

CHAPTER 6: AMENITY, ENVIRONMENT AND HERITAGE

6.0 Introduction

South Tipperary contains a rich and varied landscape and a wealth of heritage assets that form the basis for the high level of amenity in the County. Quality environment, amenity and heritage all play a vital role in sustaining vibrant community and places to live and a major consideration in attracting inward investment. This chapter seeks to provide policy guidance that will ensure the maintenance and where necessary the improvement of natural and built environments, general amenities and heritage assets having regard to the settlement strategy set out in Chapter 3.

6.1 Community Amenity

Access to opportunities for recreation, amenity and community facilities is an important consideration in determining quality of life. The demand for recreation and leisure facilities is growing due to increased mobility, shorter working hours and rising incomes, combined with an increasing demand for tourist facilities by visitors. To cater for such demand the county is well served with recreational facilities including sports complexes/clubs, swimming pools, playing pitches, golf courses, theatres, libraries and good access to natural amenity areas. The Council aims to facilitate the enhancement of existing and the provision of additional facilities in appropriate locations to cater for the population of the County and its visitors.

AEH 1: Community Amenity

It is the policy of the Council to ensure that adequate and safe amenity and recreational open space and facilities, including community facilities and centres, are available for all groups of the population at a convenient distance from their homes and places of work.

6.2 The Built Environment

6.2.1 Derelict and Brownfield Sites

The Council continually seeks improvements in all settlement centres as opportunities arise and as part of new development. The Council will seek to reuse or remove derelict and obsolete buildings and sites. The need to prevent such dereliction has been identified through the process of public consultation particularly where neighbouring properties are being assembled in order to redevelop larger sites. The Council will provide assistance to developers in identifying appropriate reuses for brownfield and derelict sites in order to secure their redevelopment. These include but are not exclusive to:

1. Site of former Gortdrum Mines,
2. Numerous former quarries,
3. Mill Buildings, Cahir,
4. Mill buildings, Ardfinnan,
5. Former creamery, Ardfinnan,
6. Barracks in New Inn,
7. Mill Buildings, Bansha,
8. Undeveloped Town Renewal sites in Cahir, Fethard and Killenaule.

AEH 2: Derelict Sites

It is the policy of the Council to implement the provisions of the Derelict Sites Act, 1990, the Sanitary Services Act 1964 and the Planning and Development Act 2000 (as amended) to prevent or remove injury to amenity arising from underutilisation and dereliction.

6.2.2 Enhancing Settlement Character

In developing our settlements, it is important that the distinctiveness and the unique character is enhanced and should not be threatened by overdevelopment. The Council, through the Development Impact Assessment mechanism will require a design brief for proposed developments showing how their proposed development will integrate into the existing village structure.

The Council, in conjunction with local interest groups, The Heritage Council and Fáilte Ireland is directly involved in the preparation of a Public Realm Plan for Clonmel, Cashel and Fethard with a view to enhancing the visual and physical appearance of the towns and identifying policies and objectives which will manage future development proposals so that all such developments enhance the built quality.

AEH 3: Enhancing Settlement Character

It is the policy of the Council to implement the objectives and policies of public realm plans, village design statements and similar plans as completed during the life of the Draft County Development Plan. The Council will require that all development proposed in settlements to which such plans/statements apply, shall comply with the respective policies and objectives of the plans/statements.

6.3 Natural Landscape Amenity

6.3.1 Landscape Amenity Areas

In June 2000 the Department of the Environment, Heritage and Local Government published the Landscape and Landscape Assessment Consultation Draft Guidelines for Planning Authorities. The process of Landscape Character Assessment (LCA) identified in the guidelines provides advice in the delineation, description and sensitivity assessment of recognisable areas of common landscape character, thereby determining the capacity of particular areas and sites to accommodate development types.

