



Your Ref: Material Alterations - Draft Carlow County Development Plan 2022-2028

Our Ref: **FP2022-011**

(Please quote in all related correspondence)

23/03/2022

Carlow County Council
County Buildings,
Athy Road,
Carlow.

Via email carlowcdp@carlowcoco.ie

Re: MATERIAL ALTERATIONS TO THE DRAFT CARLOW COUNTY DEVELOPMENT PLAN 2022-2028

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I refer to correspondence received in connection with the above. Outlined below are heritage related observations/recommendations of the Department under the stated heading(s).

Archaeology

The Department welcomes the opportunity to comment on the Carlow Draft County Development Plan 2022-2028 and notes that the plan contains a specific 'Natural and Built Heritage' Chapter (Chapter 10). The policies and objectives set out therein in relation to Built and Archaeological Heritage are to be welcomed and in general encompass a wide range of heritage protection measures and pro-active policies. We note the proposed Material Alterations to the Draft Plan which will further enhance these measures and policies.

The Department notes, in particular, the addition at Section 10.11 Built Heritage (page 248) of an additional Policy—**BH P6**: *Promote awareness and the appropriate adaptation of the County's architectural and archaeological heritage to deal with the effects of climate change* (Amendment No. 81). The Department suggests that, in support of this additional policy, Table 7.2 of Chapter 7 is reviewed to ensure that this policy commitment is fully reflected there also.

The Department also welcomes the two additional policy commitments—**AH P9** and **AH P10**—to support community archaeology projects/initiatives and to support the appropriate incorporation of recorded monuments within the public realm/amenity spaces (with supporting permanent management and conservation plans).



Nature Conservation

The following observations are made in relation to the Proposed Material Alterations to the Draft Carlow County Development Plan 2022 – 2028 by the Department in its role as the authority with overarching responsibility for nature conservation and the nature directives (i.e. the EU Birds Directive (2009/147/EC) and Habitats Directive (92/43/EEC)). The observations are not exhaustive but are intended to assist the planning authority in meeting its obligations in relation to nature conservation, European sites, biodiversity and environmental protection in the process of preparing the County Development Plan 2022-2028 for County Carlow, hereafter referred to as the CDP. The Department would welcome the opportunity to discuss any of the matters raised here if this would assist Carlow County Council in the process of preparing the CDP.

The Department welcomes the inclusion of its previous recommendations in the Proposed Material Amendments to the draft County Development Plan 2022-2028. Outlined below are the Department's nature conservation observations/recommendations pertaining to individual Proposed Material Alterations.

In relation to **Policy R. P12 'Support the development and promotion of the Turas Columbanus'**, a proposed long distance walking route, the Natura Impact Report (NIR) states that this policy has the potential to affect the integrity of the Blackstairs Mountains Special Area of Conservation (SAC) (Site Code 000770). The Strategic Environmental Assessment (SEA) Environmental Report states that this policy would have the potential to affect the integrity of this SAC as well as the Slaney River Valley SAC (Site Code 000781) and the River Barrow and River Nore SAC (Site Code 002162).

The Department recommends that further details of Turas Columbanus should be included in the CDP including, where possible, a map showing an indicative route. The Department considers that this long distance route has the potential to have significant negative effects on other sensitive ecological receptors both within and outside the county. These may include proposed and designated Natural Heritage Areas, locally, nationally and international important habitats, protected plants and animals as well as ecological corridors. Potential significant negative effects include both direct effects (e.g. loss of habitat) and indirect effects (e.g. recreational disturbance by walkers, particularly if accompanied by dogs) and should be considered in the SEA of the CDP, as required and appropriate. Furthermore, the Department advises that environmental assessment (screening for Appropriate Assessment and Ecological Impact Assessment) must be carried out in advance of any works taking place to develop this route. This should be specified in the CDP and SEA Environmental Report.

In relation to **Amendment No. 112** to amend Carlow Town Land Use Zoning Map to zone land at Newacre, Athy Road for 'Industrial' use, the Department is concerned that this land lies within the floodplain of the River Barrow and River Nore SAC (flood zones A and B as depicted in the Strategic Flood Risk Assessment (SFRA)). Potential impacts of this proposed material alteration include loss of floodplain resulting, inter alia, in indirect negative water quality effects. It is noted that this amendment has failed Parts 1 and 2 of the Justification



Test carried out as part of the SFRA and therefore Part 3 has not been applied. The Strategic Environmental Assessment states, in relation to Amendment No. 112, '*Do not adopt as part of the Draft Plan where non-compliance with the Flood Risk Management Guidelines has been advised*'. Given the above, the Department recommends that this amendment should not be adopted as part of the CDP.

