

**APPROPRIATE ASSESSMENT SCREENING
IN LINE WITH THE REQUIREMENTS OF
ARTICLE 6(3)
OF THE EU HABITATS DIRECTIVE
of the
DRAFT FETHARD LAP 2010.**



SOUTH TIPPERARY COUNTY COUNCIL

June 2010

1.0 INTRODUCTION

Article 6(3) and (4) of the Habitats Directive¹ requires a methodological assessment (hereafter referred to as an Article 6 assessment) to determine whether a proposed project or plan may give rise to significant effects upon a Natura 2000 site. For the purposes of Article 6 assessments, Natura 2000 sites are those identified as sites of Community importance under the Habitats Directive or classified as Special Protection Areas (SPA) under the Birds Directive 79/409/EEC.

Article 6 assessments set out a stage-by-stage approach as follows;

- *Stage One: Screening* - the process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant;
- *Stage Two: Appropriate assessment* - the consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;
- *Stage Three: Assessment of alternative solutions* - The process that examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;
- *Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain* - An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

This report is an Appropriate Assessment Screening - in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) - of the Draft Fethard LAP 2005.

2.0 METHODOLOGY

This report complies with the European Communities (2000) Managing Natura 2000 sites: the provisions of Article 6 of the 'Habitats Directive' 92/43/EC.

This report was prepared in compliance with the European Communities (2002) Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC - the Screening Matrix.

¹ Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

3.0 DETERMINING WHETHER THE PROJECT OR PLAN IS DIRECTLY CONNECTED WITH OR NECESSARY TO THE MANAGEMENT OF THE SITE

The Draft Fethard LAP is not directly connected to or necessary for the management of any Natura 2000 site.

4.0 DESCRIPTION OF THE PROJECT OR PLAN:

Size, scale, area and land take and plan sector:

The plan provides a framework for the future development of Fethard and identifies lands for new housing, industry, business and community use. The plan also safeguards lands for amenity use and for environmental management (i.e. flooding) and serves to protect heritage. The plan contains policies, objectives, development management guidelines and standards for development within its remit.

The proposed plan boundary includes for an area sized 142.5 ha. This area includes for Fethard town, its surrounding residential neighbourhoods and existing industry, business & community uses located therein. The LAP includes the towns natural environment defined by the Clashawley, its associated flood plans and riparian amenity lands.

Plan operation period

The LAP when adopted will have a lifespan of 6 years, from 2010 to 2016. (Should the planning and development amendment Bill (2009) be enacted, the lifetime of the LAP may become 10 years).

Physical changes:

It is envisaged that development and growth in Fethard shall be of a nature and scale appropriate to a settlement of its size.

The existing morphology and built form pattern of the existing historic town centre is anticipated to remain largely unchanged with the exception of the development of existing derelict & obsolete sites.

It is anticipated that the main area for new residential development and community uses will be to the north of the existing GAA fields. These lands are currently agriculture pasture lands. New residential development is also proposed on existing pasture lands on the Killenaule Rd & select undeveloped agricultural lands south of the town are identified for limited residential development.

New industry/manufacturing will be located north of the town and clustered with existing manufacturing uses on the Killenaule Rd. No significant physical changes are proposed to this area.

The existing amenity lands along the Clashawley are to be maintained and extended. It is envisaged that these lands will remain unaltered or developed for amenity use. The physical make up of these lands will be maintained.

A new link roadway is proposed to connect the Clonmel road, Rocklow Rd and Strylea road.

Resource requirements and emissions and waste

At present the municipal wastewater treatment plant serving Fethard (located outside the LAP boundary) is hydraulically overloaded and cannot cater for additional development loading. Both storm water and foul water discharge to this system. Strategic investment in the foul and storm sewer collection network is required to address this deficiency in the short-medium term. This deficiency in the foul/storm collection system is currently in place and is not arising as a result of the plan.

Temporary solutions for wastewater treatment and controlled disposal will be explored as short term solutions for wastewater disposal together with sewer rehabilitation.

Fethard is served by an existing watermain network which is deficient. Problems with water leakage are being experienced. Upgrading of the watermain network will be required to facilitate future development in Fethard.