South Tipperary County Council, in June 2002, undertook Phase 1 of the LCA which concentrates on the upland areas of the County, namely Sliabh na mBan, the Galtee Mountains and Slievenamuck Hills, the Knockmealdown Mountains, the Hollyford Hills and Slieveardagh Hills. Phase 2 of the LCA, will address the lowland areas of the County and will culminate in a comprehensive LCA of South Tipperary. The Council has utilised Phase 1 of the LCA to identify primary and secondary amenity areas that equate to special sensitivity areas and high sensitivity areas respectfully as set out in the LCA. In primary amenity areas (specially sensitive) it is considered that landscape values are too high to absorb more than limited change while in secondary amenity areas (highly sensitive) the landscape is capable of absorbing change that reflects and enhances the current landscape condition. In assessing applications for development within these areas, the Council will have regard to the capacity of the landscape to absorb the development. In so doing, the Council will balance the need to protect the landscape character against the requirement for the appropriate and sustainable socio-economic development of the area while also having regard to the relevant policies on wind energy.

AEH 4: Primary and Secondary Amenity Areas

It is the policy of the Council to protect and enhance the visual quality of primary and secondary amenity areas. The scale, design and siting of new developments shall enhance this visual quality.

6.3.2 Protected Assets: Views and Trees

Critical to the protection of landscape amenity areas is the protection of views and prospects, particularly of upland areas.

Existing trees are also of value to the general rural character of the landscape and form a valuable part of the environment. They provide visual amenity and interest and add to the diversity of the landscape and wider environment. Trees also provide roosting place for birds and food for a wide variety of wildlife. Where development is proposed on lands that contain protected trees, the submitted landscape plan shall identify their protection and enhancement as part of the overall development. Proposals for new development will be required to ensure that such trees are not felled or rendered vulnerable by excavation around the root system. The Council may also request that a tree survey is completed as part of a development proposal, to ensure that proposals for development will not damage or result in the loss of trees listed for protection or of

any mature hardwoods. In addition the Council will make Tree Preservation Orders (TPO) as deemed necessary following inspection and report by a qualified arboriculturist.

AEH 5: Protected Assets: Views and Trees

It is the policy of the Council to protect views of special amenity value and mature trees as set out respectively in Appendix 6 and Appendix 8 of the Draft County Development Plan.

6.3.3 Designated Environmental Sites

There are four such designations relevant to South Tipperary; Natural Heritage Areas (NHA's), Special Protection Areas (SPA's), Special Areas of Conservation (SAC's) and Geological Sites. NHA's are intended to conserve nationally important semi-natural and natural habitats, landforms, wild plants and animal species and it is important that the conservation value of these be maintained. Special Protection Areas (SPA's), along with Special Areas of Conservation (SAC's), are designated under the Habitats Directive (EU Directive No. 92/43/EEC) and collectively form part of "Natura 2000", a network of protected areas throughout the European Union. These areas support habitats and plant/animal species that are rare or threatened in Europe and require particular measures to conserve them. Geological Sites have been identified for their unique geological attributes and are the subject of local designations.

Proposals for development affecting such Designated Environmental Sites will be required to;

- Maintain and, where necessary, restore the conservation value of European Sites (SPA's and SAC's) and to ensure that appropriate assessments are carried out and submitted as part of the planning application.
- Maintain the conservation value of all Natural Heritage Areas.
- Encourage biodiversity protection including the management of features of the landscape that are of major importance for fauna and flora.
- Protect species of plants listed in the Flora Protection Order (SI No. 94 of 1999) and their habitats, species and habitats of species that require strict protection under the Habitats Regulations (SI No. 94 of 1997, 233 of 1998 and 378 of 2005), and animal and bird species and their habitats protected under the Wildlife Acts 1976-2000.

AEH 6: Designated Environmental Sites

It is the policy of the Council to maintain the quality of designated environmental sites and when assessing proposals will provide for the protection, conservation and enhancement of wildlife habitats and designated sites.

6.3.4 Water Environment

Water bodies form a valuable natural asset for a number of settlements throughout the county and in a number of cases are underutilised for their amenity value. The Council will continue to improve access to such amenities where opportunities arise and will require the enhancement of such amenities where development is proposed adjacent to rivers and other water bodies.

Economic recreational opportunities also exist where both natural and man-made water bodies exist, the latter often being a result of previous and abandoned uses such as quarrying. The Council will encourage the redevelopment of these water bodies subject to compliance with environmental, traffic and access and development management standards.

AEH 7: Water Environment

It is the policy of the Council to preserve an undisturbed edge or buffer zone between new developments and river corridors and other water bodies in order to maintain the natural functions of existing ecosystems and to encourage increased public access and enhance water-related recreation opportunities.

