

**Second Manager's Report**  
on submissions and observations  
relating to the Draft CDP 2011-2017

**VOLUME 1**

**Responses to submissions  
raising general issues**



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## Introduction

The *Draft Sligo County Development Plan 2011-2017* was on public display from 30 June to 8 September 2010 (both days inclusive). The Draft Plan incorporates the Draft Record of Protected Structures and the Environmental Report (Strategic Environmental Assessment).

To facilitate a better understanding of the issues addressed in the Draft Plan, the Planning Section of Sligo County Council organised a series of seven public workshops during July 2010, which were held in local venues throughout the County (Dromore West, Tobercurry, Bunnannaddan, Collooney, Grange, Rathcormack and Riverstown). These workshops were advertised locally and in the newspapers, and were subsequently well-attended.

During the public consultation period, Sligo County Council received 140 submissions and observations on the Draft CDP. Of these, 41 submissions covered a variety of general issues that affect the whole of County Sligo and 99 submissions were in relation to the mini-plans.

A further 56 submissions were received on the Draft Record of Protected Structures.

In addition to this, it should be noted that two submissions were received before 30 June 2010 and three submissions were received after 8 September 2010. The early submissions are considered in this Report, as they were obviously received in advance of the closing date for public consultation. However, the late submissions will not be considered until the stage of the Third Manager's Report.

The **Second Manager's Report (this Report)** summarises the issues raised in submissions and gives the Manager's response to each one, including recommendations as to whether or not the Draft Plan, Environmental Report or Draft RPS should be modified.

## How the Manager's Report is organised

On receipt, each submission was allocated an official reference number. The reference numbers relating to each individual submission are shown in the list included as an Appendix to both Volume 1 and Volume 2 of this Report (submissions on the Draft Plan, including Mini-Plans) and as an Appendix to Volume 3 (submissions on the Draft RPS).

- Submissions relating to **general issues are addressed in Volume 1** of this Report.
- Submissions relating to specific **mini-plan issues are addressed in Volume 2** of the Report, which is accompanied by a **Map Book**.
- Submissions relating to the **Record of Protected Structures are addressed in Volume 3** of the Manager's Report.

Submissions in Volume 1 are addressed in numerical order. However, the submission received from the Department of Environment, Heritage and Local Government is addressed before the others. Submissions which are very similar have been addressed collectively.

Submissions in Volume 2 are addressed by settlement. The settlements are grouped by electoral area.

Based on suggestions received from the Environment Section, the Manager has made a number of supplementary recommendations. These recommendations are included at the end of Volume 1 and in relevant sections of Volume 2 (mini-plans) of this Report.

Where it is proposed to modify the text of the Draft CDP, this is indicated as follows:

text proposed to be added is shown in blue like this

text proposed to be deleted is shown in red strikethrough

## **The role of the elected members**

Deciding whether to adopt or to propose amendments to the Draft Plan is a function reserved for the elected members of Sligo County Council.

On foot of the submissions received, and on review of the content of the Draft CDP and Draft RPS, the Manager has recommended a number of *material* (i.e. significant) alterations to the draft. If the members decide that these, or other material alterations should be made to the Draft Plan, the proposed amendments must go on public display for a period of four weeks.

All submissions received during the final public consultation phase will be summarised in a Third Manager's Report. Having considered the proposed amendments and the Manager's recommendations on the issues raised, the Members will then finally adopt the Development Plan. The new Sligo County Development Plan 2011-2017 must be adopted at least four weeks before the current CDP 2005-2011 expires. The new Plan must be adopted by the end of March 2011.

### **At this stage, the members are required to consider all of the following:**

- The Draft CDP – Volumes I and II;
- The Draft Record of Protected Structures;
- The Environmental Report (SEA);
- The Manager's recommendations contained in this Report.

The Planning and Development Act 2000 (as amended) indicates the following:

"Where, following the consideration of the draft development plan and the manager's report, it appears to the members that the draft should be accepted or amended ... they may, by resolution, accept or amend the draft and make the development plan accordingly" (S. 12 (6))

"In making the development plan ... the members shall be restricted to considering the proper planning and sustainable development of the area to which the development plan relates, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or any minister of the Government." (S. 12 (11))

## **What happens next**

If the members decide, by resolution, to accept the Draft Plan or to make only minor alterations, the new development plan can be adopted.

If the members decide, by resolution, to make material amendments to the Draft Plan, these proposed amendments must go on public display for a period of at least four weeks.

Before publishing the proposed amendments, they have to be assessed for any potentially significant environmental impact (SEA and AA/Habitats Directive Assessment).

The Environmental Report and Appropriate Assessment Report that accompany the Draft Plan will have to be modified to take account of the proposed amendments. If necessary, mitigation measures will be recommended (these will be incorporated into the Plan's policies and objectives upon its adoption). The changes to the Environmental Report must be placed on public display alongside the proposed amendments.

## **Section I.**

### **Responses to general issues raised in submissions**

#### **Submission no. 114**

8 September 2010

Brian Kenny on behalf of the  
Department of Environment, Heritage and Local Government

#### **Issue no. 1**

The letter indicates that the Department has examined the Draft County Development Plan and considers that the elected members and executive of the planning authority have prepared a document that represents a strategy for the proper planning and development of County Sligo for the period 2011-2017.

The Department especially endorses the following:

- the incorporation of a Core Strategy in Section 3;
- the approach to economic development in Section 4;
- the emphasis on community facilities in section 6;
- the strategy on Climate Change in section 10;
- the sustainability indicators in section 12.

#### **Opinion**

The Department's endorsement is noted.

#### **Recommendation**

No change to the Draft Plan.

#### **Issue no. 2**

The Department concurs with the assessment of the Draft Plan that the spatial development of Sligo has been unbalanced, with the Gateway of Sligo underperforming in relation to population and housing and overly high levels of growth occurring within the commuting ring around the Gateway. It is considered that continuation of such trends would undermine of Sligo's role as a major driver for the North-West and would make the task of addressing the social, infrastructural, economic and environmental challenges identified in the draft plan more difficult.

#### **Opinion**

Noted.

#### **Recommendation**

No change to the Draft Plan.

### **Issue no. 3**

In relation to Chapter 3 Core Strategy, it is recommended that **Table 3.C Provision of greenfield residential zoned land in the SEDP 2010-2016, the CDP 2005-2011 and the Draft CDP 2011-2017** be accompanied by a similar table indicating the potential number of housing units that the plan is capable of accommodating in the various identified centres, including the density and other assumptions underlying such estimates.

#### **Opinion**

Agreed.

#### **Recommendation**

In the **final version of the CDP 2011-2017**, modify **Table 3.C** to indicate the potential number of housing units that the Plan is capable of accommodating in the various settlements, including the assumptions underlying such estimates.

### **Issue no. 4**

It is indicated that Table 3.C and the new table mentioned above should be “integrated” taking into account (a) the extent of completed but vacant new housing stock in the identified settlements and (b) the potential contribution of additional units from other zones such as mixed use zones.

#### **Opinion**

Agreed.

#### **Recommendation**

In the **final version of the CDP 2011-2017**, the housing figures in the modified **Table 3.C** should take into account the extent of vacant housing stock in the identified settlements and the potential contribution of additional units from mixed-use zones.

### **Issue no. 5**

It is requested that the draft plan make a reasonable estimate of the potential contribution of residential units from zones other than residential zoned land and, if necessary, the scale of land zoned in the individual settlements should be adjusted downwards accordingly.

#### **Opinion**

The total amount of land zoned for mixed uses in the 30 settlements included in Volume 2 Mini-Plans of the Draft CDP 2011-2017 is **39.6 ha**, with the total area of sites measuring above 0.5 ha (i.e. suitable for multiple housing) being **34.5 ha**.

The Draft Plan contains no specific requirements regarding the proportion of housing in mixed-use developments. Assuming that a maximum of 50% (site area) of the mixed-use-zoned lands (sites over 0.5 ha), i.e. **17.25 ha** would be used for housing at an average density of **16 units per hectare**, the total unit yield would be **275**.

However, it is not considered opportune to reduce the total area zoned for housing to compensate for the potential of the mixed-use zones for the following reasons:

- a. mixed-use-zoned land is highly fragmented, consisting of small sites generally located at the cross-roads or along the main village thoroughfares, where housing development is less likely to be successful (in terms of buyer choice) than in other, less central village locations;
- b. adjustments between housing and mixed-use lands would be more meaningful in larger settlements, such as Ballymote, Enniscrone and Strandhill, all of which have local area plans. The review of these LAPs will introduce substantial zoning changes in order to make them consistent with the Core Strategy of the new CDP 2011-2017.
- c. most of the greenfield housing land without planning permission consist of infill or backland sites which cannot be dezoned without creating “holes” in the built-up area;
- d. multiple housing development will be subject to a three-year moratorium in 20 of the 30 villages, thus effectively “inactivating” any residential zoning of greenfield lands;

**Recommendation**

No change to the Draft Plan.

**Issue no. 6**

The Department also notes that it is proposed to introduce a moratorium on additional permissions for new developments in specified centres where there are sufficient existing permissions and or unfinished housing developments with vacant units and the granting of additional permissions would lead to an undermining of the development plans core strategy. The Department considers that such an objective is an appropriate response for now, subject to a more detailed analysis of the housing demand and supply inter-relationship in the future as the plan period unfolds.

**Opinion**

Noted.

**Recommendation**

No change to the Draft Plan.

**Issue no. 7**

With regard to presentation aspects, it is considered that sections 3.2.1 – 3.3.7 would be better positioned before **3.1.4 Housing land requirements in the County** to set a context for the Core Strategy Table 3C.

**Opinion**

Chapter 3 is divided into four sections: 3.1 Core strategy summary, 3.2 Spatial development framework, 3.3 Settlement structure and 3.4 Development land requirements.

Subsection 3.1.4 is included in 3.1 Core strategy summary. It is accepted that the entire section 3.1 could be relocated after the context-setting sections 3.2 and 3.3.

## Recommendation

In the **final version of the CDP 2011-2017**, restructure Chapter 3 by relocating the current Section 3.1 after the current Sections 3.2 and 3.3.

### Issue no. 8

The Department indicates that the housing strategy would benefit from a more detailed assessment of housing need taking into account both the quantum and location of new vacant but unsold housing units across the county. In this regard, the Department is finalising a detailed national survey of scheme housing and will be happy to assist in providing survey results for Sligo.

### Opinion

It is intended to review the Sligo Borough and County Council Joint Housing Strategy 2010-2017 in 2013-2015, after the publication of the Census 2011 reports, in conjunction with the review of the Sligo and Environs Development Plan. The review of the Joint Housing Strategy will be informed by the outcomes of the proposed annual housing survey and vacancy monitoring project, as well as the Department's survey of scheme housing and subsequent guidance.

In the Draft CDP 2011-2017, Section 3.3.8 The impact of residential vacancy on Sligo settlements should be updated with the findings of the Department's survey of scheme housing.

## Recommendation

In the **final version of the CDP 2011-2017**, update **Section 3.3.8** with the findings of the Department's survey of scheme housing, if necessary.

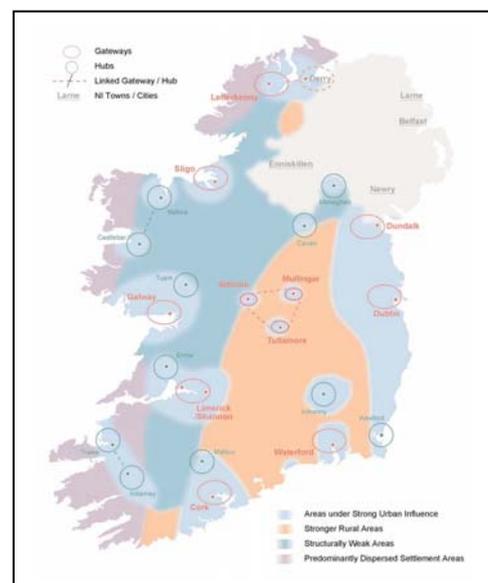
### Issue no. 9

The Department notes the inclusion of **Fig. 5.B rural housing policy areas in County Sligo** as the basis for distinguishing between different rural area types in the county. Noting the pattern of population change throughout the county in **Fig.1.D (Population change in County Sligo's electoral divisions between 1996 and 2006)** and the need to carefully manage development at the edge of settlements such as Enniscrone, or neighbouring towns such as Boyle, Fig. 5.B should be amended to include other smaller areas under urban influence in other parts of the county. The evidence base for Fig. 5B should also be stated.

### Opinion

Agreed. Fig. 5.B should be modified to indicate the buffer zones designated in local area plans and draft mini-plans. In the case of Ballymote, Bellaghy, Enniscrone and Tobercurry, an indicative buffer zone of circa 2 km from the centre of those settlements should be shown, with a view to establishing an appropriate Plan limit at the next review of the respective LAPs.

It is noted that the Boyle Town Development Plan does not provide for a buffer zone around Boyle that would cross over into County Sligo.



The basis of Fig. 5.B is Map 1- Indicative Outline of NSS Rural Area Types (Sustainable Rural Housing Development Guidelines, DoEHLG, 2005) – see illustration.

## Recommendation

In the **final version of the CDP 2011-2017**, amend **Fig. 5.B** by indicating the plan limits or indicative buffer zones of all relevant settlements.

## Issue no. 10

The Department considers that the categorisation of rural generated housing is very broadly based to the degree that it would be hard to distinguish in practice between applicants and to the degree that the policy aims of this section of the plan would not be realised.

The planning authority is therefore requested to draft a more precise set of criteria deemed to represent a rural-generated housing need, including:

- a. evidence required to prove that a person's primary employment is in an agricultural or natural resource based area;
- b. a minimum period of residence in rural areas for persons qualifying under the links to rural communities heading;
- c. definition of what "exceptional social or other circumstances" means in practice.

## Opinion

Noted and agreed.

## Recommendations

**A.** The text of **Section 5.7.2 Rural-generated housing** should be modified as follows (additions in blue, deletions in red):

Rural-generated housing is defined as the housing needed ~~of~~ by:

- a. persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base – for example, those working in agriculture, aquaculture, forestry, horticulture or other natural-resource-based employment and who can demonstrate that they have been engaged in this employment for over 5 years;
- b. persons who have no family lands but who wish to build their first home in the area, on a site within a 5-km radius of their original family home, within the rural community in which they have spent a substantial and continuous part of their lives;
- c. persons with a vital link to the rural community in which they wish to reside, by reason of having lived in this community for a minimum period of 7 years or by the existence in this community of long-established ties with immediate family members;
- d. persons who are required to live in a rural area for exceptional reasons, including health reasons. Such applications must be accompanied by a specialist's report and recommendation outlining the reasons why it is necessary for the applicant to live in a rural area. The application should also be supported by a relevant disability organisation of which the applicant is a member, where applicable.

In applying sympathetic consideration to bona fide farmers, ~~returning emigrants~~ emigrants returning to their place of origin and such applicants claiming exceptional circumstances (i.e. other than those outlined above), the overriding concern of the Council will be the resultant net community benefit accruing to an area by permitting further residential development.

The Council will endeavour to accommodate rural-generated housing in all rural areas, including Rural Areas Under Urban Influence, Rural Areas in Need of Regeneration and buffer zones around settlements, subject to objective 13.8.E in Chapter 13 Mini-plans – general policies.

- B.** The text of **objective 13.8.E** in **Chapter 13 Mini-plans – general policies** should be modified as follows:

“Within the Buffer Zone, proposals for one-off rural housing will be accommodated only in case of proven need, i.e. of immediate family members of ~~local farming~~ locally-resident families who wish to build on their own land and have no suitable option on their holdings outside the buffer zone.”

### **Issue no. 11**

There are a number of references and objectives throughout the plan concerning the preparation of strategies for forestry development, aggregates and so on, some of which were carried over from the previous development plan. The planning authority should consider the inclusion of more detail and explicit timescale commitments for such exercises.

### **Opinion**

The draft development plan contains a series of policies and objectives in relation to landscape character assessment and protection (LCAP). It is envisaged that once the Landscape Character Assessment study is completed, a series of strategies relating to forestry, renewables etc. will be developed.

Aggregate mapping will need to be done in association with the GSI.

These projects are resource-dependent and may not all be deliverable within the timeframe of the draft plan.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 12**

While noting the Strategic Flood Risk Assessment, the Department requests the planning authority to harness the next phases of the preparation of the development plan to carry out such exercises. If this is not feasible due to engineering and other data limitations, then the plan should include a time-bound commitment to vary the plan once such detailed assessments are available and an objective to require detailed flood risk assessment within the development management process in the interim.

### **Opinion**

The recommendations are noted. The flood risk management policies P-FRM-9 and P-FRM-10 set out the requirements for flood risk assessment in the development management process, while the flood

risk objective O-FRM-3 indicates the Council’s intention to complete future SFRAs/FRAs in accordance with the prioritisation set out in the SFRA, subject to review and the availability of additional data during the lifetime of the County Development Plan.

### **Recommendation**

No change to the Draft Plan.

## **Archaeology**

### **Issue no. 13 – archaeological heritage policy**

The Department recommends the inclusion of a general policy “to protect the archaeological heritage from damage, including any hitherto unrecorded sites”.

### **Opinion**

It is considered that ***P-AH-1** – Protect and enhance archaeological sites, monuments, their setting, appreciation and amenity within the Plan area, including those that are listed in the Record of Monuments and Places (RMP) or newly discovered archaeological sites and/or sub-surface archaeological deposits.* is comprehensive and the wording “newly discovered archaeological sites” adequately covers unrecorded sites. No change is necessary to this policy.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 14 – archaeological heritage objective**

It is recommended that the planning authority include an objective to secure the preservation in-situ or by record of:

- the archaeological monuments included in the Record of Monuments and Places as established under section 12 of the National Monuments (Amendment) Act, 1994;
- any sites and features of historical and archaeological interest
- any subsurface archaeological features that may be discovered during the course of infrastructural/development works in the operational area of the Plan.

### **Opinion**

Noted and agreed. This is partially covered by the archaeological heritage policy P-AH-4, which should be modified to include the suggested additions.

### **Recommendation**

In **Section 7.2 Archaeological heritage policies**, replace policy **P-AH-4** with the following:

**P-AH-4** Secure the preservation in-situ or by record of:

- the archaeological monuments included in the Record of Monuments and Places as established under section 12 of the National Monuments (Amendment) Act, 1994;
- any sites and features of historical and archaeological interest

- any subsurface archaeological features that may be discovered during the course of infrastructural/development works in the operational area of the Plan.

Preservation relates to archaeological sites or objects and their settings. Preservation in-situ is most effectively achieved by the refurbishment of existing buildings, in situations where it is possible to retain the greater part of existing structures without the need for new foundations.

### **Issue no. 15 – development management in the presence of archaeological heritage**

Where a proposed development (excluding individual residential home units) includes a monument or site included in the Record Monument and Places within the landholding, The Department recommends the following:

- the developer shall commission an archaeological assessment (see below) to establish the extent of archaeological material associated with the monument or site. This assessment shall also define the buffer area or area contiguous with the monument, which will preserve the setting and visual amenity of the site.
- the area of the monument and buffer should not be included as part of the open space requirement demanded of a specific development, but should be additional to the required open spaces;
- should a monument or place included in the Record of Monument and Places lie within the open space requirement for a development, a conservation plan for that monument should be requested as part of the landscape plan for that proposed open space;
- should a monument or site included in the Record of Monument and Places be incorporated into a development, the monument and attendant buffer area should be ceded to Local Authority Ownership once the development and associated landscaping works are complete so that the future protection of the monument can be assured.

### **Opinion**

Noted and partially agreed. **Section 12.7.12 Archaeology in Chapter 12 Development management standards** should be modified to include the Department's requirements as outlined above except for the fourth bullet point. The requirement to cede the monument and attendant buffer area to Local Authority ownership is not realistic and may not be enforceable.

### **Recommendation**

In **Section 12.7.12 Archaeology**, include the following text:

Where a proposed development (excluding individual residential home units) includes a monument or site included in the Record Monument and Places within the landholding, the developer shall commission an archaeological assessment to establish the extent of archaeological material associated with the monument or site. This assessment shall also define the buffer area or area contiguous with the monument, which will preserve the setting and visual amenity of the site.

The area of the monument and buffer should not be included as part of the open space requirement demanded of a specific development, but should be additional to the required open spaces.

Should a monument or place included in the Record of Monument and Places lie within the open space requirement for a development, a conservation plan for that monument should be requested as part of the landscape plan for that proposed open space.

### **Issue no. 16 – archaeological monuments within areas zoned for future development**

The Department recommends that the location of recorded monuments should be clearly indicated in the village mini-plans.

When making provision for the zoning of lands, due regard should be given to the specific objectives relating to Recorded Monuments and any other archaeological features as outlined above.

#### **Opinion**

It should be noted that the location of recorded monuments is clearly indicated on the Objectives Maps which form part of the village mini-plans. Due regard has been given to these archaeological features and related objectives when zoning the lands.

It is considered that the archaeological policies and objectives contained in the Draft Plan, together with the development management standards set out in Chapter 12, afford full protection to Recorded Monuments and any other archaeological features.

#### **Recommendation**

No change to the Draft Plan.

### **Issue no. 17 – archaeological monuments within areas zoned for future development**

The Department indicates that it is its policy that proposed developments that may (due to their location, size, or nature) have implications for the archaeological heritage should be subject to archaeological assessment. Such developments include those developments located at or close to an archaeological monument or site, those that are extensive in terms of area (1/2 hectare or more) or length (1 kilometre or more) and developments that require an Environmental Impact Statement.

The archaeological heritage includes National Monuments in the care of the State, archaeological and architectural monuments and sites in the Record of Monuments and Places and the Register of Historic Monuments, zones of archaeological potential in Historic Towns; the underwater archaeological heritage, including Historic Wrecks; unknown and unrecorded archaeological sites (including subsurface elements with no visible surface remains); potential sites located in the vicinity of large complexes of site or monuments, present or former wetlands, unenclosed land, rivers or lakes, or the inter-tidal zone.

The Department would welcome further correspondence with regard the archaeological heritage of Co. Sligo, and is available for consultation.

#### **Opinion**

Noted.

#### **Recommendation**

No change to the Draft Plan.

## **Architectural heritage**

### **Issue no. 18 – reference to Section 10 of the Planning and Development Act 2000 (as amended)**

It is recommended that specific mention is made to Section 10(2) (f) and Section 10(2) (g) of the 2000 Planning and Development Act, as amended, in Chapter 7, Heritage. These two sections of the 2000

Act place a mandatory objective on a planning authority to include objectives in a development plan for the protection of structures and the preservation of the character of areas.

*Section 7.3.1* makes brief reference to "*Section 10*" as applying only to protected structures. It is recommended that this reference is expanded to give a clear indication to the users of the development plan as to the basis of the protection to be given to architectural heritage in the planning legislation.

### **Opinion**

Agreed.

### **Recommendation**

The **first paragraph in subsection 7.3.1 The Record of Protected Structures** should make reference to Sections **10(2)(f) and (g)** instead of simply Section 10.

### **Issue no. 19 – built vs. architectural heritage**

It is recommended that the term "*architectural heritage*" is used in the Draft Plan when that is the reference being made. It should be noted that Part IV of the 2000 act is titled "*Architectural Heritage*". The heading to Section 7.3 is titled "*Built Heritage*". The term "*built heritage*" can be taken to include both archaeological heritage and architectural heritage as component parts of the built environment of the county. As Section 7.2 deals with archaeology, making a separate reference to "built heritage" could be taken as ambiguous.

### **Opinion**

Agreed.

### **Recommendation**

**Section 7.3** should be renamed **Architectural heritage** instead of **Built heritage**. Any other similar occurrences should be rectified.

### **Issue no. 20 – declarations**

It is stated in Section 7.3.1 The Record of Protected Structures (RPS) that:

*"The owner or occupier of a Protected Structure is entitled to ask the Council for a written declaration (under Section 57 of the Planning and Development Act 2000) indicating the type of works that would or would not materially affect the character of that structure or any element of it that contributes to its special interest.*

*Declarations provide guidance as to what works would or would not require planning permission in the context of the protection of the architectural heritage. As the cost of preparing declarations falls on the Council and as funds for this purpose are likely to be limited, there may well be considerable delays in obtaining declarations. The extent of the delay may vary from time to time depending on the demand for declarations and the funds available. In cases where there are time constraints, the Council will be open to approaches from owners/occupiers of Protected Structures who wish to fund the cost of declarations from their own resources."*

The Department considers it inappropriate to include in a Draft Development Plan a prediction by a planning authority that it will be unable to adhere to a statutory requirement set out in planning

legislation. It is equally inappropriate to suggest that those with better resources are being invited to pay while those of limited resources, but who are nevertheless “*entitled to ask the Council for a written declaration*”, would be left waiting.

It is recommended that the text relating to declarations is reviewed in its entirety and amended to accord with the purpose of Section 57.

### **Opinion**

Agreed.

### **Recommendation**

In **Section 7.3.1 Record of Protected Structures**, delete the following paragraph:

~~As the cost of preparing declarations falls on the Council and as funds for this purpose are likely to be limited, there may well be considerable delays in obtaining declarations. The extent of the delay may vary from time to time depending on the demand for declarations and the funds available. In cases where there are time constraints, the Council will be open to approaches from owners/occupiers of Protected Structures who wish to fund the cost of declarations from their own resources.~~

### **Issue no. 21 – “non-structural” elements**

It is recommended that the use of the term “*non-structural elements*” is reconsidered. The text in Section 7.3.2 Protection of non-structural elements, states -

*“Non-structural elements, such as historic gardens, stone walls and street furniture, make a significant contribution to our built heritage. A lack of awareness of their inherent and associative value can result in the loss of these elements and subsequent erosion of heritage assets.”*

All of the items referred to, while not being edifices or habitable buildings, are structures of one form or another.

### **Opinion**

The Department’s guidance (2005) refers to *non-habitable protected structures* to cover ruinous buildings, bridges, harbours, canals and associated features, street furniture and paving, parks and burial grounds. It is considered appropriate to replace the term “non-structural elements” with “non-habitable structures” in Section 7.3.2 of the Draft CDP.

### **Recommendation**

In **Section 7.3.2 Protection of non-structural elements**, replace the term “**non-structural elements**” with “**non-habitable structures**”.

### **Issue no. 22**

It is recommended that the text in Policy P-BH-14 relating to the protection of bridges, harbours, railways, etc. is reviewed. It would seem that the protection of these structures is already specified in Policies P-BH-1 and P-BH-2. It would seem that these two policies also take into account the protection of the structures specified in Policy P-BH-15.

## Opinion

P-BH-14 and 15 should be condensed into a single one, specifying that it relates to non-RPS features.

## Recommendation

In **Section 7.3 Built/architectural heritage**, replace **P-BH-14** and **P-BH-15** with the following:

**P-BH-14** Protect important non-habitable structures such as historic bridges, harbours, railways, roadside features (such as historic milestones, cast-iron pumps and post-boxes), street furniture, historic gardens, stone walls, landscapes, demesnes and curtilage features, in cases where these are not already included in the Record of Protected Structures.

## Issue no. 23

It is recommended that the text in Section 12.7.11, Record of Protected Structures /Architectural Conservation Areas, is reviewed and amended, viz:

*"The alteration of a building or other structure on the RPS, other than an alteration consisting of the painting of any previously painted part of such a building or structure, shall not be carried out without having secured planning permission or a Section 5 or Section 57 declaration of exemption by the planning authority. Demolition, in all but the most exceptional circumstances, will be resisted."*

Section 57(10) (b) of the 2000 Act states that

*"(b) A planning authority, or the Board on appeal, shall not grant permission for the demolition of a protected structure or proposed protected structure, save in exceptional circumstances."*

The Act does not refer to "*most exceptional circumstances*".

## Opinion

Agreed.

## Recommendation

In **Section 12.7.11 Record of Protected Structures /Architectural Conservation Areas**, replace the sentence **Demolition, in all but the most exceptional circumstances, will be resisted** with **Planning permission will not be granted for the demolition of a protected structure or proposed protected structure, save in exceptional circumstances**.

## Issue no. 24

It is recommended that the text at page 201 relating to planning applications for works to a protected structure is reviewed and amended. It should be noted that there is no statutory basis for the term "*a conservation architect*". While the term "*architect*" is defined in law, any variation of the term beyond that is not. This would include reference to "*an RIAI-accredited conservation architect*". Specifying that a particular expertise is to be associated with a planning application is likely to be open to challenge. It might also be more appropriate on a particular project to have the technical input of an engineer, archaeologist, or other building specialist of sufficient knowledge, expertise, and judgement for particular conservation works.

In addition, including a stipulation in a development plan that persons associated with planning applications relating to protected structures are to be "*RIAI-accredited conservation architect*" could be deemed to be a restriction on trade. As such it would be deemed to be *ultra vires* the content of a development plan. Any such references should be removed from the Draft Plan.

### **Opinion**

Agreed.

### **Recommendation**

**Section 12.7.11 Record of Protected Structures /Architectural Conservation Areas**, replace the reference to *RIAI-accredited conservation architect* with *suitably-qualified specialist*.

### **Issue no. 25**

It is noted that it is intended to remove some 6 structures from the Draft RPS. It is recommended that structures are not removed from the RPS unless they cease to have that special interest which caused them to be included in the first instance.

### **Opinion**

Three of the six structures proposed to be removed (RPS No. 61, 83 and 107) no longer meet the criteria for inclusion on the County RPS, as replacements and refurbishments over the years have deprived the buildings of much of their character.

Two of the six structures (RPS No. 114 and 115) are located within the area covered by Sligo and Environs Development Plan (SEDP) and are already protected by the SEDP RPS 2010-2016.

The remaining structure (RPS No. 82) was included erroneously in the RPS 2005-2011, as the original house on the site had been demolished.

### **Recommendation**

No change to the Draft RPS in respect of this issue.

### **Issue no. 26**

There may be a typographical error in the date given for the proposed protected structure Entry P-131, Easky Vocational School.

### **Opinion**

There is indeed an error in the dating of the structure.

### **Recommendation**

In the **Draft RPS**, rectify the entry **P-131 Easky Vocational School** by replacing the dating *1845-1850* with *1945-1950*.

### **Issue no. 27**

Some of the wording used in PL 12 is likely to be reviewed as it has been overtaken by the text in the Department of Environment, Heritage and Local Government published Architectural Heritage Protection - Guidelines for Planning Authorities.

If the text of PL 12 is to be used, it is recommended that it is used as selected quotations in order to give points of guidance to owners/occupiers and which are supported by the content of Chapter 7 of the Draft Plan.

### **Opinion**

Advice noted.

### **Recommendation**

The **Appendix to the RPS**, which includes the text of PL 12 guidance leaflet, should advise the owners/occupiers of protected structures to check the Department's website for the most up-to-date version of PL 12.

## **Nature conservation**

### **Issue no. 28**

Natural Heritage Policies P-NH-4 and P-NH-27 clearly outlined that it is a policy to protect the species outlined in the Flora Protection Order, 1999. Appendix C of the Draft Development Plan outlines rare and protected flora species in County Sligo. The Department recommends that the Environmental Report clearly documents where the species contained in the Flora Protection Order (1999) occur in County Sligo and produces a map outlining such locations. Such a map would help inform decisions in relation to planning and development.

### **Opinion**

An inquiry regarding Flora Protection Order related data has been made to the National Parks and Wildlife Service (NPWS). At the time of writing, data on the location of species included on the Flora Protection Order has not been made available.

### **Recommendation**

Consider data made available by the NPWS for inclusion in the Environmental Report (ER) and Appropriate Assessment (AA).

### **Issue no. 29**

Section 3.2.4.8 of the SEA Environmental Reports outlines the designations for Freshwater Pearl Mussel (*Margaritifera margaritifera*). The report correctly states that *'There are no areas within the County or near the County boundary which have a specified Freshwater Pearl Mussel population and hence a Draft Sub-Basin Management Plan'*. However, the Easky River is known to contain a healthy population of Freshwater Pearl Mussel. Even though this river is not designated for the species, Freshwater Pearl Mussel is afforded protection under Section 23 of the Wildlife Act, 1976 (amended Section 31, 2000). This river hosts the only known population of Freshwater Pearl Mussel in County Sligo and must be considered at the very least of regional importance.

## Opinion

It is noted that the Easky River contains a healthy population of Freshwater Pearl Mussel which is of regional importance. It is also noted that the species is protected under Section 23 of the Wildlife Act 1976.

While a section of the Easky River is a proposed NHA, it has not been designated as an SAC for the protection of the Freshwater Pearl Mussel population. Sligo County Council will consult with NPWS during the lifetime of this plan in respect of the most appropriate mechanisms to protect the FWPM population within the wider planning context of the Easky River catchment area.

Arising from the SEA and AA, provisions have been integrated into the Plan in order to, inter alia, contribute towards the protection of Freshwater Pearl Mussels and their habitats e.g. Policy P-NH-29. The information provided by the Department will be used to update the environmental baseline description of the ER however it will not change the findings of the assessment.

Freshwater Pearl Mussel (*Margaritifera margaritifera*) is listed on Annexes II and V of the Habitats directive. The Sligo CDP contains a number of policies and objectives that are aimed at protecting species outside of designated Natura 2000 sites, including the following:

- P-NH-28** Protect species and their associated habitats that require strict protection under the Habitats Regulations (S.I. No. 94 of 1997, 233 of 1998 and 378 of 2005).
- P-NH-4** Protect and, where possible, enhance the plant and animal species and their habitats that have been identified under the EU Habitats Directive, EU Birds Directive, the Wildlife Act and the Flora Protection Order.
- P-NH-7** Ensure that development proposals, where relevant, improve the ecological coherence of the Natura 2000 network and encourage the management of landscape features that are of major importance for wild fauna and flora as per Article 10 of the Habitats Directive.
- O-NH-19** Ensure that an appropriate ecological assessment is undertaken for developments with the potential to impact on inland waters.

## Recommendation

Update **Section 3.2.4.8 of the Environmental Report** as indicated below:

....There are no areas within the County or near the County boundary which have a specified Freshwater Pearl Mussel population and hence a Draft Sub-Basin Management Plan. However, the Easky River is known to contain a healthy population of Freshwater Pearl Mussel<sup>1</sup>. Even though this river is not designated for the species, Freshwater Pearl Mussel is afforded protection under Section 23 of the Wildlife Act, 1976 (amended Section 31, 2000).

