriate infrastructure and to serve both the existing community and likely future predicted increases in population within the Plan area.

In preparing the Plan, there would be merits in exploring current practice and opportunities with respect to promoting the protection and, as appropriate, improvement of “Quality of Life”. Where relevant, the application of existing “Quality of Life Indices” would be considered in consultation with relevant statutory and non-statutory bodies/organisations.

You are also referred the relevant aspects already referred to above under water, biodiversity, air, energy.

8 TRANSPORTATION

The Plan should promote and, as appropriate provide for, the provision of sustainable modes of transport. The *Department of Transport 2020 Vision – Sustainable Travel and Transport Public Consultation Document (February 2009)* should be reviewed in the context of possible initiatives which could be included as Objectives within the Plan.

9 TOURISM

The Plan should promote where relevant and appropriate long term, sustainable planning for tourism within the Plan area. There may be merits in considering the promotion of the preparation of Integrated Sustainable Tourism Strategy for the County.

10 INFRASTRUCTURE PLANNING

The Plan should promote the integrated planning for adequate and appropriate infrastructure to service any development proposed and authorised during the lifetime of the Plan.

In particular, the Plan should promote the provision of adequate and appropriate wastewater treatment, water supply, surface and storm water drainage, transport, waste management, community services and amenities etc. on planned and phased basis to address any current problems and/or deficits and to reflect predicted increases in population during the life of individual plans adopted within Plan area.



The Plan should promote the development of traffic management measures to reduce the potential for traffic congestion and associated vehicular emissions within the Plan area. In particular the preparation of Integrated Traffic Management Plans, where relevant and appropriate, for the existing urban areas and proposed new urban developments should be promoted as appropriate through the Plan. This approach should address the short, medium and long-term traffic management requirements within the Plan area.

11 URBAN WASTE WATER DISCHARGE LICENSING

The Plan should refer to the requirement under The Waste Water Discharge (Authorisation) Regulations (as described in *Section 1.3 Wastewater Treatment* above) for all for all wastewater discharges, including storm water discharges which come within the scope of these Regulations to be licensed. The EPA is currently in the process of licensing discharges from wastewater treatment facilities.

12 WASTE MANAGEMENT

The Plan should promote the integration of land use zoning and development to existing and planned availability of waste infrastructure and capacity. Priority should be given to provision of adequate and appropriate waste related infrastructure in advance of any development.

The Plan should seek to incorporate relevant guidance and legislation to address issues such as Waste Prevention, Food Wastes, Identification of Historic Landfill Sites, Backyard Burning, Illegal Dumping, Brown Field Development etc.

The Plan should promote and incorporate the information, and any recommendations, in the following EPA reports:

- *The Nature and Extent of Unauthorised Waste Activity in Ireland (Sep 2005)* - This report sets out the findings of a nationwide investigation by the EPA's Office of Environmental Enforcement (OEE) on unauthorised waste activities in Ireland and sets out an Action Plan to deal with the issue. You are referred to the report at:

<http://www.epa.ie/downloads/pubs/waste/unauthorisedwaste>

- *National Waste Report 2009* – you are referred to this Report at: <http://www.epa.ie/downloads/pubs/waste/stats/>
- *National Hazardous Waste Management Plan 2008 – 2012* – available at <http://www.epa.ie/downloads/pubs/waste/haz/>
- *Ireland's Environment 2008* – State of the Environment report - This fourth state of the environment report evaluates the state of the environment across a number of themes including, water quality, air quality and emissions, waste, chemicals, land and soil. You are referred to this report at: <http://www.epa.ie/downloads/pubs/other/indicators/irlenv/>.

13 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The Plan should highlight that under the EIA and Planning and Development Regulations certain projects that may arise during the implementation of the Plan may require an Environmental Impact Assessment. There are also requirements with regard to EIA for sub-threshold development. In this regard, you are referred to the following Publications:

- “*Guidelines on Information to be contained in Environmental Impact Statements*” (EPA, 2002).



- “*Advice Notes on Current Practice in the preparation of Environmental Impact Statements*”, (EPA, 2003).

In addition to the above, you are referred to the Department of the Environment, Community and Local Government’s Publication:

“*Environmental Impact Assessment (EIA) Guidance for consent Authorities regarding sub-threshold development*”, (DoEH&LG, 2003).

These documents can be downloaded at: <http://www.epa.ie/downloads/advice/ea/guidelines/>

It should be noted that the Projects would also be required to be screened with respect to the requirement for Habitats Directive Assessment/Appropriate Assessment as required by Article 6 of the Habitats Directive.

You are also referred to the recently published DoEHLG guidance available in relation to Appropriate Assessment ‘*Appropriate Assessment of Plans and Projects in Ireland*’ (DoEHLG, 2009) at:

<http://www.npws.ie/en/media/NPWS/Publications/CodesofPractice/AA%20Guidance.pdf>

14 STRATEGIC ENVIRONMENTAL ASSESSMENT(SEA)

Consideration should be given to the inclusion of a specific Policy/Objective in the Plan to ensure full compliance, with the requirements of *Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment* – The SEA Directive and the associated *Planning and Development (Strategic Environmental Assessment) Regulations, 2004*.

Your attention is brought to the new SEA Regulations, which should be referenced and integrated into the Plan and SEA process. Two amending SEA Regulations were signed into Irish law on 3rd May 2011, amending the original SEA Regulations:

- European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011, (S.I. No. 200 of 2011), amending the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004), and
- Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011, (S.I. No. 201 of 2011), amending the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004).

You are also referred to the recent DoECLG Circular (PSSP 6/2011) issued on the 26th July 2011 to each County/City Manager, Director of Services and Town Clerk in relation to ‘*Further Transposition of the EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)*’ which should also be referred to and integrated into the *Plan/Variation/Amendment*.

Clonmel Borough Council and South Tipperary County Council need to be cognisant of their responsibilities with respect to the SEA Directive and related SEA Regulations through the Plan. This is of relevance to County Development Plans, Town Plans, Local Area Plans including reviews, variations and amendments etc.

The Plan should promote the development and implementation of Procedures to ensure compliance with the requirements of the SEA Directive and related SEA Regulations.



15 OBLIGATIONS WITH RESPECT TO NATIONAL PLANS AND POLICIES AND EU ENVIRONMENTAL LEGISLATION

The Plan should refer to Clonmel Borough Council and South Tipperary County Council's responsibilities and obligations in accordance with all national and EU environmental legislation. It is a matter for Clonmel Borough Council and South Tipperary County Council to ensure that, when undertaking and fulfilling their statutory responsibilities, they are at all times compliant with the requirements of national and EU environmental legislation.

