



COMHAIRLE CONTAE AN CHLÁIR  
CLARE COUNTY COUNCIL

23rd May 2019

# Chief Executive's Report to the Elected Members on Submissions Received to the Proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan 2012-2018

## **TO CHANGE THE ZONING OF PART OF LANDS AT ILLAUNMANAGH, SHANNON TO FACILITATE AN EXTENSION TO THE EXISTING BURIAL GROUND**



*Prepared in accordance  
with Section 20(3)(c) of the  
Planning and Development  
Act 2000 (as amended)*

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## Section 1.0 Introduction

The Shannon Town and Environs Local Area Plan 2012-2018 was adopted in September 2012 and in June 2017 Clare County Council, by resolution, deferred the sending of a notice under Section 20(3)(a)(i) and the publishing of a notice under Section 20(3)(a)(ii) of the Planning and Development Act 2000 (as amended) for a period not exceeding 5 years i.e. up to September 2022. The effect is that the Shannon and Environs Local Area Plan 2012-2018 remains in effect until a new local area plan is made in 2023. Under Section 20 of the Planning and Development Act 2000 (as amended), the Planning Authority may undertake an Amendment to an existing Local Area Plan. The amendment currently proposed (Amendment No.1) is:

- To change the zoning of part of the lands at Illaunmanagh, Shannon, which are currently zoned as Open Space OS5 to a revised land use zoning objective of ‘Community’ in order to facilitate an extension to the existing Burial Ground at this location.
- To amend the land use zoning for part of the lands currently zoned as Open Space OS5 as follows;

### Community C18

***The lands are zoned as Community to solely facilitate the extension of the Illaunmanagh Burial Ground. Any proposed development to extend the Burial Ground onto these lands shall be subject to the requirement to undertake an appropriate assessment at project level.***

The proposed Amendment was placed on public display on 5<sup>th</sup> April 2019 to 20<sup>th</sup> May 2019. Details of the proposed Amendment were sent to the Elected Members, the Minister, An Bord Pleanála and the prescribed authorities in accordance with Section 20(3)(a)(i) of the Planning and Development Act 2000 (as amended). The proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan 2012-2018 accompanied by a Strategic Environmental Assessment – Environmental Report, an Appropriate Assessment – Natura Impact Report and a Strategic Flood Risk Assessment were made available in the Shannon Municipal District Office, the Shannon Library and Áras Contae an Chláir, Ennis and on the Clare County Council website.

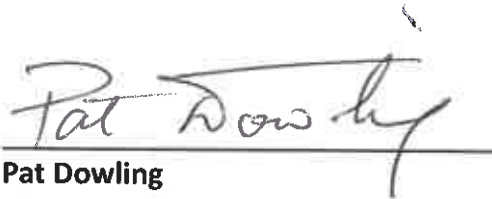
As Chief Executive, I would like to take this opportunity to thank those who made submissions in relation to the proposed amendment. The views, opinions and suggestions from all parties that have made submissions are taken into consideration in this Chief Executive’s Report.

This Chief Executive’s Report forms part of the statutory process for the making of an Amendment to the Shannon Town and Environs Local Area Plan 2012-2018. Its purpose is to report on the outcome of the statutory consultation process in accordance with Section 20(3)(c) of the Planning and Development Act 2000, (as amended). This report lists the persons or bodies who made submissions or observations as well as any persons or bodies consulted by the Planning Authority. It summarises the issues raised in the submissions and gives my response as the Chief Executive to the issues raised, taking account of the proper planning and sustainable development of the area, the statutory obligations of the local

authority, and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

Appendix 1 of the report includes the submissions received from prescribed bodies in relation to the proposed Amendment.

**This report is herein submitted to you, the Elected members of Clare County Council, on the 23<sup>rd</sup> May 2019, in accordance with the requirements of Section 20(3)(c) of the Planning and Development Act 2000 (as amended) for your consideration.**

A handwritten signature in dark ink, appearing to read 'Pat Dowling', is written over a horizontal line.

**Pat Dowling**  
**Chief Executive**



## **Section 2.0 Legislative Requirements**

The purpose of this section is to set out the legislative requirements governing this stage of the process of making Amendment No. 1 to the Shannon Town and Environs Local Area Plan 2012-2018. In addition, the requirements for Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment throughout the Amendment process are introduced.

### **Planning and Development Act, 2000 (as amended)**

Section 20(3)(c) of the Planning and Development Act, 2000 (as amended) sets out the requirements in relation to the preparation of a Chief Executive’s Report. Under this section of the Act, the Chief Executive is required to prepare a report on the submissions and observations received during the public consultation period.

The Chief Executive’s Report must:

- I. List the persons or bodies who made submissions or observations
- II. Summarise the issues raised by the persons in the submissions or observations
- III. Contain the opinion of the manager in relation to the proposed Amendment, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

This Chief Executive’s Report complies with the requirements of the Planning and Development Act, 2000 (as amended) and is submitted to the Members for their consideration.

### **Strategic Environmental Assessment**

Strategic Environmental Assessment (SEA) is the formal, systematic evaluation of the likely significant effects of implementing a plan or programme before a decision is made to adopt the plan or programme. An SEA has been carried out in relation to the proposed Amendment No.1 in response to the requirements of the EU Directive of 2001 on the Assessment of the Effects of Certain Plans and Programs on the Environment, Directive 2001/42/EC, which came into effect on 21<sup>st</sup> July 2004. The enabling statutory instruments (S.I) which transpose these Directives into Law in Ireland are the European Communities (Environmental Assessment of Certain Plans and Programs) Regulations 2004 (S.I. No. 435 of 2004), as amended, and, the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004), as amended.

In complying with the SEA Directive (2001/42/EC) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended, information on likely significant effects on the environment of implementing the proposed Amendment No. 1 has been prepared in the form of an SEA – Environmental Report.

Following the period of consideration of the proposed Amendment No.1, including the SEA Environmental Report and this Chief Executive’s Report, should you the Members resolve to

make the Amendment with modifications which constitute Material Alterations to the proposed Amendment No.1 then the Planning Authority shall determine whether a Strategic Environmental Assessment needs to be carried out in respect of one or more of these proposed modifications.

### **Appropriate Assessment**

An appropriate assessment is the process whereby a plan or project is assessed in view of its potential impacts on the conservation objectives of European Sites. This includes the preparation of the proposed Amendment No.1 of the Shannon Town and Environs Local Area Plan 2012-2018.

A European Site is a site protected under the EU Habitats Directive and/or EU Birds Directive for the habitats and species it supports. There are two main types of European Sites, namely Special Protection Areas (SPA’s) which support birds and wetlands, and Special Areas of Conservation (SAC) which support a range of habitats and species.

Screening for appropriate assessment should be undertaken to assess the potential for impacts on European sites as a result of implementing the proposed amendment.

If the screening for appropriate assessment identifies likely impacts on European Sites, or cannot rule out likely impacts, then an appropriate assessment is required. The Appropriate Assessment may require mitigation measures to avoid, remove, or minimise likely impacts. A screening for appropriate assessment of the proposed amendment No.1 determined that likely significant effects on designated European sites could not be ruled out and that an appropriate assessment was required. This was undertaken and a Natura Impact Report (NIR) prepared which, along with the SEA Environmental Report, informed the formulation of the proposed Amendment No.1 and accompanied the documentation which was placed on public display on 5<sup>th</sup> April 2019. This report should be read in conjunction with the NIR and SEA Environmental Report.

Following the period of consideration of the proposed Amendment No.1, including the Natura Impact Report and this Chief Executive’s Report, should you the Members resolve to make the Amendment with modifications and if Material Alterations are proposed to Amendment No.1, then the Planning Authority shall determine whether an appropriate assessment needs to be carried out in respect of one or more of these proposed modifications in accordance with the requirements and recommendations of the Habitats Directive.

### **Strategic Flood Risk Assessment**

The preparation of the proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan 2012-2018 has been subject to a specific Strategic Flood Risk Assessment (SFRA) for the lands at Illaunmanagh, which was placed on public display from the 5<sup>th</sup> April 2019 to 20<sup>th</sup> May 2019. The SFRA has been undertaken and prepared in accordance with The Planning System and Flood Risk Management - Guidelines for Planning Authorities (Department of the Environment, Heritage and Local Government and Office of Public Works, 2009) and Department of the Environment, Community and Local Government Circular PL 2/2014.

## **Section 3.0 Summaries of Submissions and Chief Executive’s Response to the Issues Raised**

### **Introduction**

On the 5<sup>th</sup> April 2019, the Planning Authority put on display the proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan 2012-2018. The process commenced with a statutory notice in the local newspaper and the subsequent commencement of the required public consultation having regard to the provisions of Section 20 of the Planning and Development Act 2000, as amended.

In all, 3 formal written submissions were received by Clare County Council within the statutory timeframe.

In the following part of Section 3, I have provided a summary of the issues raised in each of the formal written submissions. In addition, for each individual submission, I put forward my response on the issues raised, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area, and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

Accordingly, please find below a summary of the issues raised in each of the submissions together with my Chief Executive’s response and recommendations.

## **Ref. 001: Office of the Planning Regulator**

### **Summary of Issues Raised in the Submission:**

The Office of the Planning Regulator:

- notes the content of the proposed variation and the intent giving rise to it;
- notes that the principal planning matter it raises relates to the requirement for a project level assessment in the context of the EU Habitats Directive and national legislative and regulatory requirements arising therefrom; and in the context of the foregoing,
- has no specific comments or recommendations to make in relation to the proposed variation.

The planning authority is required to notify the Office of the Planning Regulator within five working days of the making of the amendment to the Local Area Plan and send a copy of the written statement and maps as made.

### **Chief Executive’s Response**

I thank the Office of the Planning Regulator for their submission and note that having given the proposed Amendment No.1 due consideration it has no specific comments or recommendations to make in this regard. I will ensure that should the Amendment No.1 be made to the Shannon Town and Environs Local Area Plan 2012-2018 the Office of the Planning Regulator will be notified within the required timescale.