## Issue no. 30

Section 4.2.1.5 of the SEA Environmental Report outlines that pNHAs are subject to limited protection under the Rural Environmental Protection Scheme. Please note that this is no longer the case. REPS 4 and the AEOS (Agri-environmental Options Scheme) provide no protection to pNHAs.

## Opinion

Noted.

## Recommendation

Update **Section 4.2.1.5 of the Environmental Report** as follows:

Prior to statutory designation, pNHAs are subject to limited protection, in the form of:

- ~~Rural Environment Protection Scheme (REPS) plans which require conservation of pNHAs and operate for a period of 5 years;~~
- Forest Service requirement for NPWS approval before they will pay afforestation grants on pNHA lands; and/or,
- Recognition of the ecological value of pNHAs by Planning and Licensing Authorities.

### Issue no. 31

The Department notes and supports the addition and the re-wording of policies and objectives in the draft county development plan, as outlined in the SEA Environmental Report, in order to mitigate significant adverse effects on the environment of implementing the Draft Plan. The addition of the line '*subject to compliance with the Habitats Directive*' has been noted in policies and objectives of sections which the Department would view as having the potential to impact on Natura 2000, including aquaculture, mariculture and fishing, tourism-related development, transport, water supply and wastewater. The addition of this line gives a commitment to ensure that associated developments are correctly assessed and that development will be in accordance with the provision of the Habitats Directive, 1992.

### Opinion

The Department's endorsement of the mitigated policies and objectives is noted.

### Recommendation

No change to the Draft Plan.

### Issue no. 32

The Department notes and supports the detailed policies and objectives outlined to promote and protect biodiversity and nature conservation outside of designated sites;

### Opinion

The Department's support is noted.

### Recommendation

No change to the Draft Plan.

### Issue no. 33

It is noted that two of the Tourism Development Objectives are in relation to providing a walkway through Union Wood (O-TOU-2) and a bird watching area at Ballygilgan Nature Reserve (O-TOU-2). The National Parks & Wildlife Service (DoEHLG) is a significant stakeholder in both these properties and will be ensuring that all development will be appropriately assessed and will only be permitted

when it has been conclusively established that there will not be significantly impacts on nature conservation including Natura 2000 sites;

### **Opinion**

Noted.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 34**

Water supply is one of the areas where potential exists for conflicts with Natura 2000 sites. Sligo County Council abstracts water from the following sources, of which their freshwater habitats are qualifying interests for Natura 2000 sites: Lough Gill, Lough Easky, Lough Talt and Lough Gara (South Sligo). The SEA Environmental Report states that the water treatment works at Lough Easky, Lough Talt and South Sligo are operating at or below capacity. This is obviously an engineering consideration and not an ecological one. The Department indicates that the recent Appropriate Assessment for the upgrading of the water treatment works at Lough Talt (Gortersluin) raised uncertainties regarding the impacts of water abstraction in relation to the land snail, *Vertigo geyeri*, which is a qualifying interest for Lough Hoe Bog Special Area of Conservation (SAC 633).

### **Opinion**

The construction, review, upgrading and/or operation of water treatment works and water supply schemes are subject to their own consent procedures - including those related to Appropriate Assessment - as relevant. Measures have been integrated into the draft Plan to ensure that it is in compliance with the Habitats Directive.

The Appropriate Assessment of the Sligo CDP points out that implementation of Policy O-WS-2 to 'Complete the planning and construction of the new water treatment plant at Lough Talt' may lead to impacts on habitats and species that are surface water dependant within the Lough Hoe Bog SAC. As a consequence the policy was amended with the following wording 'subject to compliance with the requirements of the Habitats Directive'.

### **Recommendation**

No change to the Environmental Report or Appropriate Assessment Report.

### **Issue no. 35**

The Department notes and supports the Water Supply Objectives and the need for compliance with the requirements of the Habitats Directive outlined in the Draft Plan. It notes the objective of a strategic review of the Lough Easky Regional Water Supply Scheme (O-WS-4).

However, it is noted that the objectives do not include the proposed strategic review of water supply to the South Sligo area.

It is assumed the Water Supply Objectives (O-WS-2) includes the entire proposed upgrade of the Lough Talt Regional Water Supply Scheme including new intake works and increased abstraction.

## **Opinion**

Sligo County Council will comply with all statutory requirements and procedures in relation to the proposed upgrades of public water supply schemes.

O-WS-2 includes the entire proposed upgrade of Lough Talt RWSS.

A review of the water supply to the South Sligo area was carried out as part of the preliminary report for the Lough Talt RWSS.

## **Recommendation**

No change to the Draft Plan.

## **Issue no. 36**

Wastewater treatment is another area where potential exists for conflicts with Natura 2000 sites. It is noted that there are a number of wastewater treatment facilities in County Sligo presently operating above capacity. Many of these facilities discharge into or upstream of Natura 2000 sites. It is noted that much of the necessary upgrading works are listed under the 'Schemes at Planning Stage' and 'Contracts to Start' in the DoEHLG's Water Services Investment Programme 2010-2012.

It is a real expectation that the present deficiencies should be resolved in the lifetime of the Draft Plan. However, if this is not the case, then the situation arises that the current situation and any additional loading of these facilities may be having a significant adverse impact on Natura 2000 sites.

It is noted that proposed facilities/upgrades for Ballygawley, Ballinafad and Mullaghmore were not included in the Water Services Investment Programme 2010-2012. These areas are immediately adjacent to/discharge into Natura 2000 sites.

It is a recommendation of the Department that deficiencies in relation to all wastewater facilities in close proximity to Natura 2000 sites must be resolved within the lifetime of the Plan. Failure to do so would significantly curtail planning and development in these areas. The Draft Plan must take account of this. Also the conclusions of the Appropriate Assessment would also have to be reconsidered;

## **Opinion**

Sligo County Council will endeavour to advance all schemes listed in the Water Services Investment Program 2010 – 2012 subject to the necessary procedural and budgetary approvals from the Department. Ballygawley and Mullaghmore were included in the Assessment of Needs submission but were excluded from the Water Services Investment Program 2010–2012 published by the Department. Ballinafad is included for funding under the Rural Water Programme.

The proposed facilities/upgrades for Ballygawley, Ballinafad and Mullaghmore were included in the appropriate assessment (See Table 3, AA Draft Screening Report Appendix). Measures have been integrated into the Draft Plan to ensure that it is in compliance with the Habitats Directive.

Any applications for new development considered under the Plan would have to be in compliance with all the measures included in the Plan.

It is noted that the Draft Plan provides for a moratorium on multiple-housing development in certain settlements until 2013 (see Policy SP-S-2).

## Recommendation

No change to the Draft Plan, Environmental Report or Appropriate Assessment Report.

### Issue no. 37

The Department recommends that the Strategic Energy Policies and Objectives include the commitment that all associated developments should be subject to compliance with the requirements of the Habitats Directive, especially in relation to Renewable Energy Policy P-REN-2.

### Opinion

Noted and agreed.

## Recommendation

In **Section 11.1 Energy**, add the following at the end of policies **SP-EN-1 and P-REN-2**:

“... subject to compliance with the requirements of the Habitats Directive”

### Submission no. 1

30 June 2010

Noreen Stack  
on behalf of Wind Energy Direct Ltd.

### Issue no. 1

Wind Energy Direct requests the inclusion in the development plan of the concept of energy autoproduction and a framework for supporting applications by established and new commercial enterprises where autoproduction generation is sought.

Energy autoproduction is defined as the production of energy primarily for on-site usage, with any excess energy potentially exported to the grid. It is indicated that autoproduction wind energy developments are viable at wind speeds where green-field wind farms would not be considered viable. The benefits of this type of electricity generation are that it provides low-cost, “green”, sustainable energy to industry, energy production is co-located with demand (thereby reducing transmission and distribution losses) and energy is consumed at the point of generation (there is no requirement for the construction of substations and the running of electrical lines across long distances).

Wind Energy Direct Ltd suggest the following objective to be included in the Draft CDP:

*Support existing and established businesses and industries who wish to use wind energy to serve their own needs subject to proper planning and sustainable development.*

### Opinion

Section 11.1.4 of the Draft County Development Plan recognises the importance of wind energy and the contribution that alternative energy sources can make towards limiting pollution associated with the generation of electricity.

There is no objection to the inclusion of an additional policy encouraging sustainable energy autoproduction.

## **Recommendation**

In **Section 1.1 Energy**, include an additional renewable energy policy as follows:

- P-REN-3** Support existing and new enterprises who wish to use renewable energy to serve their own needs by on-site energy production, subject to normal planning criteria.

## **Submission no. 3**

21 July 2010

Olivia Walsh

on behalf of the Process Industries Unit, Health & Safety Authority

### **Issue no. 1**

The HSA is a prescribed authority under Article 13 of the Planning and Development Regulations 2001. The submission indicates that the HSA would expect the SEDP to contain:

- a. an indication of planning policy in relation to major accident hazard sites notified under the Regulations;
- b. the “consultation distances” supplied by the HSA to the Councils in relation to such sites (also to be shown on maps);
- c. a policy on the siting of new major hazard establishments;
- d. mention of any notified sites.

However, the HSA notes that there are currently no notified sites in County Sligo.

### **Opinion**

There are no notified major accident hazard (Seveso) sites within the current Sligo County Development Plan. The Draft CDP 2011-2017 does not propose to establish such facilities during its lifetime.

The Draft CDP includes a policy (P-MAD-1) indicating that Sligo County Council intends to consult with the HSA when assessing proposals for a new Seveso establishment, and when assessing proposals for development in the vicinity of any Seveso establishments.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 2**

It is noted that the Draft plan quotes the EC (control of Major Accident Hazards involving Dangerous Substances) Regulations 2000 (S.I. 476 of 2000). This should be amended to EC (control of Major Accident Hazards involving Dangerous Substances) Regulations 2000 (S.I. 74 of 2006).

### **Opinion**

Agreed. The change recommended above should be made in Section 10.5 of the Draft Plan.

## Recommendation

Modify the first paragraph of **Section 10.5 Major Accidents Directive (Seveso II)** as follows:

The Major Accidents Directive (96/82EC), also known as the Seveso II Directive, was introduced into Irish law through the EC (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000 (S.I. No. ~~476 of 2000~~ 74 of 2006).

## Submission no. 9

19 August 2010

Caoimhe Hough and Elaine Granaghan  
on behalf of Comhairle na nÓg

### Issue no. 1

The submission expresses the view that there are not enough youth-friendly, accessible facilities in County Sligo and outlines that there is a need for more facilities in the rural parts of the County that can provide young people with a safe environment to take part in recreational and sporting activities.

The following actions to address the problem are proposed in the submission:

- the provision of suitably appointed and designed youth and community facilities that are accessible to all young people. This need is greatest in rural towns and villages that currently do not have any form of youth or community centre.
- the provision of equipment for community/sports halls. For example, if a facility already exists and needs refurbishment/equipment, resources should be put into making that facility safe and accessible for the community
- consultation on an ongoing basis with youth and community groups to ensure the delivery of a facility that is in keeping with the expressed needs of the community.

### Opinion

Sligo County Council recognises the importance of an adequate provision of attractive and conveniently located open spaces and community facilities throughout the county. The 30 mini-plans contained in Volume 2 of the Draft CDP make appropriate reservations for open space and community facilities, which can also be used to provide dedicated youth facilities. However, the funding of such facilities is outside the remit of the County Development Plan.

## Recommendation

No change to the Draft Plan.

### Issue no. 2

The submission expresses concerns in relation to road safety and suggests that the following actions should be undertaken as part of the plan.

- more pedestrian crossings – increasing pedestrian safety should be a priority;
- improve road conditions, including better road markings, lighting, signage etc.;
- better street lighting in towns and villages in the County;

- cycle lanes;
- increased number of more suitably appointed and well lit bus shelters, especially on rural routes.

### **Opinion**

Chapter 8 Transport and mobility of the Draft County Development Plan and Volume 2 Mini-Plans contain a wide range of provisions relating to roads marking, pedestrian safety and cycle networks. The provision of bus shelters is not a matter for the Draft CDP.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 3**

Comhairle na nÓg requests that the County Development Plan makes provision for accessible mental healthcare facilities to cater specifically for the needs of young people. This is to include the provision of appropriate information and care in an appropriate youth-orientated facility where feasible.

### **Opinion**

Section 6.6 Healthcare facilities outlines the Council’s policy regarding healthcare and promotes the development of all types of health care services in suitable locations which are easily accessible. While policies refer to the elderly, there is no reference to the specific needs of young people. This should be rectified.

### **Recommendation**

In **Section 6.6 Healthcare facilities**, amend policy **P-HC-4** as follows:

- P-HC-4** Accommodate the provision of accessible care facilities throughout the County to cater for the **specific** needs of the elderly **and those of young people**.

## **Submissions relating to the Claremorris to Collooney railway line**

### **No. 11, 12, 13, 15, 22, 23, 26, 27, 28, 30, 31, 32, 35**

The submissions were received between 24 August and 3 September 2010

### **Issue no. 1**

The submissions request that the Claremorris to Collooney railway line be converted into a cycleway/long-distance footpath – a “greenway”.

The submissions outline that as this line has been closed for several decades, its reopening would involve major works because it was never more than a light railway.

It is argued that, since the reopening of the track is not planned as part of Transport 21, a greenway would protect the alignment and stop encroachment upon the rail line which could, if circumstances change, run parallel to the greenway at some future time.

It is mentioned that it is the government's policy to develop a network of cycleways and footpaths, and it is considered that Sligo County Council should be one of the first local authorities to move on this.

The submissions also consider that such a development would be good for the local economy because, as tourists, cyclists generally spend more money per capita than motorists, and will also spend more time in the immediate area. The cycleway would also provide a long-distance footpath for tourists and local people, with safe access to outdoor activities.

### **Opinion**

It is a strategic policy of the Council to promote the reopening of the Western Rail Corridor from Athenry to Sligo, as indicated by SP-MOB-6 in Chapter 8.

However, there is no objection to the development of a long-distance foot- and cycle-path alongside the rail track, subject to compliance with the requirements of the Habitats Directive, as long as this development does not compromise in any way the reopening of the Western Rail Corridor in the future.

### **Recommendation**

In **Section 8.4 Cycle and pedestrian movements**, include an additional objective as follows:

- O-CW-6** Support the development of a foot- and cycleway (greenway) alongside the disused railway line from Claremorris to Collooney, subject to compliance with the requirements of the Habitats Directive, insofar as such route does not compromise the reopening of the Western Rail Corridor.

## **Submission no. 12**

24 August 2010

Felim O'Rourke

### **Issue no. 1**

F. O'Rourke considers that the best basis for population projections is the natural growth rate, i.e. excess of births over deaths.

### **Issue no. 2**

The NRA has published a National Strategy for Cycle Paths. The submission recommends that Sligo County Council "should try and be one of the first to move on this".

### **Issue no. 3**

F. O'Rourke supports the idea of developing the disused railway line from Claremorris to Collooney as a cycle track.

### **Opinion**

1. Noted. Natural growth is indeed a factor to be taken into account when dealing with demographic change, but it is not the only element. Population projections in Ireland are undertaken at national level, using a range of birth and migration rates to produce a number of plausible scenarios.

In lieu of population projections, the Draft CDP uses population targets allocated by the government through the Border Regional Planning Guidelines.

2. Section 8.4 Cycle and pedestrian movements sets out the Council's policies and objectives relating to cycling, including an objective to implement the National Cycle Policy Framework.
3. The issue is addressed in the response to the 13 "Greenway" submissions.

### **Recommendations**

No change to the Draft Plan is recommended in relation to issue 1 and 2.

In relation to issue no. 3, please refer to the response to the 13 "Greenway" submissions.

### **Submission no. 16**

27 August 2010

Rodger Garland

On behalf of Keep Ireland Open (KIO)

KIO is a "voluntary organisation whose aim is to lobby for the legal right to reasonable access to the countryside", counting among its members other organisations such as An Oige, Scouting Ireland, Catholic Guide of Ireland, Irish Ramblers, Irish Wildlife Trust, Federation of Local History Society, Irish Hang Gliding & Paragliding and Irish Rural Link.

The submission includes detailed suggestions for changes in the format and contents of the Draft Plan. This includes the index, cross-referencing, layout, wording, plans in other counties and Donegal. The critique goes through the Draft Plan section by section, recommending changes to text, policy and objectives, using examples from other counties.

#### **Issue no. 1**

- a. **Index** - It is submitted that the CDP should include an Index as recommended in the Development Plan Guidelines (section 5.15).
- b. **Cross referencing** – It is suggested that the Development Management Guidelines and Standards should be dealt with at the end of each chapter, to make the plan more user-friendly. At the very least the policy chapters and chapters should be cross-referenced.
- c. **Layout** – It is submitted that the Plan could be improved by "sub-numbering or sub-lettering lists of points and paragraphs. The present layout creates difficulties when referring to particular points".
- d. **Wording** - It is submitted that wherever the wording "have regard to" occurs, it should be replaced by *take full account of, comply with, or be consistent with*.
- e. **Planning Guidelines** – It is submitted that the Draft Plan should list these and provide that the plan should take full account of them.
- f. **Other plans** - R. Garland suggests that the Planning Authority "might like to consider plans in other counties" and "take cognisance of the provisions of the Draft Donegal County Development Plan.

#### **Opinion**

- a. **Index** – The Draft CDP includes a detailed Contents page, which facilitates the search for a specific item in the Plan. The addition of an Index would involve significant editorial effort, which is not warranted as long as the document is available in digital format, thus allowing searches by keyword.

- b. Cross-referencing** – The Development Management Standards are set out in Chapter 12 of the Draft Sligo County Development Plan 2011-2017. It is considered that their location in a separate chapter of the Plan provides for ease of reference. To sub-divide them and attach them to each chapter risks the omission of certain standards and the needless duplication of others. Therefore, this is not considered as a suitable option. Cross-referencing of policy chapters may be considered, subject to time constraints, when producing the final document for publication.
- c. Layout** – The numbering or lettering of paragraphs might be considered, subject to time constraints, when producing the final document for publication.
- d. Wording** - In accordance with the Planning and Development Acts 2000-2010, planning authorities must ensure that their development plan is consistent with the relevant regional planning guidelines, and must have regard to all other planning guidelines issued by the Minister. It is considered that the wording in the Draft Plan reflects the provisions of the Planning Acts.
- e. Planning guidelines** – these are mentioned in Section 1.1 Important policy developments, alongside the National Development Plan, National Spatial Strategy and National Climate Change Strategy, and referred to in the body of the document, where relevant. As the list of planning guidelines is constantly changing as new guidelines are issued or others are replaced, it is considered that a reference to the relevant web page of the DoEHLG would suffice as opposed to a list in the CDP which would become outdated shortly after the Plan’s publication.
- f.** Noted.

### Recommendation

No change to the Draft Plan.

### Issue no. 2

In relation to forestry, it is suggested to include the following additional policies/changes:

- a. *Encourage **access to forestry**, including private forestry, for walking routes, mountain bike trails, bridle paths and other non-noise generating activities.*
- b. *Forestry should **not obstruct existing rights of way, traditional walking routes and recreational and tourism facilities.***
- c. ***Identify existing rights of way and established walking routes before planting commences.***
- d. *Forestry will not be permitted on **ridgelines** and will not have a negative visual impact.*
- e. ***On steep slopes above the 300 metre line** planting will be strongly discouraged and where possible existing areas under forestry will be reduced and/or redesigned following clear felling.*
- f. Protect **access routes** to upland walks and rights of way.
- g. A list of **recreational forests** be included in the Plan.
- h. In objective O-FOR-1, after Sligo add in conjunction with the Forest Service... The adopted strategy should provide for the maintenance of public rights of way, traditional walking routes...and should be incorporated into the Plan**

### Opinion

- a to e.** Agreed.
- f.** It is not clear what is meant by the protection of access routes to upland walks and rights of way.

g. It is not considered necessary to list “recreational forests” in the Plan.

h. Agreed.

## Recommendations

A. In **Section 4.2.1 Forestry**, include the following additional forestry policies:

- P-FOR-4** Encourage access to forestry, including private forestry, for walking routes, mountain bike trails, bridle paths and other non-noise generating activities.
- P-FOR-5** Forestry should not obstruct existing rights of way, traditional walking routes and recreational and tourism facilities.
- P-FOR-6** Identify existing rights of way and established walking routes before planting commences.
- P-FOR-7** Forestry will not be permitted on ridgelines and will not have a negative visual impact. On steep slopes above the 300 metre line planting will be strongly discouraged and where possible existing areas under forestry will be reduced and/or redesigned following clear felling.

B. In **Section 4.2.1 Forestry**, modify forestry objective **O-FOR-1** as follows:

- O-FOR-1** Prepare an Indicative Forestry Strategy for County Sligo in conjunction with the Forestry Service and incorporate it in the County Development Plan. The Strategy should provide for the maintenance of public rights of way and traditional walking routes.

## Issue no. 3

a. **Land use in rural areas** – It is submitted that the Draft Plan should include a paragraph as follows:

*Land-use and agriculture should be considered in a new light since the introduction of the Single Payments Scheme which is leading to a fundamental shift in farming practice. Up to now all land has been regarded primarily as agricultural. In the future commonage and other rough grazing land should be regarded primarily as an environmental/recreational resource. Farmers will be encouraged to see themselves as custodians of the countryside.*

b. **Diversification of agricultural activity** – Policy P-AGD-7 should omit the wording *with the co-operation of the land owners* in relation to the facilitation of hill-walking as a rural pursuit, as “it is to be hoped that co-operation would be afforded in areas of commonage and rough grazing”.

c. **Other pursuits** that should also be covered by this policy are: walking, cycling, mountain and other off-road biking, nature trails, wildlife trails, maritime trails, back-packing, orienteering, para- and hang- gliding, canoeing & kayaking, caving, mountaineering, rock climbing, adventure sports, swimming in waterways, wild camping, pony trekking, boating and archaeological guided walks.

## Opinion

- a. It is not considered necessary to include the suggested paragraph in Section 4.2.3 Diversification of agricultural activity. However, it is considered acceptable to include “recreation” in the text of policy P-AGD-1.
- b. Agreed. The aim of policy P-AGD-7 is to facilitate agricultural landowners to develop lucrative alternatives to agricultural activity; therefore the specified wording is redundant.
- c. Agreed. The above-mentioned activities should be included in the text of policy P-AGD-7.

## Recommendations

- A.** In **Section 4.2.3 Diversification of agricultural activity**, modify the text of policy **P-AGD-1** as follows:

**P-AGD-1** Promote agriculture and agricultural diversification (to include recreational uses), while seeking to protect and maintain bio-diversity, wildlife habitats, water quality and nature conservation.

- B.** In **Section 4.2.3 Diversification of agricultural activity**, modify the text of policy **P-AGD-7** as follows:

**P-AGD-7** Facilitate the development of niche activities, such as those relating to food (particularly value-added products), forestry (e.g. wood products), crafts, eco-tourism and agri-tourism – e.g. farmhouse accommodation, pet farms, farm holidays, health farms, equestrian activities, bird-watching holidays; painting/photography tuition, angling tourism, field studies and hill-walking (with the co-operation of the landowners). Other pursuits that will be facilitated are: walking, cycling, mountain and other off-road biking, nature trails, wildlife trails, maritime trails, back-packing, orienteering, para- and hang- gliding, canoeing & kayaking, caving, mountaineering, rock climbing, adventure sports, swimming in waterways, wild camping, pony trekking, boating and archaeological guided walks.

### Issue no. 4

- R. Garland suggests the inclusion of an additional policy relating to mineral extraction and quarries:

*Ensure that developments that would impinge on existing rights-of-way or walking routes will not be permitted.*

### Opinion

It is considered opportune to modify the wording of P-MEQ-2 to include a provision ensuring that developments would not impinge on rights-of-way or walking routes.

### Recommendation

- In **Section 4.2.4 Mineral extraction and quarries**, modify policy **P-MEQ-2** as follows:

**P-MEQ-2** Ensure that extraction and associated processes are carried out in a sustainable manner and do not impinge on existing rights-of-way or walking routes.

### Issue no. 5

- a.** It is suggested that **Section 4.4 Tourism** development should be combined with **Recreation** as recommended in the Development Plan Guidelines.
- b.** It is also suggested that some geographic features should be named: *The Benbulbin massif, Dartry mountains, the Ox mountains, the Garavogue river and Culeenamore beach.*

### Opinion

- a.** It is considered that the policies on Recreation are appropriately located in the same section with those on sports and open space provision.

- b. It is agreed to name the outstanding features mentioned above in Section 4.4.1 Existing resources.

### Recommendation

In **Section 4.4 Tourism**, include the names of the following geographic features: Benbulbin, the Dartry Mountains, the Ox Mountains, the Garavogue River and Culleenamore beach.

### Issue no. 6

- a. In the text of tourism policy **P-TOU-9**, it is suggested to delete the wording *with the co-operation of landowners*, hoping that this co-operation would be forthcoming. Include the *islands* in the text of the policy.
- b. It is also suggested to add *geo- & green-tourism* to the activities mentioned in policy **P-TOU-10**.

### Opinion

- a. It is considered that the co-operation of landowners is essential in promoting public access to features located on private lands, therefore the wording *with the co-operation of landowners* should be retained. The *islands* should indeed be included in the text of policy P-TOU-9.
- b. It is considered that the generic term eco-tourism covers all forms of “green” tourism. It is not clear what “geo-tourism” means.

### Recommendation

In **Section 4.4 Tourism**, modify the text of policy **P-TOU-9** as follows:

P-TOU-9 Support and promote, with the co-operation of private landowners, public access to heritage sites and features of archaeological interest, coastal areas, **islands**, mountains, rivers, lakes and other natural amenities, subject to compliance with the requirements of the Habitats Directive.

### Issue no. 7

It is suggested that tourism development objective **O-TOU-4** – to commence the process of mapping rights of way in the County during the lifetime of the development plan – should be replaced by the following:

*List existing public rights of way within one year of the adoption of the plan, but if examination of traditional walking routes for possible designation is not completed within this time, that an Interim Plan will be prepared. The list will be accompanied by detailed maps showing the actual routes and the appropriate signage will be put in place. The list will be included in the Plan by way of Variation.*

In an addition to the original KIO submission, it is further submitted that O-TOU-4 should be deleted and replaced by the wording in Section 7(o) of the Planning and Development Act 2010. It is suggested that “the listing must be included in the 2011 Plan”.

### Opinion

The Planning and Development (Amendment) Act 2010 provides for additional mandatory objectives to be included in development plans, including “the preservation of public rights of way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational

utility, which public rights of way shall be identified both by marking them on at least one of the maps forming part of the development plan and by indicating their location on a list appended to the development plan”.

Section **8.4 Cycling and pedestrian movements** indicates the intention of the Council to use its powers under the Planning Acts to preserve and maintain existing rights of way, to create new ones where appropriate, and to promote their greater use in amenity areas.

A list of existing rights of way in the County has not yet been compiled.

Objective **O-TOU-4** provides for the identification and mapping of existing rights of way during the lifetime of the CDP 2011-2017.

The identification and mapping of rights-of-way within the County is a resource-intensive activity and its completion cannot be guaranteed within one year of adopting the new CDP.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 8**

It is submitted that an additional policy should be included to reflect the provision of the Border Regional Planning Guidelines 2010, Section 4.4.5.1 – Tourism and Connectivity – last paragraph:

*Consider the use of “off road” routes for both walking and cycling such as disused railway lines...and bridle paths to improve access to rural tourist attractions. Connectivity can also be improved in rural areas by the development of walking routes (to include...looped walks etc), the provision of maps, signage and information on car parking.*

### **Opinion**

Agreed. An additional policy as suggested should be included in Section 8.4 Cycling and pedestrian movements.

### **Recommendation**

In **Section 8.4 Cycling and pedestrian movements**, include the following additional policy:

*Consider the use of off-road routes, such as disused railway lines and bridle paths, for both walking and cycling to improve access to rural tourist attractions.*

### **Issue no. 9**

a. To the text of coastal zone tourism policy **P-CZT-3**, it is suggested to add the wording:

*...and that proposals for golf courses must not impinge on any **right of way or walking route**.*

b. It is requested that **P-CZT 6** – Give priority to coastal areas within County-wide programmes to signpost and improve public rights of way – be deleted, “as it clearly diminishes the importance of rights of way in rural areas”.

c. Objective **O-CZT-5** (Liaise with the National Waymarked Ways Advisory Committee to investigate the possibility of providing a coastal path along the coastline of County Sligo. Development of a coastal path shall be subject to compliance with the requirements of the Habitats Directive) should be replaced by:

*Facilitate and support the establishment of a **coastal path** along the length of the County's coastline with the status of a public right of way. Liaise with counties Mayo, Leitrim and Donegal to set-up a study group to try to advance this matter and that this group would be set-up within 3 months of the adoption of the Plan and that the group would have a remit to report within a year.*

- d.** It is suggested to include additional objectives for coastal zone tourism policy, as follows:
- i. Actively promote and protect **public access to the coast** and designate traditional walking routes thereto as public rights of way.*
  - ii. Develop strategic walkways/cycleways between coastal sites and green spaces in built-up areas.*
  - iii. Identify existing and/or potential coastal walking routes which can be developed as a tourism product and a local amenity. These routes will ideally be permanent, of high quality and adequately managed, should allow for further expansion and provide links to other activities and facilities.*

### **Opinion**

- a.** Agreed. The text of policy P-CZT-3 should be modified as suggested.
- b.** It is considered that prioritising coastal areas for signposting and improving rights-of-way does not diminish the importance of other rural rights-of-way.
- c.** It is proposed to modify the text of objective O-CZT-5 along the suggested line. It should be noted that progress on this matter will be determined by the availability of resources.
- d.** Agreed. The first two suggestions should be included as additional sports, recreation and open space policies in Section 6.5, while the third suggestion should be added to the coastal zone tourism objectives in Section 4.4.

### **Recommendations**

- A.** In **Section 4.4 Tourism development**, modify the text of policy **P-CZT-3** as follows:

**P-CZT-3** Ensure that golf course development does not damage or encroach upon vulnerable dune systems **and does not impinge on existing rights of way.**

- B.** In **Section 4.4 Tourism development**, modify the text of objective **O-CZT-5** as follows:

**O-CZT-5** Liaise with the National ~~Waymarked Ways~~ Trails Advisory Committee to investigate the possibility of providing a coastal path along the coastline of County Sligo. *Liaise with counties Mayo, Leitrim and Roscommon to set-up a study group to advance this matter.* Development of a coastal path shall be subject to compliance with the requirements of the Habitats Directive.

- C.** In **Section 6.5 Sports, recreation and open space**, include the following additional policies:

**P-SRO-11** Actively promote and protect public access to the coast and designate traditional walking routes thereto as public rights of way.

**P-SRO-12** Where feasible, develop walkways/cycleways between coastal sites and green spaces in built-up areas.

- D.** In **Section 4.4 Tourism Development** include an additional coastal zone tourism objective:

**O-CZT-6** Identify existing and/or potential coastal walking routes which can be developed as a tourism product and a local amenity. These routes will ideally be permanent, of high quality and

adequately managed, should allow for further expansion and provide links to other activities and facilities.

#### **Issue no. 10**

- a.** In **Section 6.5 Sports, recreation and open space policies**, it is suggested that the text of policy P-SRO-9 should include *lakes*.
- b.** It is submitted that the Draft Plan should dedicate a sub-section to public rights-of-way; this subsection should include objective O-TOU-4 (Commence the process of mapping rights of way in the County during the lifetime of this development plan) and the first sentence of the second paragraph in section 8.4 (The Council will use its powers under the Planning Acts to preserve and maintain existing rights of way, to create new ones where appropriate, and to promote their greater use in amenity areas.)
- c.** The following additional points are suggested:
- (1) *Preserve, protect, promote and improve for the common good, existing rights of way which contribute to general amenity.*
  - (2) *Ensure that existing rights of way are maintained, sign-posted and kept free from obstruction and take appropriate action to prevent any attempt to close them off.*
  - (3) *Create new rights of way or extend existing rights of way in the interest of amenity of way either by agreement with landowners or through the use of compulsory powers.*
  - (4) *Preserve and enhance existing public rights of way to recreational areas including the coast, upland areas, lakeshores, river-bank areas and heritage site and where necessary establish new ones in co-operation with landowners and the local community. In the absence of co-operation by landowners the Council will avail of the powers conferred in the Planning Act to compulsorily acquire lands for such access.*
  - (5) *Protect and promote Greenways and consider designating them as public rights of way.*
  - (6) *Look favourably upon planning applications which include proposals to improve the condition and appearance of existing rights of way.*
  - (7) *Not to permit development where a public right of way will be affected unless the level of amenity is maintained by:*
    - i. *The footpath/bridleway being diverted by the minimum practical distance and the route continuing to be segregated from vehicular traffic;*
    - ii. *Appropriate legal procedures have been undertaken to extinguish the existing right of way and to establish the new right of way to replace it.*
  - (8) *Existing Rights of Way and established walking routes shall be identified prior to any new planting, new infrastructural development and any new energy/telecommunications developments.*

#### **Opinion**

- a.** Agreed. the text of policy P-SRO-9 should include *lakes*.
- b.** The Draft Plan includes references to rights-of-way where relevant and appropriate. A separate section of rights-of-way is not considered necessary.

- c. Some of the suggested policies, while worthwhile, would be difficult to implement as long as rights of way are not properly identified on a map included in the CDP. Nevertheless, **Section 8.4 Cycle and pedestrian movements** contains an unambiguous commitment to preserve and maintain existing rights of way and create new ones where appropriate.

The meaning of “looking favourably” upon certain planning applications (suggestion no. 6 above) is not clear, as long as all planning applications must be treated in the same manner. Deficiencies in planning applications will not be overlooked just because they contain proposals to improve the condition or appearance of a right-of-way.

It is proposed to include suggested policy (5) among the cycling and walking policies in Section 8.4.