16 EPA REPORT: IRELAND'S ENVIRONMENT 2008 "MAIN ENVIRONMENTAL CHALLENGES"

The Plan should include relevant Policies and Objectives are included, to address, where appropriate, the "Main Environmental Challenges" for Ireland as set out in Chapter 16 – "Main Environmental Challenges" of EPA Ireland's Environment 2008 (EPA, October 2008). These are as follows:

Limiting and Adapting to Climate Change

1. Mitigating the causes and effects of climate change
2. Adapting to climate change impacts
3. Improving our understanding of climate change

Reversing Environmental Degradation

1. Preventing eutrophication and other water pollution
2. Protecting natural habitats and species populations
3. Remediation of contaminated land

Complying with Environmental Legislation and Agreements

1. Building of a culture of compliance
2. Enforcement of legislation at national and local levels
3. Meeting EU and other international obligations

Mainstreaming of Environmental Considerations

1. Incorporating environmental considerations into policies and plans
2. Ensuring environmentally responsible businesses
3. Changing behaviours

This Chapter can be downloaded at:

<http://www.epa.ie/downloads/pubs/other/indicators/irlenv/43366%20epa%20report%20chap%2016.pdf>

Clonmel Borough Council and South Tipperary County Council in implementing the Plan and in fulfilling its responsibilities should ensure Plan –making authorities take into account and address, where appropriate, the relevant Environmental Challenges" set out above.

APPENDIX A
ENVIRONMENTAL AUTHORITY SUBMISSIONS
DRAFT PLAN STAGE
(OCT – DEC 2012)



Mr Ger Walsh
Town Clerk
Clonmel Borough Council
Town Hall
Parnell Street
Clonmel
Co. Tipperary

14th December 2012

Our Ref: SCP111204.3

Re. Draft Clonmel and Environs Development Plan 2013-2019 and Strategic Environmental Assessment Environmental Report

Dear Mr Walsh,

The Environmental Protection Agency (EPA) acknowledges your notice, dated 12th October 2012 regarding the above. Please find attached the Environmental Protection Agency's submission in relation to the Clonmel and Environs Draft Development Plan and Environmental Report.

We refer you to Annex 1 of Directive 2001/42/EC (SEA Directive) and Schedule 2B of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004) for "Information to be contained in an Environmental Report".

This submission is intended to promote full and transparent integration of both the Plan-making and SEA processes as well as promoting full compliance with the requirements of the SEA Directive and the SEA Regulations.

It is clear that the Draft Clonmel and Environs Development Plan, hereafter referred to as "the Plan", has taken some environmental considerations, as identified in the SEA Environmental Report, into account. There are however, certain aspects the Plan which need a stronger commitment to protect and manage environmental sensitivities and vulnerabilities. In particular, a clear commitment should be made to integrate as appropriate the requirements of the Habitats, EIA and Floods Directives respectively through inclusion of specific commitments in Plan Policies or Objectives.

It is also noted that a significant number of the recommendations/mitigation measures arising from the Strategic Environmental Assessment, Flood Risk Assessment and Appropriate Assessment process and detailed under *Appendix E1 'Draft Plan Policies and Actions Assessment Table'* and *'Table 1.1: Mitigation Measures Proposed'* in the SEA Environment Report, are not reflected in the Draft Plan

Where new policies and mitigation measures have been recommended as a result of the Strategic Environmental Assessment, Flood Risk Assessment and Appropriate Assessment processes, these should be incorporated into the Plan prior to adoption. This will ensure that the Environmental Report has been taken into account in integrating environmental considerations into the Plan and in the development of the proposed 'Development Opportunity Sites'.

Future Amendments to the Draft Plan

You are reminded that it is a matter for Clonmel Borough Council and South Tipperary County Council to determine whether or not the implementation of the proposed Amendments

would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004) and should be subject to the same method of assessment as undertaken in the “environmental assessment” of the Draft Plan.

SEA Statement

You are also referred to the requirement to prepare an SEA Statement outlining “Information on the Decision” as required by *Article 13I of Planning and Development Regulations as amended by Article 7 of the SEA Regulations*. This should summarise the following:

- How environmental considerations have been integrated into the Plan;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan;
- The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Plan.

A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process.

Should you have any queries or require further information in relation to the above please contact the undersigned.

Please direct any queries in relation to this submission to David Galvin at d.galvin@epa.ie I would also be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: sea@epa.ie.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tadhg O'Mahony', written over a light blue grid background.

Tadhg O'Mahony
Senior Scientific Officer
SEA Section
Office of Environmental Assessment
Environmental Protection Agency
Regional Inspectorate
Inniscarra, County Cork



Draft Clonmel and Environs Development Plan 2013-2019 and Strategic Environmental Assessment (SEA) Environmental Report Environmental Protection Agency Comments 14th December 2012

The comments below relate to the integration of the environmental considerations and recommendations that have been set out in the Environmental Report, as well as the additional information highlighted by the EPA, within the Plan. Suggestions are put forward for consideration with a view to addressing the integration of a number of key environmental considerations within the Plan.

The EPA is a statutory Environmental Authority under the SEA Regulations. The EPA's role in SEA in relation to Land Use Plans focuses on promoting full integration of the findings of the Environmental Assessment into the Plan. It is not the function of the EPA to either approve or enforce.

Attached to this submission is an Appendix containing additional comments on the Integration of Environmental Considerations for the Plan, which refers to key environmental considerations which should be considered, where relevant, in the context of the SEA of the Plan.

SECTION 1: DEVELOPMENT PLAN

The comments below relate to the Development Plan. Comments and suggestions in this Section are put forward for consideration and mainly relate to the key stages and outputs of the SEA Process.

It is clear that the Draft Clonmel and Environs Development Plan, hereafter referred to as “the Plan”, has taken some environmental considerations, as identified in the SEA Environmental Report, into account. There are however, certain aspects within the Plan which require a stronger commitment to protect and manage environmental sensitivities and vulnerabilities. In particular a clear commitment should be made to integrate as appropriate the requirements of the Habitats, EIA and Floods Directives respectively through inclusion of specific commitments in Plan Policies or Objectives.

It is also noted that a significant number of the recommendations/mitigation measures arising from the Strategic Environmental Assessment, Flood Risk Assessment and Appropriate Assessment process and detailed under *Appendix E1 'Draft Plan Policies and Actions Assessment Table'* and *'Table 1.1: Mitigation Measures Proposed'* in the SEA Environment Report, are not reflected in the Draft Plan

Where new policies and mitigation measures have been recommended as a result of the Strategic Environmental Assessment, Flood Risk Assessment and Appropriate Assessment processes, these should be incorporated into the Plan prior to adoption. This will ensure that the Environmental Report has been taken into account in integrating environmental considerations into the Plan and in the development of the proposed 'Development Opportunity Sites'.