6.3.5 Groundwater Protection

The Council has compiled the Groundwater Protection Scheme 1998 (amended 2001), which identifies the main sources for groundwater within the county and the vulnerability of such resources, to pollution. The report outlines the geology, hydrogeology and groundwater quality of South Tipperary, using this information to prepare interpretive maps, that facilitate planning and resource development in the form of a Groundwater Protection Scheme and associated Groundwater Protection Response Matrices. The Council will use statutory powers under relevant planning and environmental legislation to protect groundwater, including environmental impact assessment, integrated pollution control and/or water pollution legislation in balancing the need to protect the environment with the need for development.

All proposals for development that entail discharge of waste water to ground will be discouraged and will be required to comply with the EPA Codes of Practice for on-site wastewater treatment systems.

AEH 8: Groundwater Protection

It is the policy of the Council to protect groundwater resources and drinking water catchments having regard to the South Tipperary Ground Water Protection Scheme 1998 (as amended) and Environmental Protection Agency guidelines applicable at the time.

6.3.6 Water Quality

European and Irish legislation continues to place a consistent emphasis on maintaining and improving water quality. The 1998 Phosphorus Regulations require that baseline water quality recorded in 1997 be maintained and improved to achieve water quality targets by 2007 while the Water Framework Directive requires that "good status" is achieved in all water bodies by 2015. This is particularly relevant for South Tipperary as approximately 20% of public water supplies within the County are from groundwater.

The recently published Waste Water Discharge (Authorisation) Regulations 2007, which came into effect on the 9th October 2007, has placed increased obligations on Water Service Authorities relating to the licensing of discharge from waste water treatment plants, facilitating greater implementation of the Water Framework Directive and other relevant EU Directives.

Most of South Tipperary is located within the South Eastern River Basin District and work is on-going to determine the current water quality of identified water bodies and to identify the uses and the pressures on them. The draft River Basin Management Plans will be published in December 2008 and following public consultation, the final plans will be adopted by the relevant Local Authorities in December 2009. The River Basin Management Plans will set the environmental objectives together with actions (known as the Programme of Measures) that will ensure these objectives are achieved in practice. South Tipperary County Council will be obliged to ensure the objectives identified in the management plans are achieved.

AEH 9: Waste Water Treatment and Disposal

It is the policy of the Council to implement the Urban Waste Water Regulations, the relevant River Basin Management Plans and EU requirements, and will take account of the drainage system and the quality and quantity of receiving waters in the area when assessing development proposals. Proposals will be required to comply with the development management standards set out in Chapter 9 of the Draft County Development Plan

6.3.7 Access and Public Rights of Way

The Council will preserve and maintain existing rights-of-way. In order to link amenities and facilities, the Council may seek the provision of pedestrian ways as a condition of planning permission, particularly where specific objectives are identified in Appendix 11 which seek implementation of same inclusive of public lighting, appropriate layout, passive overlooking and landscaping.

There are a number of marked ways and other walking routes located in the county, along with public rights of way. These latter routes include the following:

- (i) Clonmel Borough Boundary on north bank of the River Suir (formerly towpath) to Carrick-on-Suir Town Council western boundary.
- (ii) Footpath on the north bank of the River Suir along the main Clonmel – Waterford road at the boundary between the townlands of Ballinderry and Deerpark.
- (iii) Footpath on the north bank of the River Suir along the main Clonmel – Waterford road along the western boundary of the Carrick-on-Suir Town Council (the western boundary of the property known as “The Cottage”)
- (iv) Footpath on the north bank of the River Suir along the lay-by at Kilsheelan southwards.
- (v) Footpath on the north bank of the River Suir by the Grotto by the river bridge at Kilsheelan southwards along the by-road.

AEH 10: Access and Public Rights of Way

It is the policy of the Council to preserve and protect existing rights of way and create new access routes to amenity areas and facilities as the opportunity or need arises and will seek to establish a meaningful network throughout the county.