It is also proposed to include suggested policies (7) and (8) as an additional subsection 12.7.13 in Section 12.7 Miscellaneous development standards.

## Recommendations

- A. In **Section 6.5 Sports, recreation and open space policies**, modify the text of policy **P-SRO-9** as follows:

**P-SRO-9** Preserve and improve access for the public to lakes, coastal, riverside, upland and other areas that have traditionally been used for outdoor recreation, subject to compliance with the requirements of the Habitats Directive.

- B. In **Section 8.4 Cycling and pedestrian movements**, include an **additional policy** as follows:

Protect and promote Greenways and consider designating them as public rights of way.

- C. In **Section 12.7 Miscellaneous development standards**, include the following additional text:

Existing rights-of-way and established walking routes shall be identified prior to any new planting, infrastructural development, energy/telecommunications developments and any other development capable of affecting the respective rights-of-way.

Development will not be permitted where a public right of way would be affected, unless the level of amenity is maintained by:

- a. *the footpath/bridleway being diverted by the minimum practical distance and the route continuing to be segregated from vehicular traffic;*
- b. appropriate legal procedures have been undertaken to extinguish the existing right of way and to establish the new right of way to replace it.

## Issue no. 11

It is submitted that the main objectives of the Plan should be mentioned and that an additional objective should be included as follows:

*To continue to support the Heritage Officers.*

## Opinion

The main objectives of the County Sligo Heritage Plan 2007-2011 are currently available in hard copy and digital format on the Council’s website. Objective O-H-1 of the Draft Plan states that the Council will implement, in partnership with all relevant stakeholders, the County Heritage Plan 2007-2011 and

subsequent heritage plans. Reiteration of the main objectives of the County Heritage Plan within the CDP is considered an unnecessary duplication.

The proposed additional objective is noted, but does not fall within the remit of the draft CDP, which is primarily concerned with putting in place an overall strategy for the proper planning and sustainable development of County Sligo, in accordance with the Planning and Development Acts 2000-2010.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 12**

It is suggested that the following should be included as additional general policies for natural heritage:

*Encourage and **promote access** to our natural heritage.*

*Encourage and **promote access** to geological and geo-morphological features of heritage value on a permanent and legal basis.*

### **Opinion**

Section 4.4 of the Draft Plan deals primarily with tourism development and the tourism development policy P-TOU-9 is relevant, but does not contain a specific reference to providing public access to natural and geological heritage sites. Policy P-TOU-9 should be amended to include reference to natural heritage and geological features.

### **Recommendation**

In **Section 4.4 Tourism development**, amend **P-TOU-9** as follows:

**P-TOU-9** Support and promote, with the co-operation of private landowners, public access to heritage sites and features of **natural heritage, geological** and archaeological interest, coastal areas, mountains, rivers, lakes and other natural amenities, subject to compliance with the requirements of the Habitats Directive.

### **Issue no. 13**

It is submitted that subsection **7.1.4 Woodlands, trees and hedgerows** policies should include an additional policy:

*Facilitate the provision of **public access to forest** and woodland areas through walking, bridle paths, recreation areas and other facilities.*

It is suggested to add mountain bike trails and other non-noise generating recreational activities.

### **Recommendation**

Refer to the response to Issue no. 2 (a) of this submission and the recommendation to include additional policies in the Forestry section.

No further change is recommended.

#### **Issue no. 14**

It is submitted that additional policies should be included in **Section 7.1.5 Inland water policies** as follows:

*Create **linear parks** to facilitate walking/cycling routes and other recreational purposes*

*Identify and provide linkages along and between river corridors to adjoining counties to create inter connected routes and develop riverside parks and create linkages between them to form “necklace” effect routes including development of walkways and cycleways.*

#### **Opinion**

Cycling and walking objective O-CW-1 proposes to provide cycle (and walking) routes along green corridors (which include river corridors), where feasible and practical, subject to compliance with the Habitats Directive. The creation of linear/riverside parks is not a prerequisite for the provision of walking/cycling routes within green corridors. In fact, a policy to create linear parks alongside rivers might have a negative impact on riparian habitats and may be contrary to the requirements of the Habitats Directive.

#### **Recommendation**

No change to the Draft Plan.

#### **Issue no. 15**

The following policies are suggested for inclusion in **Section 7.1.5 Inland water policies**:

- a.** *Provide a **riparian corridor** of at least 30 m on each side along waterways of more than 10m wide and 20m for smaller channels to provide for amenities, walkways and recreation.*
- b.** *In considering development proposals, the provision of increased public access will be factored in.*
- c.** *Require that development along rivers set aside land for pedestrian routes that could be linked to the broader area and any established settlements in their vicinity.*

#### **Opinion**

- a.** The draft plan provides for core riparian zones (CRZs) along river channels as part of an integrated watercourse protection strategy. The section on Riparian Zones establishes the following widths:
  - for larger river channels (over 10m), a core riparian zone (CRZ) of 35-60 m or larger where flood plains adjoin the riparian zone;
  - for smaller channels (under 10 m), a core riparian zone (CRZ) of 20 m or greater.

The determined width is to be tailored to the specific site, river reach or lakeshore characteristics and their associated habitats.

It should be clarified that the specified widths of the riparian zones are to be applied from the river banks inland.

- b.** Policy P-NH-20 makes appropriate provision for public access in the context of riverside developments.
- c.** Proposals for the provision of amenities, walkways and recreation within the core riparian zone can be considered within the policy context set out in section 7.1.5, without the need for additional

policies in this section. Policy **P-TOU-9** as amended above supports and promotes public access to heritage sites and features of natural heritage ... rivers, lakes and other natural amenities, subject to compliance with the requirements of the Habitats Directive.

### **Recommendation**

In Section 7.1.5 Inland waters, under the heading Riparian Zones, modify the text as follows:

- for larger river channels (over 10m), a core riparian zone (CRZ) of 35-60 m (18-30 m on each side of the river) or larger where flood plains adjoin the riparian zone;
- for smaller channels (under 10 m), a core riparian zone (CRZ) of 20 m (10 m on each side of the river) or greater.

### **Issue no. 16**

The **main rivers** in the county have considerable recreational potential (apart from angling). It is suggested that they should be named.

### **Opinion**

Agreed.

### **Recommendation**

In Section **7.1.5 Inland waters**, the main rivers and lakes in the County should be named.

### **Issue no. 17**

In the objective for sites of geological interest O-NH-24, it is suggested to add *geomorphic* after *geological* and furthermore add to ***promote access and protect established public rights of way to these areas.***

### **Opinion**

The term “geological” is used in the draft plan to encompass different sites of geologic and geomorphologic interest.

Policy **P-TOU-9** as amended above supports and promotes public access to features of geological interest.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 18**

**It is submitted** that archaeological heritage policy P-AH-8 should be replaced by the following:

*Recognising the importance of archaeology and National Monuments as facilities for recreation and tourism provide **public access**, subject to reasonable conservational restrictions, to Archaeological sites and National Monuments in state care, council or private ownership. All traditional access routes will be designated as public rights of way. In other*

*cases, the Council will acquire the routes, either by agreement with landowners or way of compulsory powers. Appropriate signage will be put in place.*

### **Opinion**

The suggested text refers to providing public access to archaeological heritage. It is considered that policy P-TOU-9 of the Draft Sligo County Development Plan 2011-2017 deals adequately with access to heritage sites.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 19**

**Objectives for Cuil Irra Peninsula** – it is noted that no provision is made for public access. It is submitted that the Plan should include provisions for this.

### **Opinion**

It is considered that policy P-TOU-9 of the Draft Sligo County Development Plan 2011-2017 deals adequately with access to heritage sites.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 20**

It is suggested to add the following to the landscape character assessment and protection objectives:

- a.** *The status of traditionally open/unfenced landscapes should be preserved. Fencing in upland or amenity areas will not normally be permitted unless such fencing is essential to the viability of the farm and conforms to best agricultural practice. The nature of the material to be used, the height of the fence and in the case of a wire fence the type of wire to be used will be taken into account. Barbed-wire will not be used for the top line of wire. Stiles or gates at appropriate places will be required.*
- b.** *Where possible preserve the **open character of commonage** and other hill land and secure access thereto.*

### **Opinion**

Agreed. Two additional landscape character policies should be included as suggested above.

### **Recommendation**

In **Section 7.4 Landscape Character**, include the following additional policies:

- P-LCAP-11** Preserve the status of traditionally open/unfenced landscapes. Fencing in upland or amenity areas will not normally be permitted unless such fencing is essential to the viability of the farm and conforms to best agricultural practice. The nature of the material to be used, the height of the fence and in the case of a wire fence the type of wire to be used will be taken into account. Barbed-wire will not be used for the top line of wire. Stiles or gates at appropriate places will be required.

**P-LCAP-12** Where possible, preserve the open character of commonage and other hill land and secure access thereto.

#### **Issue no. 21**

It is noted that the 2005 Plan contained a commitment to *actively propose the designation of Inishmurray Island as a Special Amenity Area*. This has been omitted from the current Draft Plan. It is submitted that this commitment should be re-instated. Other areas should also be considered, such as Carrowmore, Knocknarea and Carns Hill.

#### **Opinion**

While the current Plan proposes the designation of Inishmurray Island as a Special Amenity Area (SAAO), the draft plan does not omit any previous commitment to that objective but rather proposes different mechanisms that are available to achieve the same objective of protecting the landscape quality of Inishmurray and other significant heritage landscapes in the County. See Chapter 7, specifically **Section 7.4.4** and the landscape character assessment and protection objective **O-LCAP-2** - *to explore, within the lifetime of this Plan, the opportunity of preparing a Local Area Plan and/or designating of Landscape Conservation Area(s), pursuant to Section 204 of the Planning & Development Act, 2000, in respect of the following heritage landscapes: Cuil Irra Peninsula, Carrowkeel and Inishmurray.*

Some progress has been made in commissioning conservation plans for Inishmurray and Carrowkeel. These are currently being reviewed. Section 7.2.5 and Archaeological Heritage Policy P-AH-11 is relevant.

In addition the Department of the Environment, Heritage and Local Government commissioned a conservation study of the archaeological features and monuments of the Cuil Irra Peninsula as referenced in P-AH-12.

#### **Recommendation**

No change to the Draft Plan.

#### **Issue no. 22**

It is submitted that an additional policy should be included to reflect a provision of the Border Regional Planning Guidelines 2010, section 4.4.5: *Local authorities should promote the candidacy of possible World Heritage Sites.*

It is suggested that there should be a commitment in the Plan to promote the above three sites (i.e. Carrowmore, Knocknarea and Carns Hill) for designation as **World Heritage Sites** in the next tranche of possible sites.

#### **Opinion**

World Heritage sites that are nominated for World Heritage listing are inscribed on the list only after they have been carefully assessed as being superlative examples of the world's cultural and natural heritage. Ireland currently has two properties on the World Heritage List; Bru na Boinne and Skellig Michael. Only the Irish Government, as State Party to the Convention can nominate Irish sites for inscription on this list.

In October 2008, the Minister for the Environment, Heritage and Local Government set up an Expert Advisory Group to review Ireland's Tentative List of properties for future nomination to the World Heritage List. The review was undertaken during 2008 and 2009, when the Group considered which properties best met the criteria required for inscription on the World Heritage List. Following public consultation, assessment of proposals and consideration of submissions, the new Tentative List was approved by the Minister and submitted to UNESCO in March 2010. It replaces the previous list that was drawn up in 1992. The current tentative list does not include any sites within County Sligo. The designation of world heritage sites is outside the remit of the County Development Plan. But this does not negate future submissions being made for sites of outstanding universal value that occur in the county to the DoEHLG when future calls for submissions to the Tentative List are made.

Tentative List - Ireland 2010 (Alphabetical Order)

- The Burren
- Céide Fields and NW Mayo Boglands
- The Monastic City of Clonmacnoise and its Cultural Landscape
- Dublin - The Historic City of Dublin
- Early Medieval Monastic Sites (Clonmacnoise, Durrow, Glendalough, Inis Cealtra, Kells and Monasterboice)
- The Royal Sites of Ireland (Cashel, Dún Ailinne, Hill of Uisneach, Rathcroghan Complex and Tara Complex)
- Western Stone Forts

## **Recommendation**

No change to the Draft Plan.

## **Issue no. 23**

Many plans provide for promotion of suitable areas for national parks. There is a clear need for a national park in the Gleniff/Dartry/Benbullben area where there are serious access problems. It is submitted that the Plan should provide for a formal request to be made to the Department.

## **Opinion**

A national park is a reserve of natural or semi-natural land, declared or owned by a government, set aside for human recreation and enjoyment, animal and environmental protection and restricted from most development. An international organization, the International Union for Conservation of Nature (IUCN), and its World Commission on Protected Areas, has defined National Parks as its category II type of protected areas.

In Ireland, a National Parks Bill is under consideration to provide a legal basis for National Parks (and other heritage properties) which are currently managed under a number of other Acts, including the State Property Act, 1954. It is probable that this Bill will provide that the primary purpose of National Parks is the conservation of wildlife, and that Parks should provide for public use and education, insofar as this is compatible with the conservation of wildlife.

The designation and establishment of National Parks is the remit of the Government through the Minister of the DoEHLG and falls outside the remit of the County Development Plan.

**Recommendation:** No change to the Draft Plan.

#### **Issue no. 24**

It is suggested that the reference to rights of way in the 1<sup>st</sup> sentence of the 2<sup>nd</sup> paragraph in Section 8.4 Cycle and pedestrian movements should be included under a separate policy on public rights of way.

#### **Opinion**

As already specified in the response to Issue no. 10 (b), the Draft Plan includes references to rights-of-way where relevant and appropriate. A separate section of rights-of-way is not considered necessary.

#### **Issue no. 25**

It is submitted that the following should be incorporated into Section 8.4 Cycle and pedestrian movements to reflect the 2<sup>nd</sup> paragraph of section 6.7 of the Border Regional Planning Guidelines 2010:

*A number of long-distance walking routes exist throughout the county. These long-distance walks together with local walks provide important access networks, which are an important recreational resource and their integrity should be protected. In addition, where potential routes exist they should be protected and enhanced. The impact of any proposed development on these routes into account, when considering applications for permission for developments in the vicinity.*

#### **Opinion**

Agreed.

#### **Recommendation**

In **Section 8.4 Cycle and pedestrian movements**, incorporate the following text after the second paragraph:

*A number of long-distance walking routes exist throughout the county. These long-distance walks together with local walks provide important access networks. This is an important recreational resource whose integrity should be protected. The impact of any proposed development on these routes should be taken into account when considering applications for permission for developments in the vicinity.*

#### **Issue no. 26**

In relation to walking and cycling policies and objectives in Section 8.4, it is submitted that they should be expanded to include the following:

- a. *Walking and Cycling will be promoted by securing the development of a **network of safe cycle routes and footpaths** on new and existing roads and on routes reserved exclusively for pedestrians and cyclists.*
- b. *Road safety for pedestrians and cyclists would be improved by **lower speed limits and priority over motorized transport**. and by providing linear parks, footpaths, cycle paths and public lighting in towns and villages. Footpaths on the outskirts of towns and villages should be extended where appropriate, and adequate public lighting should be provided.*
- c. **Linkages** – *Develop linkages with walking and cycling trails in adjoining counties.*
- d. **Walking/Cycle Routes should be signposted/waymarked.**

- e. *Develop a **network of rural footpaths**, cycleways and bridle paths.*
- f. *Support cycling, walking groups and local communities in the **development of routes**.*
- g. ***National Trails Network, Sli na Slainte** and other defined walking trails and cycle routes through and across towns accessing parkland in built up areas and into and through rural areas and linking in with existing way marked trails and public rights of way should be promoted, improved developed and listed in development plans with accompanying maps. Supporting facilities such as access points and signage or web information play a role in encouraging outdoor activity and good health.*
- h. **Disused Roads, Canals & Railways** - *Disused roads, railways and tow-paths of disused canals can make excellent walkways/cycleways and local authorities should make an inventory of these and promote their development with the appropriate owners/stakeholders.*
- i. *Advise other road users of the need for **safe behaviour** in the vicinity of pedestrians and cyclists.*

## Opinion

- a-h. It is considered that Objectives O-CW-1, O-CW-3 and O-CW-5 adequately cover all suggestions listed above.

Objective O-CW-1 of the Draft Sligo County Development Plan 2011-2017 is to ‘Provide, improve and extend cycle routes on existing roads, proposed roads, roads being upgraded and green corridors, where feasible and practical, subject to compliance with Habitats Directive’. This adequately allows for the development of Green Corridors where feasible and practical and for the provision of cycle paths throughout the county and the objective can be amended to include pedestrian routes.

Objective O-CW-3 (Plan and make provision for the *safe* and *efficient* movement of cyclists and pedestrian in and around built-up areas) allows for all points above.

O-CW-5 relates to the implementation of the relevant policies of the Department of Transport’s National Cycle Policy Framework. This provides for the development of a National Cycling Network, however, and a specific objective to support it could be included.

- i. This can be done outside the Development Plan process. No change to the Draft Plan is necessary.

## Recommendations

- A. In **Section 8.4 Cycle and pedestrian movements**, modify the text in **Objective O-CW-1** as follows:

“Provide, improve and extend cycle **and pedestrian** routes...”

- B. In **Section 8.4 Cycle and pedestrian movements**, modify the text in **Objective O-CW-5** as follows:

“...and support the provision of a National Cycle Network”

## Issue no. 27

The following are suggested for inclusion in the Draft CDP as objectives relating to walking:

- a. **Sli na Slainte** – In view of the current obesity crisis and the increase in the number of diabetics support should be expressed for the Irish Heart Foundation
- b. *Facilitate the **provision of car parks** for walkers at appropriate access points to amenities.*
- c. *Research and map the **existing network of traditional paths** used for leisure purposes with the intention of determining the **legal basis** and status of their use.*
- d. **Map(s)** showing walking routes should be included.
- e. *Promote **guided walks**.*
- f. *Prohibit the **intrusion of development** along public walking routes and public rights of way, particularly those in scenic areas, shore walks (both coastal and lake walks) and along inland waterways.*
- g. *Develop an overall **Walking Policy** within two years of the adoption of the Plan.*
- h. *Protect the **integrity of walking routes** and potential routes and take the impact of proposed development into account when considering planning applications.*
- i. *Actively encourage the protection and expansion of rights of way throughout the county particularly where such rights of way will provide **linkages from built up areas to the countryside or riverside**.*
- j. *...long-distance walking routes... as well as loop and local walks are an important recreational resource and should be protected... and where potential routes exist they should be protected and enhanced.*
- k. *Promote walking by continually **upgrading the condition of existing footpaths** throughout the County, and provide...**crossings** where warranted at all major crossing points.*
- l. *Support the provision of proposed long distance walking trails which give access to scenic, coastal and river features.*
- m. Comply with the **European Charter of Pedestrian Rights** to provide facilities for pedestrians and access facilities for people with special mobility needs.

## Opinion

- a. Expressing support for the Irish Heart Foundation would not constitute a meaningful planning objective in the context of the CDP.
- b, c, d, f, h, i, j, k, l – the suggestions are already covered by various objectives of the Draft CDP, as indicated in responses to previous issues.
- e. promoting guided walks is outside the remit of the CDP.
- g. It is agreed to include appropriate policies and objectives relating to walking.
- m. Agreed. An additional objective should be included as suggested.s

## Recommendations

A. In **Chapter 8 Transport**, modify strategic mobility objective **SO-MOB-2** as follows:

SO-MOB-2 Develop a strategy to promote and facilitate greater use of sustainable modes of travel such as walking and cycling, in line with the Department of Transport's *Smarter Travel, Cycle and Walking Strategies*

B. In **Section 8.4 Cycle and pedestrian movements**, include the following additional paragraph:

The Department of Transport's Policy Document *Smarter Travel: A sustainable Transport Future*, published in February 2009 is a new Transport Policy for Ireland for 2009 – 2020. This policy document sets out the necessary steps to ensure that people choose more sustainable transport modes such as walking, cycling and public transport. The overall vision is to have a sustainable transport system by 2020. The vision of Department of Transport's *National Cycle Policy Framework*, published in April 2009, is that all cities, towns, villages and rural areas will be bicycle friendly and the target is that by 2020, 10% of all journeys will be by bike. The Department of Transport have also committed to publishing a National Walking Policy. Sligo County Council will implement the relevant policies and actions contained in these plans, where feasible, over the period of the plan.

C. In **Section 8.4 Cycle and pedestrian movements**, include the following additional objectives:

**O-CW-6** Implement the relevant provisions of the Department of Transport's Walking Policy, when published.

**O-CW-7** Provide appropriate facilities for pedestrians and for people with special mobility needs.

**O-CW-8** Prepare a Transport Plan for Sligo to include all modes of transport, in line with the Department of Transport's guidelines, when published.

## Issue no. 28

The following are suggested for inclusion in the Draft CDP as objectives relating to cycling:

- a. Cycle routes should be **named**.
- b. *Encourage the creation of **mountain biking trails***
- c. *Routes should follow **in order of preference**: off-road tracks, quiet country roads and regional or national roads.*
- d. *Investigate the possibility of developing **linear cycle routes** utilizing existing natural or man-made corridors such as riversides and abandoned road and rail infrastructure.*
- e. Ensure that all designated cycle paths are **maintained to a high standard**.
- f. *Investigate the possibility of developing **linear cycle routes** utilizing existing natural or man-made corridors such as riversides and abandoned road and rail infrastructure.*

## Opinion

The development of route types is dependent on the location, available infrastructure and the purpose of the route among other things. It is considered that Objective O-CW-1 in Section 8.4 Cycle and pedestrian movements adequately allows for the development of green corridors where feasible and practical and for the provision of all types of cycle paths throughout the county

**Recommendation:** No further amendments to the Draft Plan

### **Issue no. 29**

It is submitted that an additional coastal protection policy should be included as follows:

*Ensure that the minimum possible interference is made to access to the coast, walks along beaches and coastal walks. Directional signage will be put erected where appropriate.*

### **Opinion**

It is considered that the tourism development and coastal zone tourism policies and objectives as set out in Section 4.4 of the Plan adequately address access and signage in coastal areas.

### **Recommendations**

No change to the Draft Plan.

### **Issue no. 30**

- a.** In Section **12.7.2 Renewable energy developments**, it is submitted that the Draft Plan should include an additional point:

*Interference with **public rights of way** or walking routes, or which would impact on public access to the countryside.*

- b.** In Section **12.7.3 Telecommunications**, it is submitted that the Draft Plan should include an additional point:

*Prohibit any developments which would impinge on a public right of way or public access to the countryside.*

### **Opinion**

- a.** It is agreed to insert an additional bullet point in Section 12.7.2 as suggested.
- b.** Any public access issues relating to the development of renewable energies and the construction of telecommunications which affects public rights of way or public access to the countryside will be addressed at planning application stage.

### **Recommendation**

In Section **12.7.2 Renewable energy developments**, insert an additional bullet point as follows:

- impact on existing walking routes/public access to the countryside

### **Issue no. 31**

- a.** It is suggested to include a policy on Planning Enforcement.
- b.** It is suggested to include a chapter on *Specific Local Objectives*

### **Opinion**

- a.** It is considered that the enforcement of planning conditions, as required by the Planning and Development Acts 2000-2010, is an operational matter which does not require a policy in the CDP.

- b. The Draft Plan includes an entire separate volume containing specific objectives for 30 localities in the County.

### **Recommendation**

No change to the Draft Plan.

## **Submission no. 23**

30 August 2010

Brendan Quinn

### **Issue no. 1**

B. Quinn supports the inclusion of an objective to provide a long-distance cycling and walking trail (“greenway”) along the alignment of the disused railway from Claremorris to Collooney.

### **Issue no. 2**

The second part of this submission outlines that additional uses should also be considered along the route. The route could be used to lay a natural gas pipeline from County Mayo through the towns on route to Sligo Town and could also be used for state-of-the-art high-speed telecommunications cabling network

B. Quinn believes that the combination of good natural gas supplies along the route of the WRC would open up huge opportunities in towns along the route and could be instrumental in creating investment opportunities.

The submission lists the policies and objectives of the plan whose achievement would be supported by these additional uses.

### **Opinion**

1. Please refer to the response to the 13 “Greenway” submissions.
2. The provision of a natural gas pipeline through County Sligo would be welcomed and this is outlined in Section 11.1.2 of the Plan. Strategic energy objective SO-EN-2 states the County Council’s intention to seek the extension of the natural gas supply infrastructure to Sligo. The location of a pipeline would be subject to a feasibility study and a range of other issues. It is considered that the Plan makes adequate provision for such a pipeline, should the opportunity arise.

### **Recommendation**

No change to the Draft Plan is required.

## **Submission no. 43**

6 September 2010

David Harrington, Fisheries Environmental Officer  
on behalf of Inland Fisheries Ireland

### **Issue no. 1**

Inland Fisheries Ireland (IFI) welcomes proposals to prepare an Indicative Forestry Strategy and requests to be consulted during the drafting of this document.

#### **Opinion**

Noted and agreed.

#### **Recommendation**

No change to the Draft Plan.

### **Issue no. 2**

IFI notes that the Draft Plan does not make any reference to aerial fertilisation of forestry, a practice to which IFI objects strongly and expects to see this matter addressed in the final Plan.

#### **Opinion**

The prohibition of the application of fertiliser from the air is outside the remit of a County Development Plan.

#### **Recommendation**

No change to the Draft Plan.

### **Issue no. 3**

IFI indicates that the Western River Basin District (WRBD) action plan identifies salmonid rivers as being at risk from forestry. It is requested that riparian zones of minimum 25 metres are created along such watercourses.

#### **Opinion**

Noted and agreed. The subsection on Riparian Zones in Section 7.1.5 Inland waters should include a reference to riparian zones of minimum 25 metres on each side of salmonid rivers.

#### **Recommendation**

In **Section 7.1.5 Inland waters**, under the heading **Riparian zones**, include an additional bullet point as follows:

- for salmonid rivers, the core riparian zone should be a minimum of 25 m on each side of the river.

**Issue no. 4**

The submission relates to sporadic discharges of raw sewage into the Ballysadare River (SAC, NHA), which coincided with peak salmon fishing season. Complaints were received from anglers regarding pollution. Consultation took place with County Council staff who suggested that the discharges were resulting from recurrent problems with the overflows from sewer lines into the storm water drain serving the eastern section of the village. Overflows were due to lack of maintenance.

It is suggested that a regular monitoring and maintenance programme is put in place for all wastewater treatment plants within the county, particularly for plants that discharge to sensitive fisheries, such as Ballysadare.

**Opinion**

The Water Services Section of the County Council notes the concerns regarding the Ballysadare collection system and informs that monitoring of same is ongoing.

**Recommendation**

No change to the Draft Plan.

**Issue no. 5**

IFI refers to polluted discharges into the Grange River in 2003, 2006, 2007 and 2010 by the North Sligo Regional Water Scheme. It is requested that the problem be solved as a priority.

**Opinion**

The Water Services Section indicates that the upgrade of the sludge treatment process at the North Sligo water treatment plant is ongoing at present and will be completed in 2011.

**Recommendation**

No change to the Draft Plan.

**Issue no. 6**

IFI welcomes proposals to provide a wastewater treatment plant at Ballinafad, which will reduce the nutrient input into Lough Arrow. It notes the policy P-AGD-3 but indicates that more specific measures are needed in order to reduce agricultural pollution of Lough Arrow. It is imperative that Sligo County Council is committed to exercising its powers under the Water Pollution Act to ensure that agricultural pollution does not affect sensitive water bodies in the county.

**Opinion**

The exercising of powers under the Water Pollution Act is an operational matter for the County Council, which does not require a specific policy or objective in the Development Plan.

The River Basin Management Plans details measures for the improvement of water quality where necessary and the control of agricultural activities.

**Recommendation**

No change to the Draft Plan.

**Submission no. 53**

7 September 2010

John Greer

**Issue no. 1**

The submission relates to Sligo City, suggesting that it should develop in a compact manner that would increase the viability of city-centre retail and reduce the need to travel by car. It notes that in recent years “people and businesses were encouraged to relocate to Collooney, Coolaney etc, far away from public services (hospital, the I.T, schools etc) and the rail / bus hub”.

**Opinion**

The Core Strategy included in the Draft CDP 2011-2017 (Chapter 3) proposes the consolidation of the Gateway City of Sligo. In order to achieve this, the growth of over-developed satellites such as Collooney or Coolaney is to be strictly controlled.

**Recommendations**

No changes to the Draft Plan.

**Submission no. 57**

7 September 2010

Michael McCormack, Policy Advisor  
on behalf of the National Roads Authority

**Issue no. 1**

The National Roads Authority welcomes the strategic goals of the Draft CDP in terms of carefully managing development patterns and promoting effective transportation (SG-2 and SG-5) as a means of achieving more sustainable transport policies and integrating land use and transport planning. The Authority also notes the commitment included in SO-MOB-1 to implement relevant policies in relation to sustainable transport and in particular Smarter Travel.

**Opinion**

The comments are noted.

**Recommendation**

No change to the Draft Plan.

**Issue no. 2**

Noting the policy SP-MOB-7, the NRA requests that a further, specific policy is included in the Draft Plan to protect the routes of future road schemes from adverse development.

**Opinion**

The required addition can be achieved by modifying the respective policy.

## Recommendation

In **Chapter 8 Transport and mobility**, modify policy **SP-MOB-7** as follows:

- SP-MOB-7** Plan for the future traffic and transportation needs in Sligo and ensure that new development does not compromise the expansion of rail and road corridors in the County. **Proposed road realignment/improvement lines and associated corridors shall be preserved free from development that would prejudice the implementation of the road scheme.**

### Issue no. 3

The Authority suggests the following changes to Table 8.B:

- a. N4 scheme should read “Collooney to Castlebaldwin” instead of “Castlebaldwin to Cloonamahon”;
- b. N17 scheme should read “Collooney to Tobercurry Bypass” instead of “Tobercurry Bypass”;
- c. N17 Collooney to Charlestown should read “Tobercurry Bypass to Charlestown (including bypass at Bellaghy/Charlestown”;
- d. N15 and N16 schemes should read “Sligo to Leitrim County boundary” instead of “Sligo City to Leitrim County boundary”;
- e. N4/N15 Sligo City Bypass should read “Sligo Bypass”.

### Opinion

- a. Agreed.
- b. The N17 scheme “Collooney to Tobercurry Bypass” is an additional scheme (no completion date)  
The N17 scheme “Tobercurry Bypass” remains in place
- c. Agreed
- d. Agreed
- e. Agreed

In addition, the N4/N15 “Sligo City to Borough Boundary & Environs” should read “Sligo to Borough Boundary & Environs”.

## Recommendation

In **Chapter 8 Transport**, operate the following modifications to **Table 8.B**:

- a. N4 scheme should read “**Collooney to Castlebaldwin**” instead of “**Castlebaldwin to Cloonamahon**”
- b. Add the N17 scheme “**Collooney to Tobercurry Bypass**” (no completion date)
- c. N17 **Collooney to Charlestown** should read “**Tobercurry Bypass to Charlestown (including bypass at Bellaghy/Charlestown**”;
- d. N15 and N16 schemes should read “**Sligo to Leitrim County boundary**” instead of “**Sligo City to Leitrim County boundary**”;
- e. The N4/N15 “**Sligo City to Borough Boundary & Environs**” should read “**Sligo to Borough Boundary & Environs**”
- f. N4/N15 **Sligo City Bypass** should read “**Sligo Bypass**”.

#### **Issue no. 4**

The NRA states that identifying zoning designations up to the line of existing national routes, such as the N4 Collooney, is not considered a practice consistent with protecting routes or the public investment in same allowing for future upgrade / improvement works.

#### **Opinion**

It is considered appropriate to include a buffer zone of 10 metres (where achievable) along the edges of the N17 and around the two roundabouts in Collooney.

#### **Recommendation**

Modify the Zoning Map for Collooney by indicating a buffer zone of circa 10 m (where achievable) along the edges of the N17 and around the two roundabouts.

#### **Issue no. 5**

The Authority notes that major road schemes planned for Collooney have not been identified on the objectives map or referred to in the text of the mini-plan. It recommends that “zoning objectives identified along route corridors of future national road projects should be removed.

#### **Opinion**

The only zoning objective identified outside the development limit of Collooney Mini-Plan is the buffer zone, which does not preclude the development of major road schemes.

Recent information provided by the Roads Section of the County Council indicates the routes of major national roads projects in the County. Therefore, it is considered appropriate to show these lines on the Objectives Maps of relevant mini-plans.

Furthermore, an objective should be included in the Collooney Mini-Plan to retain the land required for the N4 Realignment and Upgrading free from development and ensure that adjacent development will be compatible with the construction and long-term operation of a national road.

#### **Recommendations**

- A. On the Objectives Maps of Castlebaldwin, Collooney, Curry, Grange, Ballinacarrow, Cliffony, Drumcliff, Rathcormack** show the lines corresponding to the routes of major national roads projects.
- B. In Chapter 27 Collooney Mini-Plan, include an additional objective in Section 27.3 Circulation and parking** as follows:

[Retain the land required for the N4 Realignment and Upgrading free from development and ensure that adjacent development will be compatible with the construction and long-term operation of a national road](#)

#### **Issue no. 6**

It is recommended to update policy SP-MOB-8 and objective O-NR-2 to refer to the recently-published Draft Guidelines on Spatial Planning and National Roads.

## Opinion

Agreed. The respective policy and objective should be updated as recommended.

## Recommendations

**A.** In **Chapter 8 Transport and mobility**, replace the text of policy **SP-MOB-8** with the following:

Protect the traffic carrying capacity of national roads, the level of service they deliver and the period over which they continue to perform efficiently, by avoiding the creation of new access points or the generation of increased traffic from existing accesses onto the N4, N15, N16, N17 and N59 outside the 50 km/h speed limit, in accordance with the National Roads Authority's publication *Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities.*'

**B.** In **Section 8.3.1 National primary and secondary roads**, modify objective O-NR-2 as follows:

**O-NR-2** Restrict new access points onto national roads in accordance with NRA publication ~~Policy Statement on Development Management and Access to National Roads~~ *Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities.*, in order to maintain traffic capacity, minimise traffic hazard and protect and maximise public investment in such roads.