Specific Comments on the Plan

Chapter 3 - Town Centre Strategy

Consideration should be given to amending *Policy TC 1 – Sequential Development of Town Centre in Clonmel* as follows “*It is the policy of the Council to consolidate and enhance the town centre of Clonmel in a sustainable manner by applying the sequential approach to retailing...*”.

Chapter 4 – Economic Development

In the context of strengthening Theme 2 as described on page 26, consideration should be given to amending as follows “*Ensure that Clonmel fulfils its role as a County Town and is the primary location within the county for economic opportunity and sustainable economic growth.*”.

Consideration should also be given to amending the following economic policies:

Policy ECON 1: Ballingarrane Business, Science & Technology Campus “...*The Council will continue to work with existing and future strategic partners to deliver the Park as a driver of sustainable economic growth in Clonmel, the County and the Region.*”

Policy ECON 4 - Tourism Development should refer to the “*environmentally sustainable development*” of tourism based enterprise and facilities in the town.

Chapter 5 - Infrastructure

It is acknowledged that the Plan includes many Policies which provide a clear commitment to providing integrated public transport, improving pedestrian/cycle infrastructure, provision of adequate and appropriate critical service infrastructure (drinking water, waste, waste water), surface water management, energy conservation.

While the inclusion of Policy INF 15 Flood Risk Assessment is noted, a stronger commitment than “*have regard to the potential for flood risk*” should be made. In this regard, consideration should be given to the inclusion of a greater commitment to fully integrate, as appropriate the Flood Risk Management Guidelines (OPW/DCELG, 2009).

Also, with regard to Flood Risk Assessment, consideration should be given, in consultation with the relevant statutory agencies, to including in the Plan a commitment to on-going maintenance and evaluation of integrity and performance of flood defences during the lifetime of the Plan.

It is noted that the Clonmel Poulavanogue Water Supply is currently listed on the EPA’s Remedial Action List due to “*inadequate treatment for Cryptosporidium*”. The SEA and Plan making processes should address drinking water supply capacity, leakage and quality in the Plan area. Future predicted increases in population and demand should be taken into consideration in the context of current drinking water supply and future requirements. It should be noted that the RAL is a dynamic list which is reviewed quarterly by the EPA, so the current list may differ from that published in the most recent annual Drinking Water Report. Guidance on the Remedial Action List has been prepared by the EPA and is available in Section 6 of the Drinking Water Handbook mentioned above and available at:
<http://www.epa.ie/downloads/pubs/water/drinking/>.

Consideration should be given to a greater commitment under Policy INF 6 Drinking Water with a change in text to “*It is the policy of the Council to ensure the provision, treatment and upgrading of the Water Supply Network in line with development.*”



Chapter 6 - Housing

Consideration should be given to amending *Policy HSG 2: New Residential Development* as follows “*It is the policy of the Council to facilitate **sustainable** residential development on new residentially zoned lands...*”

Chapter 7 – Built and Natural heritage, Amenity and recreation

The inclusion of *Policy AH5: Lower River Suir SAC* is welcomed; however a stronger commitment should also be made requiring that Appropriate Assessment Screening be carried out for any projects which may arise in implementing the Plan, with potential to adversely impact on the Lower River Suir SAC in accordance with *Article 6* of the *Habitats Directive*. A potential conflict is noted between seeking to protect the Lower River Suir SAC and in seeking to promote water compatible development as described in Opportunity Site 1. Any such development should be subjected to AA screening in consultation with the NPWS, and other key stakeholders such as Inland Fisheries Ireland.

While it is acknowledged that the Plan includes a commitment in *Section 9.7 Environmental Assessment and Appropriate Assessment*, to require EIA and AA be carried out, there would be merits in including this commitment by including of a specific Policy to this effect.

A policy/ objective should be included in the Plan to provide a commitment to the control and management of invasive species.

Consideration should be given to amending Action AH8 to include a stronger commitment to require visual impact assessment for development in areas of significant landscape character, (including riverscape and townscape).

Chapter 9 – Development Management Guidelines

The Plan should ensure that in developing the various opportunity sites identified, the potential for likely significant adverse effects, including cumulative effects in particular, arising from the developments should be taken into consideration.

Consideration should also be given to amending *Policy DM2 – Opportunity Sites* as follows “*It is the policy of the Council to encourage the **sustainable and appropriate** development of opportunity sites in compliance with Appendix 1 and in accordance with the policy framework of the Plan.*”

Appendix 5 Maps

There would be merits in providing a combined environmental sensitivity map for the Plan area, to highlight areas where the potential for significant cumulative effects may occur, from overlapping environmental sensitivities/vulnerabilities.

SECTION 2: ENVIRONMENTAL REPORT

The comments below relate to the Strategic Environmental Assessment Process and the Environmental Report. Comments and suggestions in this Section are put forward for consideration and mainly relate to the key stages and outputs of the SEA Process.

1 Non Technical Summary (NTS)

The inclusion of reference, in the NTS, to the EPA's *Ireland's Environment Report 2012* and putting in the context of the draft Plan is welcomed. The Summary of the key significant issues for each environmental topic as listed is acknowledged. There may be merits in providing a summary environmental map which outlines the plan area and the key environmental vulnerabilities adjacent and within the Plan area. The potential for cumulative effects, associated with development arising from the adjacent Marlfield LAP as identified in *Section 1.9 Cumulative Effects* is noted.

2. Baseline Environment

In *Section 5.6.5 Groundwater Status Classification*, it is noted that while no such groundwater protection schemes are in place in the Plan area, there are a number of zones just outside the northern boundary where groundwater resources are abstracted at Lisronagh and Templeetney. In implementing the Plan, it should be ensured that groundwater resources in the Plan area are adequately and appropriately protected.

3 Assessment of Environmental Effects

Consideration should be given to clarifying how the full range of environmental effects of the implementation of the Plan, as set out in the SEA Directive and Regulations, i.e. “*secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects*” have been assessed and documented.

In particular you are referred to the potential for cumulative effects in combination with other relevant Plans/ Programmes and Projects.

4 Mitigation Measures

The proposed recommended changes to existing Policies as described in *Table 11.1 Mitigation Measures Proposed as a Result of Assessment of Policies, Actions and Strategic Objectives* are noted. It is also noted that a considerable number of new Policies are recommended for inclusion in the Plan, including Policy INF 16: Protection of Floodplains and wetlands and Policy INF 17: Water Framework Directive, however they have not been included in the Draft Plan. Where new policies and mitigation measures have been recommended as a result of the Strategic Environmental Assessment, Flood Risk Assessment and Appropriate Assessment processes, these should be incorporated into the Plan prior to adoption. This will ensure that the Environmental Report has been taken into account in integrating environmental considerations into the Plan and in the development of the proposed ‘Development Opportunity Sites’.