### **Chief Executive’s Recommendation:**

I recommend no change to the Amendment as proposed arising from this submission.  
SEA and AA Screening of Chief Executive’s Recommendation:

As I recommend no change to the proposed Amendment no screening for AA and SEA is required.



## **Ref. 002: Environmental Protection Agency**

### **Summary of Issues Raised in the Submission:**

The EPA acknowledge the notification received by them in relation to the proposed amendment no. 1 to the Shannon Town and Environs Local Area Plan 2012-2018 and the SEA Environmental Report for same. The EPA advise that in their role as an SEA Environmental Authority, they focus on promoting the full and transparent integration of the findings of the Environmental assessment into the Plan and advocating the key environmental challenges for Ireland are addressed as relevant and appropriate.

Reference is made to the Guidance Document “*SEA of Local Authority Land Use Plans- EPA Recommendations and Resources*”. Reference is also made to a previous submission in relation the SEA Scoping Report for the proposed Amendment No. 1 to the Shannon Town and Environs Local Area Plan 2012-2018, dated 19<sup>th</sup> March 2019, which should be taken into account.

The EPA outline the information to be contained in an environmental report as is set out in the SEA Regulations, including Assessment of Alternatives, Assessment of Environmental Effects, Mitigation Measures and Monitoring.

The EPA reference the document ‘*State of the Environment Report- Irelands Environment 2016*’ and advises that in finalising the amendment and integrating the findings of the SEA into the amendment, the recommendations, key issues and challenges described in the EPA’s most recent state of the Environment Report, ‘*Irelands Environment- An Assessment 2016*’ should be considered as relevant and appropriate.

The EPA advise that any future amendment(s) to this proposed Amendment should be screened for likely significant effects, using the same method of assessment applied in the “environmental assessment” of the Amendment.

The EPA provides guidance as to the SEA statement to be prepared once the amendment is adopted and the matters that the SEA statement should summarise. The EPA also provides details as to other Public Bodies that should be consulted in relation to the proposed amendment, including The Minister for Housing, Planning and Local Government amongst other Government Ministers.

### **Chief Executive’s Response:**

I would like to thank the Environmental Protection Agency for their submission regarding the proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan 2012-2018. I acknowledge the advice with regard to the content of the Environmental Report and the use of the most recent *State of the Environment Report* to inform the assessment and

finalising the proposed Amendment. I can confirm that the Environmental Report has been prepared in accordance with the SEA Regulations using the most up to date environmental information available to us including the appropriate recommendations, key issues and challenges described in the most recent State of the Environment Report ‘Ireland’s Environment – An Assessment 2016’ (EPA, 2016). I have also reviewed the EPA submission on the SEA Scoping Report of 19<sup>th</sup> March 2019 as part of the amendment process.

Upon completion of the Amendment process a SEA Statement will be prepared which will include all the information required as set out in the EPA submission and will be circulated to the Environmental Authorities.

**Chief Executive’s Recommendation:**

I recommend no change to the Amendment as proposed arising from this submission.

SEA and AA Screening of Chief Executive’s Recommendation:

As I recommend no change to the proposed Amendment no screening for AA and SEA is required.

## **Ref. 003: Transport Infrastructure Ireland (TII)**

### **Summary of Issues Raised in the Submission:**

Transport Infrastructure Ireland has no specific observations on the proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan 2012-2018.

### **Chief Executive’s Response:**

I thank Transport Infrastructure Ireland for acknowledging the proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan 2012-2018 and note no specific observations in this regard.

### **Chief Executive’s Recommendation:**

I recommend no change to the Amendment as proposed arising from this submission.

### **SEA and AA Screening of Chief Executive’s Recommendation:**

As I recommend no change to the proposed Amendment no screening for AA and SEA is required.

## **Section 4: Information on the Next Stage of the Amendment**

In accordance with Section 20 of the Planning and Development Act, 2000 (as amended), you the Members must consider the proposed Amendment No.1 and my Chief Executive’s report within 6 weeks of the date it was submitted to you. i.e. on or before 4<sup>th</sup> July 2019.

Within this 6 week period, you the Members can, by resolution, make the Amendment with or without modifications, or can decide not to make the Amendment. If alternations to the Amendment are proposed and the proposed alteration is considered to be a material alteration to the Amendment, the Planning Authority shall determine if a Strategic Environmental Assessment or appropriate assessment, or both such assessments, are required in respect of these changes. I shall not later than 2 weeks after a determination that such assessment is required, specify the period considered necessary to carry out such assessments.

The Planning Authority shall publish notice of the proposed material alteration and, where appropriate, the making of a determination that an SEA and/or AA is required, indicating the places and times where the relevant documents may be inspected and inviting submissions or observations which will be taken into account by the Planning Authority before the Amendment is made. The documents must be available for inspection for a period of not less than 4 weeks.

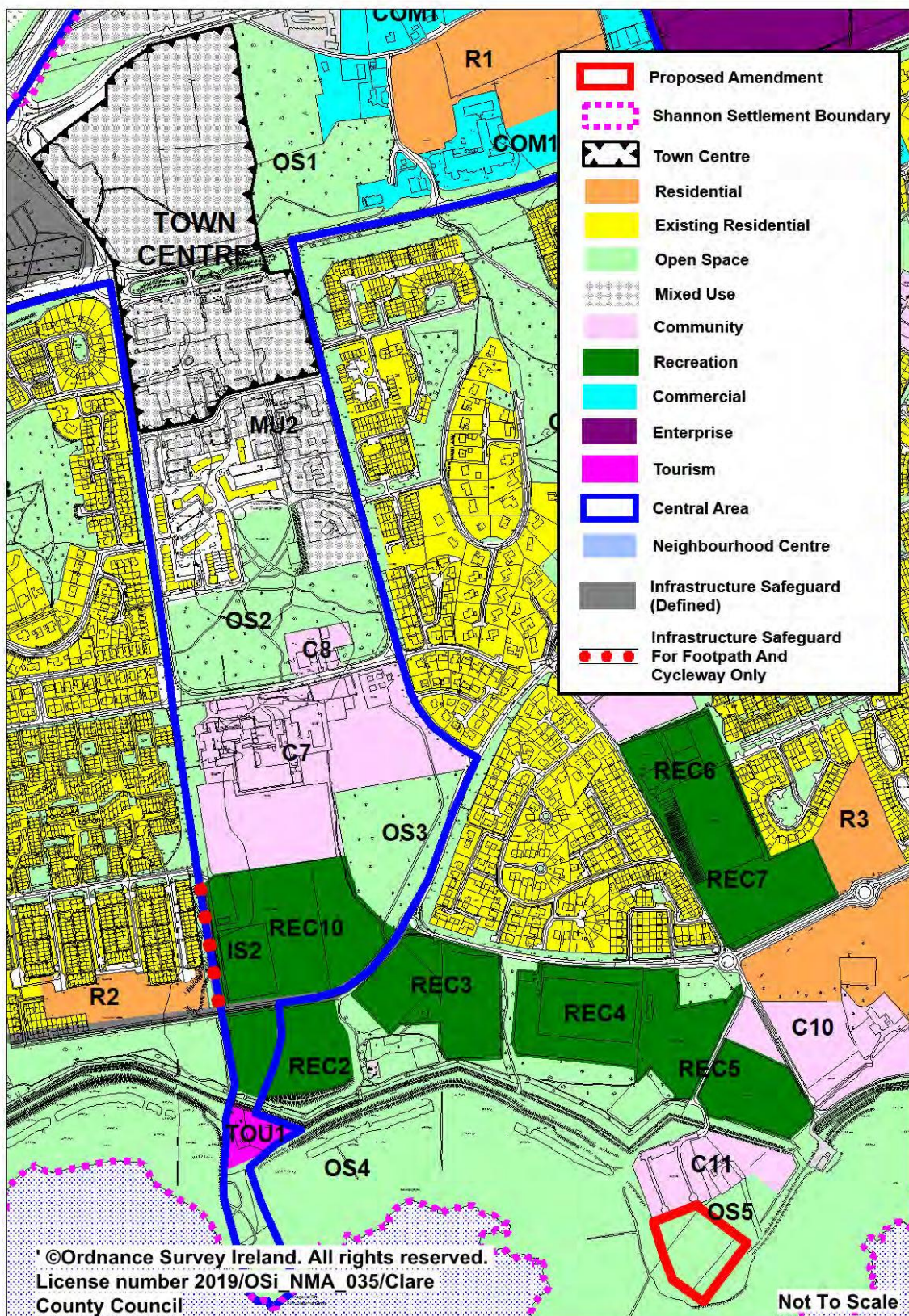
Further modifications to the material alternation may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European Site. A further modification shall not be made where it refers to an increase in the area of land zoned for any purpose or an addition to or deletion from the Record of Protected Structures.

Following consideration of the proposed Amendment No. 1 and my Chief Executive’s report, where the planning authority, after considering a submission, observation or recommendation from the Minister or the Regional Assembly, decides not to comply with any recommendation made in the proposed Amendment and Chief Executive’s report, it must inform the Minister or Regional Assembly, as the case may be, as soon as practicable by notice in writing, setting out the reasons for the decision.

