

SEA Environmental Report & Appropriate Assessment

Addendum I

Response to Relevant Submissions (& Updates Arising) on the:

**Draft Sligo County Development Plan 2011-2017,
SEA Environmental Report and Appropriate Assessment**

for: Sligo County Council

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1 Introduction

This document responds to relevant submissions which were made during the 1st period of public display of the draft Sligo County Development Plan 2010-2016 and the Environmental Report on the Strategic Environmental Assessment (SEA) process. Only submissions on the Environmental Report (ER) and the draft Appropriate Assessment (AA) are responded to.

It is noted that consequent changes are not made to the original ER and AA; this Addendum forms part of the documentation of the ongoing SEA/AA and plan-making processes. It supplements and should be read in conjunction with the original ER and AA which include information on likely significant environmental effects of implementing the draft Plan.

The findings of this Addendum will be used as appropriate to update the ER and AA on adoption of the draft Plan and will be made available to the public alongside the Sligo County Development Plan as adopted.

Proposed Amendments to the draft Plan will be evaluated for their likely significant environmental consequences in a second Addendum (*Addendum II*) to the ER and AA which will be placed on public display alongside the Proposed Amendments.

2 Responses to Submissions on the Environmental Report and Consequent Updates

Note that *italicised text* summarises parts of the submissions that are relevant to the Strategic Environmental Assessment (SEA) Environmental Report (ER) or Appropriate Assessment (AA).

2.1 Department of the Environment, Heritage and Local Government (DEHLG) Submission No. 114

2.1.1 Issue No. 27

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.

Response:

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.

Updating the Environmental Report:

Consider data made available by the NPWS for inclusion in the ER..

Updating the Appropriate Assessment:

Consider data made available by the NPWS for inclusion in the AA.

2.1.2 Issue No. 28

*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.*

Response:

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

It is the policy of Sligo County Council to:

- 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.

Updating the Environmental Report:

To update Section 3.2.4.8 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 Mussel¹. 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).**

Updating the Appropriate Assessment:

None.

2.1.3 Issue No. 29

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.

Response:

This is noted - the ER will be updated accordingly.

Updating the Environmental Report:

To update Section 4.2.1.5 as indicated below:

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.

Updating the Appropriate Assessment:

None.

2.1.4 Issue no. 33

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

¹ Department of Environment, Heritage and Local Government (2010) Submission on the Draft Sligo County Development Plan 2011-2017, dated 8 September 2010

*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).*

Response:

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'

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

2.1.5 Issue No. 34

(a) 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).

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

(c) 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.

Response:

- (a) This is noted.
- (b) The inclusion of a provision relating to a strategic review of water supply to the Sligo South area is a matter for the Council.
- (c) Clarification of Objective O-WS-2 is a matter for the Council.

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

2.1.6 Issue No. 35

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;

Response:

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 - 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).

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

2.2 Environmental Protection Agency (EPA) Submission No. 129

2.2.1 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.

Response:

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.

Updating the Environmental Report:

To add the following sentence to Section 7.2 Methodology:

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.

Updating the Appropriate Assessment:

None.

2.2.2 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.

Response:

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 sites².

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

2.2.3 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.

Response:

This is noted.

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

² 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.

2.2.4 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.

Response:

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 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.

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

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.

2.2.5 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.

Response:

The linking of SEA monitoring is not required to be linked to other Plan related monitoring. Should it be deemed appropriate by the Council, insert the following into the draft Plan:

Environmental Monitoring

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).

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

2.2.6 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.

Response:

This is noted. Water Supply Objective O-WS-1, notes that construction of the water treatment plant will be subject to compliance with the requirements of the Habitats Directive.

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

2.2.7 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

Response:

- (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) Any inclusion of policies or objectives in the Plan relating to 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) should be done with regard to both legislative requirements and available resources.

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

2.2.8 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.