5 Assessment of Alternatives

The alternative development scenarios as presented in Chapter 8 are acknowledged. It is also noted that the ‘Core Strategy’ for the Plan area has identified that “*153ha of residential zoned lands are required to facilitate future population projections for the Plan area*”. It should be clarified what proportion of these lands are to be developed within the lifetime of the Plan, and whether phased development will be carried out. It should also be clarified, the extent to which excess zoned lands are to be de-zoned/re-zoned or strategically reserved. In proposing any development of these lands it should be ensured that this is consistent with the aims of the Regional Planning Guidelines and the County Development Plan.

The approach taken in the assessment and screening out of policies / actions as provided in *Table 9.1: Development of Plan Policy and Action Impacts* is acknowledged. Where potential



negative effects have been identified it should be ensured that the Plan provided sufficiently robust policies/measures to address these issues as appropriate.

The key environmental receptors which may be affected by cumulative effects as identified in *Chapter 10 - Cumulative Effects* are acknowledged. The intention to adhere to the Core Strategy for South Tipperary taking into account the environment and sustainability and making provisions for the protection of the environment through phased development and provision of adequate services and a buffer zone between the plan areas is noted.

6 Monitoring Measures

In *Chapter 12.0 Responsibilities and Frequency of Reporting* consideration should be given to including the following:

- The inclusion of monitoring frequencies.
- Monitoring of both positive and negative effects, where they occur.
- Inclusion of the on-going review of environmental targets and indicators in the monitoring programme. Responsibility for this role should be clearly defined.

The Monitoring Programme should be flexible to take account of specific environmental issues as they arise. The programme must be able to deal with the possibility of cumulative effects.

Plan implementation related monitoring/ review and associated reporting should be linked with associated environmental monitoring and reporting.

APPENDIX 1

ADDITIONAL CONSIDERATIONS FOR THE DRAFT CLONMEL AND ENVIRONS 2013-2019 DEVELOPMENT PLAN

1 WATER

1.1 Water Framework Directive

The Plan should promote the protection of surface water and groundwater resources and their associated habitats and species and should be carried forward into the Plan.

Provisions should be made in the Plan for the incorporation of the specific relevant objectives and measures for individual water bodies set out in the River Basin Management Plan (RBMP) and associated Programme of Measures (POM). The Plan should not hinder, and where possible promote the achievement of these specific objectives at water body level. In addition the plan should outline the current water quality status and the status to be achieved by 2015 in any receiving waters covered by the Plan.

You are referred to the EU's *Common Implementation Strategy for the Water Framework Directive (2000/60/EC) – Guidance Document No. 20*, in particular *Section 3.5 Key Issues for Article 4.7*. Provisions should be included in the Plan to ensure that any proposed land use zoning or development associated with the Plan is not in breach of the requirements of the Water Framework Directive.

The Plan should refer to the recent '*Water Quality in Ireland 2007 – 2009*' (EPA, 2011) as appropriate and relevant. You are referred to the Report at: <http://www.epa.ie/downloads/pubs/water/waterqua/>

You are also referred to the *Integrated Water Quality Report 2011 – South East Ireland* (EPA, 2012) <http://www.epa.ie/downloads/pubs/water/waterqua/integwaterqual/> which should be integrated as relevant and appropriate.

1.2 Drinking Water/Water Supply

The Plan should implement the European Communities (Drinking Water)(No.2) Regulations 2007 and should implement and include, as appropriate, the relevant recommendations set out in *The Provision and Quality of Drinking Water in Ireland – A Report for the Years 2008-2010*, (Office of Environment Enforcement- EPA, 2012). You are referred to this Report at: <http://www.epa.ie/downloads/pubs/water/drinking/>

The Plan should seek to implement best practise in the provision of appropriate drinking water to service the Plan area. Where disinfection of drinking water is concerned, you are referred to the recently published *Water Treatment Manual: Disinfection* (EPA, 2011). This manual is a revision of the 1998 EPA Disinfection Manual and has been revised to reflect best practice in drinking water disinfection and the supervisory role of the EPA. It provides practical guidance in plant operation, management, maintenance and supervision as well as an overview of the current disinfection technologies available. It is also available at the link provided above.

The Plan should refer to the EPA guidance handbook on the *Implementation of the Regulations for Water Services Authorities for Public Water Supplies* which has been prepared under the European Communities (Drinking Water) (No.2) Regulations 2007. This guidance handbook was published in 2010 and contains practical information for local authorities on the implementation of the Drinking Water Regulations, including statutory and binding guidance on certain issues in accordance with the

Regulations. You are referred to this guidance document at: <http://www.epa.ie/downloads/pubs/water/drinking/>.

The Plan should take account of any Groundwater Protection Schemes and Groundwater Source Protection Zones data available at the Geological Survey of Ireland: <http://www.gsi.ie>

1.3 Waste Water Treatment

It is noted that the Clonmel Waste Water treatment plant, was found to be “*failing to meet the overall requirements of the Urban Wastewater Treatment Regulations (2001)*”, in 2010.

The Plan should implement the Urban Waste Water Treatment Regulations 2001 and 2004 and promote, as appropriate, specific provisions for the implementation of the relevant recommendations set out in the recent *Focus on Urban Waste Water Discharges in Ireland report* (EPA, 2012), available at <http://www.epa.ie/downloads/pubs/water/wastewater/>. An Update on 'Focus on Urban Waste Water Discharges in Ireland' Report (EPA, 2012) was published and is available at: <http://www.epa.ie/downloads/pubs/water/wastewater/>.

The Plan should highlight the requirement under *The Waste Water Discharge (Authorisation) Regulations* for all wastewater discharges, including storm water discharges which come within the scope of these Regulations to be licensed (for agglomerations over 500p.e) or certified (for agglomeration below 500p.e). In this regard, the Plan should highlight the specific requirements of Regulations 43 & 44 of the *Waste Water Discharge (Authorisation) Regulations, 2007*, S.I. No. 684 of 2007, regarding the consideration of proposals and consultation on such proposals by Planning Authorities and An Bord Pleanála, where applications for proposed development are being considered and decided upon.

The Plan should include as appropriate measures to improve water quality impacted by waste water discharges as identified in the EPA Waste Water Report and the Water Quality in Ireland reports.

The EPA has published a *Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e ≤ 10)*, (EPA, 2009). The code of practice (CoP) establishes an overall framework of best practice in relation to the development of wastewater treatment and disposal systems, in unsewered rural areas, for protection of our environment and specifically water quality. The code replaces previous guidance issued by the EPA on wastewater treatment systems for single houses (EPA, 2000) and incorporates the requirements of new European guidelines, recent research findings and submissions and comments received during the consultation process. It is available from the link provided above.