## Issue no. 7

The NRA recommends modification of the policy P-RHOU-3(f) “to avoid the creation of additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 50 km/h apply”.

## Opinion

Agreed. Policy P-RHOU-3(f) should be modified in accordance with the NRA recommendation.

## Recommendation

In **Section 5.7 Rural housing**, modify the text of policy **P-RHOU-3(f)** as follows:

f. Ensuring the safe operation of key transport arteries, particularly National Primary and Secondary Routes and the rail network. *Access to national roads shall be restricted in accordance with the National Roads Authority's publication Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities.*'

## Issue no. 8

The NRA suggests the inclusion of references to “official policy” in relation to development objectives that may have implications for the access to national roads.

## Opinion

It is considered that objective **O-NR-2** (revised as indicated at Issue no. 6 above) and subsection **12.6.2 Access to the road network** are sufficient for providing guidance relating to access.

## Recommendation

No change to the Draft Plan.

### **Issue no. 9**

The Authority considers that bullet points 2 and 4 of subsection 12.6.2, detailing exceptional circumstances in which a new means of access onto a national road would be considered, are “at variance with foregoing official policy”.

#### **Opinion**

The Draft CDP makes it clear that the policy of the Planning Authority is to restrict the creation of additional access points from new development in order to protect the national roads network.

The exceptional circumstances described in the second bullet point of subsection 12.6.2 is associated with the requirements of the rural housing policy, derived from the DoEHLG’s Sustainable Rural Housing Guidelines, and therefore are not at variance with official government policy.

The exceptional circumstances outlined in the fourth bullet point should include the wording “of national or regional strategic importance” in order to ensure compliance with the Draft Spatial Planning and National Roads Guidelines.

It is also considered opportune to mention the National Roads Authority’s publication *Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities* in the beginning of Section 12.6.2.

#### **Recommendations**

**A. In Section 12.6.2 Access to the road network**, replace the opening paragraph with the following:

It is the NRA's policy to avoid the creation of new access points or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 50 km/h apply. In accordance with this national policy and in the interest of safe traffic flow, it is the policy of the Council not to permit any new means of access along national roads N4, N15, N16, N17 and N59 outside the 50 km/h speed limit, in accordance with the National Roads Authority's publication *Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities*, in order to protect these roads. Limited exceptions may be considered as follows, provided the proposed access can be shown not to cause a traffic hazard:

**B. Modify the fourth bullet point of Section 12.6.2 Access to the road network** as follows:

- industrial or commercial development of national or regional strategic importance will be considered where it is locationally tied to a fixed resource or where it will have a major beneficial effect on the development and economy of the surrounding area.

### **Issue no. 10**

The NRA recommends that the Draft CDP state that the protection of the national road network also extends to associated junctions on the network.

#### **Opinion**

Agreed. Subsection 12.6.2 should include a statement as recommended.

#### **Recommendation**

In **Section 12.6.2 Access to the road network** include the following statement:

The protection of the national road network also extends to associated junctions on the network.

**Issue no. 11**

The submission welcomes the proposal to restrict further retail warehousing at Collooney and recommends the inclusion of a reference to the explicit presumption contained in the Retail Planning Guidelines 2005 (paragraph 26) against the location of significant retail development adjacent to existing, new or planned national roads/motorways.

**Opinion**

It should be noted that the Draft CDP does not provide for major retail developments at any location outside settlements in the County. However, there is no objection to the inclusion of a reference to the relevant provisions of the Retail Planning Guidelines

**Recommendation**

In **Section 4.3.3 Location of future retail development**, include an additional retail planning policy as follows:

Discourage the location of large retail developments adjacent or close to existing, new or planned national roads.

**Issue no. 12**

The Authority notes the requirement for the submission of Traffic and Transport Assessments and Road Safety Audits in Section 12.6.2. It suggests the inclusion of “an appropriate cross-reference in Section 8.3 Road network, in the interests of clarity”.

**Opinion**

The inclusion in section 12.6.2 is considered adequate.

**Recommendation**

No change to the Draft Plan.

**Issue no. 13**

The NRA considers that policies P-N2000-1 and P-N2000-4 “deviate from the requirements of Article 6(3) and 6(4) of the Habitats Directive and recommends that wording from the Directive is used instead, noting that “there is significant case law and guidance on these provisions and deviating from them may have unintentional implications”.

**Opinion**

Noted.

**Recommendation**

It is proposed that P-N2000-4 be modified to read as follows:

**P-N2000-4** Demonstrate how each route has taken due account of, and accommodated ecological and legal considerations ~~and legislative requirements~~, including the requirements of Article 6(3) and (4) of the Habitats Directive.

#### **Issue no. 14**

The submission recommends that objectives be included to require lands zoned for business and enterprise at Ballinacarrow, Ballysadare, Castlebaldwin and Dromore West to be accessed within the 50 km/h urban speed limit.

#### **Opinion**

It should be noted that objective A in Section 13.7 Business, enterprise and industry in chapter 13 Mini-plans general policies requires shared access arrangements for new business, enterprise or industrial units, where possible. However, where lands zoned for business/enterprise uses cannot be accessed within the current 50 km/h speed limits, and there is no alternative road access, it is considered appropriate to relocate the respective speed limits in the interest of local village development.

An objective as suggested by the NRA should be included in **Chapter 13 mini-plans – general policies, Section 13.3 Transport, circulation and parking** to cover all relevant villages.

#### **Recommendation**

In **Section 13.3 Transport, circulation and parking** of **Chapter 13 Mini-plans – general policies**, include the following additional objective:

*Access to lands from national roads will only be permitted within the 50 km/h speed limit of the settlement, in accordance with the National Roads Authority's publication *Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities*.*

#### **Issue no. 15**

The Authority notes the proposed “commercial” zoning designations in Collooney, adjoining the N4 at roundabouts on the network, including in the proximity to the N4 / N17 junction. It requests an indication that access to such lands will not be permitted directly from the national road network outside the 50 km/h speed limit. Alternative access proposals, including access to the local road network should be investigated.

#### **Opinion**

The issue of access to sites zoned for commercial uses adjoining the N4 roundabouts in Collooney will be addressed at planning application stage.

#### **Recommendation**

No change to the Draft Plan.

### **Issue No. 16**

The NRA notes that a 60 km/h speed limit applies through Curry. As official policy restricts the creation of new access points from new development or the generation of increased traffic from existing accesses onto national roads to which speed limits greater than 50 km/h apply, it is suggested that the Council reviews zoning proposals or access proposals to adhere to official policy provisions.

### **Opinion**

Please refer to the response to Issue no. 14 above.

### **Recommendation**

No further change to the Draft Plan.

### **Issue No. 17**

In relation to Grange, the NRA advises that the Council should “consider the potential impact of the intensification of use of the business and enterprise zoning designation having regard to official policy concerning access to national roads”.

### **Opinion**

Noted. As part of the N15 preferred alignment, there is a slip road going east, south of the village within the mini-plan area. The proposed road/street linking into the realigned N15 should be relocated on the Objectives Map in accordance with the updated information provided by the Roads Section of the County Council. No change to zoning is considered necessary.

### **Recommendation**

In **Chapter 36 Grange Mini-Plan**, modify the **Objectives Map** to indicate the updated location of the road/street linking into the realigned N15 and the other relevant elements of the road scheme.

### **Submission no. 60**

7 September 2010

David O'Flynn, Business Development Manager  
on behalf of Ecocem Ireland Ltd.

### **Issue no. 1**

The submission raises the issue of sustainable construction and in particular the materials used in construction. The submission outlines the economic, technical and environmental benefits of an alternative form of concrete called “low carbon concrete” which uses cement made by recycling an industrial by-product.

It is requested that the CDP address the carbon footprint of construction materials in the context of climate change, by requiring all development to prove that they have considered the embodied CO<sub>2</sub> of the materials they have chosen.

It is suggested that those developments that demonstrate a greater commitment to reducing embodied CO<sub>2</sub> should “receive more favourable consideration during the planning process”.

### **Opinion**

A similar submission was received as part of the pre-draft consultation in relation to the Draft CDP 2011-2017. The Manager's recommendation at that stage was that the Plan was to 'include appropriate provisions to encourage the reduction of CO2 emissions associated with the construction industry, including the use of sustainable building material. However, particular targets and materials should not be specified'.

Section 9.5.2 of the Draft CDP sets out the Council's commitment for the re-use of construction and demolition waste.

It is considered that the commitment to reducing embodied C O<sub>2</sub> in proposed developments, while laudable, should not attract a "more favourable consideration during the planning process", as this would be inappropriate. The assessment of any development proposal must be undertaken in accordance with existing legislation.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 2**

Ecocem requests the inclusion of a policy requiring the use of "low-carbon concrete" made from industrial by-products and suggests specific wording for such policy.

### **Opinion**

The request to impose, through DP policy, the use of a particular, uncommon type of cement in new developments is considered anti-competitive and unreasonable.

### **Recommendation**

No change to the Draft Plan.

### **Submission no. 61**

7 September 2010

Liam Smyth, Sustainability and Marketing Manager  
on behalf of Irish Concrete Federation

### **Issue no. 1**

The Irish Concrete Federation welcomes the recognition afforded to the extractive industry in Section 4.2.4 of the Draft Plan.

### **Opinion**

Noted.

### **Recommendation**

No change to the Draft Plan.

## Issue no. 2

The submission outlines the Federation's concerns over national demand for aggregate being met from unauthorised sources. It is suggested that the enforcement process must be vigorously applied so that demand is met from legitimate industry.

### Opinion

Noted.

### Recommendation

No change to the Draft Plan.

## Issue no. 3

The ICF would like to see a commitment in the CDP to the mapping of resources in the county during the lifetime of the Plan.

The submission recommends that given the current absence of mapping, planners "should review each rural development site to ensure that it does not obviously sterilise substantial resources".

### Opinion

P-MEQ-1 in Chapter 4 states that it is the policy of Sligo County Council to protect all known unworked deposits from development that might limit their scope for extraction (e.g. one off housing.). However, in the absence of aggregate mapping, it would be a difficult task to ensure that rural development does not sterilise aggregate resources.

Objective O-MEQ-1 in the same chapter provides for the identification of major mineral deposits in the County, with the assistance of the Geological Survey Ireland (GSI). This objective should be modified to refer to the Aggregate Potential Mapping to be undertaken by the GSI.

### Recommendation

In **Section 4.2.4 Mineral extraction and quarries**, modify objective **O-MEQ-1** as follows:

- O-MEQ-1** Cooperate with the Geological Survey of Ireland (GSI) in the identification of ~~Identify the location of~~ major mineral deposits in County Sligo through Aggregate Potential Mapping (APM) ~~with the assistance of the Geological Survey of Ireland (GSI)~~ and safeguard these resources for future extraction.

## Issue no. 4

The submission requests that the Quarry Planning Guidelines (DoEHLG 2004), the ICF Environmental Code (2005), the Guidelines for Environmental Management in the Extractive Sector (EPA 2006), and several other documents be specifically identified in Section 12.7.4 Development standards in the Plan.

### Opinion

The *Quarries and Ancillary Activities Guidelines for Planning Authorities* are mentioned in Section 4.2.4 Mineral extraction and quarries.

It is not considered necessary to mention other guidance documents and standards relating to the extractive industry in Section 4.2.4 of the Development Management chapter of the Draft Plan.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 5**

As affiliate of the European Aggregate Producers Association, UEPG, the ICF is a partner organisation in the Countdown 2010 Biodiversity Promotion Initiative of the World Conservation Union. The Submission would welcome the opportunity to consult with Sligo County Council in relation any review of the current County Biodiversity Action Plan.

### **Opinion**

Noted. The Draft CDP includes an objective (O-H-2) to consult with all relevant stakeholders in the preparation of the County Biodiversity Action Plan.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 6**

The submission requests that development applications include operational landscaping schemes and restoration plans sympathetic to the general landscape in which the development is to be set, and that enforcement action is taken where unauthorised exploitation of these resources is being carried out.

### **Opinion**

Section 3.6 Landscape - best practice/possible mitigation measures in the *Quarries and Ancillary Activities guidelines for Planning Authorities* (2004) relates to restoration and after-care plans.

Section 4.2.4 of the Draft CDP indicates that Sligo County Council will take full account of this document when assessing development applications.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 7**

The submission requests that reference be made to the Archaeological Code of Practice between the ICF and National Monuments Division, 2009 in sections 7.2.3 and 12.7.4 of the Plan.

### **Opinion**

It is not considered necessary to mention non-planning guidance documents and standards relating to the extractive industry in the Draft Plan.

## **Recommendation**

No change to the Draft Plan.

**Issue no. 8**

Given the extended timescale required to source the capital required to properly develop and manage a sustainable extractive development, the submission requests the inclusion into section 4.2.4 of the following policy:

*The Planning Authority will support the extractive industry by issuing Planning Permission that extends over the estimated life of the quarry.*

**Opinion**

Section 4.9 of the Quarries and Ancillary Activities guidelines for Planning Authorities (2004) relates to the life of a planning permission.

Section 4.2.4 of the Draft CDP indicates that Sligo County Council will take full account of this document when assessing development applications.

**Recommendation**

No change to the Draft Plan.

**Issue no. 9**

The submission requests that as the Planning Authority receives road and development contributions from legitimate industry, the Authority must ensure through strong enforcement action that the legitimate industry is not being unfairly competed with by the unauthorised quarry developments that do not pay contributions.

**Opinion**

Noted. This is an operational matter, which does not require a policy in the County Development Plan.

**Recommendation**

No change to the Draft Plan.

**Issue no. 10**

The submission outlines that the extractive industry is not a significant threat to the water quality in Ireland. With regard to groundwater protection, the ICF has actively promoted and set higher standards for the industry. However, many applications have been above the water table mark and so sterilises 50% of available resources. The Geologists of Ireland have issued recommendations with regard to the geological and hydro geological reporting for EIS and suggest that with these guidelines the Planning Authority can confidently permit extraction below the water table.

**Opinion**

Noted.

**Recommendation**

No change to the Draft Plan.

**Issue no. 11**

The submission requests that a template of criteria for consideration of an extractive development application be included in section 12.7.4 of the Plan, similarly to Mayo County Development Plan 2008-2014.

**Opinion**

Sections 4.3 to 4.6 of the Quarries and Ancillary Activities guidelines for Planning Authorities (2004) relate to the assessment of an application for extractive development.

Section 4.2.4 of the Draft CDP indicates that Sligo County Council will take full account of this document when assessing development applications.

Information required to be submitted by applicants will be tailored to the circumstances of each case and communicated to the applicants as part of the pre-planning consultation.

**Recommendation**

No change to the Draft Plan.

**Issue no. 12**

The ICF suggests the inclusion in Section 9.5.2 Construction and demolition waste of a recommendation encouraging extractive developments to include C&D and recycling facilities, which would facilitate the use of recovered materials in the restoration of sites.

**Opinion**

Agreed. Section 9.5.2 should include a recommendation as outlined above:

**Recommendation**

In **Section 9.5.2 Construction and demolition waste** include the following paragraph:

Extractive developments are encouraged to incorporate C&D recycling facilities, which would facilitate the use of recovered materials in the restoration of sites, subject to compliance with environmental legislation.

**Issue no. 13**

The submission welcomes the specific acknowledgment of the potential impact of rural housing on the exploitation of natural resources in the rural Settlement policy as set out in policy P-RHOU-3(e).

**Opinion**

Noted.

**Recommendation**

No change to the Draft Plan.

**Issue no. 14**

The submission outlines the work done in development of energy efficient homes and the sustainable use of concrete. The Federation would welcome the opportunity to meet the Planning and Architectural/Housing sections of Sligo County Council to inform the Council of the industry's progress with regard to this suitability and energy efficiency and how concrete meets the challenges with ease.

**Opinion**

Noted.

**Recommendation**

No change to the Draft Plan.

**Issue no. 15**

The submission welcomes proposals to promote water conservation and sustainability measures in order to minimise the use of potable water as set out in P-WS-5.

**Opinion**

Noted.

**Recommendation**

No change to the Draft Plan.

**Submission no. 66**

8 September 2010

**An Taisce/Plan Better**

An Taisce/Plan Better held a public information evening on the 18<sup>th</sup> of August 2010 with respect to the Draft Development Plan in Sligo. The content of the submission is "a collaborative effort on the part of those in attendance and who chose to participate in the preparation of this written submission".

**Issue no. 1**

It is suggested that the Draft Development Plan be amended to include a new chapter setting out how the Draft Development Plan is to be implemented and the range of quantifiable targets and monitoring measures required to secure implementation. Examples of monitoring indicators and targets are included in an appendix to the submission.

**Opinion**

The Draft CDP contains a general section indicating how the Plan is to be implemented (Section 3.1.6 Implementation). It is the intention of the County Council to set up a monitoring programme which will inform the preparation of the Manager's Progress Report, due to be submitted to the Members two years after the adoption of the new CDP. However, due to time constraints, this monitoring programme cannot be included as a Chapter in the CDP.

**Recommendation**

No change to the Draft Plan.

## **Issue no. 2**

The Draft Development Plan be amended to include a ‘Sustainability Statement & Social Infrastructure Audit (SSSIA)’ to be required to be submitted with all planning applications for development, similar to that included in the Clonburris Strategic Development Zone (SDZ) strategy prepared by South Dublin County Council.

### **Opinion**

The Clonburris *Sustainability Toolkit and Design Standards* document is noted. It is considered that while this type of planning guidance may be appropriate for a Strategic Development Zone (SDZ), it may be less suited to a County Development Plan which deals largely with strategic issues. At mini-plan level, it is considered that a requirement of a SSSIA to be submitted with all planning applications would be excessively burdensome on the applicants, given the relatively small scale of the potential development that can take place in the respective villages.

It should be noted that the Draft CDP includes appropriate guidance to prospective applicants in Section 12.1.2 Sustainability indicators (Chapter 12).

### **Recommendation**

No change to the Draft Plan.

## **Issue no. 3**

The submission notes that the Draft CDP includes a Core Strategy and core aims but no Vision Statement and suggest the following text for such a statement:

*For County Sligo to be a cohesive and sustainable community of people enjoying distinct but interrelated urban and rural environments; where natural surroundings and important resources are protected; where cultural and built heritage is safeguarded; where opportunities abound to live and work in a safe atmosphere, allowing people who live in, work in and visit the County to enjoy the benefits a healthy environment, of well paid jobs, a variety of housing choices, excellent public services, and ample cultural and leisure opportunities.*

### **Opinion**

It should be noted that the Draft CDP already includes the following “vision statement” in the introduction to Chapter 3 Core Strategy (p. 15 of the Draft CDP):

“Apart from the development of an enterprising and competitive Gateway, the vision for the future of County Sligo involves the creation of compact, liveable towns and villages, in a green and accessible County, with offers affordable homes, healthcare, educational, cultural and recreational facilities set in a high-quality natural environment where heritage is protected and enhanced.”

### **Recommendation**

No change to the Draft Plan.

## **Issue no. 4**

It is suggested that a new strategic goal should be introduced in Box SG-3 Conserving Environmental Quality, as follows:

*“Incorporate sustainable development, climate change, social inclusion and high quality design as fundamental values underpinning every aspect of the Development Plan.”*

### **Opinion**

The strategic goals outlined in Chapter 3 relate to the development of County Sligo, not to the nature or structure of the development plan. The Draft CDP is based on the principle of sustainable development and contains adequate provisions regarding climate change, social inclusion and high-quality design.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 5**

It is suggested that a new strategic goal should be introduced in Box SG-3 Conserving Environmental Quality, as follows:

*“Reduce greenhouse gas emissions (-3% per annum) and increase the use of renewable energy (+ 3 % per annum) in accordance with Ireland’s EU and international commitments.”*

### **Opinion**

Sligo County Council has no control over the greenhouse gas emissions of non-local authority sources and no legal instruments to effect an increase in the use of renewable energy by non-local authority users. As such, the County Development Plan should not include targets like those outlined above, because they cannot be enforced.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 6**

Presuming future shortages of oil and energy resources, An Taisce/Plan Better considers that any further public investment in new air or road transport infrastructure for use primarily by private vehicles is short-sighted and ill-conceived. In this context, it is suggested that the objective O-NR-3 with respect to the Route Selection Study for a City By-Pass for Sligo City and Environs should be deleted from Chapter 8.

### **Opinion**

The Draft CDP must comply with government policy, including the National Spatial Strategy, Regional Planning Guidelines and any relevant policy documents issued by government departments. The City Bypass is an element of the wider framework of the Atlantic Corridor project, which forms integral part of national and regional policy applicable to County Sligo. The objective is already included in the Sligo and Environs Development Plan 2010-2016 and needs to be reiterated in the County Development Plan 2011-2017.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 7**

Considering that “Peak Oil and its impacts is a phenomenon which we cannot avoid”, An Taisce/Plan Better suggest that a new strategic goal is introduced in Chapter 3, in Box SG-6 – Delivering Improved Infrastructure, with the following text:

*“Undertake an Oil Vulnerability & Carbon Price Impact Assessment for County Sligo within one year of the adoption of the Draft Development Plan to future proof all planned capital and operational investment in infrastructure in the county and to inform land-use planning policies.”*

### **Opinion**

It is considered that land-use planning policies are fully in compliance with government policy and guidance in respect of minimising the need to travel by private car.

The “future-proofing” of capital and operational investment in infrastructure is outside the remit of the County Development Plan and does not require a strategic goal, policy or objective in the CDP.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 8**

It is suggested that a new retail planning policy be included in the Draft Plan as follows:

*P-RP-13 Where permitted, require all new out-of-centre retailing to apply parking demand measures and pricing to ensure that town centre retailers are not disadvantaged.*

### **Opinion**

The impact of out-of-centre retail developments on town-centre retail is already a planning consideration in the assessment of such developments.

In the absence of relevant national planning guidance on the issue of application of parking charges at out-of-centre retail developments, it is considered inopportune to impose such charges through the Development Plan.

It should also be noted that there is no provision (zoning or written objective) for out-of-centre retail developments in any of Sligo’s settlements apart from Sligo and Environs, which is outside the remit of the County Development Plan.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 9**

It is suggested that the rural housing policy P-RHOU-1 should be amended to include the following text:

***P-RHOU-1*** *Ensure that, in permitting one-off rural housing, key rural assets such as water quality, natural and cultural heritage and landscape quality are respected and protected. In all cases the demonstrated achievement of water quality standard requirements will be the overriding priority in the assessment of all planning applications for development.*

### **Opinion**

It is considered that the existing policy adequately highlights the importance of protecting water quality in assessing applications for one-off rural housing.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 10**

It is suggested that a new Section should be introduced in Chapter 7, entitled Green Infrastructure and modeled on the content of the [Draft Fingal County Development Plan 2010–2016 \(Chapter 3\)](#).

### **Opinion**

Chapter 3 Green Infrastructure of the Draft Fingal County Development Plan 2011-2017 brings under the same heading a variety of “themes” (Biodiversity, Open Space and Recreation, Sustainable Water Management, Archaeological and Architectural Heritage, Landscape), a number of relevant objectives and a commitment to prepare a Green Infrastructure Strategy for the County.

While the concept of “green infrastructure” might be relatively new, the substance behind it is not. It is considered that the Draft Sligo County Development Plan adequately covers the same “themes” in individual chapters and it would be redundant to reiterate the relevant objectives in a “new” chapter. A substantial restructuring of the CDP at this stage in its review is not practical or necessary.

However, the concept could be developed as a working model for the County for inclusion in the CDP 2017-2022. The focus for the 2011-2017 period is Landscape Character Assessment.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 11**

The Planning & Development (Amendment) Act 2010 introduces a new definition of allotments into the planning code and new provisions to allow objectives to be included in development plans for the development of allotments.

We recommend that, in addition to promoting allotments/community gardens throughout the County, a designated area for allotment space be required in each new residential/mixed-use developments.

## Opinion

It is proposed to make allotments open for consideration in most zoning categories. In addition, a section on allotments should be included in Chapter 6 Community Facilities and a suitable policy should be added to Chapter 13 Mini-plans general policies (Refer to the recommendations on Submission no. 42 in Volume 2).

## Recommendations

A. In **Chapter 6 Community facilities**, introduce the following section:

### 6.9 Allotments

An allotment is defined as an area of land comprising not more than 1,000 square metres that is let or available for letting to and cultivation by one or more than one person who is a member of the local community and lives adjacent or near to the allotment, for the purpose of the production of vegetables or fruit mainly for consumption by the person or members of his or her family.

Sligo County Council recognises that the public's interest in growing fruit and vegetables locally has increased significantly in recent years. This has been due to a number of reasons including economic circumstances and health benefits, along with concerns regarding sustainability and the embodied energy involved in the global production and transportation of food.

The planning authority will therefore facilitate the development of allotments at suitable locations throughout the County. Such locations should be consistent with the terms of the definition above and should be located within or close to existing settlements, where they will be more easily accessible to all sections of society.

### Allotments policy

**P-A-1** Facilitate the development of allotments at suitable locations throughout the County. Any such facility should be located within or close to an existing settlement and should be easily accessible.

B. In **Chapter 13 Mini-plans – general policies, Section 13.5 Community facilities**, add the following policy:

G. Facilitate the development of allotments at suitable locations. Any such facility should be located within or close to existing settlements and should be easily accessible.

C. Amend the **Zoning Matrix** to include **allotments** as a possible use and make it open to consideration in suitable zoning categories.

## Issue no. 12

The Planning & Development (Amendment) Act 2010 has included a new mandatory requirement for all planning authorities to include a map illustrating all uncontested Rights of Way.

## Opinion

Tourism development objective O-TOU-1 indicates the Council's intention to commence the process of mapping rights of way in the County during the lifetime of the development plan.

Please refer also to the response to a similar issue in Submission no. 16.

## Recommendation

No change to the Draft Plan.

**Issue no. 13**

Sligo has some of the finest demesne houses in Ireland – including Lissadell House. An Taisce/Plan Better request that the Draft Development Plan include stronger measures for the protection of historic demesnes.

**Opinion**

Section 7.3 Built heritage and its associated policies and objectives set out the Council’s framework for the protection and management of structures listed on the Record of Protected Structures, which include historic demesnes. In addition, the Council will have regard to the Department’s guidance document *Architectural Heritage Protection – Guidelines for Planning Authorities* (2005). It is considered that the existing provisions within the Draft Plan are sufficient for the protection of historic demesnes.

**Recommendation**

No change to the Draft Plan.

**Issue no. 14**

An Taisce/Plan Better welcome the policies in the Draft Development Plan to curb the proliferation of urban generated one-off rural dwellings. The Planning Authority is asked to take proactive measures to promote nucleation in rural villages, particularly with respect to waste-water treatment.

**Opinion**

The Draft CDP includes appropriate policies for consolidating development in the County’s villages, for which Mini-Plans have been prepared and where, in most cases, wastewater treatment infrastructure is already in place or is to be provided during the lifetime of the plan.

**Recommendation**

No change to the Draft Plan.

**Issue no. 15**

An Taisce/Plan Better suggest that the recommendations of EPA’s recent report *Sustainable Rural Development: Managing Housing in the Countryside 2010* should be incorporated directly into the Draft Development Plan.

**Opinion**

It is noted that the numerous and varied recommendations of the above-mentioned report range from general, national-level policy recommendations (e.g. “Produce a new White Paper on Rural Sustainable Development”) to micro-level operational recommendations (such as “Ensure effective planning enforcement”). While some of the recommendations are applicable at local authority level, it is considered that they do not require the inclusion of new policies or objectives in the Draft CDP, as the respective issues are adequately covered in the Plan. The preparation of additional planning guidance documents (VDS, design guidelines) is subject to availability of resources.

**Recommendation**

No change to the Draft Plan.

## **Submission no. 74**

8 September 2010

Mary Doorly, Policy Analyst  
on behalf of Irish Wind Energy Association (IWEA)

### **Issue no. 1**

Sligo County currently has an installed wind energy capacity of 51.1MW, produced by four companies. IWEA would like to acknowledge and welcome the contribution that Sligo County is making towards achieving national targets of renewable energy development.

### **Opinion**

Noted. The figure in Section 11.1.4 should be rectified.

### **Recommendation**

The figure in the first paragraph of **Section 11.1.4 Wind energy** should be changed from **40.1 MW** to **51.1MW**.

### **Issue no. 2**

IWEA highlights the importance of the development of grid infrastructure and recommends that the Development Plan should facilitate the provision of energy networks.

### **Opinion**

Policies for the provision of electricity P-EL-1 and P-EL-2 make adequate provision for the maintenance and expansion of the electricity infrastructure in County Sligo.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 3**

The DoEHLG Guidelines on Wind Energy 2006 state that *in general noise is unlikely to be a significant problem where the distance from the nearest turbine to any sensitive property is more than 500 metre*. IWEA indicates that as the turbines become larger, this distance is required from neighbouring third-party properties in order to keep within the Guideline limits.

The submission requests that this requirement be a critical factor in any investigations into the zoning of areas of the county for wind farm developments.

### **Opinion**

Section 11.1.4 Wind energy of the Draft Sligo County Development Plan 2011-2017 confirms that Sligo County Council will have full regard to The DoEHLG Guidelines on Wind Energy 2006 document when assessing development applications.

It should be noted that no areas in the County are proposed to be zoned for wind farm developments.

### **Recommendation**

No change to the Draft Plan.

**Issue no. 4**

The IWEA considers that Section 11.1.4 Wind energy, Policy P-REN-2 and Section 12.7.2 Renewable energy developments of the Draft Sligo County Development Plan 2011-2017 present a “negative presumption” against wind farm developments in designated areas. It is submitted that each project should be judged by the planning authority on its merits following the Environmental Impact Assessment (EIA) process and Appropriate Assessment (AA) where required. And it is submitted that the EIA process should identify any negative impacts and propose adequate mitigation to minimise residual impacts.

The submission requests that proposals in these designated areas be treated on their merits, on a case-by-case basis following examination of the Environmental Impact Statement (including Zone of Visual Influence Maps and Photomontages of the predicted view) during the planning process until such time as a Wind Resource Map of County Sligo is prepared and adopted.

**Opinion**

It is considered that, while there is indeed a presumption against wind farm development in sensitive areas, the Draft Plan allows the possibility for such developments to locate in designated areas provided their impact is minimal or can be appropriately mitigated. This is clearly stated in the renewable energy policy P-REN-2. In practice, the merits of each application are carefully considered.

**Recommendation**

No change to the Draft Plan.

**Issue no. 5**

The IWEA welcomes the statement in Section 11.1.1 Electricity of the Draft Sligo County Development Plan 2011-2017 where it is stated that *the transmission network forms the backbone of power supply. Its development is critical to ensuring that County Sligo has the necessary infrastructure to attract business and accommodate economic growth and the future development of the local economy.*

**Opinion**

Noted.

**Recommendation**

No change to the Draft Plan.

**Issue no. 6**

Section 11.2, O-REN-1 sets out the objective to “*identify and map, during the lifetime of this Plan (subject to resources), areas within the county where there is significant wind energy potential and where energy development would be acceptable in principle, subject to visual, landscape, heritage, environmental and amenity considerations*”.

The submission considers that this proposal is not the most effective method, and that identifying potential sites should take into account various assessment criteria, many of which are required to take

place over large periods of time. It is contended that identifying and mapping potential sites may fail to include site-specific issues at a micro-level which are relevant to a particular area.

### **Opinion**

The concerns of the IWEA area noted and will be taken into consideration when preparing the Wind Energy Potential Map for the County.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 7**

The IWEA submits that the following statement in Section 12.2 Site Development Standards, 12.2.6 Undergrounding of cables is too prescriptive and may inhibit the development of the necessary grid infrastructure:

*“The planning authority will ensure that overhead lines will not be permitted in any area of high amenity value, as it is a policy aim to preserve significant landscape views from the visual intrusion of large-scale telecommunications and energy infrastructure.”*

The IWEA would like wind farm applications to be assessed on a case-by-case basis, in consultation with the electricity system operators, in order to achieve “the most environmentally and technically effective options for connecting a wind farm to the national grid”.

### **Opinion**

Section 6.11.3 of the *Wind Energy Development Planning Guidelines* (1996), states that Power line connections between turbines and from turbines to the control building should be underground. The Guidelines acknowledge that the cost of underground connection from the compound to the national grid is generally prohibitive and therefore this connection can be above ground in all but the most sensitive landscapes. It is considered that the provisions of the Draft Plan are in line with national policy for wind farm development.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 8**

The submission urges Sligo County Council “to take a proactive approach in its new County Development Plan to realise the county’s wind energy development potential in the coastal and upland areas”. However, the IWEA does not detail what this “proactive approach” should be.

### **Opinion**

Sligo County Council recognises the contribution that alternative energy sources can make towards the local economy. It is considered that this issue is adequately addressed in section 11.2.4 of the Draft Plan.

### **Recommendation**

No change to the Draft Plan.

Anthony Gallagher, Architect  
on behalf of Terry Gannon & Des Butler

**Issues no. 3, 4 and 5 of this submission are addressed in Volume 2 of this Report, together with the Submissions relating to Drumcliff Mini-Plan**

**Issue no. 1**

The submission raises general issues in relation to the provision of community facilities. Whilst the flexible and supportive approach of the Draft CDP towards the provision of such facilities is welcomed, concerns are raised that the Draft CDP also states that “any such proposal should be suitably located within the development limits of the relevant settlement and should be easily accessible for all sections of the community”. It is requested that such facilities should be permitted where it can be demonstrated that proximity to other facilities is irrelevant, and that policy should be amended to include the following:

*Any such proposal for community facilities should be analysed in terms of the degree to which the needs of the particular group for whom the facilities are intended will be met by the proposal and such proposal should be suitably located with reference to the needs of that group.*

**Opinion**

The term ‘community facilities’ encompasses a wide range of possible uses including healthcare, special-needs housing, sport/recreation, allotments and educational uses among others. A wide variety of criteria therefore applies to the suitability of a site for different community facilities. Accordingly, the Draft CDP has adopted a suitable and flexible approach to the location of such facilities.