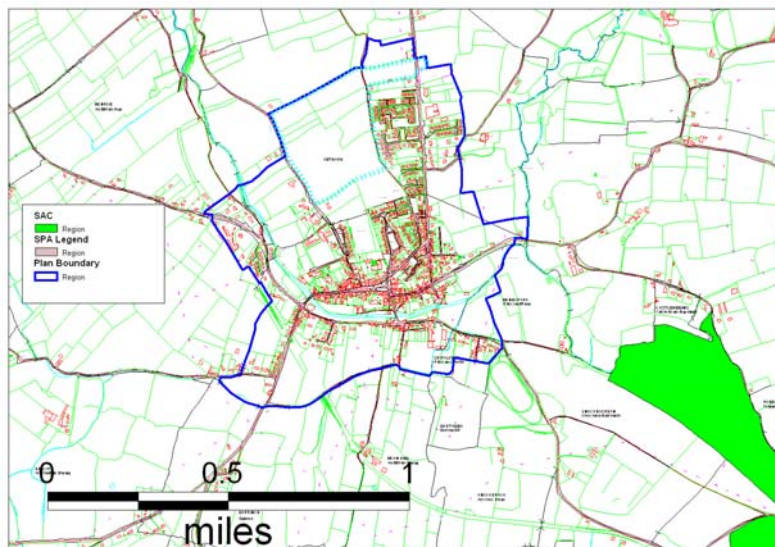
Transportation requirements

The plan includes for the development of a link road between the Cashel Rd/Rocklow Rd and Killenaule Rd to remove through traffic from the village and connect the Killenaule Rd neighbourhood directly with the schools. Otherwise the existing road infrastructure in Fethard will be utilised. It is likely that the road will be delivered in phases in tandem with development.

It is unlikely that the full extent of this roadway will occur over the lifetime of this Darft LAP.

Distance from Natura 2000 site.

There is no Natura 2000 site located within the Plan area, therefore, any potential impact on the closest Natura 2000 Site would be an 'ex-situ'² impact. The Lower River Suir cSAC is located southeast (approximately 0.5km) of the Plan area and extends in a south easterly direction along the Clashawley River.



² Potential impact could be as a result of indirect impacts as the cSAC is located apart from the Plan area

Cumulative Impacts with other projects and plans.

The LAP must be read in the overall context of the County Development Plan 2009-2015. The River Clashawley is used to discharge treated effluent (from the municipal plant located at Grove Road), the Clashawley discharges to the River Anner, which in turn discharges to the River Suir. The River Suir also accepts discharges from other Council operated discharge points i.e. village and town municipal treatment plants (also subject to AA).

5.0 CHARACTERISTICS OF THE NATURA 2000 SITE

Brief description of the Natura 2000 sites

There is one candidate Special Area of Conservation (cSAC) relevant to the LAP, this is listed below.

Site name and site code: Lower River Suir cSAC: 002137

The Clashawley River flows through Fethard in a Southeasterly direction, it adjoins the River Anner at Kiltinan and the Anner in turn adjoins the River Suir at Two-Mile Bridge, Clonmel. The River Clashawley flows in a southeast direction through Fethard, however, the cSAC commences approximately 0.5km from the LAP boundary.

The River Suir is a candidate SAC selected for the presence of the priority habitats on Annex I of the E.U. Habitats Directive - alluvial wet woodlands and Yew Wood. The site is also selected as a candidate SAC for floating river vegetation, Atlantic salt meadows, Mediterranean salt meadows, old oak woodlands and eutrophic tall herbs, all habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive - Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon and Otter.

A detailed site synopsis for the cSAC is attached to this report.

6.0 SCREENING:

The screening assessment criteria outlined in Annex 2, Figure 1 of Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological Guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC have been used to assess the significance of the effects of the plan on the Lower River Suir cSAC.

Assessment criteria-

Describe the individual elements of the plan (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 sites.

The Draft Fethard LAP does propose the discharge of treated storm waters to the Clashawley in conjunction with the discharge of storm water from other sources. This could impact on the Lower River Suir c SAC if water quality and discharge is uncontrolled. The Draft Lap also proposes a river crossing of the Clashawley. The escapements of pollutants to the river channel during construction could impact on the on the Lower River Suir c SAC if improperly managed.

Otherwise due the location and extent of both the Draft Fethard plan boundary removed from the Natura 2000 site and due to the inclusion of various mitigation measures incorporated into the draft plan with respect to protection of the natural environment the plan is not likely to give rise to impacts on the Natura 2000 sites.

Assessment criteria-

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 sites by virtue of:

size and scale,

None

land take,

None

Distance from Natura 2000 Site or key features of the site,

The Natura 2000 site is ca 500 southeast of the Fethard LAP boundary. The Clashawley River runs through the Fethard LAP boundary and is a key feature of the Natura 2000 site downstream of Fethard.

Resource Requirements (water abstraction),

No requirement for additional water supplies to serve Fethard.

Water supply in Fethard is currently effected due to deficiencies in the watermain network and leakage problems. Funding has been made available under the Water Services Investment Programme 2010-2012 for water conservation measures in Fethard. This will entail flow metering, mains replacement and provision of sluice valves to remedy the problems. These works will be outside the c SAC.

Emissions (disposal to land, water, air)

There wastewater treatment plant serving Fethard is experiencing a hydraulic overload and is operating at capacity. The treatment plant accommodates storm and foul discharge and, due to deficiencies in the sewer network & groundwater ingress.