The Plan should, where possible and appropriate, include/ and /or promote the inclusion of specific Policies and Objectives regarding the provision and maintenance of adequate and appropriate wastewater treatment infrastructure to service zoned lands and developments within the Plan area.

Where the introduction of additional lands for development is being proposed within the Plan area, relevant Policies/objectives should be included in the Plan, and as appropriate, to promote assessment of the adequacy of the existing wastewater treatment facility (ies) in terms of both capacity and performance and the potential risk to human health and water quality. Where relevant, the potential impact on habitats and species of ecological importance should be addressed.

The Plan should include as appropriate measures to ensure that trade effluent in the area covered by the Plan is managed properly and discharged to sewer in accordance with relevant discharge licences where appropriate.

1.4 Groundwater Protection

The Plan should include a clear Policy and Objective for the protection of groundwater resources and associated habitats and species. The Plan should make reference to the requirements of the Groundwater Directive (2006/118/EC) on the protection of groundwater against pollution and deterioration.

This Directive addresses the main elements of groundwater protection as required by Article 17 of the WFD. It establishes underground water quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater. You are referred to the following recent legislation *European Communities Environmental Objectives (Groundwater) Regulations 2010* (S.I.9 of 2010) at: <http://www.environ.ie/en/Environment/Water/WaterQuality/GroundwaterRegulations2010/>

The Agency has also published a number of reports in relation to groundwater which should be integrated as appropriate into the Plan. You are referred to these reports at: <http://www.epa.ie/downloads/pubs/water/ground/>

Consideration should also be given, where relevant and appropriate, to promotion of the inclusion of Policies and Objectives in the Plan for the following:

- *Enforcement of Planning Conditions related to installation, operation and maintenance of on-site wastewater treatment / septic tank systems.*
- *Connection of all remaining houses within Town Boundary to the Wastewater Treatment Plant.*
- *The development of a wastewater leak detection programme. The use of a strategic metering system to aid in leak detection should be considered*

1.5 Flood Prevention and Management

The Plan should promote the appropriate zoning of lands and restriction of use in areas liable to flooding to avoid increased risk of flooding of the lands either within or adjoining the zoned areas. A specific Policy should be included to provide for/promote appropriate flood risk assessments to be undertaken, where development(s) and zoning are being proposed in the Plan area where there is risk of flooding.

The Flood Risk Management approach as adopted by the Office of Public Works (OPW) should be promoted, as appropriate, in consultation with the OPW where there is potential risk of flooding in the Plan area. You are referred to the Planning Guidelines on flooding in “*The Planning System and Flood Risk Management - Guidelines for Planning Authorities (DEHLG / OPW, 2009)*”.

The Plan should promote the development, where appropriate, of adaptation measures to account for the likely increased risk of flooding due to Climate Change within the Plan area.

1.6 Integration of infrastructure, zoning and development

Where zoning/rezoning of lands and the introduction of new development is being proposed within the Plan area, the Plan should ensure the adequacy of the existing water supply/wastewater treatment facilities and associated networks are assessed. This should address both capacity and performance and the potential risk to human health, water quality and water quantity. The potential impact on habitats and species of ecological importance should also be addressed as appropriate, from pressures impacting on water quality and quantity.

Zoning for development within the Plan area should be linked to availability and adequacy of water supply/waste water treatment infrastructure and capacity. The provision of adequate and appropriate infrastructure in advance of development within the Plan area should be promoted through the Plan.

The implications of Flood Risk likely to be associated with already zoned and undeveloped lands in the Plan area should also be considered. This should be considered in the context of possible rezoning options as appropriate.

2 BIODIVERSITY

2.1 *Appropriate Assessment*

The Plan should promote the setting up of procedures to ensure compliance with the requirements of Article 6 of the Habitats Directive. The Plan also should include a clear Policy/Objective that sets out a requirement for AA Screening for new, reviewed or amended Plans and proposed projects being prepared by the local authority for the Plan area, which may have the potential to impact on European sites. Potential for cumulative/in-combination effects associated with other relevant Plans/Programmes/Projects should also be determined.

A determination for the requirement for an Appropriate Assessment of all Land Use Plans and related variations should be made in consultation with the DAHG - National Parks and Wildlife Service, and this should be highlighted in the Plan.

Wind Energy Developments and Natura 2000 Sites

You are referred to the recent EU guidance in relation to “*Wind Energy Developments and Natura 2000 sites*” (October 2010)” which should be incorporated into the Plan as appropriate and relevant at: http://ec.europa.eu/environment/nature/natura2000/management/docs/Wind_farms.pdf

2.2 Other (Undesignated) Biodiversity Considerations

The Plan should promote the protection of non-designated areas including the protection of habitats, species and local biodiversity features including rivers, wetlands, hedgerows, individual trees, streams, grassland etc. The protection of habitats in undesignated areas and species found on Irish Red Lists and Birds of Conservation Concern in Ireland (BoCCI), should also be promoted in the Plan. These can be found at: <http://www.npws.ie/publications/redlists/>

Buffer Zones / Linkages

The Plan should promote the provision/application of appropriate buffer zones between designated ecological sites and areas zoned for development, and should take cognisance of potential boundary changes to designated sites made during the lifetime of the Plan. Where the application of buffer zones is being considered, you should consult with the National Parks and Wildlife Service (NPWS) of the Department of Arts, Heritage and the Gaeltacht (DAHG). Inland Fisheries Ireland should also be consulted where fisheries protection is a concern/objective.

The provision of appropriate buffer zones between local (undesignated) biodiversity features and areas zoned for development should be considered. The Plan should promote the protection of linkages between local biodiversity features and ecological networks, e.g. hedgerows, watercourses etc. Opportunities for enhancement of local biodiversity features should be promoted where appropriate.

A relevant policy should be included to maintain or enhance biodiversity richness by protecting rivers, stream corridors and valleys by reserving riparian zones/ecological corridors, maintaining them free from inappropriate development, discouraging culverting or realignment, and promoting natural flood functions.

Green Infrastructure

Green infrastructure is the network of green spaces, habitats and ecosystems, including wild, semi natural and developed environments, which provide multiple social, environmental and economic benefits to society (including ecosystem services). Consideration should be given to including policies/objectives in the Plan for the development of green infrastructure within the Plan area. It should be noted that the new EU Biodiversity strategy promotes green infrastructure, and an EU strategy on green infrastructure is likely to emerge in 2012. Publications on green infrastructure, which should be considered, are available at:

- <http://www.irishlandscapeinstitute.com/home.html>
- <http://www.uep.ie/news/greencity.htm>
- <http://www.eea.europa.eu/publications/green-infrastructure-and-territorial-cohesion>
- http://www.comharsdc.ie/_files/Comhar%20Green%20infrastructure%20report%20final.pdf

Consideration should be given to providing a Plan lead approach to the inclusion of green infrastructure taking into account the above guidelines as relevant and appropriate.