Amendment No. 117 is to amend the Rathvilly Land Use Zoning Map to rezone land from 'Open Space and Amenity' to 'Community / Education'. This area includes a watercourse which is hydrologically connected to the River Barrow and River Nore SAC Site Code 002162. The Department recommends that a sufficient 'Open Space and Amenity' zoning is retained as a buffer on either side of the watercourse and around the location of the nearby spring feature. This spring is shown on the historical six inch Ordnance Survey map available at OSI.ie. This measure is required in order to protect downstream water quality within the River Barrow and River Nore SAC, to conserve Rathvilly's green infrastructure and to protect this ecological corridor.

Amendment No. 118 is to amend Rathvilly Land Use Zoning Map to rezone land from 'Agriculture' to Enterprise and Employment'. The Department notes that this land has been mapped as an area of indicative Pluvial Flooding in the SFRA and recommends that a new corresponding specific objective is included that any development includes compensatory pluvial flooding retention areas such as through incorporating sufficient and appropriate nature-based above ground SuDs measures.

Matters related to Strategic Environmental Assessment

The Department is a statutory environmental authority under the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 436/2004, as amended by S.I. 201/2011) which transposes Directive 2001/42/EC (the Strategic Environmental Assessment Directive) into Irish law. SEA emphasises the importance of considering the environment early in the planning process before projects are conceived and provides an opportunity to further integrate with other pieces of environmental legislation, e.g. the Water Framework Directive (2000/60/EC), Floods Directive (2007/60/EC) and Habitats Directive (92/43/EEC).

It is noted that Strategic Environmental Objectives include to '*Enhance biodiversity in line with the National Biodiversity Strategy and its targets*' and '*To protect, maintain and conserve the County's natural capital*'. A guiding principle in relation to these SEO's is '*No net contribution to biodiversity losses or deterioration*'.

The Department has outlined above a number of proposed material alterations which are likely to have significant effects on the environment and has suggested mitigation measures which should be included in the Environmental Report and the CDP, as appropriate.

The Department considers proposals to rezone areas currently zoned as 'Open Space and Amenity', 'agriculture' as well as unzoned land for development are likely to result in



biodiversity and natural capital loss and therefore likely to have significant effects on the environment. The Department recommends that such effects are assessed as part of SEA. It is important that there is an adequate ecological baseline in order to assess the impacts and estimate habitat loss. Measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects as a result of rezoning must be included in the SEA Environmental Report. To ensure no-net-loss of biodiversity, like-for-like compensation to offset any permanent habitat loss may be required. Habitat compensation/offset measures should be included in the CDP and SEA Environmental Report, where possible, and not relegated to downstream projects. This will avoid the creation of a perverse incentive at project level to remove habitats prior to applying for planning permission.

Implementation and Monitoring

Article 10 of the SEA Directive requires monitoring of the significant environmental effects of the implementation of the CDP in order to identify, at an early stage, unforeseen adverse effects and to enable appropriate remedial action to be undertaken. It also provides for a learning opportunity for practitioners and decision makers for future land use plans. The CDP states that the full and comprehensive monitoring and evaluation assessment is set out in the SEA.

While monitoring can use existing sources of information including data collected by other government departments or agencies, the loss or enhancement of biodiversity due to development can only be adequately monitored and recorded through the planning process. The SEA Environmental Report states that there will be internal monitoring of likely significant environmental effects of grants of planning permission. The Department recommends that, at a minimum, this should document habitat loss. In this regard, the Department would welcome a clear and specific monitoring plan to be included that will clearly outline how it is proposed to record the likely significant environmental effects of grants of planning permission, both in terms of biodiversity loss as well as biodiversity enhancement, during its lifetime.

Monitoring of nitrogen deposition impacts on Natura 2000 sites within the CDP's zone of influence in the SEA, is recommended, as research in this area is expanding.

Monitoring of recreational disturbance, resulting from implementation of tourism and recreation policies and objectives, particularly in riparian areas, should also be considered. The Department would welcome the publishing of monitoring reports and would be happy to provide nature conservation observations on the reports.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@housing.gov.ie, or to the following address:



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Handwritten signature of Connor Rooney in blue ink.

Connor Rooney (Housing)
Development Applications Unit
Administration