Locations within existing settlements are easily accessible, thereby promoting social inclusion and reducing the need to travel. There are locational advantages on sites where shared use of facilities between various community groups can reduce land and financial requirements. Within settlements, such facilities can also avail of available services such as water, wastewater, footpaths, public lighting.

However, whilst policy states that community facilities should be located within the development limits of the relevant settlement, this does not preclude the provision of such facilities outside the development limits. It is acknowledged that some community facilities may be accommodated in rural areas, subject to site suitability. The zoning matrix of the Draft CDP indicates that the provision of a community facility in the buffer zone is open to consideration. It is therefore considered that suitable flexibility already exists in this regard.

**Issue no. 2**

Expanding on issue no. 1, the submission raises concerns regarding healthcare facilities policy, particularly in relation to nursing homes. It is argued that it is irrelevant whether such a facility is located within an existing settlement, or if it is easily accessible, due to the fact that such purpose built facilities address all of the occupiers’ needs on site. It is recommended that policy be amended as follows:

*It is the policy of Sligo County Council to assess the suitability of locations for healthcare facilities with due regard to the needs of the group for whom the facility is planned.*

## **Opinion**

As outlined in the response to issue 1 (above) it is considered that suitable flexibility already exists in relation to the location of healthcare and other community facilities.

## **Recommendation**

No change to the Draft Plan.

## **Submission no. 92**

8 September 2010

Claire Galligan, Development Consultant  
on behalf of Sligo County Community Forum (SCCF)

### **Issue no. 1**

The submission outlines that Sligo County Community Forum was set up under ‘Better Local Government’ with its core role to bring the voice of the citizen into local government and enhance citizen participation. The consultant finds it essential that the Sligo County Community Forum is named in the County Development Plan, as it potentially has a key role in the implementation of the plan. It is suggested that the Community forum should be mentioned in the policy P-CF-8

## **Opinion**

The County Development Plan is the blueprint for development in County Sligo, a strategic framework document for sustainable development in spatial, economic, social and environmental terms. The implementation of the Plan is not the responsibility of the County Council alone, but of all stakeholders, including the Sligo County Community Forum among many others.

Although it would be impossible to name all the stakeholders in the Plan, there is no objection to mentioning the Sligo County Community Forum in the text of policy P-CF-8.

## **Recommendation**

In **Chapter 6 Community facilities**, modify the text of policy **P-CF-8** as follows:

- P-CF-8** Promote social inclusion by exploring ways to integrate minority groups into the community and by supporting the development of fully-integrated communities catering for people of different ages and incomes. [The Sligo County Community Forum will have a key role in implementing this policy.](#)

### **Issue no. 2**

The submission proposes that a grant and assistance be made available to community groups (not-for-profit community facilities) to develop water harvesting measures.

## **Opinion**

While the Plan supports water conservation, it should be noted that no grants or financial assistance can be made available through the County Development Plan for the purpose of developing water harvesting measures.

**Recommendation:** No change to the Draft Plan.

### **Issue no. 3**

The submission welcomes the need to balance the demands for holiday homes with the needs of locals and not ‘pricing them out of the housing market’ in seaside towns. However, the SCCF considers that there is a large amount of vacant holiday homes in seaside towns and any further allocation of planning for holiday homes must take the current oversupply into consideration.

#### **Opinion**

Section 5.8 of the Draft Plan relates to Holiday homes and second homes. P-HHOU-1-4 and O-HHOU-1 outline the Council’s intention to achieve a sustainable balance between holiday/second homes and permanent residences.

#### **Recommendation**

No change to the Draft Plan.

### **Issue no. 4**

SCCF considers the development of the eastern side of Sligo town as essential for the balanced development of Sligo. The submission states that “an *Eastern crossing* of the Garavogue needs to be negotiated with local communities and agreed as early as possible. The absence of a crossing is impacting negatively on the lives of people in this area”.

#### **Opinion**

The development of the *Strategic Non-National Road – The Eastern Garvogue Bridge and Approach Roads* is an objective in the Draft Plan (O-NNR-8). Public consultation on the Eastern Garavogue Bridge and Approach Roads has taken place from the time of preparation of the Constraints Study through the Statutory EIS and CPO procedures. Planning permission has been granted for the Eastern Garvogue Bridge and Approach Roads by An Bord Pleanála.

#### **Recommendation**

No change to the Draft Plan.

### **Issue no. 5**

The submission welcomes the support for rural transport initiatives and policy P-PT-5 (*support local, community transport services*), and recommends that the County Council should take a key role in supporting local communities to initiate rural transport services through consultation and a ‘local area planning’ processes.

#### **Opinion**

It is agreed that the implementation of Objective P-PT-5 should be carried out in conjunction with local communities.

#### **Recommendation**

In **Section 8.2 Public transport**, modify policy **P-PT-5** as follows:

**P-PT-5** Support local, community transport services [in consultation with the local communities](#).

**Issue no. 6**

The SCCF agrees with O-TOU-5 (*develop a coherent network of attractive cultural hubs/clusters with good access and supporting tourism and cultural signage*), but also wishes to see networks of heritage and natural amenities. Local communities could also play a key role in developing ‘micro’ tourism mapping exercises with the support of Sligo County Council and the Sligo County Community Forum.

**Opinion**

Tourism development policy P-TOU-9 and its proposed amendments recommended in response to Submission no. 16 indicate the Council’s support for public access to heritage sites and features of archaeological interest, coastal areas, mountains, rivers, lakes and other natural amenities, subject to compliance with the requirements of the Habitats Directive.

**Recommendation**

No further change to the Draft Plan.

**Issue no. 7**

SCCF would like the CDP to set targets for addressing the housing lists in the county in the lifetime of the Plan. The Forum recognises that leasing arrangements are addressing current needs, but in the long term people need security and the ability to make long term plans for their families. The submission outlines that ‘rent to buy’ schemes need to be adopted as well as creative ways of using the current over-supply of housing (appropriate to needs) to address the large numbers on the housing lists. SCCF believes that taking longer term ‘rent to buy’ rather than investing in short term leasing arrangements with private landlords would be better for families, the community, the taxpayer and the wider economy.

**Opinion**

Sligo County Council has no power to develop/adopt a “rent-to-buy” scheme. This power lies with the Department of Environment, Heritage and Local Government. However, as these schemes are only in their infancy, there is a possibility that adaptations will take place in the future.

**Recommendation**

No change to the Draft Plan.

**Submission no. 96**

8 September 2010

Trevor Sadler, McGill Planning Ltd  
on behalf of the Daughters of Wisdom

**Issue no. 1**

The submission indicates the intention of the Daughters of Wisdom to replace the outdated institutional and congregated living models that exist at Cregg with an “integrated model of community”. To facilitate this, it is requested that the wording of objective O-CF-1 be altered as follows (additions in blue, deletions in red):

*“Facilitate the **phased** redevelopment of the existing **Wisdom services** care facility at Cregg **House, Ballinacra, as to provide** an integrated residential and educational community **comprising to include** a range of facilities for those with **and without educational intellectual disabilities and special needs.**”*

### **Opinion**

It is agreed to modify the objective O-CF-1 in accordance with the request.

### **Recommendation**

In **Chapter 6 Community facilities**, modify objective **O-CF-1** follows:

**O-CF-1** Facilitate the **phased** redevelopment of the existing **Wisdom services** care facility at Cregg ~~House, Ballinacra, as to provide~~ an integrated residential and educational community comprising a range of facilities for those with **and without educational intellectual** disabilities and special needs, **subject to the availability of adequate wastewater treatment infrastructure.**”

### **Issue no. 2**

It is requested that the following wording be added to Section 5.6.2 Accommodation for persons with special needs:

*The type and location of accommodation for persons with special needs will be assessed in line with current thinking and practice.*

### **Opinion**

Agreed.

### **Recommendation**

In **Section 5.6.2 Accommodation for persons with special needs**, add the following sentence:

**The type and location of accommodation for persons with special needs will be assessed in line with current thinking and practice.**

### **Issue no. 3**

It is requested that the following wording be added to subsection **12.2.1 Residential density** of the Draft Plan:

*Developments which include accommodation for the elderly, students and those with disabilities and special needs will be assessed having regard to the particulars of each case.*

### **Opinion**

Agreed.

### **Recommendation**

In **Section 12.2.1 Residential density**, insert the following phrase:

**Developments which include accommodation for the elderly, students and those with disabilities and special needs will be assessed having regard to the particulars of each case.**

Robert McLoughlin, GVA Planning and Regeneration  
on behalf of Tesco Ireland Ltd.

**Issue no. 1**

The consultants state that Tesco's customer research indicates that 10% of the trade in the company's stores in Carrick-on-Shannon and Ballina originates from County Sligo residents, and calls this "intra-regional trade leakage". In order to reduce this phenomenon and "to facilitate investment in the retail sector", it is requested that the Planning Authority "assesses each application on a case by case basis having regard to the demonstration of need as submitted by the applicant".

**Opinion**

The fact that 10% of Tesco's customers in Carrick-on-Shannon and Ballina come from County Sligo reflects the extent of these towns' retail catchments into County Sligo, due to their location close to the County border.

The Draft CDP proposes to address the shopping needs of the County's residents by supporting and encouraging the key role of retailing in Sligo's towns and villages, particularly for daily convenience shopping. It is considered that the retail planning policies contained in Section 4.3 are adequate in this respect. All planning applications for retail development will be assessed against the policies and objectives set out in Section 4.3.

**Recommendation**

No change to the Draft Plan.

**Issue no. 2**

It is stated that the Border Regional Planning Guidelines 2010 identify trade leakage to Northern Ireland as a significant issue affecting the region. It is therefore necessary to adopt "a targeted policy response to address the relaxation of retail policy within Northern Ireland which has led to a proliferation of retailing within the border counties in Northern Ireland".

It is suggested that the CDP should be amended "to harmonise policies with Northern Ireland where appropriate – e.g. availability of suitable zonings, car parking standards, flexible zoning matrices, removal of floor space caps".

**Opinion**

It is noted that the RPGs state that the retail sector in the Border Region "will require a regional approach, possibly by the development of a Regional Retail Strategy". Should such a strategy be developed, the CDP will duly implement its provisions. Until such time, the CDP must comply with existing national and regional policies, and not seek to "harmonise policies with Northern Ireland" unilaterally.

**Recommendation**

No change to the Draft Plan.

### Issue no. 3

Tesco has particular concerns regarding policy P-RP-7, which discourages “any retail outlet in excess of 500 sq.m. of retail floor space including extensions that would enlarge an existing development over this threshold. Development over this size is clearly intended to serve more than a local catchment and would therefore be more suitably located in Sligo City and Environs.”

It is argued that this policy would stifle local investment in retail outside Sligo, would undermine the ability of convenience retailers to improve the offer in currently underserved areas, and would “effectively cap any retail outlet in excess of 500 sq.m”.

It is submitted that the permissible scale of retail units should be determined on a case-by-case basis “having regard to the provisions of the RPGs and the demonstration of need as provided within a retail assessment”. It is also considered that there is a requirement for additional supermarkets and convenience outlets within Sligo County.

It is noted that the floor space limit of 500 sq.m. restricts the provision of an adequate product range and competitive prices. It is also noted that the policy P-RP-7 was not included in the Sligo City and County Joint Retail Strategy.

It is contended that the floor space cap would conflict with policy P-RP-1 which seeks to encourage retailing within the towns and villages of County Sligo, particularly for daily convenience shopping.

It is requested that policy P-RP-7 should be omitted or at the very least amended. No indication is given regarding any possible amendments.

### Opinion

The Joint Sligo City and County Retail Planning Strategy states the following:

“The absence of any secondary convenience goods centre in County Sligo is a serious issue. Many parts of the county are around 30 minutes drive or further from their nearest sizable supermarket – whether that is in Sligo Town or in the surrounding centres of Ballina, Boyle or Carrick. A distance of 30 minutes is about twice that which most people in Ireland are used to traveling for supermarket shopping, **so there is a strong case for building up intermediate centres**, particularly where this reinforces recent and forecast settlement growth. (...)

**Outside the Gateway, the requirement is estimated to be 1,220 sq.m net in 2015 rising to 4,470 sq.m net by 2020.** In both instances, were discount retailers to enter the market, there could be scope for slightly higher levels of floor space.

**Additional provision should only be encouraged in settlements identified as Key Support Towns** in the County Development Plan. **In the Plan period, the scope for further development is limited to one small to medium-sized supermarket (1,000 – 1,300 sq.m net).** Sites should be identified to bolster convenience retailing in Ballymote up to an additional 1,500 sq.m net. This provision should serve the eastern part of the County, offering a sustainable location convenient to residents in the south of the County. Beyond the plan period, there is likely to be scope for a further addition of a similar scale elsewhere in the County, subject to the emerging pattern of population growth.”

It should be noted that while P-RP-7 generally discourages the provision of retail outlets with a floor space over 500 sq.m., objective O-RP-1 provides for an additional supermarket in Ballymote, in accordance with the recommendations of the Joint Sligo City and County Retail Planning Strategy.

The removal of the 500 sq.m. floor space limit on retail outlets could lead to a situation where cumulated floor space extensions exceed the projected floor space requirements outside the Gateway during the lifetime of the new Plan, as outlined in the Joint Sligo City and County Retail Planning

Strategy, thereby making it impossible to provide the required additional supermarket in Ballymote. The restriction should be retained.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 4**

It is submitted that the number of permissible parking spaces per sq.m. of retail floor space is too low, at 1 space for each 18 sq.m. It is stated that “the minimum parking standard required by food store developments, i.e. 1:14, has been recognised by a number of development plans”, such as Dun Laoghaire Rathdown Development Plan 2010, Kildare County Development Plan 2005 and Ennis and Environs Development Plan 2008. It is noted that regional guidance in Northern Ireland “already advocates a car parking standard of 1:14 in respect of food retail”.

Furthermore, it is submitted that the minimum standards for parking bays should be 4.8 x 2.5 m instead of 5.0 x 2.5 m. No reason or explanation is given for this suggested change.

### **Opinion**

It is noted that the DLR DP 2010 includes three relevant parking standards for food stores, ranging from 1:10 to 1:50. Kildare CDP 2005 has three standards, from 1:12 to 1:24. And Ennis and Environs DP 2008 has four relevant standards, from 1:12.5 to 1:50.

It is considered that the single 1:18 parking standard for County Sligo represents a reasonable minimum requirement for supermarkets. There is no policy in the Draft CDP that would prevent a retail operator from providing more parking spaces than the required minimum.

Regarding the size of parking bays, the minimum standards vary between development plans. Roscommon, Leitrim and Sligo & Environs Development Plans all have the minimum standard parking bays of 2.5 x 5m. There is recognition that modern vehicles require bays of 2.5 x 5m.

### **Recommendation**

No change to the Draft Plan.

### **Submission no. 104**

8 September 2010

John Kehoe, Brady Shipman Martin  
on behalf of the Office of Public Works

### **Issue no. 1**

The Office of Public Works welcomes the strategic aims for the development of County Sligo, the inclusion of policies and objectives of Carrowmore, Knocknarea and Carns Hill.

### **Opinion**

Noted.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 2**

Welcoming the Strategic Flood Risk Assessment carried out for the County's settlements, the OPW recommends that the process be continued to Stage II for all other plans that involve land use zoning.

It is indicated that the OPW will provide flood mapping on a national basis by 2013, in line with the EU's Floods Directive. In the interim, it is the planning authority's responsibility to permit only appropriate development in flood risk areas.

### **Opinion**

The recommendation is noted. The flood risk management policies P-FRM-9 and P-FRM-10 set out the requirements for flood risk assessment in the development management process, while the flood risk objective O-FRM-3 indicates the Council's intention to complete future SFRAs/FRAs in accordance with the prioritisation set out in the SFRA, subject to review and the availability of additional data during the lifetime of the County Development Plan.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 3**

The OPW welcomes the use of specific width riparian zones as set out in the Draft CDP (Section 7.1.5), but advises that technical information such as topography (contours) and flood paths should be taken into account when addressing the flood risk issues associated with rivers.

### **Opinion**

It should be noted that the width of riparian zones was included at the request of the North Western Regional Fisheries Board, with a view to protecting the river habitats. The technical information mentioned above, when available, will be used in the completion of Stage II flood risk assessments.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 4**

The OPW indicates that "the risk of flooding for land that has been zoned in previous plans needs to be reassessed in accordance with the Guidelines". It also notes that "although the draft plan does not contain any new zoning, there are changes to what is permitted in some zones". It recommends that "the issue of historical zoning in the draft plan, particularly where it relates to locations outside the core area, should be revisited as per section 4.2.7 of the Guidelines".

## **Opinion**

It should be noted that the only six villages are zoned in the current CDP 2005-2011, while the Draft CDP 2011-2017 contains zoning objectives for thirty villages. All current zoning proposals have been assessed at strategic level, as part of the Strategic Flood Risk Assessment. Stage II assessments will be undertaken for all settlements after the OPW releases adequate mapping for County Sligo.

## **Recommendation**

No change to the Draft Plan.

## **Submission no. 105**

8 September 2010

Michael Kirby

### **Issue no. 1**

M. Kirby believes that planners must take a wider strategic view when making development decisions that will have an impact on core issues such as landscape, ecology, heritage, urban sprawl etc. “The language of the Plan needs to be strengthened to ensure that exceptions to stated development policies can be dealt with in a more stringent manner than was previously done.”

## **Opinion**

Noted. No suggestions are made regarding “language strengthening” in the Draft Plan, or any particular Plan policies or objectives that would require this.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 2**

It is advised that the Council needs to take a more robust and proactive approach in reducing the occurrence of one-off rural housing and ribbon development in order to preserve and protect rural landscapes. The Council should be “more stringent in assessing the validity of planning applications and should deal severely in instances where fallacious and misleading information is provided by applicants”.

## **Opinion**

It should be noted that proposals for one-off rural housing are assessed against the rural housing policies, which are drawn up in accordance with the government’s Sustainable Rural Housing Guidelines.

It is proposed, however, to clarify the definition of rural housing need in Section 5.7.2 Rural-generated housing, in order to reduce the potential for abuse. Please refer to the Manager’s recommendation in response to Submission no. 114 (DoEHLG) in the beginning of this Report.

It is considered that the validation and assessment of planning applications is undertaken in a correct manner, in compliance with current legislation.

## **Recommendation**

No further change to the Draft Plan.

### **Issue no. 3**

It is suggested that the Council should publish specific guidance for rural housing in the open countryside, as provided by Cork County Council, as well as for developments within rural towns and villages. Guidance should refer to site layout, use of materials, landscaping and hedgerow retention, lighting etc. and proposed development should be measured against this guidance by planners.

### **Opinion**

The Draft CDP provides some guidance on rural housing design in subsections 5.7.4 and 5.7.5, and subsections 12.3.18 to 12.3.23.

Further guidance is provided by the built/architectural policies in Chapter 7.

Village design statements have been prepared for several villages in the County, and the adopted local area plans also include design guidance.

At pre-planning consultation stage, planners routinely advise relevant applicants to consult the Cork Rural Design Guidelines.

However, the preparation of a design guidance document for rural and urban housing in County Sligo is a matter of resources and no such commitment can be made in the current financial circumstances.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 4**

In order to “safeguard rural landscapes, especially in designated areas, e.g. Sensitive Rural Landscapes etc., the Council must be vigorous in determining the validity of ‘housing need’ before granting planning permission”. It is also advised that the Council, in deciding planning applications, should also refer to previous An Bord Pleanála decisions regarding proposed developments on/ adjacent to the proposed development site.

### **Opinion**

As indicated at Issue no. 2 above, it is proposed to clarify the definition of rural housing need in Section 5.7.2 Rural-generated housing, in order to reduce the potential for abuse.

The planning history of the subject site and adjoining sites is always taken into account by planners when making a recommendation on a planning application.

## **Recommendation**

No further change to the Draft Plan.

### **Issue no. 5**

The submission urges the Council to enforce its own policies in order to prevent the continuation of ribbon development and urban sprawl. It is suggested that “specific guidance should be published in relation to proposed developments as a guide for applicants, and planners. All rural development should be devoid of ‘urban’ elements inappropriate to their setting, e.g. non-local materials, hard landscaping, excessive external lighting etc.”

#### **Opinion**

All applications for rural housing are assessed against the relevant Plan policies. Both the current and the Draft CDP contain adequate and sufficient guidance for applicants in relation to rural housing.

#### **Recommendation**

No further change to the Draft Plan.

### **Issue no. 6**

The Council should make it a requirement that, wherever possible, existing trees and hedgerows are retained and enhanced as part of proposed landscaping plans. Where removal of hedgerow boundaries is unavoidable, this should be limited and the provision of new hedgerows of similar length and composition should be required prior to commencement of construction works.

#### **Opinion**

Section 7.1.4 Woodlands, trees and hedgerows includes a range of policies designed to ensure the protection of hedgerows. However, an additional paragraph should be added to the rural housing policy P-RHOU-3 to ensure that where hedgerows are removed to achieve sightlines, new native hedgerows should be planted along the new boundary lines in order to maintain the continuity of wildlife corridors.

#### **Recommendation**

In **Chapter 5 Housing**, add the following paragraph to policy P-RHOU-3:

- p.** Where hedgerows forming roadside boundaries are required to be removed for road safety reasons, they should be reinstated on the new boundary line, in order to ensure the continuity of wildlife corridors.

### **Issue no. 7**

It is suggested that all structures included in the Inventory of Architectural Heritage for County Sligo should automatically be included in the County’s Record of Protected Structures.

#### **Opinion**

The majority of structures listed in the NIAH and recommended by the Minister for inclusion in the County RPS have been proposed for inclusion. Exceptions have been made where inspection of the structures in 2010 showed a loss of those features which warranted their listing in the NIAH in 2006.

**Recommendation:** No change to the Draft Plan.

**Issue no. 8**

The submission welcomes the designation of scenic routes which afford spectacular views of Ben Bulbin, Drumcliff Bay and Glencar. It is requested that the Council preserve and protect the integrity of scenic routes by “restricting all development, including roads construction”.

**Opinion**

Noted. It is considered that the Draft CDP policy O-LCAP-7 offers adequate protection to scenic views without imposing a ban on location-tied development.

**Recommendation**

No change to the Draft Plan.

**Issue no. 9**

It is considered that the use of artificial external lighting should be controlled, as obtrusive light has a detrimental effect and is a form of pollution that can easily be reduced. It is suggested that the CDP should provide strict guidance in relation to the use, type, siting and extent of external lighting in rural areas, including commercial and street lighting.

**Opinion**

In subsection **12.4.3 Illumination and spread of light**, the Draft CDP indicates that where external illumination is proposed, documentation must be provided that clearly shows that light or glare from such illumination will not adversely affect pedestrian and vehicular traffic or adjacent properties.

**Recommendation**

No change to the Draft Plan.

**Submission no. 108**

8 September 2010

Deirdre Maher, Executive Officer, Forward Planning Section  
Department of Education and Skills

**Issue no. 1**

The submission outlines the methods by which the Department calculates educational infrastructural requirements, i.e. the extent of primary and post-primary school provision need in a given area. It indicates the availability of guidance for identification and suitability of sites for primary schools.

The Department of Education and Science also brings to attention “the recently published (July, 2008) Code of Practice for Planning Authorities and the provision of schools; in particular Item 2 and the need for consulting with this Department regarding the assessment of specific sites.”

**Opinion**

Noted. The Draft CDP does not make provision for any new school, since the current provision is adequate. Suitable sites have been reserved in mini-plans for the potential expansion of schools, where it was considered necessary.

## **Recommendation**

No change to the Draft Plan.

### **Issue no. 2**

The Department is currently engaged in sourcing a site for Gaelscoil Chnoc na Rí (this school is currently in rented premises at Ballydoogan, Sligo) – a three acre site is required.

In addition to this, if it is intended to progress with proposed development at Ballinode, Sligo, a site will be required in this area for a 24 classroom school in the area of 5.47 acres.

### **Opinion**

Noted. Appropriate reservation has been made in the Sligo and Environs Development Plan 2010-2016 for the Gaelscoil Chnoc na Rí.

The Ballinode area is also included within the Sligo and Environs Development Plan; therefore no provisions for a new school in that area are made in the Draft CDP 2011-2017.

## **Recommendation**

No change to the Draft CDP.

### **Submission no. 113**

8 September 2010

Kieran McDonagh

### **Issue no. 1**

The submission recommends that Section 5.7.2 Rural-generated housing should be replaced with the following:

*The rural-generated housing has been defined and the planning precedents establish and implemented by the planning officials in the two previous SCDP. These establish precedents, practice pattern of developments and permission granted must form the standard to be applied in 2011-2017 Plan.*

- *Persons whose primary employment is in county Sligo and who can demonstrate (by way of precedents) to live in a rural location because of that employment or other social reasons or whose employment would provide a service to the local community.*
- *Persons employed in rural areas with a need to live in the location, for example, those working in agriculture, forestry, horticulture, tourism and other rural-based civilities.*
- *Persons who do not work on the land but have a family link to the area, including emigrants, migrants.*

*In applying sympathetic consideration to bona fide to members farming community, returning emigrants and such applications claiming exceptional circumstances, the overriding concern of the Council will be proper planning and sustainability development as established by the precedents and permissions granted in the County of Sligo,*

*The Council will endeavour to accommodate rural-generated housing in all rural areas, including Rural Areas Under Urban Influence, Rural Areas in Need of Regeneration.*

### **Opinion**

In response to the request of the Minister for the Environment, Heritage and Local Government (refer to Submission no. 114 in the beginning of the Manager's Report), it is proposed to amend the definition of rural housing need in order to clarify the qualifying criteria for applicants. Please refer to the Manager's recommendation on Submission no. 114

### **Recommendation**

No further change to the Draft Plan.

### **Submission no. 124**

8 September 2010

Ruth Minogue, Minogue & associates  
on behalf of the Heritage Council

#### **Issue no. 1**

The submission requests the inclusion of the definition of landscape from the European Landscape Convention (ELC), in accordance with Section 4(c) of the P&D (Amendment) Act 2010, considering that the inclusion of key terms and definitions from same would greatly benefit the CDP section on landscape.

It recommends that consideration should also be given to the creation of a specific policy recognising that landscape encompasses ALL landscapes, including peri-urban and degraded, phrased to reflect the ELC/P&D definition. This would strengthen the scope of the policies and redress the existing implication that the landscape policies are largely concerned with the rural landscape (the ELC definition includes urban, peri-urban and rural landscapes).

The submission suggests that definitions of landscape character and visual impacts be provided as follows:

- **Landscape character** is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. Put simply, landscape character is that which makes an area unique.
- **Visual Impacts** are the effects on people of the changes in available views through intrusion or obstruction and whether important opportunities to enjoy views may be improved or reduced.

R. Minogue also includes a *Table 2a: Checklist for integrating the Intent of the ELC into plans, policies and strategies.*

### **Opinion**

Table 2a is a checklist for integrating the ELC into, in this case, Plans. It is not directly relevant, as the development plan has an objective to carry out a Landscape Character Assessment (LCA) within the timeframe of the Plan. This has yet to be done.

Only the landscape definition should be inserted, stating that it applies to all landscapes and to all scales of landscape. Additional definitions will be integrated and used in the forthcoming LCA.

## Recommendation

In **Section 7.4 Landscape character**, insert the following text:

The European Landscape Convention defines "Landscape" as an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors. This definition applies to all landscapes – rural, urban, peri-urban or degraded – and to all scales of landscape.

### Issue no. 2

The submission outlines that a commitment to undertake a LCA presents a good opportunity to reflect the ELC principles through this work and should ensure that participation and best practice are embedded throughout the LCA preparation process. The LCA should be considered as a priority action and Sligo has a real opportunity to build on work to date in Ireland. Consideration should be given to the *Heritage Council Baseline Evaluation and Assessment of Landscape Character Assessment in Ireland 2006* and the *Historic Landscape Characterisation (HLC) in Ireland; Policy and Best Practice Guidance, 2009*. These reports review work to date in Ireland and offer useful guidance in preparing and undertaking both LCA and HLC. The LCA should consider including historical landscape characterisation as a means to further enhance this LCA process and would be very appropriate considering the historical land use of the County and also the extensive archaeological landscapes within the county.

### Opinion

See comments above. It is considered opportune to amend objective O-LCAP-1 to mention the ELC and best practice guidance.

## Recommendation

In **Section 7.4 Landscape character**, modify objective **O-LCAP-1** as follows:

**O-LCAP-1** Undertake a Landscape Character Assessment for County Sligo within the lifetime of this Plan, in accordance with the principles of the European Landscape Convention and best practice guidance.

### Issue no. 3

The submission requests Sligo County Council to give a clear commitment to cooperate and consider landscape management with neighbouring counties which would better reflect the draft Regional Planning Guidelines for the Border Region.

### Opinion

The Draft CDP is consistent with the Border Regional Planning Guidelines. However, there is no objection to the inclusion of an additional policy that would reflect the provisions of RPG policy ENVP8 –“Local Authorities shall collaborate with adjoining planning authorities so that all development plan policies are consistent in the protection and management of landscape”.

## Recommendation

In **Section 7.4 Landscape character**, insert an additional objective as follows:

**O-LCAP-8** Liaise with adjoining planning authorities to ensure that development plan policies are consistent in the protection and management of landscape

**Issue no. 4**

The submission states that whilst climate change is discussed in Chapter Ten, a policy provision recognising climate change and a discussion around its potential impacts on landscape, natural and cultural heritage is recommended, with reference to green infrastructure.

**Opinion**

Noted. There are no proposals within the draft Plan to develop policies relating to green infrastructure at this time. The focus of the draft plan will be to deliver a comprehensive LCA within the lifetime of the plan. Should resources allow, it is proposed that green infrastructure policies and objectives will be included any future reviews of the Plan.

**Recommendation**

No change to the Draft Plan.

**Issue no. 5**

The submission outlines that SEA Measures could be broadened to reflect urban, degraded and historical landscapes

**Opinion**

The SEA Environmental Report reflects the contents of the Draft Plan. As no change is proposed to the Draft Plan in relation to landscape classification, no corresponding change of the ER is necessary.

**Recommendation**

No change to the Draft Plan.

**Issue no. 6**

The submission requests that reference be made in Box 7.B to the upcoming European Communities (Birds and Natural Habitats) Regulations that are due to be adopted soon, as well as the second National Biodiversity Plan that came out for public consultation in September 2010, and may be adopted imminently.

**Opinion**

Noted and agreed.

**Recommendation**

In **Chapter 7 Heritage**, amend **Box 7.B** as follows:

**European Directives**

The European Communities Habitats Directive (1992) plays a major role in the provision of protected areas for habitats and species of conservation concern, designated in Ireland as Special Areas of Conservation (SAC). The EU Birds Directive (1979) offers protection to internationally important bird

populations in Special Protection Areas (SPA). Collectively, these designated areas are known as Natura 2000 sites. The Habitats and Birds Directives were transposed into Irish law through the Natural Habitats Regulations (1997) [and subsequent amendments](#).

### **National Biodiversity Plan**

This National Biodiversity Plan (2002) recognises that conservation and enhancement of biodiversity is essential for sustainable development, and for maintaining the quality of human life. The National Biodiversity Plan sets out 91 actions to halt the current and continuing loss of plant and animal species, as well as the biodiversity and habitats that they comprise, by 2010. [The second National Biodiversity Plan has now been drafted and once adopted will provide the new context for biodiversity policy and planning in Ireland in the future.](#)

### **Issue no. 7**

The submission recommends that provision should be made through policy for planning for responses and adapting to climate change impacts within the County. It outlines that this could be facilitated through the development of a Green Infrastructure Strategy, as well as a Climate Change Adaptation Strategy, using the mapping and identification of important habitats and landscape features as referred to in Chapter Seven.

### **Opinion**

Noted. There are no proposals within the draft Plan to develop policies relating to green infrastructure at this time. The focus of the draft plan will be to deliver a comprehensive LCA within the lifetime of the plan. Should resources allow it is proposed that green infrastructure policies and objectives will be included any future reviews of the Plan.

In accordance with the National climate Change Strategy, Sligo Local Authorities are preparing a Joint Climate Change Strategy, which is likely to be a five-year strategy (2010-2014) with subsequent reviews and updates up to 2020.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 8**

The Heritage Council encourages Sligo County Council to discuss the potential County Biodiversity Sites with the relevant landowners, and work with them and relevant agencies in a constructive, participatory manner to facilitate appropriate management, if required.

### **Opinion**

The main objective in proposing County Biodiversity Sites is to protect them from inappropriate development. Appropriate management of such sites falls outside the scope of the Plan, but can be addressed through the draft County Sligo Biodiversity Action Plan, through appropriate partnerships.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 9**

Given the importance of the hedgerow resource to native wildlife and in recognition of the Wildlife (Amendment) Act 2000, the submission suggests the inclusion of three additional objectives:

- Work with landowners, local communities, contractors and other groups to ensure that hedgerow maintenance works are carried out outside the bird-nesting season (i.e. September-February) and in accordance with best practice methodologies.
- Ensure that hedge cutting required to be undertaken by the County Council would be implemented only outside the bird-nesting season.
- Require, or encourage, the retention of hedgerows and trees in the consideration of all development proposals.

### **Opinion**

Noted. NPWS are responsible for the implementation of the Wildlife Act and in particular the provisions relating to hedgerows. While the Council has an operational role in ensuring that its own and third-party (as directed by the Council) maintenance works are carried out outside the bird nesting season and in accordance with best practice methodologies, it is not considered that the scope of the recommendation falls within the remit of the Plan. The draft Sligo Biodiversity Action Plan currently deals with issues relating to hedgerows and proposes to develop a Hedgerow policy for the County to address such issues.

Section 12.2.4 Landscape/vegetation requires development proposals to be accompanied by landscape plans where existing trees and hedgerows are identified and retained where appropriate.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 10**

Policies P-NH 31 and P-NH-32 address the control and spread of invasive species within the plan area; in addition, awareness raising and training in this area would be beneficial.

### **Opinion**

Noted and agreed. Section 7.1.1 Invasive Species and specifically policies P-NH-31, P-NH-32 and Objective O-NH-23 provide a coherent framework for identifying the extent of invasive species within the plan area, the degree of threat posed and the resources required to control and/or eradicate them and ensuring their effective management. The general public has an important role to play in the control/eradication of invasive species and an objective referring to public engagement around the issues of invasive species should be included in the Plan.