3 AIR AND CLIMACTIC FACTORS

3.1 Air Quality

Consideration should be given to promoting specific Policies / Objectives in the Plan for the protection and improvement, as appropriate, of air quality within the Plan area, particularly in areas zoned for increased urban and transport related development.

4 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The Plan should highlight that under the EIA and Planning and Development Regulations certain projects that may arise during the implementation of the Plan may require an Environmental Impact Assessment. There are also requirements with regard to EIA for sub-threshold development. In this regard, you are referred to the following Publications:

- “*Guidelines on Information to be contained in Environmental Impact Statements*” (EPA, 2002).
- “*Advice Notes on Current Practice in the preparation of Environmental Impact Statements*”, (EPA, 2003).

In addition to the above, you are referred to the Department of the Environment, Community and Local Government’s Publication:

“*Environmental Impact Assessment (EIA) Guidance for consent Authorities regarding sub-threshold development*”, (DoEH&LG, 2003).

It should be noted that the Projects would also be required to be screened with respect to the requirement for Habitats Directive Assessment/Appropriate Assessment as required by Article 6 of the Habitats Directive. You are also referred to the recently published DoEHLG guidance available in relation to Appropriate Assessment ‘*Appropriate Assessment of Plans and Projects in Ireland*’ (DoEHLG, 2009) at:

<http://www.npws.ie/en/media/NPWS/Publications/CodesofPractice/AA%20Guidance.pdf>

5 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

Consideration should be given to the inclusion of a specific Policy/Objective in the Plan to ensure full compliance, with the requirements of *Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment* – The SEA Directive and the associated *Planning and Development (Strategic Environmental Assessment) Regulations, 2004*.

Your attention is brought to the new SEA Regulations, which should be referenced and integrated into the Plan and SEA process. Two amending SEA Regulations were signed into Irish law on 3rd May 2011, amending the original SEA Regulations:

- European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011, (S.I. No. 200 of 2011), amending the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004), and
- Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011, (S.I. No. 201 of 2011), amending the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004).

You are also referred to the recent DoECLG Circular (PSSP 6/2011) issued on the 26th July 2011 to each County/City Manager, Director of Services and Town Clerk in relation to ‘*Further Transposition of the EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)*’ which should also be referred to and integrated into the *Plan*

Clonmel Borough Council need to be cognisant of their responsibilities with respect to the SEA Directive and related SEA Regulations through the Plan. This is of relevance to County Development Plans, Town Plans, Local Area Plans including reviews, variations and amendments etc. The Plan should promote the development and implementation of Procedures to ensure compliance with the requirements of the SEA Directive and related SEA Regulations.

6 OBLIGATIONS WITH RESPECT TO NATIONAL PLANS AND POLICIES AND ENVIRONMENTAL LEGISLATION

The Plan should refer to Clonmel Borough Council’s responsibilities and obligations in accordance with all national and EU environmental legislation. It is a matter for Clonmel Borough Council to ensure that, when undertaking and fulfilling their statutory responsibilities, they are at all times compliant with the requirements of national and EU environmental legislation.



An Roinn
Ealaíon, Oidhreachta agus Gaeltachta
Department of
Arts, Heritage and the Gaeltacht

20th December 2012

Our Ref: FP2012/173

Mr Ger Walsh,
Town Clerk,
Clonmel Borough Council,
Town Hall,
Parnell Street,
Clonmel,
Co. Tipperary

Re: Draft Clonmel & Environs Development Plan 2013

A Chara,

I refer to the above-proposed Draft Development Plan. Please find hereunder the observations and recommendations of the Department of Arts, Heritage and the Gaeltacht for consideration by your Authority.

Nature Conservation

General

There are actions (e.g. Subsection 7.6) and requirements (e.g. Subsection 9.3.1) written into the text of the plan which could more clearly be represented as numbered objectives; in particular the Opportunity Site objectives should be numbered.

Objectives required under Section 10

In accordance with Section 10(2)(c), (ca) and (cb) of the Planning and Development Acts 2000-2010, the following objectives are strongly recommended :

- (1) It is an objective to maintain the conservation value of the Lower River Suir (candidate) Special Area of Conservation during the lifetime of this plan, and to ensure that appropriate assessments are carried out where development projects are likely to have significant effects on this European site. [This is similar wording to that in County Development Plan (p. 69)].
- (2) It is an objective to encourage the management of features of the landscape, important for the ecological coherence of European sites and especially the River Suir ecosystem, and essential for the migration, dispersal and genetic exchange of wild species. [This derives from Section 10(2)(ca) above].

- (3) It is an objective to promote the standards and objectives in the South-eastern River Basin District Management Plan. [This derives from Section 10(2)(cb) above].

Policy INF 4: River Suir cSAC crossing

This policy will ensure that the new Moangariff Roundabout vehicular bridge is provided for and completed. The location of this bridge is indicated by a triangle in Map 6 (Special Objectives) of the draft plan. The Appropriate Assessment of the plan does not explicitly assess this bridge crossing in terms of its location being in a floodplain with possible erosion effects if the southern access road will be on an embankment. **The plan should not be adopted until a Natura Impact Report is completed which fully assesses the impact of the planned bridge crossing.** The objective should be reworded (after assessment) to ensure that the access road will be constructed in a manner which avoids adverse effects on the river and its floodplain.

Policy AH 6 & Subsection 7.3.3 & Action AH 4: River Suir tow path

The text under this policy includes a specific action to reinstate 14km of abandoned tow path along the River Suir, some of which is within the Lower River Suir cSAC (2137). Where any part of this is within the Borough Council boundary, it should be screened for appropriate assessment and for effects on breeding otters as a derogation licence may need to be required for their disturbance. **The plan should not be adopted until this screening and any required further assessment is completed.**

Plans being implemented by policies

- (1) INF 13: It needs to be established if the objectives of the Joint Waste Management Plan for the South-east, and its Review, were subject to screening for appropriate assessment, and if not, then they should be screened as part of this plan as it is the policy to implement them.
- (2) HSG 1: It needs to be established if the South Tipperary County Housing Strategy was subject to screening for appropriate assessment, and if not, then it should be screened as part of this plan as it is the policy to facilitate its implementation.
- (3) AH6 and Subsection 7.3.2. It needs to be established if the River Suir Community Action Plan was subject to screening for appropriate assessment, and if not, then it should be screened as part of this plan as it is the policy to encourage, promote and develop facilities and actions in the plan which could have significant effects on the Lower River Suir cSAC.