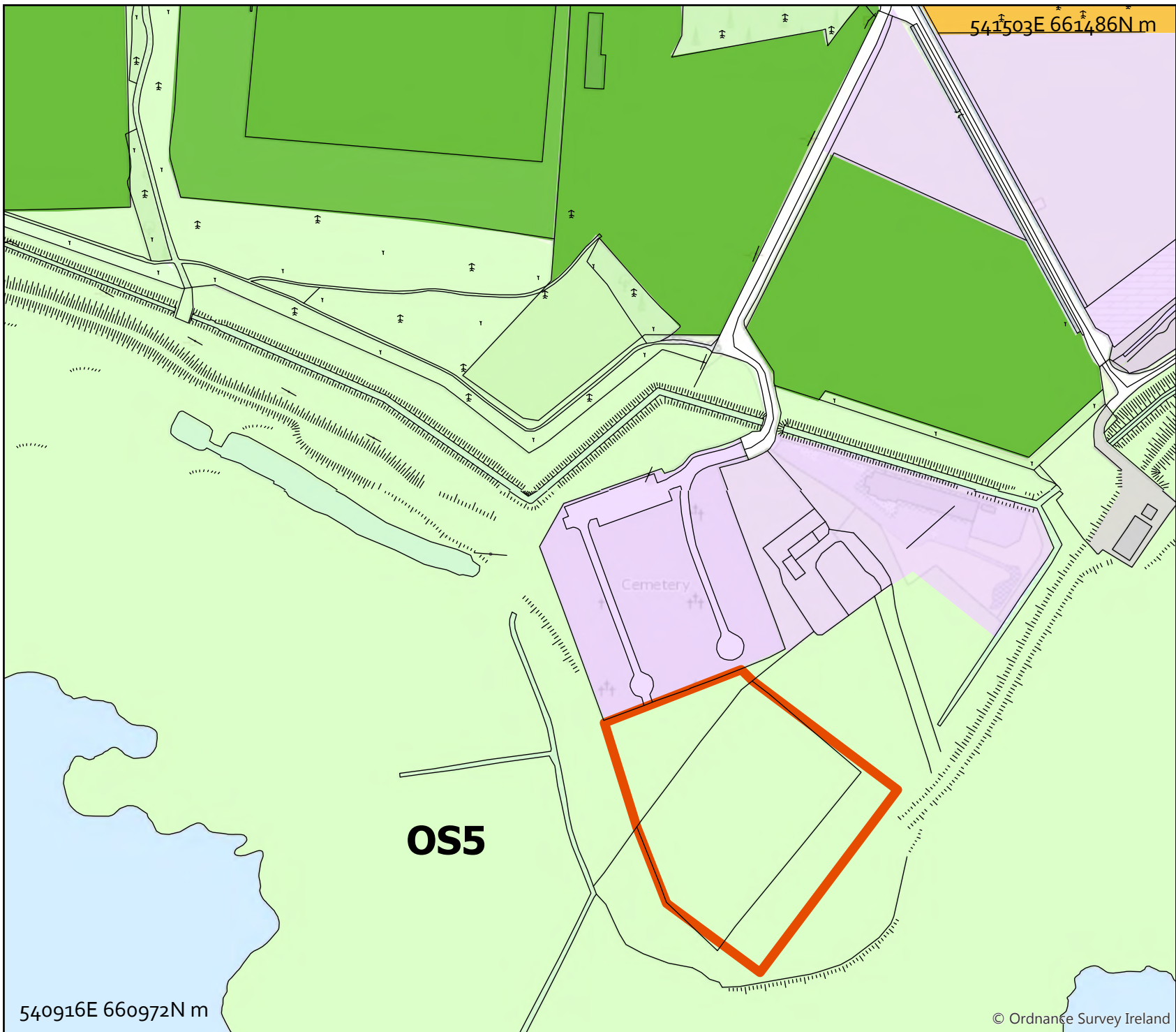
The consideration of this Chief Executives Report and the making of the proposed Amendment No. 1 to the Shannon Town and Environs Local Area Plan 2012-2018 will be on the agenda for the June Clare County Council meeting to facilitate you, by resolution, to make the proposed Amendment No 1, with or without the proposed amendments. The Amendment if adopted will take effect four weeks from the date that it is made.

## Maps





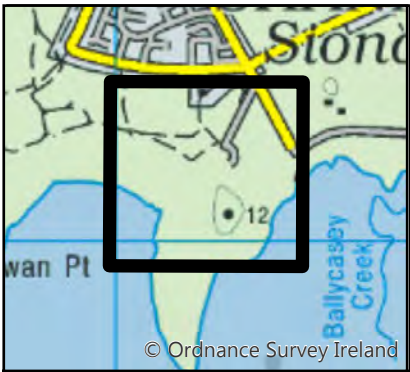




Map Legend

- Proposed Amendment
- Land Use Zoning**
- Community
- Open Space
- Recreation
- Residential
- Utilities

Area of interest



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CLARE COUNTY COUNCIL

PLANNING DEPARTMENT, ECONOMIC DEVELOPMENT DIRECTORATE  
Áras Contae an Chláir, New Road, Ennis, Co. Clare V95 DXP2  
T: 065 6846286 E: planoff@clarecoco.ie W: clarecoco.ie

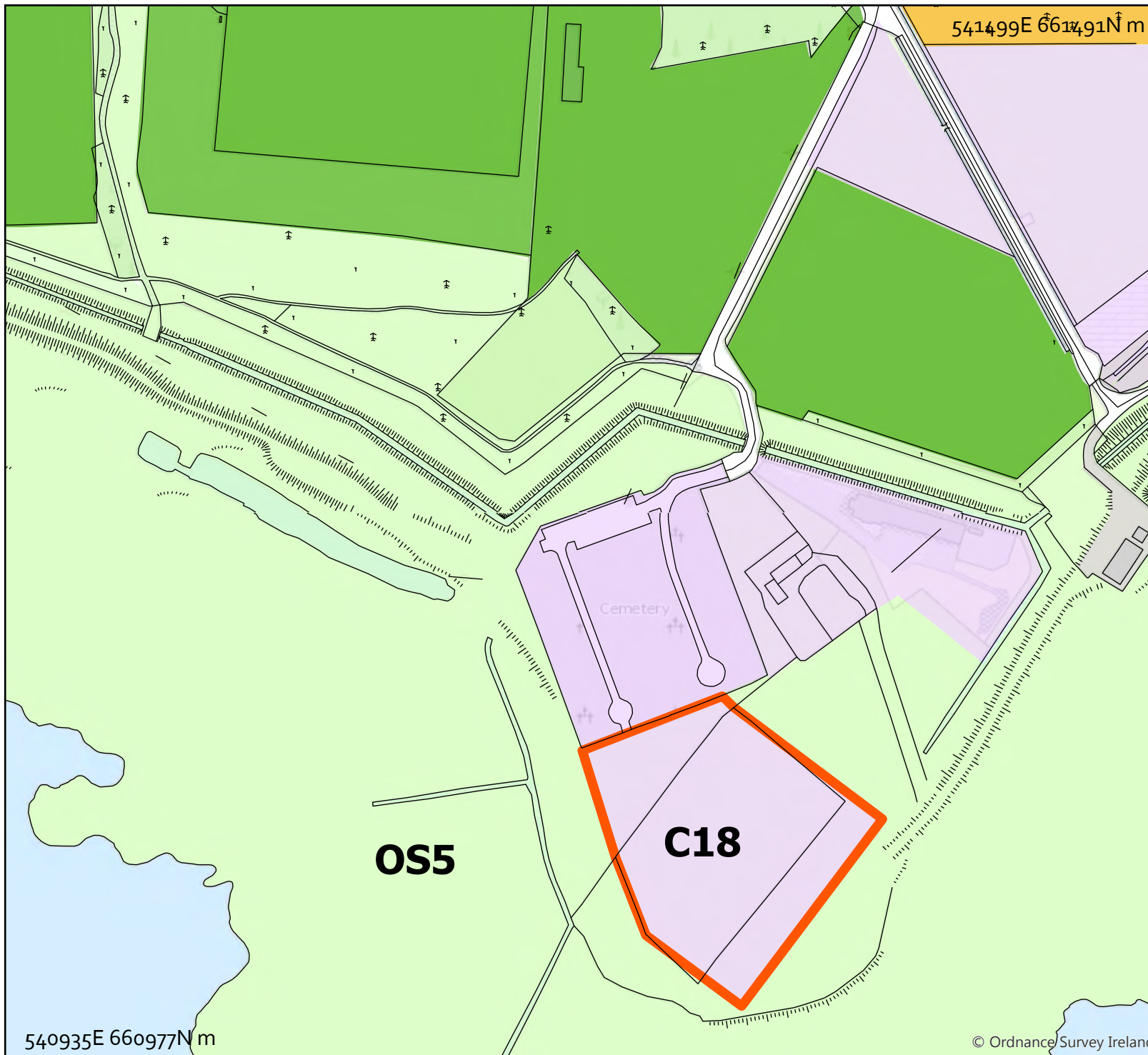
Project title: **Proposed Amendment No. 1**

Drawing title: **Existing Zoning - Shannon Town  
And Environs Local Area Plan  
2012 - 2018**

Revision: **1** Drawn by: **PMM** Checked by: **SEP**

Date Saved: **21/01/2019 14:40** Scale: **1:2,640**

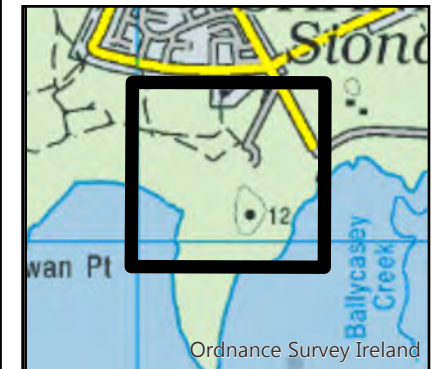
Drawing No: **PLP-18-0007-07**  
**Brian McCarthy-Senior Planner**



Map Legend

- Proposed Amendment
- Community
- Open Space
- Recreation
- Residential
- Utilities

Area of interest



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CLARE COUNTY COUNCIL

PLANNING DEPARTMENT, ECONOMIC DEVELOPMENT DIRECTORATE  
Aras Contae an Chláir, New Road, Ennis, Co. Clare V95 DXP2  
T: 065 6846286 E: planoff@clarecoco.ie W: clarecoco.ie

Project title:

Drawing title:

Revision:  Drawn by:  Checked by:

Date Saved:  Scale:

Drawing No:

Brian McCarthy-Senior Planner

© Ordnance Survey Ireland



## **Appendix I: Public Notice and Newspaper Notice of Proposed Amendment**

### **PROPOSED AMENDMENT NO. 1 TO THE SHANNON TOWN AND ENVIRONS LOCAL AREA PLAN 2012-2018**

Notice is hereby given pursuant to Section 20(3) of the Planning and Development Act 2000 (as amended) and Article 14E of the Planning and Development (Strategic Environmental Assessment) Regulations 2004-2011, that Clare County Council proposes to amend the Shannon Town and Environs Local Area Plan 2012-2018 (the making of a new Local Area Plan has been deferred to 2023).