### **Recommendation**

Include the following policy in **Section 7.1.1**:

- P-NH-33** Promote public awareness/engagement with regard to invasive species through awareness campaigns and the provision of targeted information on the role of the general public in the control of invasive species.

**Issue no. 11**

Sligo County Council could also take the initiative to mobilise relevant agencies within its area to proactively tackle invasive species issues. In addition, the County Council should additionally undertake an objective to train its own staff in methods to reduce the spread, or risk of spread, of invasive species, to adhere to best practice guidance and to contribute to collection of data to identify the scale of the issue in Sligo. Such data should then be provided to the National Invasive Species Database held by the National Biodiversity Data Centre ([www.biodiversityireland.ie](http://www.biodiversityireland.ie)).

**Opinion**

Noted. Training of Local Authority staff regarding invasive species has already been undertaken through the County Heritage Plan and will be further developed through the forthcoming County Sligo Biodiversity Action Plan. All data collected by the Council re invasive species is already automatically forwarded to the NBDC and this will continue.

**Recommendation**

No change to the Draft Plan.

**Issue no. 12**

The submission requests that other policies and objectives in the Plan should also be “invasive-species-proofed”, e.g. any initiatives to further develop aquaculture, mariculture and forestry.

**Opinion**

Noted and agree.

**Recommendation**

In **Section 12.2.4 Landscape/vegetation**, insert the following additional bullet point:

- the presence or absence of invasive species on the development site should be considered; where these occur, detailed proposals should be provided for their management/eradication.

**Issue no. 13**

The submission requests a specific policy or commitment to training in Appropriate Assessment. This would be considered of merit as infrastructural developments including roads and wastewater can impact on Natura 2000 sites and other valued ecological resources.

**Opinion**

While Appropriate Assessment training has been provided to LA staff in the recent past, the Council is committed to ongoing staff development and training as priorities and resources allow. However, training of staff is an operational matter for the Council and does not fall within the remit of the Plan.

**Recommendation**

No change to the Draft Plan.

**Issue no. 14**

The Heritage Council does not agree with the conclusions of the screening for Appropriate Assessment, and would not concur with the statement on page 2 of the Appropriate Assessment Draft Screening Report that it has been undertaken in accordance with, *inter alia*, the “*Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities*” (Department of Environment, Heritage and Local Government 2010). This Guidance clearly states that “*If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA)*”. Given the scale of County Development Plans and their complexity, the Heritage Council would argue that such Plans should go immediately to full screening.

**Opinion**

Noted. The Appropriate Assessment Report clearly indicates that following the screening exercise, the wording of numerous policies and objectives has been amended in order to avoid giving rise to significant effects on any Natura 2000 sites. It is therefore considered that the Draft Plan does not require any further assessment.

**Recommendation**

No change to the Draft Plan.

**Issue no. 15**

In relation to Chapter 10, under the general guidelines to be adhered to in the coastal zone, the submission requests that additional guidelines be included, allowing the following lines. ‘A full options analysis will be undertaken before “hard engineering” solutions are commenced. This should include full consideration and analysis of “soft” options, and potential impacts on other areas of the coast.’

**Opinion**

Objective O-CP-5 in Chapter 10 specifies that the Council will continue to employ soft engineering techniques where appropriate.

**Recommendation**

No change to the Draft Plan.

**Issue no. 16**

Policies proposed for Sligo Airport should be subject to greater scrutiny through the SEA process including further information on the surrounding environmental baseline, potential environmental impacts on Natura 2000 sites, water quality, soil and landscape and provision of more appropriate mitigation measures including amendments to the policies.

**Opinion**

Section 8.5 of the Plan addresses Airports. Objective O-A-1 does state that any development which occurs shall be subject to compliance with the Habitats Directive.

**Recommendation:** No change to the Draft Plan.

Tadhg O'Mahony, Senior Scientific Officer,  
SEA Section – Environmental Research Centre,  
on behalf of the Environmental Protection Agency

The Environmental Protection Agency made an extensive submission including not only suggestions for new or modified policies and objectives, but also general and specific comments relating to operational matters and the management of environmental infrastructure.

The responses given below relate only to the EPA's comments on Plan policies, objectives, the Environmental Report and the Appropriate Assessment Screening Report.

## **Integration of environmental considerations in the land use plans**

### **Issue no. 1**

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.

### **Opinion**

The Introduction to the Draft CDP 2011-2017 and Section 1.1 set the planning and the general context for the Plan, in accordance with the Planning and Development Acts 2000-2010 and current planning guidance. Other relevant plans, programmes or strategies are mentioned in the Plan, as appropriate.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 2**

The Draft Plan reflects a proactive and positive approach towards integrating environmental considerations and the principles of sustainable development. In particular the Policies and Objectives relating to Natural Heritage, Protecting Landscape Character, Environmental Infrastructure, Water Quality, Coastal Zone Management, Climate Change and Flood Risk Management are noted and welcomed.

The Plan would, however, benefit from the inclusion of a section highlighting how the SEA, Appropriate Assessment (AA) and Flood Risk Assessment (FRA) were integrated within the Plan making process.

The inclusion of a Section on SEA in Section 2 is acknowledged and welcomed. This section could be expanded further to highlight, justification of selection of the preferred development scenario and to provide a summary of key outputs from the SEA, Appropriate Assessment and Flood Risk Assessment processes which influenced the Draft Plan Policies and Objectives including key mitigation measures.

Where Policies and Objectives have been informed by these processes, this should be highlighted in the Plan.

## **Opinion**

The clarifications and expansions suggested above are already provided in the Environmental Report and AA Screening Report which accompany the Draft CDP. It is considered unnecessary to duplicate this information in the main development plan document.

## **Recommendation**

No change to the Draft Plan.

## **Issue no. 3**

The *Overlay Mapping of Environmental Sensitivities* in Section 3.10 clearly combines and presents the various environmental vulnerabilities within the ‘Midlands’ region. What is not clear is how the sensitivity mapping informed the Preferred Alternative Development Scenario for County Sligo.

## **Opinion**

The Overlay Mapping and the mapping of individual environmental components were considered by the Council during the preparation of the draft Plan. Each of the schematic diagrams of the 3 alternative scenarios was considered alongside the Overlay Mapping to show locations where conflicts would be likely to occur in the future.

## **Recommendation**

In **Section 7.2 Methodology** of the **Environmental Report**, add the following sentence to:

Each of the schematic diagrams of the 3 alternative scenarios were considered alongside the Overlay Mapping of environmental sensitivities in order to show locations where conflicts would be likely to occur in the future. It is noted that this mapping does not take account of all factors such as waste water treatment capacity or the assimilative capacity of individual sections of rivers. The Overlay Mapping and the mapping of individual environmental components were considered by the Council during the preparation of the draft Plan.

## **Issue no. 4**

In assessing the likely significant effects of the Plan, the full range of effects, as set out in Annex I of the SEA Directive - “secondary, cumulative, synergistic, short, medium and long term, permanent, temporary, positive and negative effects”, should be assessed and reported. In particular, the potential for cumulative effects in combination with other relevant, programmes and projects within and adjoining the Plan area should be assessed. The requirement to assess in-combination effects in the context of the Appropriate Assessment should also be addressed.

## **Opinion**

The SEA has determined the likely significant effects of implementing the draft Plan. These effects include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.

In addition, the AA finds that the draft Plan has been formulated to ensure that uses, developments and effects arising from permissions based upon the draft Plan (either individually or in combination with

other plans or projects) shall not give rise to significant effects on the integrity of any Natura 2000 sites<sup>1</sup>.

### **Recommendation**

No change to the Draft Plan or Environmental Report.

### **Issue no. 5**

The proposals under Objective O-LCAP-3 to prepare Local Area Plans (LAPs) and /or Landscape Conservation Areas for the Heritage Landscapes in Cuil Irra Peninsula, Carrowkeel and Innishmurray is noted and welcomed. Consideration should also be given to provisions for landscape management for these heritage landscapes. The requirements of the SEA and Habitats Directive should be complied with in the context of these proposed LAPs.

### **Opinion**

The EPA's support for Objective O-LCAP-3 is noted and welcomed. The draft plan does not make provision for landscape management per se as it does not fall within its remit to do so. The requirements of the SEA and Habitats Directive will be complied with in the context of these proposed LAPs where required and as appropriate.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 6**

Of concern is that 16 of the 30 Mini-Plans have Natura 2000 sites (SACs / SPAs) occurring within or immediately adjoining the Plan boundary. In addition, more than one Plan may have potential to impact on the same SAC/SPA site(s).

To this effect it is not clear to what extent the SEA and AA have assessed the likely cumulative/ in-combination impacts of the implementation of the Plans on the conservation objectives and the integrity of the Natura 2000 sites.

The SEA and AA should include an assessment of the overall environmental implications of the implementation of the proposed Mini Plans. In particular the implications of the Mini Plans on the Natura 2000 network should be assessed and should be included within the AA Screening. It should be noted that of the total zoning of greenfield land proposed for the 30 Mini Plans, some 122 hectares, in the order of 85 ha are associated with the 16 Mini Plans which are within and adjoining SACs/ SPAs.

### **Opinion**

The SEA and AA examined the 30 mini-plans and considered the effects – including cumulative effects - of implementing the Plans within the overall County Development Plan framework. The findings of this examination are provided under Section 8 - and in particular under Section 8.14 - of the ER and in the AA. Careful consideration in particular has been paid to the protection of Natura 2000 Sites through both the SEA and Appropriate Assessment (AA) processes. Such considerations

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<sup>1</sup> Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be:  
(a) no alternative solution available,  
(b) imperative reasons of overriding public interest for the plan to proceed; and  
(c) adequate compensatory measures in place.

have been integrated through additional General Policies for the Mini Plans (see Section 13 of the draft Plan) and through the land use zoning objectives contained in the Mini Plans.

### **Recommendation**

Update the **Appropriate Assessment Report** – Assessment of the cumulative impact of the mini-plans will be clarified by inclusion of a table in the screening statement that indicates where more than one plan will impact on a particular Natura 2000 site. An additional policy will be included to emphasise the requirement to examine cumulative impacts of the implementation of the mini-plans identified in this table.

### **Issue no. 7**

Consideration should be given to including in the Plan a *Plan Implementation Monitoring Programme*". The SEA and, where relevant, any proposed AA related monitoring should be linked with the agreed Plan implementation monitoring programme.

### **Opinion**

SEA monitoring is not required to be linked to other Plan related monitoring. However, there is no objection to include environmental monitoring as part of the general Plan monitoring.

### **Recommendation**

In **Section 2.8 Monitoring** (SEA) of the Draft Plan, insert the following paragraph:

Section 10 of the SEA Environmental Report identifies indicators for monitoring the significant environmental effects of implementing the Plan. A monitoring evaluation report on the significant environmental effects of implementing the Plan will be prepared alongside the Manager's report to the Elected Members on the progress achieved in securing the Plan objectives within two years of the making of the Plan (this Manager's report is required under Section 15 of the Planning and Development Act 2000).

## **Water - Water Framework Directive**

### **Issue no. 8**

The Plan should promote the protection of surface water, groundwater coastal and estuarine water resources and their associated habitats and species, including fisheries.

Provision should be made in the Plan for the incorporation of the specific relevant objectives and measures for individual water bodies set out in the relevant 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.

### **Opinion**

The Draft Plan promotes the protection of the features listed above.

It includes a policy **P-WQ-1** to "ensure that all development proposals have regard to the policies, objectives and measures detailed in the River Basin Management Plans".

It also includes an objective **O-WQ-1** to implement the management measures contained in the Western RBD, Shannon International RBD and North-western International RBD Management Plans. This is considered adequate and sufficient in order to facilitate the implementation of the RBMPs.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 9**

The Plan should refer to and incorporate the recent Surface Water legislation *Environmental Objectives (Surface Waters) Regulations 2009* (S.I. No 272 of 2009), where relevant and appropriate.

The Plan should refer to the recent *Water Quality in Ireland 2007 – 2008, Key Indicators of the Aquatic Environment* (EPA, 2009) as appropriate and relevant.

### **Opinion**

The *Environmental Objectives (Surface Waters) Regulations 2009* are included in P-WQ-3.

The River Basin Management Plans deals with water quality. The *Water Quality in Ireland 2007 – 2008, Key Indicators of the Aquatic Environment* report does not need to be included in the Plan.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 10**

The proposals for Water Supply Schemes (i.e. dam upgrade works complete and new Water Treatment Works at Kilsellagh) are noted. These proposals should be subject to the requirements of the EIA and Habitats Directives.

### **Opinion**

Noted. Water Supply Objective O-WS-1 indicates that the construction of the water treatment plant will be subject to compliance with the requirements of the Habitats Directive.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 11**

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 2007-2008, (Office of Environment Enforcement- EPA, 2009)*. The Plan should refer to the EPA guidance handbook on the *Implementation of the Regulations for Water Services Authorities for Public Water Supplies* that has been prepared under the European Communities (Drinking Water) (No.2) Regulations 2007.

### **Opinion**

In Section 9.1 Water, wastewater and drainage: context and legislation, the Draft Plan includes an appropriate reference to the European Communities (Drinking Water)(No.2) Regulations 2007 and to the EPA's role in a supervisory capacity over local authority operations. The implementation of these regulations is an operational matter for the local authority and does not require a mention in the Plan.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 12**

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. Guidance has also been published by the EPA on the Remedial Action List and is available in the Drinking Water Handbook

### **Opinion**

Table 9.A in the Draft CDP outlines the overall programme of improvements on public water supply schemes.

The Remedial Actions List, which generally involves minor works and/or operational improvements, is reviewed quarterly by the EPA and would therefore require updating a number of times throughout the Plan period.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 13**

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. 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.

### **Opinion**

It is considered that this matter that can be adequately addressed at planning application stage.

### **Recommendation**

No change to the Draft Plan.

#### **Issue no. 14**

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).

#### **Opinion**

Agreed.

#### **Recommendation**

Wastewater objective O-WW-6 should be modified as follows:

- O-WW-6** Achieve compliance with the *Urban Wastewater Treatment (Amendment) Regulations 2004* with regard to wastewater collection, treatment and discharge [and implement 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\* \(EPA\).](#)

#### **Issue no. 15**

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 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.

#### **Opinion**

It is considered that the Wastewater policies included in **Section 9.3 Wastewater treatment** and the general mini-plan policies contained in **Section 13.9 Water quality, water supply, surface water and wastewater treatment** are adequate and sufficient to satisfy the requirements of the EPA as outlined above.

#### **Recommendation**

No change to the Draft Plan.

### **Groundwater protection**

#### **Issue no. 16**

It is noted that the Plan includes one Policy, P-WQ-2 for the protection of groundwater resources. This policy or an additional under Natural Heritage should include a reference to the need to protect groundwater dependent habitats and species.

## Opinion

Agreed. Policies P-WQ-2 and P-NH-24 should be modified to include a reference to the need to protect groundwater dependent habitats and species.

## Recommendations

**A.** In **Section 7.1.5**, modify policy **P-NH-24** as follows:

P-NH-24 Ensure that proposed developments do not adversely affect groundwater resources and groundwater dependent habitats and species

**B.** In **Section 10.1 Water quality**, modify policy **P-WQ-2** as follows:

**P-WQ-2** Ensure that all development proposals have regard to the policies and objectives of the Sligo Groundwater Protection Scheme to ensure the protection of groundwater resources and groundwater dependent habitats and species

## Issue no. 17

**a.** 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 12<sup>th</sup> 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.

**b.** 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.

**c.** 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.*

## Opinion

**a.** Agreed.

**b.** Section 10.1 Water Quality indicates the existence of a Groundwater Protection Scheme for County Sligo.

**c.** Three of the four suggested objectives relate to implementation and enforcement and do not need to be included in the Plan. Furthermore, they are subject to availability of resources and there may even be legal issues affecting their implementation. In relation to the fourth bullet point, it is agreed to include an additional water quality policy.

## Recommendations

A. In **Section 10.1 Water quality**, amend policy P-WQ-3 as follows:

**P-WQ-3** Ensure compliance with the provisions of the European Communities Environmental Objectives (Surface Waters) Regulations 2009 ~~and proposed national Groundwater Quality Regulations~~ *the European Communities Environmental Objectives (Groundwater) Regulations 2010 (S.I.9 of 2010)* and the Groundwater Directive (2006/118/EC) on the protection of groundwater against pollution and deterioration.

B. In **Section 10.1 Water quality**, insert an additional water quality policy as follows:

**P-WQ-11** Ensure compliance with European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009.

## Bathing Water

### Issue no. 18

The most recent reported figures related to bathing locations (EPA 2009) have shown that Sligo County Council has a good water quality in Enniscrone and Mullaghmore. Rosses Point was identified as “sufficient” water quality because it only complied with Mandatory values.

According to the 2006 Directive “sufficient” water quality is the minimum requirement for bathing water by 2015. Policy P-WQ-5 within Water quality policies is noted and welcomed as it ensures compliance with the requirements of the Bathing Water Quality Regulations 2008 (S.I. No. 79 of 2008).

The Plan should promote the protection of waters within the Plan area that are used for bathing.

### Opinion

It is considered that policies P-WQ-5 and P-WQ-6, in the Water quality objectives section, make adequate provision for the protection of bathing water quality.

### Recommendation

No change to the Draft Plan.

## Water Conservation

### Issue no.19

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.

### Opinion

Objective O-WS-4, in the Water supply objectives section, provides for the continued application of the Water Conservation Programme in the County area. Also water supply policies P-WS-3 and 5

promote water conservation and sustainability measures, while SO-W-5 indicates that the Water Services Strategic Plan will include a water conservation strategy.

### **Recommendation**

No change to the Draft Plan.

## **Water Services Act 2007 - Strategic Water Services Plans**

### **Issue no. 20**

The Plan should include measures to support the proper planning and sustainable development including sustainable use of water resources.

### **Opinion**

Agreed.

### **Recommendation**

The strategic goal **SG-6.a in Chapter 3**, under the heading **SG-6 Delivering improved infrastructure**, should be modified to include the text “[ensuring the sustainable use of water resources](#)”.

## **Flood Prevention and Management**

### **Issue no. 21**

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.

### **Opinion**

The Draft CDP, including the 30 village plans, has been subjected to Strategic Flood Risk Assessment. It is proposed to include an objective to undertake Stage II Flood Risk Assessments for the individual settlements, in accordance with the OPW/DoEHLG’s Flood Risk Management Guidelines after the relevant mapping becomes available from the OPW. In the interim period, it is considered that the Flood risk management policies of the Draft Plan are adequate and sufficient for dealing with development proposals in areas of potential flood risk.

The Draft Plan explicitly promotes the OPW approach in relation to flood risk management.

There is no objection to the inclusion of a reference to the EU Directive (2007/60/EC) on the assessment and management of flood risks.

### **Recommendation**

In **Section 10.6.2 Flooding** insert a reference to the [EU Directive \(2007/60/EC\) on the assessment and management of flood risks](#).

## **Integration of infrastructure, zoning and development**

### **Issue no. 22**

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 associated with relevant Land Use and other relevant Plans within the Plan area.

### **Opinion**

It is considered that the requirements outlined above are already adequately covered in the Draft Plan.

### **Recommendation**

No change to the Draft Plan.

## **Biodiversity**

### **Issue no. 23**

The policies and objectives set out in Section 7 Heritage of the Draft Plan are both comprehensive and proactive and demonstrate a commitment to the protection, management and enhancement of the natural heritage of Sligo. This positive approach to biodiversity protection is both welcomed and commended.

The commitment to the adoption and implementation of a County Biodiversity Action Plan in Objective O-H-1, should be strengthened with a firm commitment to the preparation of the Plan within a specified timescale during the implementation of the adopted Plan.

There would also be merits in including a specific reference in the policies and objectives to wetland sites in the county.

## **Opinion**

A draft County Biodiversity Action Plan was presented to Sligo County Council in July 2010 in advance of public consultation. It is expected that the County Sligo Biodiversity Action Plan 2011-2015 will be presented to the Council for adoption in early 2011. The Biodiversity Action Plan will be implemented as a subset of the County Sligo Heritage Plan and delivery of the plan will be resource-dependent.

It is considered that wetland sites are one of many different habitat type that may be selected in the future for inclusion in the upcoming Plans as County Biodiversity Sites. In the preparation of this Plan, a number of wetland surveys were available to inform site selection for County Biodiversity Sites. As further habitat mapping is carried out, different habitat types may be put forward. It is also considered that the policies and objectives set out in Section 7.1.3 P-NH-9 and O-NH-8, O-NH-9 adequately cover wetland sites and are not restrictive in applying to other habitat types.

## **Recommendation**

No change to the Draft Plan.

## **EU protected habitats and species in Ireland**

### **Issue no. 24**

- a. The Plan should refer to the Water Framework Directive Register of Protected Areas in particular those relating to biodiversity.
- b. 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 authorisation of development, addresses the threatened habitats and species 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) which occur within or adjoining the LA areas.

## **Opinion**

- a. The provisions of the draft Plan including Water Quality Objective including O-WQ-1 (the management measures contained in the Western RBD, Shannon International RBD and North-western International RBD Management Plans) will contribute towards the protection of entries to the Register of Protected Areas.
- b. The Department's report provides information on the status of EU protected habitats and species as assessed in 2008. It is considered that Sections 7.1.1 (European and National designated natural heritage sites), 7.1.2 (Habitats Directive Assessment) and 7.1.6 (Protected species as listed in Appendix C) of the draft Plan provide a comprehensive suite of policies and objectives to assist the Council in fulfilling its responsibilities in the supply of services, zoning of lands and authorisation of development, while having regard to and addressing the status of and threats to EU protected habitats and species within or adjoining the LA's functional area.

## **Recommendation**

No change to the Draft Plan.

## Issue no. 25

The Plan should refer to the requirement of the Habitats Directive ( Article 4 Paragraph 4) for the maintenance of special areas of conservation at a “favourable conservation status”. In particular, the Plan should include a specific Policy / Objective promoting the maintenance and, as appropriate, achievement of favourable conservation status of habitats and species, in association with the NPWS.

### Opinion

Noted and agreed.

### Recommendations

**A. In Chapter 7 Heritage**, amend **O-NH-1** as follows:

**O-NH-1** Protect and maintain the [favourable conservation status and](#) conservation value of all natural heritage sites designated or proposed for designation in accordance with European and national legislation and in other relevant international conventions, agreements and processes. This includes sites designated or proposed as Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), Ramsar sites and Statutory Nature Reserves.

**B. In Chapter 7 Heritage** include the following new objective for European and national designated natural heritage sites:

[Promote the maintenance and as appropriate achievement of favourable conservation status of protected habitats and species in association with NPWS.](#)

## Issue no. 26

The inclusion of a commitment in Objective O-NH-11, 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*”, as required by Article 10 of the habitats Directive is noted and welcomed.

In addition, an objective should also be included in the Plan to reflect the provisions of Article 3, Paragraph 3 of the Habitats Directive, to “*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*” as referred to in Article 10. These features include “*...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*”. Objective O-NH-13 could be expanded to address this aspect.

### Opinion

The Department’s support is noted and welcomed.

It is agreed to amend Objective O-NH-11.

## **Recommendation**

In **Chapter 7 Heritage**, replace O-NH-11 as follows:

### Existing O-NH-11

Improve the ecological coherence of the Natura 2000 network, by conserving and encouraging the preservation and management of biodiversity and wildlife corridors and County Biodiversity Sites that link areas of high nature conservation value and which are of major importance for wild fauna and flora.

### Proposed O-NH-11

Endeavour, where considered necessary, to improve the ecological coherence of the Natura 2000 Network, by encouraging the preservation and management of features of the landscape which are of major importance for wild fauna and flora as referred to in Article 10 of the Habitats Directive. These features include 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.

## **National Biodiversity Data Centre (NBDC)**

### **Issue no. 27**

You are referred to the National Biodiversity Data Centre's website. 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 NBDC knowledgebase and the provision of high quality information to improve decision making. There would be merits in highlighting this resource in either a Policy/Objective of the Plan or in the related text. In addition, the benefits of providing relevant biodiversity data and information to the NBDC as well as to the National Parks and Wildlife Service of the DoEHLG.

### **Opinion**

Noted.

### **Recommendation**

No change to the Draft Plan.

## **Annex I/ Annex II /Annex IV Habitats Directive**

### **Issue no. 28**

The Plan should also include a Policy/ Objective under Section 7.1.6 - Protected Species Policies to ensure the protection of Annex I and Annex II - Natural Habitats Animal and Plant Species respectively of Community Interest whose conservation requires the designation of Special Areas of Conservation and Annex IV –Animal and Plant Species of Community Interest in need of Strict Protection of “Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora” which occur within and adjoining the Plan area.

### **Opinion**

The policies and objectives set out in Sections 7.1.1 European and national designated natural heritage sites, 7.1.2 Habitats Directive Assessment (Appropriate Assessment) and 7.1.6 Protected Species

provide a comprehensive framework to ensure the protection of Annex I (natural habitats) and Annex II (animal and plant species) respectively of community interest whose conservation requires the designation of Special Areas of Conservation and Annex IV –Animal and Plant Species of Community Interest in need of Strict Protection of “Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora” which occur within and adjoining the Plan area.

### **Recommendation**

No change to the Draft Plan.

## **Management plans for designated areas**

### **Issue no. 29**

The availability and status of Management Plans for the Natura 2000/ European sites within the Plan area, required in accordance with the Habitats Directive, 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.

### **Opinion**

Noted and agreed. A number of conservation management plans have been prepared, by the National Parks and Wildlife Section of the DoEHLG, for some European designated sites in County Sligo.

The Conservation Management Plans are available to view on [www.npws.ie/en/PublicationsLiterature/ConservationManagementPlans/](http://www.npws.ie/en/PublicationsLiterature/ConservationManagementPlans/).

Section 7.1.2 Objective 0-NH-6 states the following: “Support and co-operate with statutory authorities and others in support of measures taken to manage designated nature conservation sites in order to achieve their conservation objectives”.

Objective O-NH-6 should be amended to include specific provision for Conservation Management Plans where they exist.

### **Recommendation**

In **Chapter 7 Heritage**, amend objective 0-NH-6 as follows:

- O-NH-6** Support and co-operate with statutory authorities and others in support of measures taken to manage designated nature conservation sites in order to achieve their conservation objectives **and where available specific regard shall be made to Conservation Management Plans and their conservation objectives/management practices where they exist.**

## **Fisheries**

### **Issue no. 30**

The Plan should promote the protection of fisheries and shellfisheries where relevant and appropriate within the Plan area and adjoining local authority areas e.g. Donegal, Mayo etc.

In particular, the Plan should refer to the relevant Action Measures set out in the Pollution Reduction programmes (PRPs) for designated Shellfish areas within the Donegal/ Sligo (Sligo Bay, Drumcliffe Bay) and Galway/ Mayo Regions (Killala Bay). The PRPs are linked with PRP specific Characterisation Reports which provide useful environmental baseline information for the Shellfish

areas including, water related information, land use etc. The PRPs have been the subject of both SEA and AA.

### **Opinion**

Policies in relation to Shellfish designated areas and shellfish reduction plans are included in the CDP in the Water quality section, under P-WQ-4 and O-WQ-2.

In addition, it is proposed to modify policy P-AMF-1.

### **Recommendation**

In **Section 4.2.2 Aquaculture, mariculture and fishing**, modify policy **P-AMF-1** as follows:

- P-AMF-1** Encourage and facilitate mariculture development associated with job creation, in a manner that is compatible with other uses of the Sligo coast, and subject to compliance with the requirements of the Habitats Directive, [Water Framework Directive and the provisions of the European Communities \(Quality of Shellfish Waters\) Regulations and objectives of Shellfish Pollution Reduction Programmes](#).

### **Issue no. 31**

The Plan should promote the guidance from the Regional Fishery Boards, including where appropriate and relevant:

- *Fishery Guidelines for Local Authority Works* (DCENR, 2008) where relevant and appropriate.
- *Guidelines on the Planning, Design, Construction & Operation of Small-Scale Hydro-Electric Schemes and Fisheries* (DCENR, 2007). Y
- Eastern Regional Fisheries Board Guidance Notes „*Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites*“ (Eastern Regional Fisheries Board, 2006).
- *Maintenance and Protection of the Inland Fisheries Resource during Road Construction and Improvement Works - Requirements of the Southern Regional Fisheries Board* (Southern Regional Fisheries Board, 2007).

### **Opinion**

The River Basin Management Plans and the Water Quality objectives and policies deal with water quality. It is not considered necessary to include the guidelines above in the Plan.

### **Recommendation**

No change to the Draft Plan.

## **Buffer Zones**

### **Issue no. 32**

The Plan should promote the provision/application of appropriate buffer zones between designated ecological sites and areas zoned for development. Where the application of buffer zones is being considered, you should consult with the National Parks and Wildlife Service (NPWS) of the

Department of Environment, Heritage & Local Government (DOEH&LG) with regard to their application and implementation. The relevant Regional Fisheries Board should also be liaised with where fisheries protection is a concern / objective.

### **Opinion**

Where feasible, the village mini-plans make provision for appropriate buffer zones between designated sites and land zoned for development. Objective 13.8.A (last bullet point) specifically mentions that buffer zones are established around settlements with a view to protecting and enhancing designated natural conservation sites.

### **Recommendation**

No change to the Draft Plan.

## **Appropriate Assessment**

### **Issue no. 33**

It is noted that the Plan includes a clear Objective, O-NH-3, that sets out a requirement for Appropriate Assessment(AA)/ AA Screening of Plans and proposed projects being prepared or assessed during the implementation of the Plan, that may have the potential to impact on Natura 2000 sites.

Section 12 - *Development Management Standards* should include relevant text highlighting the requirement for Flood Risk Assessment, in accordance with the Flood risk Management Guidelines (DoEHLG, 2009), and Appropriate Assessment Screening in accordance with the Habitats Directive. The relevant DoEHLG and OPW/ DoEHLG Guidelines should also be referenced.

### **Opinion**

As the EPA noted, objective O-NH-3 already indicates the requirement for Appropriate Assessment.

The Flood Risk Management Guidelines and the requirements for flood risk assessment are mentioned in Section 10.6.2. Flooding and do not need to be reiterated in Chapter 12.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 34**

Reference should also be made to the need to ensure cumulative and in-combination effects of individual developments under the various headings (are taken into account when assessing development proposals e.g. renewable energy, extractive industry, water supply, water abstraction developments etc.

### **Opinion**

These references are already included in Section 7.1.2 Habitats Directive Assessment.

### **Recommendation**

No change to the Draft Plan.

### Issue no. 35

The reference to cumulative / in-combination effects on the Natura 2000 network provided for in objective O-NH-5 is noted and welcomed. This Objective should also make provisions for the assessment of likely significant “*ex-situ*” and “*cumulative/ in-combination effects*” on Natura 2000 sites within and adjoining the county, associated with other relevant Plans/ Programmes / Projects should also be determined. Reference should also be made to “*programmes*” in the context of cumulative and in-combination effects.

Objective O-NH-5 should in particular highlight for the requirement for an Appropriate Assessment Screening determination to be made for all Land Use Plans, related variations and projects. This determination should be made in consultation with the Department of Environment, Heritage and Local Government - National Parks and Wildlife Service, and this should be highlighted in the Plan.

### Opinion

Noted and agreed.

### Recommendations

**A.** In **Chapter 7 Heritage**, amend objective **O-NH-5** as follows:

**O-NH-5** Establish and maintain an up-to-date planning register of all previously adopted and proposed plans/[programmes](#) and all granted and proposed developments which are likely to [have a significant effect](#) ~~impact~~ (directly or through indirect ~~or~~ [cumulative/in-combination effects](#) ~~impact~~) on European [Sites within or adjoining the county](#), to allow for the appropriate assessment of potential *ex-situ* and [cumulative/in-combination](#)’ effects of proposed plans, [programmes](#) and projects on such sites.

**B.** In the same section, include a new objective as follows:

[An appropriate assessment screening determination shall be made for all land use plans, related variations and projects in consultation with the National Parks and Wildlife Service with the Department of the Environment, Heritage and Local Government.’](#)

### Issue no. 36

Section 7.1.2 should include relevant text promoting 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)“.

### Opinion

Noted and agreed.

### Recommendation

In **Section 7.1.2** include a reference to the DoEHLG Publication [Appropriate Assessment of Plans and Projects in Ireland- Guidance for Planning Authorities](#) (2009).

### Issue no. 37

Consideration should be given to the development and implementation of procedures to ensure compliance with the requirement of Article 6 of the Habitats Directive. This could be undertaken in association with adjoining local authorities within the region to ensure potential cumulative/ in-

combination effects of relevant plans, programmes and projects in other local authorities are identified and assessed.

### **Opinion**

Noted. This is an operational matter, which does not require changes to the Draft Plan.

### **Recommendation**

No change to the Draft Plan.

## **Non-Designated Habitats and Species**

### **Issue no. 38**

The inclusion in the Plan of specific Policies and Objectives (*Policies- P-NH1- P-NH-10 and Objectives O-NH-8 to O-NH-13 inclusive*), for the protection of “nature conservation outside designated sites” including “geological heritage”, is noted and welcomed.

The provisions with respect to buffer zones for woodlands, trees and hedgerows , P-NH-6, is noted as are the provisions for Core Riparian Zones to be maintained (see comments below under 2.5). The provision of appropriate buffer zones should be extended to apply to all biodiversity features. The Plan should provide for the promotion of 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.

### **Opinion**

It is considered that the policies for nature conservation outside designated sites adequately cover the requirements outlined above.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 39**

The proposed rewording of policies/objectives arising from the AA to reflect the requirements of the Habitats Directive is noted. It is considered, however, that in addition to the repeated reference to the requirement of the Directive in the context of various aspects of the Plan, the inclusion of a number overarching strategic level policy/ objectives providing a commitment to the implementation of the requirements of article 6 of the Habitats Directive should be considered. Reference should be made also to the requirement to address *cumulative/ in-combination effects* in particular. Where included, a reference should also be made to the DoEHLG Appropriate Assessment Guidelines. This would strengthen considerably the commitment already provided to complying with the requirements of the Habitats Directive in implementation of the Plan.