Recommended amendments to Policies

- (1) ECON 1: Insert 'sustainable' before 'development'.
- (2) ECON 4: Insert 'sustainable' before 'development'.
- (3) HSG 2: Insert 'policies and' before 'relevant criteria'.
- (4) HSG 10: Add '(g) the waste water treatment surface water runoff will the demonstrated to be sufficient to avoid deterioration in river water quality for houses located near to the River Suir.'
- (5) Subsection 7.3.1. Riverside Amenity. Insert 'sustainable and appropriate' before 'development and improvement' (line 5).
- (6) Subsection 7.3.4. Insert sentence at end of section. '(Prior to approval, all proposed recreational facilities affecting the river will be screened for appropriate assessment and for effects on breeding otters).'
- (7) Action AH 1: Insert 'sustainable' before 'development'.
- (8) Action AH 4: Insert after 'purposes': ', and to improve its biodiversity value'.
- (9) Action AH 10: Replace 'those' with 'landscapes and habitats'.

- (10) Opportunity Site No. 1 Objective (d) the eastern part of Suir Island is within the Lower River Suir cSAC – insert ‘within the Special Area of Conservation’ after ‘existing habitats’. Objective (f) Insert ‘, at appropriate locations’.
- (11) Opportunity Site No. 4 Objective (e) Amend ‘No. 1’ to ‘No.4’, and insert ‘appropriately located’ before ‘riverside’. Objective (f): Insert after ‘SFRA’: ‘, and be screened for appropriate assessment of potential affects on the Lower River Suir Special Area of Conservation’.
- (12) Opportunity Site No. 4 – Fig. A1.5: Remove ‘boardwalk/plaza overlooking river’ unless screened for appropriate assessment and presence of breeding otters.

Kindly forward any further information to the following address:

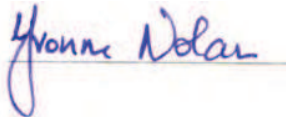
The Manager,
Development Applications Unit,
Department of Arts, Heritage and the Gaeltacht,
Newtown Road,
Wexford.

Alternatively, documentation associated with the above can be referred electronically to the DAU at the following address:

manager.dau@ahg.gov.ie

In addition, please acknowledge receipt of these observations by return.

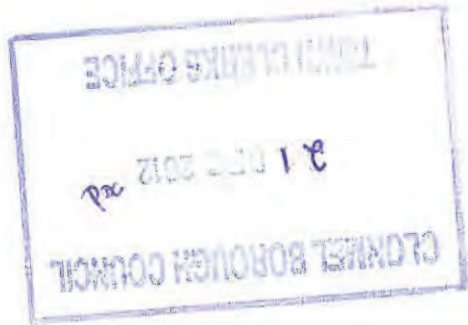
Is mise le meas,



Yvonne Nolan,
Development Applications Unit
Tel: (053) 911 7382
E-mail: yvonne.nolan@ahg.gov.ie



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



21 December, 2012.

Mr. Ger Walsh
Town Clerk
Clonmel Borough Council
Town Hall
Parnell Street
Clonmel
Co. Tipperary.

Re: Draft Clonmel and Environs Development Plan 2013

A Chara,

I am directed by the Minister for the Environment, Community and Local Government to refer to your recent letter in relation to the above and set out hereunder observations on behalf of the Minister.

The Department has reviewed the Draft Plan and the Council are to be commended on the preparation of a well structured and soundly based framework to guide the proper planning and sustainable development of Clonmel. The Draft Plan has a very strong focus on economic viability and job creation and also the key role of the town centre in the economic life of the town. The Draft Plan has also identified the importance of monitoring the Plan and to ensure this happens, the Council have adopted an innovative approach by including a set of actions (as opposed to objectives) which the Council intend to be achieved in the life of the Plan and which are capable of being monitored.

Notwithstanding, there are some outstanding issues which the Council is requested to address as set out below.

SEA and AA

The Council are advised to consult with NPWS (and have regard to their comments) in order to satisfy themselves, as the competent authority, that they have complied with their obligation under the SEA and Habitats Directive. In addition, the Council are advised to examine relevant policies and objectives and actions in the plan to ensure they are consistent with the provisions of 10(2)(c), (ca) and (cb) of the Planning and Development Acts 2000, as amended and accordingly will only be authorised after the Council has ascertained, based on scientific knowledge evidence and a Habitats Directive Assessment where necessary, that the plan or project will not give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura

2000 site (either individually or in combination with other plans or projects). This is particularly important in the context of the Lower River Suir (candidate) Special Area of Conservation. In this context, it is noted that policy INF 4 which includes the provision and completion of a new vehicular bridge at the Moangariff Roundabout across the River Suir cSAC c and Policy AH 6 - Action AH 4 the River Suir tow, path which includes a specific action to reinstate 14km of abandoned tow path along the River Suir. It would appear that both these proposals have not been the subject a screening/assessment under the Habitats Directive. If this is the case, then these policies/actions should be omitted from the Draft Clonmel Plan or be the subject of an Appropriate Assessment under the Habitats Directive in advance of the making of the Plan.

Furthermore, where an objective has been included in the Draft Clonmel Plan which seeks to implement the objectives of another plan, the Council should ascertain if the objectives of that plan were subject to screening under the Habitats Directive. If the plan was not subject to screening/assessment under the Habitats Directive, then those parts of the plan which relate to Clonmel should be screened as part of the Draft Clonmel Development Plan. Examples of such a plan include the River Suir Community Action Plan and Joint Waste Management Plan for the South-East.

The Department will be monitoring the Council's response to the foregoing.

Development Strategy and Zoning

The figures for new dwellings required are not discussed in the context of extant permissions or unfinished housing estates and therefore it is not known whether these influenced the amount of land required for zoning purposes. This should be clarified. In relation to the lands identified as residential or new residential to be developed in the life of the Plan it would be helpful if the broad criteria used for inclusion of sites which is set out very clearly in the SEA was brought into the written statement of the Draft Development Plan for clarity and transparency.

In regard to other land zonings it is important that to ensure that the location of all legacy and new zoning for industrial and employment uses is consistent with the relevant provisions of the Department of the Environment, Community and Local Government Spatial Planning and National Roads Guidelines (2012) particularly in regard to the creation of new access to national roads where a 100kph speed limit applies and also intensification of existing access points. It is also important to ensure that their location will support and be consistent with the provision of an integrated land use and transportation strategy for the town in line with Smarter Travel principles.

Monitoring

The Council have adopted an innovative approach to monitoring the plan and have included a set of actions, at the end of each chapter which are capable of being monitored. It is noted that not all chapters have Actions identified and the Council might clarify if any Actions are intended to be included for chapters in the Draft Plan for which there are currently no actions identified.