It is proposed to change the zoning of part of the lands at Illaunmanagh, Shannon, which are currently zoned as Open Space OS5 to a revised land use zoning objective of ‘Community’ in order to facilitate an extension to the existing Burial Ground at this location. The amended land use zoning for part of the lands currently zoned as Open Space OS5 is proposed as follows;

#### **Community C18**

*The lands are zoned as Community to solely facilitate the extension of the Illaunmanagh Burial Ground. Any proposed development to extend the Burial Ground onto these lands shall be subject to the requirement to undertake an appropriate assessment at project level.*

Pursuant to Articles 6(3) and 6(4) of the EU Habitats Directive (92/43/EEC) the Planning Authority has undertaken an appropriate assessment and prepared a Natura Impact Report on the proposed amendment.

Pursuant to the Strategic Environmental Assessment Directive (2001/42/EC) the Planning and Development (Strategic Environmental Assessment) Regulations 2004, S.I.no. 436/2004, as amended by S.I. no. 201/2011, the Planning Authority has prepared an Environmental Report of the likely significant effects on the environment of implementing the proposed amendment to the Local Area Plan. The Planning Authority has also prepared a Flood Risk Assessment of the proposed amendment.

Copies of the proposed amendment to the Shannon Town and Environs Local Area Plan 2012-2018 including the Strategic Environmental Assessment (SEA) - Environmental Report and Non-Technical Summary, the Appropriate Assessment - Natura Impact Report and Strategic Flood Risk Assessment may be inspected during normal opening hours from **Friday 5<sup>th</sup> April to Monday 20<sup>th</sup> May 2019 (inclusive)** at the following locations:

- Áras Contae an Chláir, New Road, Ennis;
- Shannon Municipal District Office;
- Shannon Public Library;
- Clare County Council’s website [www.clarecoco.ie](http://www.clarecoco.ie)



Written submissions or observations (two copies) with respect to the proposed amendment to the Plan, which will be taken into consideration before the making of the amendment, including submissions on the SEA Environmental Report and Non-Technical Summary, the Appropriate Assessment – Natura Impact Report and the Flood Risk Assessment may be made to:

Planning Department, Clare County Council, Áras Contae an Chláir, New Rd., Ennis, Co. Clare or by email to **forwardplan@clarecoco.ie** (max. document size by email: 6 MB) on or before **4p.m. on Monday 20<sup>th</sup> May 2019**

Submissions should be clearly marked **“Submission to the Proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan 2012-2018”**.

***NB. As this is a public consultation process, submissions may be made available for public viewing and consequently personal details such as address, email address, and phone number should be submitted on a separate sheet accompanying any submissions or observations.***



## ROADS ACT 1993 TEMPORARY ROAD CLOSURE

Notice is hereby given in accordance with Section 75 of the Roads Act 1993 of Clare County Council's decision to close the roads detailed hereunder for the period stated to facilitate ground investigation and cable laying works associated with Glenmore Wind Farm.

### Roads to be closed:

- L-2048-74 West for a distance of 2,280m from its junction with L-6338-0 (Booltigh/Booltynaknockaun, aka Sorel Island Cross) to its junction with L-6191-21 (Glenmore Cross).
- L-6191-21 South for a distance of 1,410m to its junction with the L6190.

### Alternative routes/diversions:

L- 6338-0, L-2084-28, L-2084-15, L-2084-0, L-2082-0, L-2048-25, L-2048-42, L-2048-61.

### Dates and time of closure:

15th April 2019 to 3rd May 2019, 24hr Road Closure.

## NOTICE OF PUBLICATION OF DRAFT LITTER MANAGEMENT PLAN 2019-2021

Notice is hereby given under Section 10 of the Litter Pollution Act 1997, as amended, that Clare County Council has published a Draft Litter Management Plan 2019-2021.

A copy of the draft plan is available for public inspection from 4th April to 25th April 2019 during normal opening hours at the offices of the Environment Section or online at [www.clarecoco.ie](http://www.clarecoco.ie).

Comments / observations with respect to the Draft Litter Management Plan can be made in writing to:

The Senior Staff Officer  
The Environment Section,  
New Road, Ennis,  
Co. Clare.

Or by email: [enviroff@clarecoco.ie](mailto:enviroff@clarecoco.ie)

Closing date for submissions is **4pm, Thursday, 25th April 2019**.

## PROPOSED AMENDMENT NO. 1 TO THE SHANNON TOWN AND ENVIRONS LOCAL AREA PLAN 2012-2018

Notice is hereby given pursuant to Section 20(3) of the Planning and Development Act 2000 (as amended) and Article 14E of the Planning and Development (Strategic Environmental Assessment) Regulations 2004-2011, that Clare County Council proposes to amend the Shannon Town and Environs Local Area Plan 2012-2018 (the making of a new Local Area Plan has been deferred to 2023).

It is proposed to change the zoning of part of the lands at Illaunmanagh, Shannon, which are currently zoned as Open Space OSS to a revised land use zoning objective of 'Community' in order to facilitate an extension to the existing Burial Ground at this location. The amended land use zoning for part of the lands currently zoned as Open Space OSS is proposed as follows;

### Community C18

The lands are zoned as Community to solely facilitate the extension of the Illaunmanagh Burial Ground. Any proposed development to extend the Burial Ground onto these lands shall be subject to the requirement to undertake an appropriate assessment at project level.

Pursuant to Articles 6(3) and 6(4) of the EU Habitats Directive (92/43/EEC) the Planning Authority has undertaken an appropriate assessment and prepared a Natura Impact Report on the proposed amendment.

Pursuant to the Strategic Environmental Assessment Directive (2001/42/EC) the Planning and Development (Strategic Environmental Assessment) Regulations 2004, S.I. no. 436/2004, as amended by S.I. no. 201/2011, the Planning Authority has prepared an Environmental Report of the likely significant effects on the environment of implementing the proposed amendment to the Local Area Plan. The Planning Authority has also prepared a Flood Risk Assessment of the proposed amendment.

Copies of the proposed amendment to the Shannon Town and Environs Local Area Plan 2012-2018 including the Strategic Environmental Assessment (SEA) - Environmental Report and Non-Technical Summary, the Appropriate Assessment - Natura Impact Report and Strategic Flood Risk Assessment may be inspected during normal opening hours from **Friday 5th April to Monday 20th May 2019 (Inclusive)** at the following locations:

- Áras Contae an Chláir, New Road, Ennis;
- Shannon Municipal District Office;
- Shannon Public Library;
- Clare County Council's website [www.clarecoco.ie](http://www.clarecoco.ie)

Written submissions or observations (two copies) with respect to the proposed amendment to the Plan, which will be taken into consideration before the making of the amendment, including submissions on the SEA Environmental Report and Non-Technical Summary, the Appropriate Assessment - Natura Impact Report and the Flood Risk Assessment may be made to:

Planning Department, Clare County Council, Áras Contae an Chláir, New Rd., Ennis, Co. Clare or by email to [forwardplan@clarecoco.ie](mailto:forwardplan@clarecoco.ie) (max. document size by email: 6 MB) on or before **4p.m. on Monday 20th May 2019**.

Submissions should be clearly marked "Submission to the Proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan 2012-2018".

NB. As this is a public consultation process, submissions may be made available for public viewing and consequently personal details such as address, email address, and phone number should be submitted on a separate sheet accompanying any submissions or observations.



## **Appendix II: Copies of Submissions received from Prescribed Bodies**



Oifig an  
Rialaitheoir Pleanáil  
Office of the  
Planning Regulator

20<sup>th</sup> May 2019

Helen Quinn  
Snr. Executive Planner  
Clare County Council  
Áras Contae an Chláir  
New Road, Ennis  
Co. Clare

**PROPOSED AMENDMENT No.1 TO THE SHANNON AND ENVIRONS LOCAL AREA PLAN 2012-18**

Dear Ms Quinn,

Thank you for your authority's work in preparing the Proposed Amendment No.1 to the Shannon Local Area Plan (LAP) 2012-18.

The Office of the Planning Regulator (OPR) has assessed the Proposed Amendment above under the relevant provisions of the Planning and Development (Amendment) Act 2018 and under which the OPR was established on 3rd April last.

As your authority will be aware, one of the key functions of the OPR includes assessment of statutory plans and strategies to ensure consistency with legislative and policy requirements relating to planning.

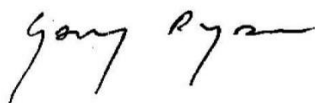
I wish to inform you that the Office of the Planning Regulator:

- notes the content of the proposed variation and the intent giving rise to it;
- notes that the principal planning matter it raises relates to the requirement for a project level assessment in the context of the EU Habitats Directive and national legislative and regulatory requirements arising therefrom; and in the context of the foregoing,
- has no specific comments or recommendations to make in relation to the proposed variation.

Please note that your authority is required to notify this Office within five working days of the making of the amendment to the Local Area Plan and send a copy of the written statement and maps as made.

If you have any further queries please contact the staff of the Office of the Planning Regulator through the undersigned at [plans@OPR.ie](mailto:plans@OPR.ie)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gary Ryan', with a stylized flourish at the end.

---

**Gary Ryan**

Assistant Director (Evaluation of Plans)

---

076 100 2747

[gary.ryan@OPR.ie](mailto:gary.ryan@OPR.ie)



Mr Brian McCarthy  
Senior Planner  
Planning Department  
Economic Development Directorate  
Aras Contae an Chlair  
New Road  
Ennis  
V95 DXP2

3<sup>rd</sup> May 2019

Our Ref: SCP190207.2

**Re. Proposed Amendment No. 1 to the Shannon Town and Environs Local Area Plan 2012-2018 and SEA Environmental Report**

Dear Mr McCarthy,

We acknowledge your notice, dated 3<sup>rd</sup> April 2019, in relation to the Proposed Amendment No. 1 to the Shannon Town and Environs Local Area Plan 2012-2018 (the 'Amendment') and SEA Environmental Report.