6.4 Built Heritage

6.4.1 Conservation and Management of Protected and other Structures

The Planning and Development Act 2000 (as amended), sets out the legal framework for the protection of buildings/structures which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. Such protection is afforded through the mechanism of the Record of Protected Structures (RPS) as set out in Appendix 5 of the Draft County Development Plan. In relation to a protected structure or proposed protected structure, the term ‘structure’ includes the interior of the structure, the land lying within the curtilage of the structure, any other structures lying within that curtilage and their interior, and all fixtures and features which form part of the interior or exterior of that structure. The protection also extends to any features specified as being in the attendant grounds.

The DEHLG has completed the National Inventory of Architectural Heritage (NIAH) for South Tipperary, which is due to be officially launched in 2008. The structures identified in the NIAH will form the basis for making additions and/or deletions to the RPS during the life of the Draft County Development Plan under the process set out in Section 55 of the Planning and Development Act 2000 (as amended). Once finalised, the Council intends that the RPS will be available as a stand-alone document as well as being incorporated into the Draft County Development Plan.

When considering proposals for works to a protected structure or proposed protected structure, the Council will have regard to the Architectural Heritage Protection Guidelines for Planning Authorities 2004 (DEHLG) and the Architectural Heritage Protection for Places of Public Worship Guidelines for Planning Authorities 2003 (DEHLG) which set out the conservation principles regarding protected structures. These include issues such as use of expert conservation advice, protecting elements of special interest, promoting minimum intervention, ensuring reversibility of alterations, discouraging the use of architectural salvage from other buildings, etc.

A number of key settlements within the county are of particular importance because of the quality of historic features, town walls and fortifications, street layouts, building orientation and amenity spaces. South Tipperary Local Authorities in conjunction with local interest groups, The Heritage Council and Fáilte Ireland have appointed consultants to compile the Cashel and Fethard Town Wall Conservation and Management Plans which will guide and manage conservation works and will identify a suite of policies and objectives to manage the development of respective protected structures and associated lands. These towns, along with Clonmel form part of the Irish Walled Town Network. Proposed developments in areas addressed by the Conservation and Management Plans shall comply with the policies and objectives contained therein.

South Tipperary County Council administers the DEHLG Conservation Grant Scheme for the South Tipperary administrative area. Applications are invited on an annual basis for grant aid for qualifying conservation works to a protected structure. Full details of the scheme are available from the Planning Department.

AEH 11: Protected Structures

It is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures that are of special interest and when considering proposals will have regard to the Architectural Heritage Protection Guidelines for Planning Authorities and relevant Conservation and Management Plans where applicable. The Council will proactively work with developers/applicants to facilitate the appropriate reuse/redevelopment of Protected Structures.

6.4.2 Architectural Conservation Areas

In addition to the RPS, the Council has also identified a number of Architectural Conservation Areas (ACA's) throughout the county. ACA's are places, areas, groups of structures or townscapes, that are of special architectural, historic, archaeological, artistic, cultural, scientific, social or technical character, or that contribute to the appreciation of a protected structure. There are 11 ACA's designated under the Draft County Development Plan; Ahenny, Ballinure, Cahir, Cappawhite, Clogheen, Emly, Fethard, Killenaule, Marfield, Newcastle and Nine-Mile-House and the extent of each ACA is illustrated in Appendix 11.

AEH 12: Architectural Conservation Areas

It is the policy of the Council to conserve and enhance the special character of the ACA's included in this plan. The special character includes its traditional building stock and material finishes, spaces, streetscape, landscape and setting.

6.4.3 Archaeology

The European Convention on the Protection of the Archaeological Heritage (Valetta, 1992) was ratified by Ireland in 1997. Article 1(3) of the Convention states that 'archaeological heritage shall include structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water.' Therefore the archaeological heritage of South Tipperary includes any archaeological site that may not have been recorded yet, as well as archaeology beneath the ground surface and the context of any site. The Convention provides the basic framework for policy on the protection of the archaeological heritage in Ireland. The obligations of the State under the Convention relating to the planning and development process can be summarised as follows:

- (i) Providing for statutory protection measures, including the maintenance of an inventory of the archaeological heritage and the designation of protected monuments and areas;
- (ii) The authorisation and supervision of excavations and other archaeological activities;
- (iii) Providing measures for the physical protection of the archaeological heritage including acquisition or protection by other means; and,
- (iv) Providing for consultation between archaeologists and planners in relation to the drawing up of development plans and development schemes so as to ensure that full consideration is given to archaeological requirements.