It will be required to separate the foul and storm sewer networks in Fethard and undertake sewer rehabilitation if the municipal system is to cater for future growth. This will involve work outside the Natura 2000 site.

New temporary wastewater treatment infrastructure will be required to cater for needs of Fethard until such a time as investment is made in the municipal system. This will require identification of strategic locations for this infrastructure and controlled discharge to groundwaters. Discharge to surface waters is not an option due to the assimilative capacity of the Clashawley. Therefore there are no impacts on the cSAC arising from the development of temporary wastewater treatment and disposal systems to serve new development.

New storm infrastructure will be required with discharge to the Clashawley River. No negative environmental effects are anticipated as surface water will require

attenuation and treatment prior to discharge. The development of separate storm drainage infrastructure with direct discharge to the Clashawley River is likely to be developed in the short term and will be permanent infrastructure. These works are outside the Natura 2000 site.

Excavation Requirements,

None.

Transportation requirements,

The plan includes proposals for the development of a link road north of the town connecting the Cashel Rd, Rocklow Rd and Killenaule Rd. Development of the road involves crossing the Clashawley river.

There is potential for direct impact on the Natura 2000 site arising from the construction of this section of the link road through escapements of pollutants into the river channel and erosion of water quality. This will arise only if the require mitigation during construction is not in place.

No designs for the proposed river crossing have been drafted. Impacts arising from same are more appropriately assessed at the level of this individual development.

Duration of construction/operation, Others

None.

Assessment criteria:

Describe any likely changes to the sites arising as a result of:

reduction of habitat area,

None

disturbance to key species,

None

habitat or species fragmentation;

None

reduction in species density;

None

changes in key indicators of conservation value (water quality etc.);

None

climate change.

None

Assessment criteria-

Describe any likely impacts on the Natura 2000 site as a whole in terms of:

Interference with key relationships that define the structure of the site,

None

Interference with key relationships that define the function of the site,

None

Assessment criteria-

Provide indicators of significance as a result of the identification of effects set out above in terms of:

loss,

n/a

fragmentation,

n/a

disruption,

n/a

disturbance,

n/a

changes to key elements of the site (water quality).

n/a

Assessment Criteria

Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.

None.

7.0 OUTCOME OF SCREENING FOR SIGNIFICANT EFFECTS

The likelihood and significance of the effects of the plan on the Lower River Suir cSAC have been examined in 6.0 above. As a result of this process it can be concluded that there are not likely to be significant effects on the Natura 2000 site arising from the Draft Fethard LAP.

A 'finding of no significant effects'³ report, is set out below. This report provides a synopsis of the overall screening process and its outcome and sets out details of statutory consultees who were involved in the process and their comments.

8.0 FINDINGS OF NO SIGNIFICANT EFFECTS REPORT

Name of Project or Plan

Draft Fethard Local Area Plan 2010-2016.

Name & Location of Natura 2000 Sites

Lower River Suir cSAC: 002137

The River Suir is a candidate SAC selected for the presence of the priority habitats on Annex I of the E.U. Habitats Directive - alluvial wet woodlands and Yew Wood. The site is also selected as a candidate SAC for floating river vegetation, Atlantic salt meadows, Mediterranean salt meadows, old oak woodlands and eutrophic tall herbs, all habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive - Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon and Otter.

Description of the project or plan

The plan provides a framework for the future development of Fethard and identifies lands for new housing, industry, business and community use. The plan also safeguards lands for amenity use and for environmental management (i.e. flooding) and serves to protect heritage. The plan contains policies, objectives, development management guidelines and standards for development within its remit.

The proposed plan boundary includes for an area sized 142.5 ha. This area includes for Fethard town, its surrounding residential neighbourhoods and existing industry, business & community uses located therein. The LAP includes the towns natural environment defined by the Clashawley, its associated flood plans and riparian amenity lands.

The LAP when adopted will have a lifespan of 6 years, from 2010 to 2016. (Should the planning and development amendment Bill (2009) be enacted, the lifetime of the LAP may become 10 years).

Is the project or plan directly connected with or necessary to the management of the sites (provide details)

No

Are there other projects or plans that together with the project or plan being assessed could affect the sites (provide details)

The Draft Fethard Lap is not likely to effect the Natura 2000 site. It is not possible to reliably estimate whether future upgrading works to the Fethard municipal wastewater treatment plant together with the Draft Fethard LAP would be likely to affect Natura 2000 sites.

³ Annex 2, Figure 2 of Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological Guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

The assessment of significance of effects

Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.
The LAP has been prepared to ensure that uses, developments and effects arising from permissions based upon this Plan when adopted (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of the Lower River Suir cSAC.

Explain why these effects are not considered significant.

The policies and provisions of the LAP have been devised to anticipate and avoid the need for developments that would be likely to significantly and adversely affect the integrity of the Lower River Suir cSAC.