The EPA is one of five statutory environmental authorities under the SEA Regulations. In our role as an SEA environmental authority, we focus on promoting the full and transparent integration of the findings of the Environmental Assessment into the Plan and advocating that the key environmental challenges for Ireland are addressed as relevant and appropriate to the plan. Our functions as an SEA environmental authority do not include approving or enforcing SEAs or plans.

As a priority, we focus our efforts on reviewing and commenting on key sector plans. For land use plans at county and local level, we provide a 'self-service approach' via the attached guidance document '*SEA of Local Authority Land Use Plans – EPA Recommendations and Resources*'.

This document is updated regularly and sets out our key recommendations for integrating environmental considerations into Local Authority Land Use Plans. We suggest that you take this guidance document into account and incorporate the relevant recommendations, in finalising and implementing the Amendment.



We refer you to our previous submission dated. 19<sup>th</sup> March 2019, which is attached and should also be taken into account at this time.

### **Content of the Environmental Report**

The SEA Regulations set out the information to be contained in an Environmental Report.

#### *Assessment of Alternatives*

You should describe the alternatives considered and how the selection and assessment of these has led to the selection of the preferred alternative. You should assess the alternatives against the 'Strategic Environmental Objectives' identified in the SEA ER.

#### *Assessment of Environmental Effects*

You should assess and document the full range of likely significant environmental effects of implementing the Amendment, including the potential for cumulative effects in combination with other relevant Plans/ Programmes and Projects.

#### *Mitigation Measures*

Where you have identified the potential for likely significant effects, you should provide appropriate mitigation measures to avoid or minimise these. You should ensure that the Amendment includes clear commitments to implement the mitigation measures.

#### *Monitoring*

The Monitoring Programme should be flexible to take account of specific environmental issues and unforeseen adverse impacts should they arise. It should consider and deal with the possibility of cumulative effects. Monitoring of both positive and negative effects should be considered. The monitoring programme should set out the various data sources, monitoring frequencies and responsibilities.

If the monitoring identifies adverse impacts during the implementation of the Amendment, Clare County Council should ensure that suitable and effective remedial action is taken.

### ***State of the Environment Report – Ireland's Environment 2016***

In finalising the Amendment and integrating the findings of the SEA into the Amendment, the recommendations, key issues and challenges described in our most recent State of the Environment Report Ireland's Environment – An Assessment 2016 (EPA, 2016) should be considered, as relevant and appropriate.

### **Future Amendments to the Amendment**

You should screen any future amendments to the Amendment for likely significant effects, using the same method of assessment applied in the "environmental assessment" of the Amendment.

### **SEA Statement – "Information on the Decision"**

Once the Amendment is adopted, you should prepare an SEA Statement that summarises:

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

You should send a copy of the SEA Statement with the above information to any environmental authority consulted during the SEA process.

### **Environmental Authorities**

Under the SEA Regulations, you should also consult with:

- The Minister for Housing, Planning and Local Government,
- The Minister for Agriculture, Food and the Marine, and the Minister for Communications, Climate Action and Environment, where it appears to you as the competent authority that the plan or programme, or modification to a plan or programme, might have significant effects on fisheries or the marine environment,
- The Minister for Culture, Heritage and the Gaeltacht where it appears to you as the competent authority that the plan or programme, or modification to a plan or programme, might have significant effects in relation to the architectural or archaeological heritage or to nature conservation, and
- any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation or local area plan.

If you have any queries or need further information in relation to this submission, please contact me directly. I would be grateful if you could send an email confirming receipt of this submission to: [sea@epa.ie](mailto:sea@epa.ie).

Yours Sincerely,



---

Dave Galvin  
*SEA Section*  
*Office of Evidence and Assessment*

Ms Helen Quinn  
Senior Executive Planner  
Planning Department  
Clare County Council  
Aras Contae an Chlair  
New Road  
Ennis  
V95 DXP2

19<sup>th</sup> March 2019

Our Ref: SCP190207.1

**Re. SEA Scoping for Proposed Amendment No. 1 to the Shannon Town and Environs Local Area Plan 2012-2018}**

Dear Ms Quinn,

We acknowledge your notice, dated 27th February 2019, in relation to the Proposed Amendment No. 1 to the Shannon Town and Environs Local Area Plan 2012-2018 (the 'Amendment').

The EPA is one of five statutory environmental authorities under the SEA Regulations. In our role as an SEA environmental authority, we focus on promoting the full and transparent integration of the findings of the Environmental Assessment into the Plan and advocating that the key environmental challenges for Ireland are addressed as relevant and appropriate to the plan. Our functions as an SEA environmental authority do not include approving or enforcing SEAs or plans.

As a priority, we focus our efforts on reviewing and commenting on key sector plans. For land use plans at county and local level, we provide a 'self-service approach' via the attached guidance document '*SEA of Local Authority Land Use Plans – EPA Recommendations and Resources*'. This document is updated regularly and sets out our key recommendations for integrating environmental considerations into Local Authority land use Plans. We recommend that you take this guidance document into account in preparing the Amendment and SEA.

### **Available Guidance**

Our website contains SEA resources and guidance, including:

- SEA process guidance and checklists
- list of relevant spatial datasets
- topic specific SEA guidance, such as how to integrate climate change into SEA or consideration of alternatives in SEA.

You can access these resources at: <http://www.epa.ie/pubs/advice/ea/>

### ***State of the Environment Report – Ireland’s Environment 2016***

In preparing the Amendment and SEA, the recommendations, key issues and challenges described within our most recent State of the Environment Report *Ireland’s Environment – An Assessment 2016 (EPA, 2016)* should be considered, as relevant and appropriate to the Amendment.

### **Transition to a low carbon climate resilient economy and society**

You should ensure that the Amendment aligns with national commitments on climate change mitigation and adaptation, as well as relevant sectoral, regional and local adaptation plans.

### **EPA SEA Search and Reporting Tool**

This tool allows public authorities to explore, interrogate and produce high level environmental summary reports. It is intended to assist in screening and scoping exercises. The tool is available through EDEN [www.edenireland.ie](http://www.edenireland.ie)

### **EPA WFD Application**

Our WFD Application provides a single point of access to water quality and catchment data from the national WFD monitoring programme. The Application is accessed through EDEN <https://wfd.edenireland.ie/> and is available to public agencies. Publicly available data can be accessed via the Catchments.ie website.

### **Environmental Authorities**

Under the SEA Regulations, you should also consult with:

- The Minister for Housing, Planning and Local Government
- Minister for Agriculture, Food and the Marine, and the Minister for Communications, Climate Action and Environment, where it appears that the plan or programme, or modification of the plan or programme, might have significant effects on fisheries or the marine environment
- where it appears that the plan or programme, or amendment to a plan or programme, might have significant effects in relation to the architectural or archaeological heritage or to nature conservation, the Minister for Culture, Heritage and the Gaeltacht, and



- any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation or local area plan.

If you have any queries or need further information in relation to this submission, please contact me directly. I would be grateful if you could send an email confirming receipt of this submission to: [sea@epa.ie](mailto:sea@epa.ie).

Yours Sincerely,

A handwritten signature in black ink that reads 'David Galvin'.

---

David Galvin  
SEA Section  
*Office of Evidence and Assessment*  
*Environmental Protection Agency*



# SEA of Local Authority Land-Use Plans - EPA Recommendations and Resources

Version 1.2

**ENVIRONMENTAL PROTECTION AGENCY**  
**An Ghníomhaireacht um Chaomhnú Comhshaoil**

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## Tracking of Updates

Version No.	Date	Amendments since previous version
Version 1.0	27/08/18	N/A
Version 1.1	03/01/19	Updating references for various EPA Reports including Urban Wastewater, Water Quality, Bathing Water, Air Quality, Waste & link to DCCAE Climate Adaptation Guidelines,
Version 1.2	13/02/19	Added <i>Draft Building Development &amp; Height Guidelines for Planning Authorities</i> (DHLG) to Plan list in Appendix II

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## 1. Introduction

This document provides key EPA recommendations for Local Authorities to consider when carrying out Strategic Environmental Assessment (SEA) of land-use plans at county and local level. It also includes information on recently published EPA reports and links to other relevant resources.

EPA is one of five statutory Environmental Authority under the SEA regulations. Our role in SEA focuses on promoting full integration of the findings of the Environmental Assessment into the Plan. It is not the function of the EPA to either approve or enforce Plans or SEAs.

We focus our efforts and resources on reviewing and commenting on key national and regional plans within the planning hierarchy. For Local Authority land use plans at county and local level, we advocate a 'self-service approach' through use of this guidance document. This document is updated regularly.

## 2. Key Environmental Recommendations to Consider

### Drinking Water

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In considering additional zoning/development and growth of settlements within the Plan area, it is critical that development be closely linked to the ability to provide a safe and secure supply of drinking water and related critical service infrastructure.

We have produced a series of drinking water quality reports, including the *Drinking Water Report for Public Water Supplies – 2017* (EPA, 2018), that should be consulted to ensure the relevant recommendations are implemented to improve drinking water quality. Key issues identified with particular supplies, including significant issues identified through (Irish Water) Drinking Water Safety Plans, should be highlighted for individual plans. We recommend including a commitment to collaborate with Irish Water and other relevant stakeholders in the Plan, to provide an adequate and appropriate drinking water supply.

A 'Remedial Action List' (RAL) of problematic drinking water supplies is released by the EPA on a quarterly basis. It is a dynamic list which records identified and reported issues. Once appropriate mitigation measures are established and implemented, supplies are removed from the RAL. You should consider including a commitment in the Plan to support Irish Water, in addressing issues where water supplies servicing the Plan area included on the RAL. Further information can be found at: <http://www.epa.ie/downloads/pubs/water/drinking/>.

### Conservation of Water Resources

The Plan should include an Objective/Policy promoting the need for the conservation of water resources and also the need for detection/mitigation of infrastructural leakages. It may also be useful to consider developing a Water Conservation Strategy, in association with Irish Water and adjoining local authorities, where appropriate.