The AA should also consider relevant Plan specific mitigation measures to address any existing identified and likely future *in –combination effects* arising from implementation of the Plan and other relevant Plans, Programmes and projects.

## **Opinion**

Noted. Please refer to the response to Issues no. 35 and 36 above.

## **Recommendation**

No further change to the Draft Plan.

## **Habitat mapping**

### **Issue no. 40**

Objective O-NH-11 which provides a commitment to the ongoing county habitat mapping is noted and welcomed. In order to ensure that the findings of the county habitat mapping are utilised to inform the development management process, a commitment to a phased and co-ordinated Habitat Mapping (including wetlands) programme should be included in the Plan. Where possible the schedule for delivery of this programme should reflect the duration of the new Plan or earlier if achievable. The phased release of the completed aspects of the mapping programme should be considered where possible to ensure the development control system and procedures reflect the updated information.

This Habitat Mapping should be undertaken at an appropriate scale and in accordance with agreed national Habitat Mapping Methodology. This mapping should be undertaken on a phased basis and should have specific timescales assigned.

The scope of this mapping should be agreed in consultation with the National Parks and Wildlife Service – Department of the Environment, Heritage and Local Government, the Heritage Council, the relevant Regional Fisheries Board and other relevant statutory and non statutory nature conservation interest groups.

## **Opinion**

The recommendations are noted. Sligo County Council has an ongoing programme of habitat mapping in the county. Surveyed habitats to date include, Sligo and Environs Plan area, selected settlements within the county, grassland of conservation concern and wetlands in County Sligo (phases I, II and III). While habitat mapping is resource-dependent, every effort will be made to dovetail any further habitat mapping programmes with the development of land use plans as appropriate and as resources allow.

## **Recommendation**

No change to the Draft Plan.

## **Alien species and noxious weeds**

### **Issue no. 41**

The inclusion of Policies (P-NH-31, P-NH-32) in the Plan for prevention of the spread of and control/ or eradication of invasive species is noted and welcomed. Provisions for the management of invasive species and incorporation of awareness campaigns to inform the public and international visitors, should also be included as an objective.

## **Opinion**

Public awareness is partly covered under O-WQ-11 in Section 10.1 Water quality.

Please refer to the response to Issue no. 10 of Submission 124 (Heritage Council).

### **Recommendation**

No further change to the Draft Plan.

### **Issue no. 42**

The provisions of Objective O-NH-23 regarding a study to quantify the extent of invasive species in the Plan area are noted. This could be linked with and /or be informed by the ongoing habitat mapping programme. In addition, the management aspect in relation to invasive species should be strengthened. Management of invasive species should be undertaken in association with relevant statutory bodies including the Fisheries Board and the National Parks and Wildlife Service and the Forest Service.

Consideration should also be given to the inclusion of a development control condition which requires developers to address the sustainable management of invasive species during site clearance, construction, operation and where appropriate maintenance. This has a particular relevance in the context of infrastructure development such as roads and water related development etc. This should be developed in association with the NPWS and Fisheries Board and should promote and be informed by relevant Guidance including that referred to below.

### **Opinion**

A development control condition regarding site mitigation measures prior to development if invasive species are present would be very helpful, especially restrictions relating to soil movement around or off site – as such practices effectively lead to the spread invasive species.

However, the recommendations above refer to operational matters that do not require changes in the Draft Plan.

### **Recommendation**

No further change to the Draft Plan.

## **Inland waters – rivers, streams, wetlands**

### **Issue no. 43**

The Policies and Objectives under Inland Waters are noted and welcomed. The dimensions of the Core Riparian Zones (CRZs) for *larger river channels*, (i.e. over 10m), of *35 -60 m or greater*, and for *smaller channels* – (i.e. under 10m) of *20 m or greater* is noted. These minimum dimensions should be reflected in the specific Policies and Objectives set out in relation to water. The exact dimensions for individual watercourses should be refined as appropriate, based on the findings of the county wide habitat mapping and wetland survey.

### **Opinion**

Noted. Please also refer to the response to Issue no. 15 in Submission 16 (Keep Ireland Open).

### **Recommendation**

No further change to the Draft Plan.

#### **Issue no. 44**

Policy P-NH-22 should be expanded to incorporate a reference to hydrological regime in the context of ensuring protection of the integrity of wetland sites within and adjoining the Plan area, including in particular their hydrological regime.

#### **Opinion**

Agreed.

#### **Recommendation**

In Chapter 7, modify policy P-NH-22 as follows:

**P-NH-22** Ensure that all proposed greenfield residential and commercial developments use sustainable drainage systems (SUDS) in accordance with best current practice, [ensuring protection of the integrity of wetland sites in the adjoining area, including their hydrological regime.](#)

#### **Issue no. 45**

Where there are links by way of ecological networks between inland waterways, wetlands etc. and Natura 2000 sites, provisions should be made to require development proposals which have potential to impact on Natura 2000 sites should also be screened for Appropriate Assessment.

#### **Opinion**

The requirements for AA screening are already covered in Section 7.1.2.

#### **Recommendation**

No further change to the Draft Plan.

### **Air, noise and climatic factors – *noise***

#### **Issue no. 46**

Section 10.3 Air Quality should include reference to and, as appropriate, promote the implementation of the Noise Directive and associated national regulations as well as the specific “measures”/ “actions” set out in or due to be set out in a proposed “ Noise Action Plan” for Sligo.

*Under Section 10.3 -Air Quality Policies*, Consideration should be given to extending the sectors for which Policy P-AQ-5 regarding odour control applies as appropriate. A general Policy regarding “odour nuisance” could be considered. Similarly Policy P-NC-2, Under Noise Control Policies could be reflected in more general terms e.g. *Noise Nuisance*.

#### **Opinion**

It should be noted that Noise Action Plans are/have been prepared for major infrastructure in the county.

It is considered opportune to modify policies P-AQ-5 and P-NC-2.

#### **Recommendations**

**A.** In **Section 10.3 Air quality**, replace policy **P-AQ-5** with the following:

Ensure all new developments incorporate appropriate measures to minimise odour nuisance from the development.

**B.** In **Section 10.4 Noise control**, replace policy **P-NC-2** with the following:

Ensure all new developments incorporate appropriate measures to minimise noise nuisance from the development.

## **Air and climatic factors**

### **Issue no. 47**

- a.** 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 and in areas with high radon levels.
- b.** According to the Radiological Protection Institute of Ireland's mapped information, large areas of the county have between 10-20% (estimated percentage) of homes above the reference level for Radon.

Consideration should be given to the inclusion of a policy/objective to address radon issues in the Border Region where relevant and appropriate. There would be merits in referring to the *Radiological Protection Institute of Ireland- Guidance Notes to Local Authorities on implementing a radon measurement programme (July 2009)*. This Guidance should also be reflected in the relevant section of the Plan.

### **Opinion**

- a.** It is agreed to include a policy seeking the protection of air quality in the County.
- b.** Radon gas is a national issue and the Radiological Protection Institute of Ireland will need to be consulted in relation to Radon Gas.

### **Recommendation**

In **Section 10.3 Air quality**, add a new policy as follows:

Protect the Air Quality in the County.

### **Issue no. 48**

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.

### **Opinion**

### **Recommendation**

In **Section 10.3 Air quality**, add a new policy as follows:

Promote the preservation of best ambient air quality compatible with sustainable development.

**Issue no. 49**

Section 10.6 on Climate Change and Flood Risk Management and the associated Policies and Objectives are noted and welcomed. In particular, the commitment referred to in Section 10.6.1 regarding the preparation of a Joint Climate Change Strategy in association with Sligo Borough Council is welcomed. It is considered, however, that a specific Policy / Objective should be included to reflect this commitment. This Policy/ Objective should set a specific timescale for delivery of this Strategy. This is of particular relevance in the context of Sligo's coastal zone.

**Opinion**

In accordance with the National Climate Change Strategy, Sligo Local Authorities are preparing a Joint Climate Change Strategy, which is likely to be a five-year strategy (2010-2014) with subsequent reviews and updates up to 2020.

**Recommendation.**

No change to the Draft Plan.

**Issue no. 50**

Flood Risk Management Policies P-FRM-2 and P-FRM-3 should refer to minimum distances of 20-metres strip/ buffer zone and 50- metres of soft shoreline. The exact extent of site specific buffer zones can then be informed by a combination of habitat mapping and where required flood risk assessments.

**Opinion**

Agreed.

**Recommendation.**

In Section **10.6 Climate change**, modify policy **P-FRM-2** as follows:

**P-FRM-2** Establish a 20-metre-wide strip/buffer zone around lakes and along both sides of all rivers, [and a 50-metre-wide buffer zone from soft shorelines](#). Development proposals will be required to maintain these buffer zones free from development...

**Issue no. 51**

Policy P-FRM-12 should also refer 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*).

**Opinion**

Agreed.

**Recommendation.**

In **Section 10.6 Climate change**, include an appropriate reference to the [Flood Risk Management Guidelines](#) in policy **P-FRM-12**.

### **Issue no. 52**

There would be merits in considering reviewing existing zoned undeveloped lands in the county to determine the potential risk of flooding in these lands. Where a significant risk is identified, consideration should be given to rezoning/ de-zoning these lands to a more suitable end use taking into account the degree of risk identified. The principles applied in the risk assessment approach above referenced DoEHLG/ OPW Guidelines should be applied as appropriate.

### **Opinion**

Agreed.

### **Recommendation**

In Section **10.6 Climate change**, include an additional flood risk management objective as follows:

- O-FRM-4** Undertake Stage II Flood Risk Assessments when reviewing local area plans, in accordance with the OPW/DoEHLG's *Flood Risk Management Guidelines*, subject to availability of relevant OPW mapping.

### **Issue no. 53**

The policies and Objectives in *Section 10.2 Coastal Zone Management* including *Development in Coastal areas and Coastal Protection* are welcomed. Reference should be made in the Policies / Objectives in both these categories to the requirements of Article 6 the Habitats Directive. In particular you are referred to the Proposed Coastal Protection Works in County Sligo, these proposals should be subject to the requirements of the EIA Directive and the Habitats Directive. Provisions should also be included for the assessment of potential cumulative, in-combination effects in association with other, plans, programmes, projects and works.

### **Opinion**

Agreed.

### **Recommendation**

In Section **10.2 Coastal management**, insert an additional policy for development in coastal areas as follows:

- P-DCA-4** Any development proposal in coastal areas will be subject to the requirements of the Habitats Directive, including the assessment of potential cumulative, in-combination effects in association with other, plans, programmes, projects and works.

## **Energy conservation/renewable energy**

### **Issue no. 54**

The commitment referred to in *Section 11.1.3 Renewable Energy Resources* regarding the implementation of the provisions of the *Integrated Regional Energy Strategy* as provided for by Border Regional Authority in the Draft Regional Planning Guidelines is noted and welcomed. The requirements of the SEA and Habitats Directive should be complied with, as appropriate, in the preparation of this Strategy. The outputs from the implementation of Objective O-REN-1 –

“...*identification and mapping areas within the county where there is significant wind energy potential and where development would be acceptable in principle.*” should inform this strategy.

A suitably populated Geographical Information System (GIS) should be developed and utilised to map and analyse the relevant environmental aspects/ constraints to be considered in developing this Strategy. The SEA and AA processes, including the associated SEA Environmental Report and Appropriate Assessment Report should also inform the identification of suitable areas in the Strategy. These documents should highlight significant environmental issues and assisting in developing relevant mitigation measures.

The potential for cumulative/ in-combination environmental effects of renewable energy proposals should be given particular attention during the preparation of the Strategy and in the identification and mapping of areas with significant wind energy potential. The potential cumulative/ in –combination environmental effect of developments in different renewable areas e.g. - hydroelectricity, bioenergy, wave energy etc. should also be assessed.

The development of the Strategy should be informed by the DoEHLG planning guidelines; *Wind Energy Development, Guidelines for Planning Authorities* (DoEHLG 2006). Reference should also be made to the relevant environmental and landscape Policies and Objectives in the Plan.

You are referred to the *National Offshore Renewable Energy Development Plan* which is currently being prepared by the DCENR and SEAI, the requirements of the SEA Directive and the Habitats Directive are being applied in this case. It is likely that the plan and associated SEA Environmental Report and Appropriate Assessment will be available for public consultation in the last quarter of 2010. You are also referred to *EIRGRID 'S GRID25 Implementation Programme* for which an SEA and Appropriate Assessment is also being undertaken. The SEA ER and AA Report should also be available for this Programme during the last quarter of 2010.

The relevant aspects of the *OREDPA* and *EIRGRID 'S Implementation Programme* should be incorporated as appropriate in the Policies and Objectives of the plan. Alternatively, provisions should be made in the Plan to incorporate the relevant aspects of both these documents.

### **Opinion**

The recommendations are noted and will be taken into account when contributing to the preparation of an Integrated Regional Energy Strategy.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 55**

Policy –REN -2 should include the term *sustainable* in the context of the *production of energy from renewable resources*. Similarly Policy P-EL-1 should include the term *sustainable* in the context of the provision of new high–voltage electricity infrastructure in Sligo.

### **Opinion**

Agreed.

### **Recommendation**

In Section 11.1 Energy, modify policies P-REN-2 and P-EL-1 by include the term “*sustainable*” in their text.

**Issue no. 56**

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.

**Opinion**

The preparation of an Energy Conservation Strategy and associated awareness campaign will be considered, subject to availability of resources. However, given the current financial constraints, a time-bound commitment cannot be included in the Plan.

**Recommendation**

No change to the Draft Plan.

**Landscape character assessment****Issue no. 57**

Clarify the extent to which the Landscape Characterisation and Appraisal Study 1996 incorporates coastal and seascape elements for County Sligo’s Landscape. In the event that these elements are not addressed it is considered there would be merits in including these elements in the proposed Landscape Character Assessment (LCA) for County Sligo provided for through Objective O-LCAP -1 reviewing and updating the Study to address these element. The relevant Guidance from the Department of the Environment, Heritage and Local Government and the Heritage Council should be followed as appropriate in the preparation of the LCA. The LCA should also consider the relevant landscape features in adjoining counties which may be within the zone of influence of development proposals in County Sligo.

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

The definition of “*Landscape*” as provided in the European Landscape Convention (ELC) should be included as appropriate in Section 7.4.1 Regulatory Context under ELC. Additional terms defined in the ELC could also be included as appropriate e.g. *Landscape Policy*, *Landscape Quality Objective*, *Landscape Protection*, *Landscape Management* etc.

The proposals under Objective O-LCAP-2 to prepare Local Area Plans (LAPs) and /or Landscape Conservation Areas for the heritage landscapes in Cuil Irra Peninsula, Carrowkeel and Innishmurray is noted and welcomed. Consideration should also be given to provisions for landscape management for these heritage landscapes. The requirements of the SEA and Habitats Directive should be complied with in the context of these proposed LAPs.

**Opinion**

The recommendations are noted. Please refer to the response to Issues no. 1, 2 and 3 in Submission no. 124 (Heritage Council).

**Recommendation**

No further change to the Draft Plan.

**Issue no. 58**

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.

**Opinion**

It is considered that the objective O-LCAP-3 covers the above requirements in an adequate manner.

**Recommendation**

No change to the Draft Plan.

**Transportation****Issue no. 59**

The Plan should promote 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 Policies/Objectives within the Plan.

**Opinion**

The Department of Transport’s *2020 Vision – Sustainable Travel and Transport Public Consultation Document (February 2009)* has been superseded by the Department of Transport’s policy document *Smarter Travel – A Sustainable Transport Future, A New Transport Policy for Ireland 2009-2020*. The implementation of relevant policies of this document is a Strategic Mobility Objective in the Draft Plan (SO-MOB-1). Specific policies and objectives are included in the Draft plan under 8.2 Public Transport, 8.4 Cycle and Pedestrian Movements.

**Recommendation**

No change to the Draft Plan.

**Issue no. 60**

Policy SP-MOB-3 is noted in terms of providing a commitment to reduce travel times and congestion. Consideration should be given to identifying key settlements which would benefit from traffic management measures particularly in terms of road safety and congestion. Specific timescales should be assigned to addressing priority areas in need of traffic management measures.

## **Opinion**

Key settlements in the County have a local area plan in place or will have one prepared shortly after the adoption of the CDP 2011-2017. Appropriate provisions for traffic management measures are already included in the LAPs and will be revisited when the plans are reviewed.

The preparation of Traffic Management Plans for each Mini-Plan village is a policy under 13.3 E Transport, circulation and parking policies.

Traffic Management measures are continually under review and are implemented where required on a priority basis. It is not considered necessary to include the details in the Plan.

## **Recommendation**

No change to the Draft Plan.

## **Issue no. 61**

Under Section 8.6 Ports and Harbours, Policies and Objectives reference should be made in the Policies and Objectives to the requirement to comply with requirements of the Habitats Directive and the EIA Directive.

## **Opinion**

Agreed.

## **Recommendation**

In **Section 8.6 Port and harbours**, modify **objectives O-PH-2 and O-PH-3** as follows:

- O-PH-2** Carry out improvements at Mullaghmore, Enniscrone and Pullacheeney Harbours and maintain and improve other piers and harbours, as resources allow, [subject to the requirements of the Habitats Directive](#).
- O-PH-3** Maintain navigation aids and tidal gauges as necessary for the benefit of the maritime and coastal communities, [subject to the requirements of the Habitats Directive](#).

## **Infrastructure planning**

### **Issue no. 62**

The Plan should promote the integrated planning for adequate and appropriate infrastructure to service any development proposed and authorised during the lifetime of the individual land use plans within the Plan area. In particular, the Plan should promote the provision of adequate and appropriate wastewater treatment and water supply to service existing settlements in the county. This is of particular relevance in the context of existing capacity and performance deficiencies for water and wastewater infrastructure in the plan area.

Additional infrastructure which should be provided for include, surface and storm water drainage, transport, waste management, community services and amenities etc. This infrastructure should be 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.

### **Opinion**

It is considered that the above topics are adequately covered in the various chapters of the Draft CDP and will be addressed in more detail when local area plans are being reviewed or when new LAPs are prepared.

### **Recommendation**

No change to the Draft Plan.

## **Waste management**

### **Issue no. 63**

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.
- *National Waste Report 2008*
- *National Hazardous Waste Management Plan 2008–2012*
- *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.

### **Opinion**

It is considered that the incorporation of details of existing legislation or specialist information in the Draft CDP is not practical or useful. Sligo County Council will implement the provisions of waste management legislation and guidance as appropriate.

### **Recommendation**

No change to the Draft Plan.

## Local area plans

### Issue no. 64

The proposed Local Area plans for Strandhill, Enniscrone, Charlestown – Bellaghy and part of Hazelwood-Ballinode referred to in *Section 3.4.2 - Zoning in Local Area Plans*, should be screened for SEA and AA requirements in accordance with the SEA and Habitats Directive, associated Regulations and Guidelines.

A Policy /objective should be included in the Plan to reflect the requirement for the above mentioned LAPs to be reviewed. A commitment to the requirement for SEA and AA screening should also be highlighted.

### *Rezoning proposals*

Reference should be made to the requirement for rezoning proposals to be screened for SEA and AA in accordance with the requirements of the SEA and Habitats Directive. The requirement for Flood risk assessment should also be highlighted.

### Opinion

It is considered unnecessary to include in the CDP policies or objectives requiring SEA and AA screening or flood risk assessment for local area plans or rezoning proposals (ie. plan variations, as these are already required by legislation and departmental guidance.

### Recommendation

No change to the Draft Plan.

## Strategic Zoning Policies

### Issue no. 65

Policy SP-Z-1 should read “*Use zoning to promote the sustainable development of compact..*”

### Opinion

Agreed.

### Recommendation

In **Section 3.4 Development land requirements**, modify strategic zoning policy **SP-Z-1** as follows:

- SP-Z-1** Use zoning to promote the [sustainable](#) development of compact, liveable, pedestrian-friendly settlements, with a defined commercial/retail core and an adequate economic basis...

## Rural Development

### Issue no. 66

Policy –P-FOR -1 should read “Support and *promote sustainable development of forestry in County Sligo..*”

### Opinion

Agreed.

## Recommendation

In **Section 4.2.1 Forestry**, modify policy **P-FOR-1** as follows:

- P-FOR-1** Support and promote [sustainable](#) forestry development in County Sligo, subject to the protection of, inter alia, scenic landscapes and views, water quality, heritage features, residential amenity and public safety.

### Issue no. 67

An additional Policy/ Objective should be included to highlight the requirement for EIA, SEA and AA requirements for the forestry sector. In addition, Objective O-FOR-1 should refer to the requirement for the Indicative Forestry Strategy for County Sligo to be screened for SEA and AA. This Strategy should pay particular attention to the Western River Basin Management Plan and associated Programme of Measures.

### Opinion

Agreed.

## Recommendation

In **Section 4.2.1 Forestry**, modify objective O-FOR-1 as follows:

- O-FOR-1** Prepare an Indicative Forestry Strategy for County Sligo and incorporate it in the County Development Plan. [The Indicative Forestry Strategy shall undergo SEA and AA screening.](#)

### Issue no. 68

Policy P-AMF-1 should read.. Encourage and facilitate sustainable mariculture development..”

### Opinion

Agreed.

## Recommendation

In **Section 4.2.2 Aquaculture, mariculture and fishing**, modify policy **P-AMF-1** as follows:

- P-AMF-1** Encourage and facilitate [sustainable](#) mariculture development associated with job creation, in a manner that is compatible with other uses of the Sligo coast, and subject to compliance with the requirements of the Habitats Directive.

### Issue no. 69

Policy P-AGD-1 should read.. Promote *sustainable* agriculture diversification...”

### Opinion

Agreed.

## Recommendation

In **Section 4.2.3 Agriculture**, modify policy **P-AGD-1** as follows:

**P-AGD-1** Promote agriculture and [sustainable](#) agricultural diversification, while seeking to protect and maintain bio-diversity, wildlife habitats, water quality and nature conservation.

## **Mini -plans**

### **Issue no. 70**

The 30 Mini Plans described in Volume 2 of the Plan are noted. It is considered that there would be merits in ensuring consistency between the Mini Plan General Policies, the Mini Plan specific Objectives and the Policies set out in the Policies and Objectives of the Draft Plan.

### **Opinion**

It is considered that the general policies and objectives of the Draft CDP are fully consistent with the mini-plan general and specific policies and objectives.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 71**

The provisions in relation to Buffer Zones set out in Section 13.8 are noted and welcomed. Reference could also be added to the Buffer Zone criteria/objectives re: *with a view to the exclusion lands at risk of flooding*.

### **Opinion**

Agreed.

### **Recommendation**

In **Chapter 13 Mini-plans general policies, Section 13.8 Buffer zones**, modify policy **13.8.A** by inserting an additional bullet point as follows:

- [excluding from development lands at risk of flooding](#)

### **Issue no. 72**

Of concern is that 16 of the Mini Plans have Natura 2000 sites- SACs / SPAs occurring within or immediately adjoining the Plan boundary. In addition, more than one Plan may have potential to impact on the same SAC/SAP site(s). To this effect it is not clear to what extent the SEA and AA have assessed the likely cumulative/ in-combination impacts of the implementation of the Plans on the conservation objectives and the integrity of the Natura 2000 sites. The SEA and AA should include an assessment of the overall environmental implications of the implementation of the proposed Mini Plans. In particular the implications of the Mini Plans on the Natura 2000 network should be assessed and should be included within the AA Screening.

The assessment should consider in particular the cumulative /in-combination effects on Natura 2000 sites, local biodiversity and landscape features and the water environment taking into account the combined additional greenfield land being zoned and the availability, capacity and performance of water related infrastructure. It should be noted that of the total zoning of greenfield land proposed for

the 30 Mini Plans, some 122 hectares, in the order of 85 ha are associated with the 16 Mini Plans which are within and adjoining SACs/ SPAs. The assessment should also take into account the Shellfish Areas Pollution Reduction Programmes in the Sligo/ Donegal and Galway / Mayo Shellfish area regions.

The combining of a number of the Mini Plans to reflect the potential cumulative/ in-combination effects SAC/ SPA sites which occur within their combined zone(s) of influence of the Mini Plan areas should be considered. Where such an approach is adopted the combined Plans should be subject to the requirements of the SEA and Habitats Directive.

### **Opinion**

Please refer to the responses to Issue no. 6 of this submission. Information on the Shellfish Areas Pollution Reduction Programmes will be included in the ER as detailed below.

### **Recommendation**

In **Section 3.5.3 of the Environmental Report**, add the following text:

Pollution Reduction Programmes are carried out to improve water quality in designated Shellfish Areas and also to ensure compliance with the Quality of Shellfish Waters Regulations 2006 (S.I. No. 268 of 2006) (as amended) for the designated shellfish growing waters at designated Shellfish Areas and with Article 5 of Directive 2006/113/EC of the European parliament and of the Council on the quality required for shellfish waters.

The PRPs stem from the work undertaken in the characterisation reports carried out under the Water Framework Directive (WFD). The WFD characterisation reports provide prioritised lists of pressures/impacts/effects on water quality. The PRPs take these prioritised lists and address each issue with specific measures from the National Toolkit to help ensure that compliance with the relevant water quality standards is achieved. The National Toolkit has been derived from earlier work carried out on the River Basin Management Plans under the WFD, reflecting the common objective to improve water quality in the two Directives. An example of such a measure for wastewater treatment plants would be to "impose development controls where there is, or is likely to be in the future, insufficient capacity at treatment plants".

## **Environmental impact assessment (EIA)**

### **Issue no. 73**

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, Heritage 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.

### **Opinion**

It would be unwieldy for the Development Plan to highlight all the different pieces of legislation, regulations, guidelines, licencing requirements etc. applicable to various types of development. This information can be given directly to prospective applicants at pre-planning consultation stage.

### **Recommendation**

No change to the Draft Plan.

## **Obligations with respect to national plans and policies and EU environmental legislation**

### **Issue no. 74**

The Plan should refer to the LA"s responsibilities and obligations in accordance with all national and EU environmental legislation. It is a matter for the Local authorities 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.

*Environmental Liabilities Directive.* As outlined in DoEHLG Circular Ref: EPS/01/09, the LA should be cognisant of the Environmental Liability Directive (2004/35/CE), (ELD), which enforces the Polluter Pays Principle and has been transposed and is now in force in Ireland. In many aspects of their work local authorities are considered "operators" under the legislation and are now liable for any Environmental Damage (damage to water; soil; and species and habitats as defined in the legislation) which they commit.

### **Opinion**

The County Council is fully aware of its obligations under current environmental legislation. It is considered unnecessary to refer to such operational matters in the County Development Plan.

### **Recommendation**

No change to the Draft Plan.

## **Environmental Report**

The comments below relate to the Strategic Environmental Assessment (SEA) Process and the Environmental Report (ER). Comments and suggestions in this Section are put forward for consideration and mainly relate to the key stages and outputs of the SEA Process. Aspects raised for clarification or to be further developed should be resolved prior to completion of the SEA process and adoption of the Plan.

### **Issue no. 75**

**Non Technical Summary.** The Non-technical summary should be in accordance with the requirements of the SEA Directive and Regulations. The Non –Technical Summary should be updated be revised as appropriate based on the comments set out below.

## Opinion

Noted.

## Recommendation

No change to the Environmental Report.

### Issue no. 76

#### Existing Environment

- a. The SEA ER clearly identifies existing environmental problems in the plan area. There would, however, be merits in providing an overview as to how the environmental problems identified have been addressed by way of specific Policies and Objectives in the Plan. You are referred in particular to aspects relating to water supply and wastewater treatment.
- b. A number of environmental topics described include reference to cumulative effects e.g. landscape, cultural heritage etc. It is not clear, however, how the cumulative effects of the Plan in combination with other Plans, Programmes and projects, on the different environmental aspects, described have been assessed and where relevant mitigated. This comment relates also to Appropriate Assessment.
- c. The Overlay mapping as provided in Figure 3.5 –*Overlay of Environmental Sensitivities* is noted. It is not clear, however, the extent to which the Policies and Objectives in the Plan reflect the vulnerability classification depicted in Figure 3.5. Clarification should also be provided in the SEA ER on how the vulnerability mapping has taken into account aspects of the coastal and marine environment e.g. marine SACs, SPAs, Shellfish Areas which have potential to be impacted by land and coastal development.
- d. The Baseline Environment Section should include a section which described the inter relationships between the environmental topics described. This should also be followed through in the assessment of effects section.
- e. Where data gaps and technical deficiencies have been noted in the SEA and AA, the implications of these on the conclusions of the SEA and AA should be described. Where data gaps are required to be addressed prior to completion of the SEA/ AA and Plan making processes, these should be highlighted and relevant actions undertaken to ensure the SEA/ AA and Plan making processes are not compromised. Any data gaps etc, highlighted should be addressed on a priority basis.
- f. *Environmental Objectives*  
SEOs in relation to Landscape in Section 4.9 should consider the inclusion of aspects relating to specific areas of landscape significance, including, seascape and coastscape.

## Opinion

- a. Problems relating to water supply and waste water treatment are identified in Section 3.6.5 of the ER. Measures have been integrated into the draft Plan which contribute towards solving these problems - these measures will be cross referenced in Section 3.6.5 as detailed below.
- b. The SEA has determined the likely significant effects of implementing the draft Plan. These effects include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects. Section 11 of the ER provides a SEA summary table outlining how likely significant effects (if unmitigated) are linked to relevant mitigation measure(s) - which have been integrated into the Plan - and indicator(s) which will be used for monitoring.

In addition, the AA finds that the draft Plan has been formulated to ensure that uses, developments and effects arising from permissions based upon the draft Plan (either individually or in combination with other plans or projects) shall not give rise to significant effects on the integrity of any Natura 2000 sites<sup>2</sup>.

- c. Various provisions have been integrated into the Plan which will contribute towards the protection of, inter alia, the various aspects included the Overlay of Environmental Sensitivities Map. The version of the Overlay Map which appears in the ER does not include coastal designated sites and the Water Framework Directive Coastal Risk Assessment and this map will be replaced with a version that includes these aspects.
- d. Inter-relationships between the environmental topics are identified as they arise under the various environmental components however for clarity, the final environmental report will include a sub-section summarising inter-relationships between the relevant environmental components.
- e. No baseline data gaps were identified which limited the undertaken of the SEA.
- f. The current SEO covers these specific landscape types however it will be updated for clarification purposes.

## Recommendation

Update the **Environmental Report** as follows:

- A. Insert the following **sentence** into **Section 3.6.5**:

Measures have been integrated into the draft Plan which contribute towards solving the problems above relating to waste water treatment and water supply – these measures are identified in Sections 9.4.7 and 9.4.8.

- B. None.

- C. Replace the version of the **Overlay Map** that appears in the **ER** with a version that includes **coastal designated sites and the Water Framework Directive Coastal Risk Assessment**.

- D. Include a **sub-section in Section 3** summarising inter-relationships between the relevant environmental components.

- E. None.

- F. Update **SEO L1** as follows:

*SEO L1: To avoid significant adverse impacts on the landscape, especially with regard to landscapes which are most valuable and most sensitive to change – including seascapes and coastscapes - and protected views and routes.*

## Issue no. 77

### Alternatives

- a. It is not clear how the sensitivity mapping has informed the Preferred Alternative development Scenario selected for the Plan. In particular, you are referred to the areas classified as high to acute vulnerability. Scenario 2 is not considered to be a reasonable or realistic development scenario.

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<sup>2</sup> Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be:  
(a) no alternative solution available,  
(b) imperative reasons of overriding public interest for the plan to proceed; and  
(c) adequate compensatory measures in place.

- b.** The comment in the SEA ER *Section 6.3.2- Alternative Scenario 1* regarding overzoning in a few settlements with subsequent substantial housing development is noted. To what extent has the Draft Plan and SEA ER and AA explored alternatives in relation to rezoning / dezoning. This is in the context of resolving the potential conflicts with environmental protection objectives and unsustainable development likely to arise from the development of existing undeveloped zoned land.

Such an approach should be considered in particular, where existing zoning is in conflict with environmental sensitivities and vulnerabilities identified in the SEA and AA processes. There may be merits if not already undertaken of reviewing the nature, extent and status of existing zoned land in the county. This should then be used to inform any proposed rezoning/ dezoning which might be proposed.

- c.** The potential conflicts with SEOs which are highlighted as being mitigated are noted in Table 7.3 for the preferred alternative Development Scenario. Clarify how and which the Policies and Objectives in the Draft Plan are intended to resolve/ mitigate these conflicts. The use of additional Table summarising key likely significant effects should be considered. This could then be linked with the relevant mitigation measures and relevant environmental monitoring targets and indicators.

### **Opinion**

- a.** See the response to Issue no. 3 of this submission. It is considered that Scenario 2 is a realistic alternative and the reasoning for this Scenario is provided under Section 6.3.3 of the ER:

There are many settlements in County Sligo where very little or no development has taken place during the construction boom, primarily because no tax incentives were available for house construction at those locations.

It could be argued that these and other similar settlements also “deserve” their “fair” share of future growth, alongside the towns and villages that have already seen a substantial amount of development in recent years....

- b.** A feature of the description of Alternative Scenario 3 (see Section 6.3.4 of the ER) – the selected alternative scenario for the Plan - was a moratorium on housing development in certain settlements until 2013:

No additional residential development would take place in the majority of the satellites, where housing is already in excess supply. This would be achieved through the introduction of a moratorium on the construction of multiple-housing schemes, which would be reviewed in 2013, two years after the next Census.

The Draft Plan provides for a moratorium on multiple-housing development in certain settlements until 2013 (see Policy SP-S-2).

The zoning contained in the draft Plan has integrated into it environmental considerations by taking into account the environmental baseline, the evaluation of alternatives and the policies and objectives of the draft Plan and the mitigation measures integrated into the County Development Plan. After the adoption of the CDP, the planning authority will review existing local area plans in order to bring the level of land zoned and available for residential development in line with the overall provisions outlined in the table above, which also makes adequate provision for the future Tobercurry LAP.

- c. Section 11 of the ER provides a SEA summary table outlining how likely significant effects (if unmitigated) are linked to relevant mitigation measure(s) - which have been integrated into the Plan - and indicator(s) which will be used for monitoring.