National Planning Guidelines

Where appropriate the Draft Plan has taken on board National Guidelines under s28 of the Planning and Development Act 2000, as amended, However, some Guidelines may post-date the preparation of the Draft Plan and in this context the Council should have regard when making the Plan to the s28 Circular Letter: PL 07/12 published in October 2012 which updates sections of the 1996 Telecommunications Antennae and Support Structures Guidelines. In accordance with s28 (1A and 1B) Planning and Development Act 2000, as amended, if the Draft Plan has not had regard to relevant s28 Guidelines in

the Plan it might include a statement stating where and why the Draft has not had regard to such Guidelines.

Transport Issues

The Draft Plan must have regard to the Department's Spatial Planning and National Roads Guidelines (2012) in context of managing the existing and planned national road network in the Plan area.

In regard to rural housing and the provisions of Section 2.6 of Spatial Planning and National Roads Guidelines, the Council should give consideration to including as a requirement for rural development that it avoids the creation of additional access points or the generation of increased traffic from existing access points on national roads with speed limits greater than 60km and that this requirement should apply to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant. The Council should have regard to the additional comments of the National Roads Authority in advance of making the Plan.

Joint Plan

Clonmel extends beyond the boundaries of the Borough Council's functional area into the administrative areas of South Tipperary County Council and Waterford County Council. The environs of Clonmel which are located in Waterford County are not part of the Plan but are subject to the policies and objectives of the Waterford County Development Plan 2011-2017 prepared by Waterford County Council. The preparation of a single joint plan for the town by the 3 Councils to provide for an integrated approach to the development of the town and environs is a matter which should be actively consider for any future development plan for Clonmel.

Water Supply

It is stated in the Draft Plan that the Clonmel Town and Rural Water Supply Scheme is included in the WSIP 2010-2012 as a scheme at Planning. It is noted that the current status of the water supply, its treatment and storage is not provided clearly. Rather it is stated that once the proposed scheme is operational that the current and future demand will be catered for. The current position and any current constraints, if any, should be made clear in the Plan for the information of the public.

Flood Risk

The Council should ensure in consultation with Office of Public Works (OPW) that the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) has been complied in regard to zoning for future development in historically zoned areas, as well as those under consideration for future development and should ensure that regard is had to any observations of the OPW.

Yours sincerely,



Patrick O'Sullivan
Planning Section

APPENDIX A
ENVIRONMENTAL AUTHORITY SUBMISSIONS
AMENDMENT STAGE
(JUN - JULY 2013)



Comhshaol, Pobal agus Rialtas Aitiúil
Environment, Community and Local Government



18 July 2013.

Mr. Ger Walsh
Town Clerk
Clonmel Borough Council
Town Hall
Clonmel
Co. Tipperary.

**Re: Proposed Material Alterations to the Clonmel & Environs
Development Plan 2013-2019**

A Chara,

I am directed by the Minister for the Environment, Community and Local Government to refer to your recent letter in relation to the above and set out hereunder observations on behalf of the Minister.

The key issue remaining in the Draft Plan concerns the question of Appropriate Assessment for infrastructural projects.

The Department recommends that the Council should satisfy themselves, as the competent authority, by consulting with NPWS that neither an SEA or Habitats Directive Assessment are required for significant infrastructure proposed as part of the Draft Clonmel and Environs Plan and consult with the NPWS to confirm the position. In addition, the Council are advised to consider the inclusion of additional policies and objectives in the Draft Plan to ensure the protection of Natura Sites in accordance with the requirements in the EU Habitats Directive (92/43/EEC). Such policies and objectives should ensure that a plan or project, the location of which is identified in the Draft Plan will only be authorised after the Council has ascertained, based on scientific knowledge, evidence and a Habitats Directive Assessment where necessary, that the plan or project will not give rise to significant adverse direct, indirect or secondary impacts on the

integrity of any Natura 2000 site (either individually or in combination with other plans or projects).

Regard should be had by the Council to any observations made by the NRA in regard to any policies or objectives included in the Draft Plan which may impact on the safe and efficient operation of the N24 within the plan area.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Patrick O'Sullivan", written in a cursive style.

Patrick O'Sullivan
Planning Section



Mr Ger Walsh
Town Clerk
Clonmel Borough Council
Town Hall
Parnell Street
Clonmel
Co. Tipperary

22nd July 2013

Our Ref: SCP111204.4

Re. Proposed Material Alterations to Draft Clonmel & Environs Development Plan 2013

Dear Mr Walsh,

The Environmental Protection Agency (EPA) acknowledges your notice, dated 20th June 2013, regarding the above and notes its contents.

SEA Determination

Your position with regard to the need for Strategic Environmental Assessment (SEA) of the Proposed Material Alterations to the Draft Clonmel & Environs Development Plan 2013, hereafter referred to as the “Alterations” is noted.

Specific Comments on the Alterations

The Agency acknowledges the inclusion of many of the points made in our previous submission on the Draft Clonmel & Environs Development Plan and associated SEA Environmental Report. The relevant aspects of the previous submission should also be taken into account in relation to the Alterations.

In *Policy INF 15*, consideration however, should be given to providing a stronger commitment, than “*have regard to the Planning System and Flood Risk Management Guidelines for Planning Authorities 2009*”. A stronger commitment to integrate, the requirements of the *Planning System and Flood Risk Management Guidelines for Planning Authorities 2009*) should be made. This should also include ensuring that the zoning and development of lands is appropriate to the risk of flooding identified. This should be taken into account in any potential development proposed at Opportunity Sites 1 and 3 in particular. The Flood Risk Management Guidelines state that “*Planning authorities will ensure that development is not permitted in areas of flood risk, particularly flood plains, except where there are no suitable alternative sites available in areas at lower risk that are consistent with the objectives of proper planning and sustainable development*”.

There would also be merits in including a specific objective to incorporate the relevant findings and recommendation of the Suir CFRAMS (upon its adoption) into the Plan.

In Section 6.3, the intention to promote separate / joint masterplans / planning applications should take into account the potential for likely significant effects including cumulative effects. Consideration should be given to ensuring a coordinated Plan lead approach is taken in the preparation and adoption of these masterplans. It should also be ensured that these



masterplans do not conflict with the Policies / Objectives of the County Development Plan and Regional Planning Guidelines in particular. Where these proposed masterplans involve the zoning and development of lands, the requirements of the SEA and Habitats Directives should be taken into account.

SEA Statement – “Information on the Decision”

Following adoption of the Plan, an SEA Statement, should summarise the following:

- How environmental considerations have been integrated into the Plan;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan;
- The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Plan.

A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process.

Should you have any queries or require further information in relation to the above please contact Mr. Cian O’Mahony at c.omahony@epa.ie.

I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: sea@epa.ie.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tadhg O'Mahony', written over a light grey rectangular background.

Tadhg O’Mahony
Senior Scientific Officer
SEA Section
Office of Environmental Assessment
Environmental Protection Agency
Regional Inspectorate
Inniscarra, County Cork