Response:

Measures have been integrated into the draft Plan to ensure that it is in compliance with the Habitats Directive, however; the Council could consider giving clarification by amending European and national designated natural heritage sites Objective O-NH-1 as follows:

O-NH-1 Protect and maintain the 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 processes⁴. 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.

Updating the Environmental Report:

Update depending on Council's decision.

Updating the Appropriate Assessment:

Update depending on Council's decision.

2.2.9 Issue No. 26

(a) The inclusion of a commitment in Objective O-NH-1, 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.

(b) 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.

Response:

(a) This is noted.

(b) Measures have been integrated into the draft Plan to ensure that it is in compliance with the Habitats Directive, however; the Council could consider giving clarification by adding or amending an additional policy as suggested.

Updating the Environmental Report:

(a) None

(b) Update depending on Council's decision.

Updating the Appropriate Assessment:

(a) None

(b) Update depending on Council's decision.

2.2.10 Issue No. 27

You are referred to the National Biodiversity Data Centre's website. <http://www.biodiversityireland.ie/>. This website is to be used as a national resource, presenting data

⁴ For SACs this includes promoting, as appropriate, the achievement of favourable conservation status of habitats and species, in association with the NPWS.

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.

Response:

This is a matter for the Council.

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

2.2.11 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.

Response:

Measures have been integrated into the draft Plan to ensure that it is in compliance with the Habitats Directive, however; the Council could consider giving clarification by adding the following measure: Facilitate compliance with the Habitats Directive with regard to the protection of habitats and species listed under Annexes I and II of the Directive.

Updating the Environmental Report:

Update depending on Council's decision.

Updating the Appropriate Assessment:

Update depending on Council's decision.

2.2.12 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.

Response:

Measures have been integrated into the draft Plan to ensure that it is in compliance with the Habitats Directive, however; the Council could consider giving clarification by amending Objective O-NH-5 as suggested above. Note that Objective O-NH-3 concerns Appropriate Assessment,

Updating the Environmental Report:

Update depending on Council's decision.

Updating the Appropriate Assessment:

Update depending on Council's decision.

2.2.13 Issue no. 39

(a) 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 of 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.

(b) 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.

Response:

(a) Measures have been integrated into the draft Plan to ensure that it is in compliance with the Habitats Directive, Objective O-NH-6 requires the Council to comply fully with Article 6 of the EU Habitats Directive when considering any plan or project prepared or assessed on the basis of the development plan.

(b) See response under Section 2.2.12.

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

2.2.14 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.

Response:

See response under Section 2.2.4.

Information on the Shellfish Areas Pollution Reduction Programmes will be included in the ER as detailed below.

Updating the Environmental Report:

To add the following text to Section 3.5.3 of the Environmental Report:

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 waste water treatment plants would be to “impose development controls where there is, or is likely to be in the future, insufficient capacity at treatment plants”.

Updating the Appropriate Assessment:

None.

2.2.15 Issue No. 76

- 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*

SEO's 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.

Response:

- 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 sites⁵.

- 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.

Updating the Environmental Report:

- a) To 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) To 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) To include a sub-section in Section 3 summarising inter-relationships between the relevant environmental components.
- e) None.
- f) To update SEO L1 as follows:

⁵ 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.

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.

Updating the Appropriate Assessment:

None.

2.2.16 Issue No. 77

- 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.*
- 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.*

Response:

- a) See response under Section 2.2.1. 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.

Updating the Environmental Report:

- a) See Updating the ER under Section 2.2.1.
- b) None.
- 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.

Updating the Appropriate Assessment:

None.

2.2.17 Issue No. 78

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.

Response:

See response under Section 2.2.2.

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

2.2.18 Issue No. 79

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 Policies/Objectives relating to water as listed in Section 9.4.5 -Water were already included in the Policies and Objectives of the current plan.

Response:

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.

Updating the Environmental Report:

None.

Updating the Appropriate Assessment:

None.

2.2.19 Issue No. 80

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.

Response:

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 prepared 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.

Updating 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.

Updating the Appropriate Assessment:

None.