An archaeological survey of the county has been compiled which provides a base-line inventory of the known archaeological sites and monuments and are identified in the Record of Monuments and Places. The sites are identified on the relevant maps of the Draft County Development Plan. Other areas within historic town boundaries, known as Zones of Archaeological Potential, that contain intense archaeological material, are identified on the relevant individual settlement maps in Appendix 10.

The Council may also require the preparation of archaeological assessment where a proposed development is located at or close to known archaeological monuments or sites, siteworks that

are extensive in terms of area (ground disturbance of 1/2 hectare or more) or length (1 kilometre or more) and developments that require an Environmental Impact Statement. In this regard the Council will consult with the DEHLG and other Statutory Consultees when considering applications for planning permission for development on or in the vicinity of archaeological sites and/or monuments.

AEH 13: Archaeology

It is the policy of the Council to safeguard sites, features and objects of archaeological interest generally and will protect (in-situ where practicable or as a minimum, preservation by record) all monuments included in the Record of Monuments and Places and of sites, features and objects of archaeological and historical interest generally.

6.5 South Tipperary County Heritage Plan

The National Heritage Plan 2002 requires that each Local Authority produce a Heritage Plan for its administrative area. The Council established the Heritage Forum to ensure the implementation of the Heritage Plan in an inclusive and legitimate manner and marked the establishment of a partnership-based approach to the conservation of heritage in South Tipperary. The forum functions to identify priority actions on an annual basis, oversee and monitor the implementation of actions by the agreed partners. The Council will implement the key objectives and associated actions identified in the South Tipperary Heritage Plan 2004-2008 in order to coordinate the conservation, management and sympathetic development of the county's heritage assets, to encourage community pride in, and responsibility for, the implementation of the plan and to promote best practice standards of heritage conservation and management within the county. In addition, the Council will review the current Heritage Plan during the life of the Draft County Development Plan in conjunction with the Heritage Forum.

Some key objectives that will be given priority under the Heritage Plan include the following:

- (i) Enhancement of Heritage Trails in 6 heritage towns in South Tipperary, particularly in Cashel, Tipperary Town, Cahir, Carrick on Suir, Clonmel & Fethard;
- (ii) Prepare a Biodiversity Plan for South Tipperary;
- (iii) Host an annual county heritage day and Heritage Week activities;
- (iv) Continue the Schools Heritage Project and Schools Heritage Poster project;
- (v) Campaign for listing of the Rock of Cashel as a world heritage site;
- (vi) Promote Heritage Tourism; and
- (vii) Support the Irish Walled Town Network.

Policy AEH 14: South Tipperary Heritage Plan

It is the policy of the Council to implement the key objectives and associated actions identified in the South Tipperary Heritage Plan 2004-2008 and any revision thereof.

6.6 Specific Environment, Amenity and Heritage Objectives

- SEAHO 1: As opportunities arise, the Council will develop a database of heritage assets throughout the County.
- SEAHO 2: The Council will facilitate the use of public buildings for community use where practicable outside regular office hours.
- SEAHO 3: Where new schools are being developed, the Council will seek to ensure "out of hours" use of associated recreational and other facilities by local community groups where possible.
- SEAHO 4: As opportunities arise, the Council will continue to implement the key aims and actions as identified in the South Tipperary Heritage Plan 2004 – 2008.

- SEAHO 5: The Council will develop networks of cycle and pedestrian amenity routes where opportunities arise, particularly in proximity to settlements.
- SEAHO 6: During the lifetime of the County Development Plan, the Council will complete Phase 2 of the LCA and identify 'archaeological landscapes' as part of an ongoing landscape character assessment of the County.
- SEAHO 7. Where funding allows, the Council will carry out the redevelopment of historic properties in its ownership in consultation with statutory bodies and community interest groups in order to enhance the community function of such buildings and the viability of centres within which they are located.
- SEAHO 8: The Council carry out a comprehensive review of the Record of Protected Structures and will include for consideration the Ministerial Recommendation. This review will be carried out after the adoption of the County Development Plan.