### Waste Water

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Our *Water Quality in Ireland 2010 – 2012* report (EPA, 2015) highlights that one of the key causes of water pollution is from point sources including discharges from waste water treatment plants. The need to provide and maintain adequate and appropriate wastewater treatment infrastructure to service zoned lands and developments over the lifetime of the Plan should be included as a specific Policy/Objective in the Plan.

Agglomerations with treatment or poorly performing (or at capacity) treatment plants are highlighted in the *Urban Waste Water Treatment in 2017* (EPA, 2018). A commitment to support the provision of appropriate measures to address these issues as a priority, in collaboration with Irish Water should be considered where relevant. Measures to ensure that combined storm water overflows, sewers and trade effluent in the area covered by the Plan is also managed properly should also be included as appropriate.

You should consult our [\*Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses \(p.e < 10\)\*](#), (EPA, 2009) with regard to any

- proposed rural residential development which may arise
- or development proposals in un-sewered rural area
- or areas where connection to the public sewer is not feasible

The [\*National Inspection Plan for Domestic Wastewater Treatment Systems Implementation Report\*](#) (EPA, 2016) should also be considered, as appropriate.

## **Water Framework Directive**

### **Protection of Surface and Ground Water Resources**

Protecting our valuable surface and ground water resources is of vital importance to protect both human health and provide for a healthy environment. In this context, you should provide clear commitments in the Plan to protect surface water, groundwater and coastal/estuarine resources and their associated habitats and species, including fisheries within and adjacent to the Plan area. Where specific recommendations/concerns for water bodies within the Plan area are identified in EPA water quality reports, including the *Water Quality in 2017: an Indicators Report* (EPA, 2018) and *Water Quality in 2016* (EPA, 2018), these should also be addressed/considered at an appropriate level in the Plan.

The Plan should also ensure that any specific relevant objectives and measures for individual water bodies, within the Plan area as set out in the existing relevant Water Framework Directive River Basin Management Plan, are provided for in order to ensure water quality is protected/improved/maintained. The Plan should also consider that subsequent water management plans (including catchment management plans) may arise out of current review of the second cycle of WFD River Basin Management Planning should be integrated as appropriate upon their adoption. The 'integrated catchment management' approach for protecting and managing water resources, should also be supported in the Plan. The EPA's [www.catchments.ie](http://www.catchments.ie) website provides useful resources such as GIS mapping and related information that should be useful in preparing the Plan.

The [\*European Union \(Water Policy\) Regulations 2014\*](#) (S.I. No. 350 of 2014) sets out the roles and responsibilities of the various stakeholders and the associated requirements in relation to river basin management planning and should be integrated as appropriate. These responsibilities should be reflected in the Plan and the associated environmental monitoring.

### **Protection of Groundwater Resources**

Groundwater aquifers form important sources of drinking water both locally and regionally. Much of the summer seasonal flow in many rivers is also derived from groundwater sources. To maintain high quality water resources within the Plan area, it is important that development is controlled and managed appropriately, in particular in areas of high groundwater vulnerability to avoid transmission of pollutants into important aquifers.

The Plan should include a clear Policy / Objective for the protection of groundwater resources and associated habitats and species. The Plan should also include a commitment to integrate any existing Groundwater Protection Schemes and Groundwater Source Protection Zones, as relevant and appropriate within the Plan area. The Plan should also include a commitment to comply with the [European Communities Environmental Objectives \(Groundwater\) Regulations 2010](#) (S.I. No. 9 of 2010).

Issues to consider relating to protection of groundwater include; *enforcement of planning conditions related to installation, operation and maintenance of on-site wastewater treatment / septic tank systems, connection of all remaining houses within settlement boundaries to wastewater treatment plant, the development of a wastewater leak detection programme* and the implementation and enforcement of the *European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009* and associated *European Communities (Good Agricultural Practice For Protection Of Waters) Regulations 2010* (S.I. No 610 of 2010).

#### **Protection and Management of Bathing Waters**

The obligation to protect bathing waters within (and adjacent to) the Plan area should also be reflected in the Plan. Bathing Waters are afforded protection under Directive 2006/7/EC, known as the '*Directive on bathing water*', which is transposed into National legislation by the *Bathing Water Quality Regulations 2008* (S.I. No. 79) of 2008. In addition, under the Water Framework Directive, recreational waters/bathing water areas are included on the Register of Protected Areas. The Plan should provide for the protection of any waters which are used for bathing within or adjacent to the Plan area.

The EPA's most recent report on bathing water quality '*Bathing Water Quality in Ireland – A Report for the Year 2017*, (EPA, 2018)' sets out the status of Irish Seawater and Freshwater Bathing areas and should be integrated as appropriate. The EPA's available bathing water advice/guidance includes an online GIS resource called "[beaches.ie](http://beaches.ie)" which should be considered.

#### **Water Framework Directive & Biodiversity**

Any sites of significant biodiversity value within or adjacent to the Plan area listed on the Water Framework Directive Register of Protected Areas, (such as Fresh Water Pearl Mussel Catchments, designated Salmonid waters, fisheries / shellfisheries), should be protected in preparing the Plan.

## **Flooding**

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The Plan should fully comply with [The Planning System and Flood Risk Management - Guidelines for Planning Authorities](#) (OPW/DEHLG, 2009). These Guidelines place requirements on planning authorities to carry out strategic flood risk assessments and also to ensure that development/zoning of vulnerable land uses, in areas at significant risk of flooding (flood zones A and B) is avoided. In effect, only flood/water compatible uses should be built in flood plains. Where this is not possible, any proposal for development/zoning is required to include a '*Justification Test*' in accordance with the Guidelines. Examples of vulnerable land uses include hospitals, residential developments and

essential infrastructure such as transport and utilities (electricity generating power stations, water and sewage treatment) and potential significant sources of pollution (SEVESO sites, IPPC sites).

In May 2018, the OPW launched a new website to access flood risk management plans, flood maps and information on flood risk management in Ireland. It can be consulted at: [www.floodinfo.ie](http://www.floodinfo.ie).

The Plan should include a commitment to carry out strategic flood risk assessments, in line with the Flood Risk Management Guidelines, to inform the development and implementation of the County Development Plan and lower level local area plans respectively.

A specific Policy should be included to provide for/promote appropriate flood risk assessments to be undertaken, where development / zoning is being proposed in the Plan area where there is significant risk of flooding, in accordance with the Guidelines referred to above.

The Plan should also promote the development, where appropriate, of adaptation measures to account for the likely increased risk of flooding due to climate change within the Plan area, including implementation of adequate and appropriate Sustainable Urban Drainage Systems. Additionally, the Plan should provide for protection, management, and as appropriate, enhancement of existing wetland habitats where flood protection/management measures are necessary.

Integrated Coastal Zone Management should also be considered as relevant and appropriate, to inform the preparation of coastal plans and programmes.

## **Climate Change / Climatic Factors**

Urgent action is needed to address climate change and to move Ireland towards a low carbon, climate resilient economy and society. Climate change adaptation and mitigation measures should be included in the Plan as appropriate and the Plan should be consistent with the *National Policy Position on Climate Action and Low Carbon Development*<sup>1</sup>, the *National Mitigation Plan*<sup>2</sup> and the *National Adaptation Framework*, as well as relevant sectoral, regional and local adaptation plans.

The Agency recently published [Ireland's Greenhouse Gas Emissions Projections for 2017-2035](http://www.dccae.gov.ie/en-ie/climate-action/publications/Pages/Ireland's-Greenhouse-Gas-Emissions-Projections-for-2017-2035.aspx) (EPA, 2018) which should be taken into account in preparing the Plan, as appropriate and relevant.

The EPA has published a good practice guidance note on how to incorporate climate change into plans and programmes falling under the remit of the SEA Directive – *Integrating Climate Change into SEA* (EPA, 2016<sup>3</sup>). Key aspects to be considered in the Plan and SEA, where relevant, include:

- Direct and indirect impacts of the Plan on greenhouse gas emissions and removals (Mitigation)
- Direct and indirect impacts of climate change on the implementation of the Plan, e.g. the resilience of critical water service infrastructure to flooding and drought (Adaptation)
- The linkages between mitigation and adaptation (inter-relationships)

### **Mitigation**

To fulfil national commitments on greenhouse gas emissions reduction, Ireland must effectively switch away from fossil fuel sources of energy by 2050. The Plan should reflect the need to reduce

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<sup>1</sup> <http://www.dccae.gov.ie/en-ie/climate-action/publications/Pages/National-Policy-Position.aspx>

<sup>2</sup> <http://www.dccae.gov.ie/documents/National%20Mitigation%20Plan%202017.pdf>

<sup>3</sup> <http://www.epa.ie/pubs/advice/ea/Climate-Change-SEA-Ireland-Guide-Note.pdf>



greenhouse gas emissions and to protect, maintain and enhance carbon stocks. The National Mitigation Plan (NMP) identifies 106 actions to decarbonise electricity generation, the built environment and transport and to move towards carbon neutrality for agriculture, forest and land use sectors. Relevant actions in the NMP should be integrated into the Plan as appropriate. The inclusion of specific policies/objectives which promote the integration of climate change mitigation measures at a regional and local level in land use planning within the Plan area should also be considered. In developing and implementing mitigation-related measures, opportunities should be sought to maximise the potential co-benefits of for the wider the environment and society, such as improvements in air quality, water quality, biodiversity, public amenity, renewable energy, tourism etc.

### Adaptation

The EPA has published guidelines to support local authorities in developing local climate adaptation strategies (EPA, 2016<sup>4</sup>). Climate change is already discernible in Ireland, especially within the temperature record, and projected climate change impacts include higher intensity rainfall events, more intense storms and storm surge, sea level rise, warmer temperatures and longer periods of low rainfall. Additionally, the DCCAE have prepared Guidelines to also assist local authorities prepare adaptation strategies. (DCCAE, 2018<sup>5</sup>).