List of agencies consulted: provide contact name and telephone or e-mail address.

Department of Environment, Heritage and Local Government (DEHLG)
Department of Communications, Marine and Natural Resources (DCMNR)
Environmental Protection Agency (EPA)

The following Table outlines submission received and their relevance to the above Screening Assessment. The comments were considered in reaching the screening recommendation & conclusions.

Received from:	Received on:	Summary of Response:	Planning Authority Comments
Department of Environment Heritage and Local Government . <u>2 no. submissions received.</u>	27 th April 2010 & 10 th May 2010	1) The submission received on the 27 th April 2010 outlines Nature Conservation and Archaeology recommendations of the DoEHLG. Same summarized as follows: <i>Nature Conservation:</i> <ul style="list-style-type: none"> • Fethard Lap approx 1 km upstream of Lower River Suir cSAC. • Due to potential for siltation, nutrient enrichment, increased erosion from future developments in Fethard AA & SEA required with regard to the plan. • Mitigation measures should include policies ensuring adequate wastewater 	Noted in screening assessment.

		<p>treatment capacity, SUDS, oil/silt interception and filtration.</p> <p><i>Archaeology</i> Potential for significant environmental effects (archaeological) in Fethard. Potential impacts should be subject of assessment of an SEA or in the LAP.</p> <p>2) The submission received on 10th May 2010 outlined architectural observations of the DoEHLG.</p>	<p>Noted. Not relevant to AA screening assessment.</p> <p>Noted. Not relevant to AA screening assessment.</p>
EPA	13 th April 2010	Requirements of the Council with regard to the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI 436 of 2004) set out. In the opinion of the EPA the key issues to be addressed during the preparation of the Plan include;	

		<ul style="list-style-type: none"> ◆ Adequate and appropriate infrastructure should be in place, or required to be put in place to service development proposed or authorised during lifetime of the plan. ◆ Plan should provide for inclusion of policies of the South Tipperary County development Plan and South East Regional Planning Guidelines. ◆ The Plan should promote the protection of surface water & groundwater and associated habitats and species, including fisheries. ◆ Provision should be made for incorporation of relevant objectives for water bodies set out in River Basin Management Plan (RBMP) and Programme of Measures (POM). ◆ Plan should address drinking water supply capacity, leakage and quality in the Plan area. ◆ Plan should take account of any Groundwater Protection Schemes and Groundwater Source Protection Zones data available. ◆ Plan should include specific objectives for the improvement of any water supplies, 	<p>Noted in screening assessment.</p> <p>Noted in screening assessment.</p> <p>Noted in screening assessment.</p> <p>Noted in screening assessment.</p> <p>Noted. Not relevant to Appropriate Assessment Screening.</p> <p>Noted in Screening Assessment.</p>
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		<p>for the protection of groundwater resources and associated habitats and species.& for the conservation of water.</p> <p>◆ Plan should promote the appropriate zoning of lands and restriction of use in areas liable to flooding. Plan should promote the implementation of adequate and appropriate Sustainable Urban Drainage Systems.</p>	<p>Noted in Screening Assessment.</p>
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Data collected to carry out the assessment

Who carried out the assessment?

Forward Planning section, South Tipperary County Council, in conjunction with the Water Services and Environment Services of South Tipperary County Council

Sources of data

- ✓ Forward planning in house data sets and GIS system.
- ✓ Ordnance survey Ireland
- ✓ Department of Environment, Heritage and Local Government. Circular Letter SEA 1/08/ & NPWS 1/08 - Appropriate assessment of land use plans.
- ✓ Circular letter PD2/07 and NPWS 1/07 - Compliance conditions in respect of development requiring (i) EIA or (2) having potential impacts on Natura 2000 sites.
- ✓ Water services section - South Tipperary County Council
- ✓ Wastewater Discharge Authorisation Regulations - SI 684 - Licence application for Fethard Municipal Plant.
- ✓ Assessments of Plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- ✓ Irish Statute Book, Statutory Instruments, SI no 254/2001 Urban Waste Water Treatment Regulations

Level of assessment completed

Desktop study and detailed site inspection.

Where can the full results of the assessment be accessed and viewed

This document contains the full results of the Appropriate Assessment Screening exercise.

Conclusions

To ensure that appropriate consideration has been given to the protection of Natura 2000 sites, and in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) appropriate assessment screening has been carried out.

Having considered the following:

- The location of the cSAC, which is outside of the Plan Boundary,
- The potential effects on the cSAC arising from the Draft Fethard LAP.

The screening process establishes that there is no potential for significant effects on the Natura 2000 site as a result of the provisions of the Draft Fethard LAP.

It is the recommendation of the planning authority that a Stage 2 Appropriate Assessment is not required for the Draft Fethard LAP, this recommendation is for the consideration of the Elected Members of South Tipperary County Council.