### **Recommendation**

Update the **Environmental Report** as follows:

- A. Refer to recommendations under Issue no. 3.
- B. Section 11 of the ER provides a SEA summary table outlining how likely significant effects (if unmitigated) are linked to relevant mitigation measure(s) - which have been integrated into the Plan - and indicator(s) which will be used for monitoring.

### **Issue no. 78**

#### **Assessment of environmental effects**

The use of a table to summarize the assessment of environmental effects is noted. In assessing the likely significant effects of the Plan, the full range of effects, as set out in Annex I of the SEA Directive - “secondary, cumulative, synergistic, short, medium and long term, permanent, temporary, positive and negative effects”, should be assessed and reported. In particular, the potential for cumulative effects in combination with other relevant, Programmes and projects within and adjoining the Plan area should be assessed. The requirement to assess in –combination effects in the context of the Appropriate Assessment should also be addressed.

#### **Opinion**

Refer to the response to Issue no. 4 of this submission.

#### **Recommendation**

No change to the Environmental Report.

### **Issue no. 79**

#### **Mitigation measures**

Mitigation measures should be included for all likely significant effects. Mitigation measures proposed should be directly linked to the specific relevant significant effects identified in the Environmental Report. The Summary Table outlining how each significant effect is linked directly to relevant mitigation measure(s), monitoring measure(s) and, where appropriate a specific Policy or Objective in the Plan is noted. Where a clear link is not directly evident, there may be merits in distinguishing between Mitigation Measures associated with “identified significant effects” and “key strategic level recommendations” which have been informed by the SEA process.

For the Mitigation Measures proposed in Section 9, clarify, which of these have derived from the SEA /AA processes and which are reinforcing the importance of existing Policies and Objectives which are provided for in the current Sligo County Development Plan. For instance, it should be clarified which of the Polices/Objectives relating to water as listed in *Section 9.4.5 -Water* were already included in the Policies and Objectives of the current plan.

## **Opinion**

In compliance with the SEA Directive and the SEA Regulations (SI No. 436 of 2004), the ER includes the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the Plan.

Mitigation measures are included for each identified effect. Mitigation measures generally benefit multiple environmental components i.e. a measure providing for the 'protection of surface water resources' could beneficially impact upon the protection of biodiversity, flora and fauna, drinking water resources, human health and provision of appropriate waste water treatment infrastructure.

Section 11 of the ER provides a SEA summary table outlining how likely significant effects (if unmitigated) are linked to relevant mitigation measure(s) - which have been integrated into the Plan - and indicator(s) which will be used for monitoring.

## **Recommendation**

No change to the Environmental Report.

## **Issue no. 80**

### **Monitoring Measures**

Further consideration should be given to reviewing the proposed Indicators and Targets to make them more quantifiable where possible.

Consideration should also be given to the following:

- Monitoring of cumulative effects.
- 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 the various stages of the Plan and should be able to deal with specific environmental issues as they arise. The programme must be able to deal with the possibility of cumulative effects. While the monitoring programme sets out the various sources of data, the actual departments responsible for collecting, collating and analysing the data should be identified as soon as possible after the Plan has been adopted.

The Monitoring Programme should consider how the monitoring proposed might allow unforeseen adverse effects to be identified and responded to as appropriate. This should include information on responsibilities for this and what might trigger appropriate remedial action.

## **Opinion**

The indicators provide for the monitoring of the likely significant environmental effects of implementing the County Development Plan, including of cumulative effects.

Monitoring frequencies change over time and some indicators such as indicators W2 currently are not monitored. As identified in Section 10.5 of the ER, a preliminary monitoring evaluation report will be repaired to coincide with the Manager's report to the Elected Members on the progress achieved in securing Plan objectives within two years of the making of the Plan (this Manager's report is required under Section 15 of the 2000 Planning Act).

An additional sentence will be added to Section 10.5 of the ER to note that indicators and targets will be reviewed during the preparation of the preliminary monitoring evaluation report.

### **Recommendation**

Update the **Environmental Report** to include the following sentence at the end of **Section 10.5 Reporting**:

Indicators and targets will be reviewed during the preparation of the preliminary monitoring evaluation report.

## **Additional suggestions re: Plan policies for consideration**

### **Issue no. 81**

The EPA suggests the following change:

**O-WQ-4** Seek to achieve consistency between development management and environmental pollution control measures..

Consider adding on “*taking adaptation of climate change into account*”

### **Opinion**

Agreed.

### **Recommendation**

In **Section 10.1 Water quality**, modify objective **O-WQ-4** as follows:

**O-WQ-4** Seek to achieve consistency between development management and environmental pollution control measures, [taking adaptation to climate change into account](#).

### **Issue no. 82**

Policies for WW seem to concentrate on facilitating new development rather than improving existing shortcomings in WWTPs. Gorteen, Ballysdare, Enniscrone and Riverstown WWTPs are identified as having capacity for development despite these showing non-compliance in the EPA report in both 06 and 07- except Riverstown 07 only (Note - Ballysdare, Enniscrone may have been upgraded since.)

Consider including specific policy to upgrade WWTP that are having a proven detrimental effect on the receiving waters.

### **Opinion**

It is considered that objectives water and wastewater objectives SO-W-2, P-WW-3, and O-WW-6 and O-WW-8 address this issue adequately.

### **Recommendation**

No change to the Draft Plan.

**Issue no. 83**

The EPA suggests the following change:

**P-WW-18** “..individual developments proposing to use on-site wastewater treatment will be considered subject to appropriate scale, assessment, design and conditions..”

Consider adding “*taking of groundwater vulnerability into account.*”

**Opinion**

Agreed.

**Recommendation**

In **Section 9.3 Wastewater**, modify policy **P-WW-18** by inserting the recommended wording:

**P-WW-18** ...individual developments proposing to use on-site wastewater treatment will be considered subject to appropriate scale, assessment, design and conditions, [taking groundwater vulnerability into account...](#)

**Submission no. 132**

8 September 2010

Shaun Purcell (Chairperson) on behalf of the  
Economic Sub-committee of Sligo County Development Board

**Issue no. 1**

The submission relates to the policy on mobile telephony infrastructure in Chapter 11, Section 11.2.2.

The Economic Sub-committee of Sligo County Development Board considers that the policy regarding the siting of mobile phone telecommunications masts generally hinders the potential for providing improved infrastructure in County Sligo and has consistently been considered at variance with DoEHLG policy on the matter by An Bord Pleanála.

The submission highlights the importance of having broadband services with appropriate download speeds delivered in all parts of Sligo, to improve the attractiveness of Sligo for new and existing businesses/employers and that the current restrictive policy of the plan is sending out the wrong message.

The rural/urban divide in relation to broadband services in Sligo is highlighted, with the rural areas being at a disadvantage.

The submission requests that the following text be omitted from Section 11.2.2 Mobile telephony infrastructure of the Draft CDP 2011-2017:

*As an immediate means of achieving reduced exposure, base stations and mobile phone telecommunications masts should not generally be constructed within one kilometre of smaller towns, villages, residential areas, schools, community facilities, hospitals, childcare centres or nursing homes, and not within 400 metres of private dwellings.*

*Only as an absolute last resort should freestanding masts be located within or in the immediate surrounds of smaller towns/villages or close to residential areas, education facilities, hospitals, childcare facilities or nursing homes. The applicant shall provide satisfactory evidence that this is the only location possible to meet specific requirements and that all other alternatives have been examined but are not capable of being exploited for*

*stated specific reasons. Commercial competition in this instance will not be acceptable as a reason for locating in these areas.*

### **Opinion**

Agreed. It is considered that the above-mentioned paragraphs in the policy on mobile phone telecommunications masts are restricting the improvement of relevant infrastructure in the County. The highlighted paragraphs should be omitted.

### **Recommendation**

In **Section 11.2.2 Mobile telephony infrastructure**, delete the following paragraphs:

~~As an immediate means of achieving reduced exposure, base stations and mobile phone telecommunications masts should not generally be constructed within one kilometre of smaller towns, villages, residential areas, schools, community facilities, hospitals, childcare centres or nursing homes, and not within 400 metres of private dwellings.~~

~~Only as an absolute last resort should freestanding masts be located within or in the immediate surrounds of smaller towns/villages or close to residential areas, education facilities, hospitals, childcare facilities or nursing homes. The applicant shall provide satisfactory evidence that this is the only location possible to meet specific requirements and that all other alternatives have been examined but are not capable of being exploited for stated specific reasons. Commercial competition in this instance will not be acceptable as a reason for locating in these areas.~~

### **Submission no. 134**

8 September 2010

Podge Rodge

### **Issue no. 1**

The submission supports the provision of more shops and car parking spaces within Sligo City, opposes ribbon development outside Sligo and suggests the “bulldozing” of Carrowroe “back to green fields” in the belief that “tourist will come here again”.

### **Opinion**

The submission refers to an area covered by the Sligo and Environs Development Plan 2010-2016, where the provisions of the County Development Plan do not apply.

### **Recommendations**

No change is recommended to the Draft Plan.

Zoe, on behalf of  
One-Off Ireland Campaign

**Issue no. 1**

The submission recommends that the Planning Authority promote the development of detailed local area plans/masterplans for all rural villages and other urban areas identified to absorb rural housing and explicitly promote the use of powers under the Planning & Development Act 2000 to compulsorily acquire land where necessary to cater for local housing needs at serviced locations. The submission also outlines that this should include facilitating those who wish to design and self-build their own individual home subject to detailed masterplanning and design guidance.

**Opinion**

The Draft Sligo County Development Plan 2011-2017 contains mini-plans for thirty settlements throughout the county, which identify and reserve adequate land for residential uses. The mini-plans objectives promote a variety of house types to provide for all sections of the community.

In Section 3.1.6 Implementation, the CDP indicates the Council's intentions to exercise all legal powers, including compulsory acquisition powers, in order to ensure that the Plan objectives are implemented.

**Recommendation**

No change to the Draft Plan.

**Issue no. 2**

The submission requests that "isolated new urban generated houses in rural areas away from established settlements" must be "strictly controlled with a strong presumption against development". A "universal, stringent and rigid rural (agricultural, forestry and certain other full-time workers) generated justification test must be applied to all planning applications for one-off rural housing in peri-urban areas".

**Opinion**

In response to the request of the Minister for the Environment, Heritage and Local Government (refer to Submission no. 114 in the beginning of this Report), it is proposed to amend the definition of rural housing need in order to clarify the qualifying criteria for applicants. Please refer to the Manager's recommendation on Submission no. 114 (DoEHLG).

**Recommendation**

No further change to the Draft Plan.

**Issue no. 3**

The submission recommends that a green belt policy zoning objective be universally implemented between urban settlements to prohibit urban generated development sprawl and to create compact urban forms. Isolated new houses in rural areas in rural hinterland of urban settlements must be strictly controlled in these areas with a strong presumption against development.

## **Opinion**

Strategic spatial development policy **SP-SD-6** makes provision for the establishment of a system of buffer zones around settlements, designed to restrict sprawl and the possible merging of distinct settlement areas. These buffer zones will be determined by setting “Plan limits” as part of the preparation of local area plans and mini-plans.

Section **13.8 Buffer Zones** (Volume 2 of the CDP) sets out the Council’s objectives in relation to buffer zones around the thirty settlements. Objectives for buffer zones are also included (or will be included) in existing and future local area plans.

Urban-generated housing will not be accommodated in these buffer zones.

## **Recommendation**

No change to the Draft Plan.

## **Issue no. 4**

The submission recommends that the Planning Authority prepare detailed rural housing design guidelines which apply only to applicants who satisfy the above mentioned justification test. The submission recommends that the rural housing design guidelines should provide for a synthesis of contemporary and vernacular design treatment, set out detailed site location requirements and “be prepared by reference to the latest best-practice sustainable design with a requirement that all dwelling houses be fully energy neutral. Planning applications which do not comply should be refused planning permission”.

## **Opinion**

The Draft CDP provides some guidance on rural housing design in subsections 5.7.4 and 5.7.5, and subsections 12.3.18 to 12.3.23.

Further guidance is provided by the built/architectural policies in Chapter 7.

Village design statements have been prepared for several villages in the County, and the adopted local area plans also include design guidance.

At pre-planning consultation stage, planners routinely advise relevant applicants to consult the Cork Rural Design Guidelines.

The preparation of a design guidance document for rural and urban housing for County Sligo depends on availability of resources and no such commitment can be given in the current financial circumstances.

## **Recommendation**

No change to the Draft Plan.

## **Issue no. 5**

The submission states that the protection of water quality is of paramount importance and recommends that the Development Plan and SEA “must map out through the Groundwater Protection Scheme areas where private wastewater treatment schemes are unacceptable due to subsoil conditions.”

### **Opinion**

Policies **P-WQ-2, P-WW-8 and P-WQ-9** in the **Draft Plan** ensure that all development proposals will have regard to the policies and objectives of the Sligo Groundwater Protection Scheme comply with the EPA's 2009 Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.≤10)".

Fig. 3.26 in the Environmental Report (SEA) accompanying the Draft CDP maps the various types of aquifers in County Sligo.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 6**

The submission outlines that it should be a requirement that a "registrar of licensed and reputable Site Characterisation Assessors" be maintained and only assessors registered with each Planning Authority should be permitted to submit Site Characterisation Assessments in support of planning applications for one-off rural housing.

### **Opinion**

The Planning Authority maintains an Approved Panel of Competent Assessors for On-Site Treatment Systems (this list is available on the Council's website at <http://www.sligococo.ie/Services/Planning/SiteAssessPanel/>)

All applications for planning permission for developments which include an on-site treatment system should have the site suitability assessment prepared by a member of the approved panel or other competent assessor as determined by Sligo County Council.

### **Recommendation**

No change to the Draft Plan.

### **Issue no. 7**

The submission recommends the sensitive re-use of existing heritage buildings and outdated or maladapted housing stock be supported in circumstances where it delivers a net planning gain.

### **Opinion**

The Draft Plan makes provision for the refurbishment of derelict rural houses in Section 5.7.5 and encourages the renovation and reuse of existing derelict rural properties through policy P-RHOU-2.

In Section 7.3 Built heritage, policy P-BH-3 encourages the re-use of older buildings through renovation and rehabilitation in preference to their demolition or reconstruction.

### **Recommendation**

No change to the Draft Plan.

**Issue no. 8**

The submission requests that hedgerows must be protected in all circumstances due to their important landscape structure function which allows new development to be absorbed into the rural environment. Hedgerows also have a very important role as wildlife and nature corridors and allow for the genetic exchange of species. “The removal of large sections of hedgerows must be prohibited. Where removal of hedgerow is required to achieve sight lines the site must be considered unsuitable for development.”

**Opinion**

Please refer to the response to Issue no. 6 of Submission 105 (M. Kirby).

**Recommendation**

Please refer to the recommendation in relation to Issue no. 6 of Submission 105 (M. Kirby).

**Issue no. 9**

The submission states that there must be a strong presumption against development on, near or with a potential indirect impact on Natura 2000 sites i.e. SACs or SPAS, together with other designated sites. All development with a potential to impact on a Natura 2000 Site must legally be the subject of an Appropriate Assessment process under Article 6(3) of the Habitats Directive.

**Opinion**

Section 7.1.2 Habitats directive Assessment (Appropriate Assessment) and the objectives for European and national designated natural heritage sites adequately cover the issue raised above.

**Recommendation**

No change to the Draft Plan.

**Issue no. 10**

The submission recommends that Section 48 Development Contribution Levy Scheme be revisited so that, in so far as possible, all the externalised costs normally associated with one-off rural housing are internalised. This should include a significant increase in the applicable levies for one-off rural housing to ensure applicants are incurring the full costs of development.

**Opinion**

Section 48 of the Planning and Development Act 2000 enables Local Authorities, when granting a permission under Section 34 of the Act, to include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided by or on behalf of a Local Authority. The current Scheme commenced on 6th November 2006 and will be applied for a period of 5 years, with rates adjusted with effect from the 1st of April each year. This is a public process outside the remit of the County Development Plan.

**Recommendation**

No change to the Draft Plan.

**Issue no. 11**

The submission recommends that a detailed landscape character assessment be carried out identifying areas of the county which are particularly sensitive to new development

**Opinion**

Objective O-LCAP-1 indicates the Council's intention to undertake a Landscape character Assessment within the lifetime of the new CDP.

**Recommendation**

No change to the Draft Plan.

**Issue no. 12**

The submission requests that detailed landscape plans be required as part of all planning applications incorporating locally indigenous flora species. Each planning authority should apply a development bond to all permissions prior to the commencement of development which will be held by the planning authority to ensure that landscape proposals are satisfactorily completed.

**Opinion**

Section 12.2.4 Landscape/vegetation outlines the requirement for a landscape plan to accompany all planning applications and lists a number of factors to be considered, including the preference for native tree/shrub species.

**Recommendation**

No change to the Draft Plan.

**Issue no. 13**

The submission states that the average size of a one-off rural dwelling in Ireland is 252 sq.m and recommends that new rural dwellings should be "of a size commensurate with the functional requirement and appropriate to the context. Dwellings that are unusually large, elaborate, unusually expensive or energy inefficient to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding."

**Opinion**

Chapter 12, sections 12.3.21 and 12.3.22 outline the requirements relevant to the setting and design of rural houses. It is considered that these sections adequately address the issues raised by the submission, without imposing unreasonable restrictions.

**Recommendation**

No change to the Draft Plan.

**Issue no. 14**

The submission outlines that where a genuine rural generated local housing need is accepted as providing the special justification required for new, isolated residential development in a rural area, it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate legally binding occupancy conditions for a period not less than 7 years.

**Opinion**

Occupancy conditions are applied to permissions granted within rural areas under urban influence and buffer zones. It is considered that this provides adequate protection for dwellings in these rural areas.

**Recommendation**

No change to the Draft Plan.

**Submission no. 138**

8 September 2010

Peter Bowen-Walsh  
on behalf of West-on-Track

**Issue no. 1**

The submission requests that Coolaney be considered as a principal Gateway satellite by reason of its position on the Western Rail Corridor and its population, and that this change be included in Table 3.M of the Plan.

**Opinion**

While Coolaney may be located on the disused railway line/WRC, it is considered that it does not currently have other necessary competitive advantages (e.g. favourable location, indigenous enterprise, local employment) that would make it suitable to be designated a principal Gateway satellite in the next CDP.

**Recommendation**

No change to the Draft Plan.

**Issue no. 2**

The submission outlines the strategic importance of the re-opening of the Western Rail Corridor and identifies Chapter 3 Core Strategy as being the key tool behind this. It is requested that the WRC be included under 3.1.5 Key Infrastructure in Chapter 3 Core Strategy.

**Opinion**

Key infrastructure listed in Section 3.1.5 is already in place and fully functional. The development of the Western Rail Corridor as a strategic transport corridor is included in Public Transport Policy P-PT-4 in Chapter 8.

**Recommendation:** No change to the Draft Plan.

### **Issue No. 3**

P. Bowen-Walsh considers the public transport objective O-PT-2 (to examine the feasibility of a rail link between Sligo and Derry via Manorhamilton and Enniskillen, and the integration of such a rail link with new national road alignments and designs, i.e. N16 Enniskillen Road) as fundamentally flawed, as it does not follow the most direct and densely populated route. While such a link would be desirable it should not be contemplated until there is confirmation of intent to finish the WRC to Sligo.

#### **Opinion**

The wording of Public Transport Objective O-PT-2 is to ‘examine the feasibility of a rail link’; therefore the result of this feasibility study will determine the viability of the project.

#### **Recommendation**

No change to the Draft Plan.

### **Issue No. 4**

The submission outlines that access to Iarnród Eireann’s Freight Yard at Sligo Harbour is prevented by a buffer stop but that this could be changed. It is requested that the Plan acknowledge the strategic importance of retaining the freight yard as part of Sligo’s infrastructural portfolio and that it should not be zoned for any other use.

#### **Opinion**

The zoning of land in the Port Area is outside the remit of the CDP as it is in the Sligo & Environs Development Plan Area. However, the Draft CDP includes objective O-PH-1 – to improve road and rail access to the Port, in order to boost its viability as an international freight port.

#### **Recommendation**

No change to the Draft Plan.

### **Submission no. 139**

8 September 2010

Peter Bowen-Walsh

#### **Issue no. 1**

P. Bowen-Walsh highlights the wide variety of tourism attractions Sligo has to offer and suggests that the next step is to attract tourists through targeted marketing. The four major tourist products to promote in Sligo are:

- W.B. Yeats
- surfing
- megalithic monuments
- traditional music

The submission outlines different marketing types which could be implemented to promote these products, plus Drumcliffe and Lisadell. It requests a permanent exhibition of Yeats work, improved

signage, promotion of local productions, maps and a trail for the megalithic tombs, designation of Innishmurray, promotion of fiddle and flute playing.

### **Issue no. 2**

The submission states there are three barriers to Sligo Tourism which must be addressed as follows:

- *Infrastructural access*-due to a major infrastructural deficit, most journeys are limited to the Dublin-Sligo Corridor and this be addressed by the NRA and the completion of the western Rail corridor.
- *Ineffective, unfocused marketing*. The submission does not consider that Failte Ireland North-West serves the needs of Sligo tourism. The submission suggests the creation of a Sligo website linking with all the local specialist websites as well as a CD for overseas promotion of the county.
- *Lack of local confidence* in the quality and viability of the available product. P. B-W believes that there is a lack of understanding of the benefit of tourism revenue and that Sligo must carve its own niche in the tourism market and be self-reliant. The City appellation should be mandatory on all signage and literature and the major organisations should work together to develop a proactive approach

### **Issue no. 3**

The submission also request that the following general issues be considered

- The ‘Yeats county’ and Land of Hearts Desire’ tags should be registered trade marks as should silhouette image of Ben Bulbin.
- O’Connell Street should be re-pedestrianised.
- Parking charges should be abolished.
- The Saturday farmers market should be relocated to a city centre location
- The ‘Big House’ or ascendancy heritage of Sligo should be promoted, have public access and marketed as one brand.
- Feis Shligigh represents a untapped niche market and should be promoted
- The tourism potential of the cultural links to Spain by the Spanish armada has not been developed.
- With Lough Gill, the Atlantic and the mountains, there is potential for adventure tourism
- The Sligo Local Authorities and Local business and residents interests must interface in an open, transparent and co-operative manner for the greater good.
- The two versions of some of the places names in Sligo must be addressed and agreed
- Improved imaging for the area showing the proximity of the Dublin to the Atlantic at Sligo needs to be developed.

#### **Issue no. 4**

P. Bowen-Walsh highlights a number of corrections needed to the RPS and proposed several structures for inclusion in the RPS.

#### **Opinion**

**1 - 3.** Section 4.4.2 of the draft County Development Plan states that there is strong indications that Sligo has not capitalised on its full tourism potential, however it also states that that it will aim to promote the development of major new tourism attractions and will co-ordinate with other bodies to promote and establish sustainable tourism initiatives in less developed tourist destinations. Sligo County Council considers that the policies and objectives of the Plan adequately address the issues raised in the submission. Examples of these objectives are as follows:

*O-TOU-1 Secure the establishment of a flagship visitor attraction in the County, subject to normal development control standards and compliance with the requirements of the Habitats Directive.*

*O-TOU-5 Develop a coherent network of attractive cultural hubs/clusters with good access and supporting tourism and cultural signage.*

The issues relating to the Sligo City area are not under the remit of the CDP, but have been addressed under the Sligo and Environs Development Plan 2010-2016.

**4.** Please refer to Volume 3 of the Manager's Report – Response to submissions relating to the Draft Record of Protected Structures.

#### **Recommendation**

No change to plan is recommended in relation to issues 1-3 of this submission.

## Section II.

### Manager's Supplementary Recommendations

The following supplementary changes are recommended, arising from suggestions received from the Environment Section of Sligo County Council.

#### **MSR-1**

In the strategic goal **SG-3. Conserving environmental quality**, include the following goal:

- e. [Protect and where necessary improve water quality within the County.](#)

#### **MSR-2**

In **Section 3.3.7 Future population distribution**, modify the fourth bullet point:

- environmental constraints (landscape, heritage designations, [water quality](#))

#### **MSR-3**

In **Section 4.2.2 Aquaculture, mariculture and fishing**, in policy **P-AMF-1** insert:

"...and subject to compliance with the requirements of the Habitats Directive, [Water Framework Directive & provisions of the European Communities \(Quality of Shellfish Waters\) Regulations and objectives of Shellfish Pollution Reduction Programmes](#)".

#### **MSR-4**

In **Section 4.2.4 Mineral extraction and quarries**, modify P-MEQ-3 as follows:

**P-MEQ-3** Minimise the impact of quarrying on residential and natural amenities and [water quality](#) through rigorous licensing, development control and enforcement measures.

#### **MSR-5**

In **Section 5.2 Housing strategy**, add the following general housing policy:

**GP-HOU-9** [Ensure that all new multiple housing development proposals, including apartment and mixed-use developments, provide adequate facilities for the storage, separation and collection of waste \(organic, recyclable and landfill waste\) and ensure the ongoing operation of these facilities.](#)

## **MSR-6**

Modify **Section 9.1 Water, wastewater and drainage** as follows:

Regulatory framework – first line of the fourth paragraph:

[The Water Framework Directive](#), Nitrates, Habitat, Urban Wastewater and Shellfish Directives issued by the EU will also directly impact... etc

## **MSR-7**

In **Section 9.1** replace wastewater policy **P-WW-8** with the following:

All proposals for on-site Treatment Systems shall be designed, constructed and maintained in accordance with the Environmental Protection Agency Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.≤10)". (EPA 2009) and/or Treatment Systems for Small Communities, business, Leisure Centres and Hotels", and any guidance documents issued by the County Council.

## **MSR-8**

In **Section 9.1**, add the following new wastewater policy:

**P-WW-15** Discourage the use of pumping stations in private developments. Storm overflows from pumping stations serving private developments shall not be permitted.

## **MSR-9**

In **Section 9.1**, modify wastewater objective **O-WW-2**:

**O-WW-2** Complete the planning and construction of new [wastewater](#) treatment plant at... etc

## **MSR-10**

In **Section 9.5 Waste Management**, modify the third paragraph as follows:

Almost one third (30%) of Sligo's household waste was recycled in 2009. However, in order to reach the ambitious target of 48% recycling of household waste, [the continued roll out and use of the 'third bin' for organic waste is essential. It is expected to continue to work with](#) waste collectors and others to increase the percentage of organic waste diverted from landfill...

## **MSR-11**

In **Section 9.5.1 Municipal waste infrastructure**, operate the following changes:

2<sup>nd</sup> paragraph

...Glass is diverted from landfill via a network of 40 recycling bring bank sites located throughout Sligo town and county.

3<sup>rd</sup> paragraph

...The Environment Section continues to promote the use of home composters...

### **MSR-12**

In **Section 9.5.3 Hazardous waste**, delete “There are currently no facilities for treating hazardous waste in Sligo or Connacht” and replace with “The anticipated provision of a hazardous waste collection facility at Tobercurry Recycling Centre will assist in diverting hazardous waste to the appropriate recovery and disposal facilities”

### **MSR-13**

In **Table 9.C** operate the following change:

#### Door-to-door/kerbside collection

Replace last sentence with “It is proposed to extend this service by rolling out the third bin which caters for organic waste”

#### Bring-bank network

Replace first sentence with “There are currently 40 recycling bring bank sites located around the county, with some of these in Sligo City. It is proposed to increase the number of these facilities.”

### **MSR-14**

In **Chapter 9**, modify waste management policy **P-WM-7** as follows:

Encourage and enforce initiatives under Waste Management Regulations made under the Waste Management Acts 1996 to 2010 and implement the polluter pays principle, proximity principle, precautionary principle and the principle of shared responsibility in all waste management initiatives and investigations.

### **MSR-15**

In **Chapter 9**, replace waste management objective **O-WM-1** with the following:

Implement the Connacht Waste Management Plan and strive to provide, or assist the private sector in the provision of the necessary waste management infrastructure required for the achievement of the targets.

### **MSR-16**

In **Chapter 9**, modify waste management objective **O-WM-6** as follows:

Where resources allow, carry out risk assessments...

### **MSR-17**

In **Chapter 9**, add the following waste management objectives:

**O-WM-7** Promote the roll-out and encourage the use of the third bin for organic waste.

**O-WM-9** In relation to any proposals for development of lands that may be contaminated or filled with waste (e.g. reclaimed / filled lands), require the applicants to engage specialist environmental consultants

to investigate and assess the presence and extent of contamination, and to recommend remediation measures for agreement with the Local Authorities.

**O-WM-10** Require the preparation of Waste Management Plans for the construction stages of developments where deemed necessary.

### **MSR-18**

In **Chapter 10. Environmental quality, Section 10.1 Water quality**, amend last sentence in final paragraph as follows: “The RBMPs came into effect in July 2010.”

### **MSR-19**

In **Section 10.1.5 Groundwater**, delete the first paragraph in its entirety and substitute the following:

In accordance with the provisions of the Water Framework Directive groundwater is assigned a status based on both chemical status and quantitative status. All groundwater within the functional area of Sligo County Council has been assessed as at “good status” in terms of quantitative status. In terms of chemical status, groundwater is generally at “good status”, but specific poor status groundwater bodies must be improved within timescales detailed in the relevant river basin district management plans. Under the provisions of the Water Framework Directive, Sligo County Council must protect and maintain the existing “good status” groundwater bodies and improve “poor status” groundwater in Sligo by 2021. An extended timeframe until 2021 has been included in the RBD Plans to allow compliance with the requirements of the Water Framework Directive.

### **MSR-20**

Modify water quality policy **P-WQ-3** as follows:

**P-WQ-3** Ensure compliance with the provisions of the European Communities Environmental Objectives (Surface Waters) Regulations 2009 and ~~proposed national Groundwater Quality Regulations~~ European Communities Environmental Objectives (Groundwater) Regulations 2010.

### **MSR-21**

Modify water quality policy **P-WQ-9** as follows:

**P-WQ-9** Require that all proposals for on-site wastewater treatment systems be designed and constructed in accordance with the Environmental Protection Agency document Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)(EPA 2009)

### **MSR-22**

Add the following **new water quality policy**:

**P-WQ-11** Ensure compliance with European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009.

### **MSR-23**

Modify water quality objective **O-WQ-10** as follows:

**O-WQ-10** Require that all discharges to waters and sewers be licensed in accordance with the provisions of the Local Government (Water Pollution) Acts 1977 & 1990, European Communities Environmental Objectives (Surface Waters) Regulations 2009 and ~~proposed national Groundwater Regulations~~ European Communities Environmental Objectives (Groundwater) Regulations, 2010

### **MSR-24**

In **Section 12.1.2 Sustainability indicators**, under **Water use**, include the following text:

Development proposals should demonstrate a consideration for the inclusion of a rain water harvesting system so as to avoid the use of potable water in appliances such as toilets, washing machines, dishwashers and outdoor taps.

### **MSR-25**

In **Section 12.2.5 Infrastructural service standards**, add the following text:

Where sewerage infrastructure is privately provided, the type and design shall be in compliance with the Environmental Protection Agency Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.≤10) and/or the Environmental Protection Agency Treatment Systems for Small Communities, business, Leisure Centres and Hotels manual or standards set by the planning authority.

### **MSR-26**

Operate the following modifications in **Section 12.3.16 Bed- and-breakfast**:

In the assessments of such developments/conversions, Sligo County Council will consider car parking demands, [wastewater infrastructure](#), the amenity of adjoining residents ...etc

### **MSR-27**

In **Section 12.3.17 Waste management in residential developments**, include after last sentence:

Waste collection points shall have adequate access for all users, including those with disabilities, to provide for loading and further division after recycling on site, in order to facilitate the achievement of high recycling levels, as specified in the Waste Management Plan.

Developers are advised to consult the following document "Making Space for Waste - Designing Waste Management in New Developments - A Practical Guide for Developers and Local Authorities" commissioned by the Association of directors of environment, economy, planning and transport.

### **MSR-28**

In **Section 12.3.18 Rural housing**, add the following text:

All proposals for effluent treatment shall be in compliance with the Environmental Protection Agency Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.≤10).

### **MSR-29**

In **Section 12.4 Retail, commercial and industrial use standards**, include the following text:

Adequate storage must be provided for the three segregated waste types (organic, recyclable and landfill waste) and waste management facilities commensurate with the scale of the development must be incorporated. Bin storage facilities should be secure from vandals, scavengers and vermin and should not create a nuisance to adjoining buildings.

Waste collection points shall have adequate access to provide for loading and further division after recycling on site, in order to facilitate the achievement of high recycling levels, as specified in the Waste Management Plan.”

### **MSR-30**

In **Section 12.3.19 Extensions to dwellings**, add the following text to the 4<sup>th</sup> bullet point:

Where adequacy cannot be demonstrated the applicant will be required to upgrade the existing on-site wastewater treatment system to comply with the provisions of the EPA Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) (EPA 2009).

### **MSR-31**

In **Section 12.7.1 Agricultural developments**, replace the first paragraph with the following:

The Council will seek to ensure that agricultural activities, including the storage and spreading of slurry is carried out to the highest environmental standards. Farmers must comply with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2009 or any other documents issued by the Department of Agriculture, Fisheries & Food and Sligo County Council. Farmers shall ensure that there is no unsustainable build up of nutrients in soils.

### **MSR-32**

In **Section 12.7.7 On-site wastewater treatment systems**, make the following modifications:

2nd paragraph

All proposals for on-site treatment systems shall be designed, constructed and maintained in accordance with the Environmental Protection Agency Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.≤10) and/or The Environmental Protection Agency Wastewater Treatment Manual Treatment systems for Small Communities...etc

5<sup>th</sup> paragraph

...It may be necessary with significant extensions to upgrade the existing on-site wastewater treatment system to comply with the requirements of the Environmental Protection Agency Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.≤10).

**MSR-33**

In **Section 12.7.10 Construction and demolition waste (C&D)**, include the following text:

The plans must be carried out in accordance with DOEHLG guidelines titled "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects.

Any developments on brown field sites should also consider the contents of these guidelines and carry out investigations to determine all possible waste types associated with a sites previous use(s).