In preparing the Plan and associated SEA, the degree to which climate change impacts, individually and in combination, are likely to influence its implementation and operation should be considered. Aspects to be considered include the resilience of existing and proposed infrastructure and systems to climate variability. This analysis may include an assessment of responses to recent extreme weather events and the adequacy of existing systems and procedures. Other climate change impacts to be considered include changes in native species and habitats and the spread of invasive species, pests and pathogens. To minimise any adverse impacts identified in the SEA, the Plan should include appropriate climate change adaptation measures that can be implemented either directly or through relevant land use plans and/or specific plans e.g. Flood Risk Management Plans, Integrated Coastal Zone Management Plans etc.

The 'Climate Ireland' website provides information, support and advice to help local authorities, sectors and government departments to adapt to climate change and includes a Local Authority Adaptation Support Wizard. It can be consulted at <http://www.climateireland.ie/#/>

### Monitoring

The Plan and SEA should consider monitoring for both climate mitigation and climate adaptation monitoring aspects, where relevant and appropriate. Appendix III of this guidance document provides climate-related baseline information and questions to consider.

## Air

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Air quality legislation in Ireland highlights the need *“to avoid, prevent or reduce harmful effects on human health and the environment as a whole”*. In addition, it requires that Local Authorities where appropriate *“shall promote the preservation of best ambient air quality compatible with sustainable development.”*. These requirements should be incorporated by means of a specific plan objective / policy.

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<sup>4</sup> [http://www.epa.ie/pubs/reports/research/climate/EPA\\_Research\\_Report164.pdf](http://www.epa.ie/pubs/reports/research/climate/EPA_Research_Report164.pdf)

<sup>5</sup> <https://www.dccae.gov.ie/en-ie/climate-action/publications/Pages/Local-Authority-Adaptation-Strategy-Development-Guidelines.aspx>

It is also worth noting that the [National Clean Air Strategy](#) (DCCA) is currently being prepared, with the intention of developing the necessary policies and measures to comply with new and emerging EU legislation, in addition to supporting climate change mitigation.

Recent [EPA reports on air quality](#) include the *Air Quality in Ireland 2017 Report* (EPA, 2018) which sets out the most recent status in each of the four air quality zones in Ireland.

The EPA manages the national ambient air quality monitoring network and measures the levels of a number of atmospheric pollutants. The pollutants of most concern are those whose main source is traffic such as Particulate Matter and Nitrogen Dioxide should to be taken into account. Information in relation to these aspects is available at: <http://www.epa.ie/air/quality/monitor/#>

## Noise

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The objectives of EU and Irish noise legislation is “to avoid, prevent or reduce harmful effects on human health and the environment as a whole”, and this includes noise nuisance. To this effect the Plan should ensure this requirement is complied with. The assessment and management of noise from the main infrastructural transport sources (roads, rail, and airports) are governed by the Environmental Noise Directive and associated 2006 Environmental Noise Regulations (S.I. 140 of 2006). In this context, as appropriate, the Plan should promote the implementation of Environmental Noise Directive and associated national regulations. <http://www.environ.ie/environment/noise/si-140-2006-environmental-noise-regulations-2006>

Available Noise Action Plans should be taken into account also and reviewed as required, to reflect the Plan period and associated development proposals. Consideration should be given to any relevant noise maps, and action plans. Strategic noise maps are designed to assess noise exposure resulting from major roads, railways and airports. Noise action plans are designed to act as a means of managing environmental noise through land use planning, traffic management and control of noise sources. The third round of noise mapping is currently underway in Ireland and will be completed in 2018. <http://noise.eionet.europa.eu/help.html>.

Consideration should be given to protect, where relevant, any designated quiet areas in open country. In 2003, the EPA commissioned a [research project](#) to establish baseline data for the identification of quiet areas in rural locations. Quiet Areas are defined as “an area in open country, substantially unaffected by anthropogenic noise.” A range of minimum distance criteria from man-made noise sources such as urban areas, industry and major road sources were defined, and the report includes a number of key recommendations for the identification and control of Quiet Areas.

## Waste Management

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The Plan should promote the integration of land use zoning and development to existing and planned availability of waste infrastructure and capacity. The Plan should also refer to and incorporate the relevant aspects of the relevant Regional Waste Management Plan.

In addition, the Plan should promote and incorporate the relevant recommendations in the following series of EPA reports including:

- EPA National Waste Statistics are available at: <http://www.epa.ie/nationalwastestatistics/>

- *The Nature and Extent of Unauthorised Waste Activity in Ireland* (EPA, 2005)
- *National Waste Report 2012* (EPA, 2014)
- *National Hazardous Waste Management Plan 2014-2020* (EPA, 2015)

These, and other resources are available at: <http://www.epa.ie/pubs/reports/waste/stats/>

## Radon

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Where significant concentrations of radon occur within the Plan area, these should be taken into account in the Plan or associated development control measures, as appropriate. Radon Maps are available at <http://www.epa.ie/radiation/radonmap/> which should be useful in identifying potential for significant radon accumulations within the Plan area. Reports on radioactivity monitoring of the Irish environment are also available at <http://www.epa.ie/pubs/reports/radiation/>

## 3. Wider Environmental Recommendations to Consider

### Biodiversity

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Biodiversity within the Plan area may include designated and undesignated sites, habitats, species and networks of importance at an international, national, regional or local level. The protection of ecological resources is a key consideration which needs to be addressed. In this regard, the Plan should include clear Policies/Objectives to conserve and protect all designated sites within and adjacent to the Plan area (including the habitats and/or species for which they have been selected, or which they support), and should also promote the protection of undesignated sites and local biodiversity features.

The Plan should also promote the need to protect wider aspects of biodiversity including ecological corridors / linkages / green infrastructure, areas of important local biodiversity, the provision of buffer zones between developments and areas of significant biodiversity and ensuring appropriate control and management measures for invasive species.

Plans should be supported / informed by available habitat mapping (including wetland mapping) and other ecological surveys as relevant. The Plan should refer to and reflect the relevant commitments in Ireland's *National Biodiversity Action Plan 2017-21* (DCHG, 2017). Local Heritage/Biodiversity plans should be highlighted and should promote the implementation of key actions set out in these plans. Where not established, commitments should be included to prepare these plans.

### Appropriate Assessment

The Plan should promote the application of the guidance set out in the DECLG Publication '[Appropriate Assessment of Plans and Projects in Ireland- Guidance for Planning Authorities](#)' (2009; revision 2010), in relation to the requirements of Article 6 of the Habitats Directive.

The Plan should include a commitment to ensure compliance with the requirements of Article 6 of the Habitats Directive. The Plan should also be subject to Appropriate Assessment (AA). The Plan should include a clear Policy/Objective that sets out a requirement for AA Screening for new, reviewed or amended Plans and proposed projects, which may have the potential to impact on

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

You should consult with the National Parks and Wildlife Service (NPWS) regarding screening of the *Plan* for Appropriate Assessment. Where Appropriate Assessment is required, any findings or recommendations should be incorporated into the SEA and the *Plan*, as appropriate.

Our AA GeoTool application has been developed and launched in partnership with the NPWS. It allows users to select a location, specify a search area and gather available information for each European Site within the area. It is available at:

<http://www.epa.ie/terminalfour/AppropAssess/index.jsp>

### **Integrated Biodiversity Impact Assessment**

In 2012, we published guidance on [Integrated Biodiversity Impact Assessment - Streamlining AA, SEA and EIA Processes. Best Practice Guidance](#). The aim is to inform practitioners, plan/project proponents and consent authorities to integrate SEA, EIA and AA processes and requirements to streamline biodiversity considerations.

## **Energy Conservation & Renewable Energy**

When considering energy conservation / renewable energy aspects of the Plan, where relevant, the recently published [Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change](#) (DHPCLG, 2017) should be taken into account. The Government White Paper - *Ireland's Transition to a Low Carbon Energy Future 2015-2030*, (DCENR) should also be taken into consideration.

The relevant renewable energy / energy conservation actions in the National Mitigation Plan should be integrated. Additionally, the Plan should, where relevant, include a commitment to prepare and implement an 'Energy Conservation Strategy' and associated awareness campaign within the lifetime of the Plan where feasible.

The Plan should also support and promote the need for energy conservation measures to be incorporated into buildings. Relevant guidance in this regard, can be found on the website of the Sustainable Energy Authority of Ireland: [www.seai.ie](http://www.seai.ie).

There is merit in including a commitment where relevant and appropriate, to use energy derived from renewable energy systems (e.g. solar, wind, bioenergy, geothermal etc.) and energy storage networks and systems within the Plan area.

## **Landscape**

The Plan should provide for the protection of designated scenic landscapes, scenic views, scenic routes and landscape features of national, regional, county and local value. The Plan should also take into account the landscape character adjoining the Plan area. Visual linkages between established landmarks and landscape features and views should be taken into account when land is being zoned and when individual development proposals are being assessed / considered. The *National Landscape Strategy* (DECLG, 2015) should be taken into account and integrated as appropriate into the Plan.

## Geology / Geomorphology

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The Plan should protect any designated Geological and Geomorphological NHAs/pNHAs, which may be present/designated within or adjacent to the Plan area in consultation with the Geological Survey of Ireland.

## Human Health / Quality of Life

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The Plan should ensure provision of adequate and appropriate infrastructure and to serve both the existing community and likely future predicted increases in population within the Plan area. In preparing the Plan, there is merit in exploring current practice and opportunities with respect to promote the protection and, as appropriate, improvement of “Quality of Life”. Where relevant, the application of existing “Quality of Life Indices” would be considered in consultation with relevant statutory and non-statutory bodies/organisations. We also refer you to the relevant aspects already referred to above under water, biodiversity, air, energy.

## Transportation

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The Plan should promote and as appropriate, provide for the provision of sustainable modes of transport. The Department of Transport Tourism and Sport [‘Smarter Transport – A Sustainable Transport Future’](#) (DTTAS, 2009) should be referred to, in the context of possible initiatives which could be included as objectives within the Plan. The Plan should include and provide support for appropriate access to public transport, dedicated cycleways and pedestrian pathways, access to rapid charging infrastructure etc.

The transport-related actions in the National Mitigation Plan and the National Planning Framework, should also be considered and integrated, as appropriate in the Plan. In seeking to support achieving a low carbon economy, it is important to consider and manage transport related emissions within the Plan area. In this regard the Plan should promote, and as appropriate provide for sustainable modes of transport.

Promoting the development of traffic management measures to reduce the potential for traffic congestion and associated vehicular emissions should be considered. In particular, it would be useful to prepare (and review existing) Integrated Traffic Management Plans, where relevant and appropriate, for the existing urban areas and proposed new urban developments to consider and address the short, medium and long-term traffic management requirements within the Plan area.

## Infrastructure Planning

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Where zoning/rezoning of lands and the introduction of new development is being proposed within the Plan area, the Plan should promote the need for an integrated planning approach to service any development proposed and authorised during the lifetime of the Plan in collaboration with key stakeholders.

The Plan should, (when considering additional development proposals), support and promote the provision of adequate and appropriate critical service infrastructure, surface and storm water drainage, public transport, waste management, community services and amenities etc. on a planned and phased basis. This is in the context of taking into account and addressing existing infrastructural

inadequacies to meet the expected needs of predicted increases in population associated with the Plan implementation.

The potential impact on human health, habitats and species of ecological importance, flood risk and water quality should be taken into account in considering proposed additional infrastructure or in proposed upgrading of existing infrastructure.

## **Environmental Impact Assessment (EIA)**

The Plan should highlight that, under the EIA and Planning & Development Regulations, certain projects arising during the implementation of the Plan may require an EIA. It should be noted that projects may also require Appropriate Assessment screening, as required by Article 6 of the Habitats Directive. It should be noted that the EPA's role in relation to EIA relates only to facilities/sites which are licensable by the EPA, namely IPPC, waste water and waste sites.

Draft Guidelines on information to be contained in Environmental Impact Assessment Reports can be consulted at: <http://www.epa.ie/pubs/advice/ea/drafteiarguidelines.html>

## Appendix I: Links to environmental resources

Air	<a href="http://www.epa.ie/pubs/reports/air/quality/">http://www.epa.ie/pubs/reports/air/quality/</a>
Bathing Water	<a href="http://www.epa.ie/pubs/reports/water/bathing">http://www.epa.ie/pubs/reports/water/bathing</a> <a href="http://www.beaches.ie">http://www.beaches.ie</a>
Biodiversity	<a href="http://www.npws.ie/guidance-appropriate-assessment-planning-authorities">http://www.npws.ie/guidance-appropriate-assessment-planning-authorities</a> <a href="http://www.npws.ie/publications">http://www.npws.ie/publications</a> <a href="http://maps.biodiversityireland.ie/#/Home">http://maps.biodiversityireland.ie/#/Home</a> <a href="http://www.epa.ie/pubs/reports/research/biodiversity/">http://www.epa.ie/pubs/reports/research/biodiversity/</a>
Climate	<a href="http://www.environ.ie/en/Environment/Atmosphere/ClimateChange/">http://www.environ.ie/en/Environment/Atmosphere/ClimateChange/</a> <a href="http://www.epa.ie/pubs/reports/research/climate/">http://www.epa.ie/pubs/reports/research/climate/</a>
DHCLG Guidelines / Legislation	<a href="http://www.environ.ie/en/DevelopmentHousing/PlanningDevelopment/Planning/">http://www.environ.ie/en/DevelopmentHousing/PlanningDevelopment/Planning/</a>
Drinking Water	<a href="http://www.epa.ie/pubs/reports/water/drinking/">http://www.epa.ie/pubs/reports/water/drinking/</a>
EIA	<a href="http://www.environ.ie/en/DevelopmentHousing/PlanningDevelopment/EnvironmentalAssessment/EIASEAGuidance">http://www.environ.ie/en/DevelopmentHousing/PlanningDevelopment/EnvironmentalAssessment/EIASEAGuidance</a>
Energy Conservation	<a href="http://www.seai.ie">www.seai.ie</a>
Flood Risk	<a href="http://www.floodinfo.ie">www.floodinfo.ie</a>
Geology / Geomorphology	<a href="http://www.gsi.ie/Mapping.htm">http://www.gsi.ie/Mapping.htm</a>
Ground Water	<a href="http://j.mp/gsigroundwater">http://j.mp/gsigroundwater</a> <a href="http://www.epa.ie/downloads/pubs/water/ground/">http://www.epa.ie/downloads/pubs/water/ground/</a> <a href="http://www.epa.ie/hydronet/#Water%20Levels">http://www.epa.ie/hydronet/#Water%20Levels</a>
Landscape Character Assessment	<a href="http://www.heritagecouncil.ie/">http://www.heritagecouncil.ie/</a>
Marine	<a href="http://www.marine.ie/Home/site-area/home/home">http://www.marine.ie/Home/site-area/home/home</a>
Radon	<a href="http://www.epa.ie/radiation/radonmap">http://www.epa.ie/radiation/radonmap</a>
SEA EPA resources	<a href="http://www.edenireland.ie">www.edenireland.ie</a> (SEAGIS Reporting Tool) <a href="http://www.epa.ie/pubs/advice/ea/">http://www.epa.ie/pubs/advice/ea/</a>
Spatial Planning GIS	<a href="http://www.myplan.ie">www.myplan.ie</a> <a href="http://www.epa.ie/soilandbiodiversity/soils/land/corine/">http://www.epa.ie/soilandbiodiversity/soils/land/corine/</a> <a href="http://gis.epa.ie/SeeMaps">http://gis.epa.ie/SeeMaps</a>
State of Environment	<a href="http://www.epa.ie/irelandsenvironment/stateoftheenvironmentreport/">http://www.epa.ie/irelandsenvironment/stateoftheenvironmentreport/</a>
Surface Water	<a href="http://www.wfdireland.ie/index.html">http://www.wfdireland.ie/index.html</a> <a href="http://www.catchments.ie">http://www.catchments.ie</a> <a href="http://www.epa.ie/pubs/reports/water/waterqua/">http://www.epa.ie/pubs/reports/water/waterqua/</a>
Transportation	<a href="https://www.nationaltransport.ie/planning-policy/">https://www.nationaltransport.ie/planning-policy/</a> <a href="http://www.nra.ie/environment/">http://www.nra.ie/environment/</a>
Waste Management	<a href="http://www.epa.ie/pubs/reports/waste/">http://www.epa.ie/pubs/reports/waste/</a>
Waste Water	<a href="http://www.epa.ie/pubs/reports/water/wastewater/">http://www.epa.ie/pubs/reports/water/wastewater/</a>

## Appendix II: Key national & regional plans, programmes & strategies<sup>6</sup>

<b>National</b>	<ul style="list-style-type: none"> <li>- National Planning Framework (DHPCLG)</li> <li>- Rural Development Programme (DHPLG)</li> <li>- National CFRAMS Programme (DHPLG)</li> <li>- River Basin Management Plan for Ireland</li> <li>- National Renewable Electricity Policy Framework (in preparation DCCAE)</li> <li>- Grid 25 Implementation Strategy (Eirgrid)</li> <li>- National Hazardous Waste Management Plan (EPA)</li> <li>- Food Harvest 2020 / FoodWise 2025 (DAFM)</li> <li>- National Forestry Programme / Forestry Policy Review (DAFM)</li> <li>- Seafood Operation Programme / Strategic Aquaculture Programme (DAFM)</li> <li>- Harnessing Our Ocean Wealth (DAFM)</li> <li>- National Broadband Plan (DCCAE)</li> <li>- National Landscape Strategy (DCHG)</li> <li>- National Peatland Strategy, SAC Raised Bog Management Plan (DCHG)</li> <li>- National Biodiversity Plan (DCHG)</li> <li>- Water Services Strategic Plan / Capital Investment Programme / Draft Water Resources Management Plan (Irish Water)</li> <li>- Sectoral Climate Change Adaptation Strategies and Low Carbon Roadmaps</li> <li>- Smarter Transport / Strategic Framework for Integrated Land Transport (DTTAS)</li> <li>- Framework for Alternative Fuel Infrastructure in Transport (DTTAS)</li> <li>- Offshore Renewable Energy Development Plan (DCCAE)</li> <li>- State of the Environment Report 2016 (EPA)</li> <li>- National Bioenergy Plan (DCCAE)</li> <li>- National Mitigation Plan (DHPLG)</li> <li>- National Policy Position on Climate Action and Low Carbon Development (DCCAE)</li> <li>- 10 Year Tourism Strategy (in preparation Fáilte Ireland)</li> <li>- National Greenway Strategy (DTTAS)</li> <li>- Draft Urban Development &amp; Building Heights Guidelines for Planning Authorities (DHLG)</li> </ul>
<b>Regional</b>	<ul style="list-style-type: none"> <li>- Regional Spatial and Economic Strategies</li> <li>- National River Basin Management Plans for Ireland</li> <li>- Relevant CFRAMS</li> <li>- Pollution Reduction Programmes for Shellfish Waters</li> <li>- Freshwater Pearl Mussel Sub-basin Management Plans</li> <li>- Forestry and Freshwater Pearl Mussel Plan (DAFM, in preparation)</li> <li>- Regional Waste Management Plans</li> <li>- Transport Strategy for Greater Dublin Area</li> <li>- Metropolitan Area Transport Strategies (under preparation)</li> <li>- Wild Atlantic Way</li> <li>- Shannon Integrated Framework Plan (SIFP)</li> <li>- County Renewable Energy / Wind Energy Strategies</li> <li>- County Tourism Strategies</li> </ul>

<sup>6</sup> Plan-makers should identify key relevant plans/programmes/strategies in the SEA. The above list is indicative only; all of the above may not be relevant to a particular plan.





**Planning Development  
Clare County Council  
New Road  
Ennis  
Co. Clare**

**Dáta | Date**

**15 May 2019**

**Ár dTag | Our Ref.**

**TII19-105728**

**Bhur dTag | Your Ref.**

**RE: Submission to the Proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan 2012-2018**

**Dear Sir/Madam,**

I wish to acknowledge receipt of your referral of 3 April 2019 regarding the above and advise that TII has no specific observations to make in relation to the Proposed Amendment No.1 to the Shannon Town and Environs Local Area Plan 2012-2018.

**Yours faithfully,**

**Mark Byrne  
Regulatory & Administration Unit**

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