



**Wicklow County Council
Arklow Town Council**

Arklow Town and Environs Development Plan 2011-2017

Addendum 1 to the Manager's Report

**prepared following the 1st period of public display of the
Draft Arklow Town and Environs Development Plan
2011-2017 and associated SEA Environmental Report /
Appropriate Assessment screening report**

Strategic Environmental Assessment

Appropriate Assessment

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Introduction

This document responds to submissions which were made during the public display of the draft Arklow Town and Environs Development Plan 2011-2017, the Environmental Report on the Strategic Environmental Assessment (SEA) process and the Appropriate Assessment screening report. Only submissions relating to the Environmental Report (ER) and the Appropriate Assessment (AA) screening report are responded to in the Addendum.

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

The findings of this Addendum will be used to update the ER on adoption of the plan. The updated ER will be amended to take account of the Elected Members' decisions with regard to the Manager's Recommendations and will be made available to the public alongside the Arklow Town and Environs Development Plan as adopted.

Any proposed amendments to the draft plan will be evaluated for their likely significant environmental consequences in a second Addendum (Addendum II) to the ER, which will be placed on public display alongside the proposed amendments.

Responses to submissions on the Appropriate Assessment screening report are provided to supplement the Manager's Report on the submissions. The AA is being reviewed throughout the draft Plan review process and will be finalised when the Plan has been adopted.

2. Summary of submissions from Environmental Consultees on the Strategic Environmental Assessment Environmental Report and responses to issues raised

2 (a) Environmental Protection Agency

Section 1 General

- 1.1 The inclusion of environmental sensitivity maps in addition to the other environmental maps / figures are welcomed and acknowledged. It is evident that there is a clear integration between the SEA and draft plan. Clarification however, should be given whether the SEA including these maps has influenced the location of and proposed development of the Action Areas within the Plan, in terms of the assessing likelihood for potential significant environmental effects including cumulative and in-combination effects.
- 1.2 The promotion of aviation related infrastructure and the proposed "Action Areas" should also be assessed with regards to these sensitivity maps and in the context of the surrounding environment, in conjunction with other key influential plans such as the Wicklow County Development Plan, Regional Planning Guidelines, and National Development Plan etc.
- 1.3 It should be clarified how the full range of environmental effects of the implementation of the plan, as set out in the SEA Directive and Regulations, (i.e. "secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects"), have been assessed and documented. In particular, you are referred to potential cumulative effects / in-combination effects in relation to other plans / programmes / strategies / projects.
- 1.4 It should be ensured that proposed zoning of lands and development within the plan area is subject to provision of adequate and appropriate wastewater treatment infrastructure. It is of ongoing concern to the Agency, that the Arklow wastewater treatment plant serving the plan area remains non-compliant with the overall

- requirements of the Urban Wastewater Treatment Regulations (2001) and that the proposed upgraded treatment plant is still outstanding.
- 1.5 Consideration should be given to amending the references to the Draft Greater Dublin Area Regional Planning Guidelines to refer now to the adopted Regional Planning Guidelines (GDA RPG) 2010-2022.

Response

- 1.1 During the SEA process a detailed analysis of the receiving environment was carried out where alternative plan scenarios were assessed against the sensitivity of lands within and adjoining the plan boundary. Following this analysis, the scenario, which provided the most sustainable plan option, was pursued. As part of this process the potential impacts of each Action Area was assessed and influenced the final formulation of objectives for these areas.
- In addition to the objectives set out for the overall plan area specific objectives for the development of each action area were set out and assessed. The inclusion of an objective for each action area stating “Any development proposals shall have regard to the setting and curtilage of structures and sites of heritage value, and habitats of biodiversity value and appropriate buffer zones-/mitigating measures shall be provided as required” alongside the objectives set out for the overall plan areas are considered to be adequate.
- 1.2 Section 7 of the Environmental Report sets out the process for evaluation the alternative plan scenarios against the identified sensitivity maps produced in Section 3. The information collated from this exercise helped inform the plan making team in deciding which alternative plan scenario would have the least impact on the receiving environment. Where zonings were located close to or in close proximity to sensitive areas, specific objectives were included in the plan for the development of these lands. A case example of this relates to the Kilbride action area plan where a green buffer is provided for in order to reduce the potential for impacts on this area.
- The promotion of aviation related infrastructure has also been taken into account in the development of the plan for the area where specific wording requiring a clear justification for the need of such a development is required alongside an assessment of all likely impacts including those relating to impacts on the receiving environment.
- 1.3 The SEA Directive and the SEA Regulations require that the Environmental Report includes information on the ‘likely significant effects on the environment’ of implementing the plan/programme. Neither the SEA Directive nor the SEA Regulations require that the likely significant effects of implementing plans/programmes on the environment are characterised.

For clarity however it is recommended that the ER is updated to include:

At the end of the 1st paragraph of Section 7.3

The interactions between the SEOs and the alternatives determine the likely significant effects of implementing the Plan. These effects include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.

Under Section 8.1:

This section evaluates the Draft Plan provisions. Strategic Environmental Objectives (SEOs) are used for this purpose as outlined under Section 7.3. Use has also been made of the environmental baseline descriptions and the maps of the individual environmental components and the overlay of environmental sensitivities provided in Section 3.

The interactions between the SEOs and the provisions of the Plan determine the likely significant effects of implementing the Plan. These effects include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.

- 1.4 With regard to the provision of wastewater services to developed area or areas proposed for development, in order to comply with relevant EU and national legislation, the Sanitary Authority have detailed data available on the current status (capacities, performance etc) of all wastewater systems and therefore can evaluate with certainty whether services are or will be available for any proposed development. The Local Authority as a matter of course and in recognition of its obligations under the Water Services Acts, the Habitats Directive and other legislation monitors the cumulative effect of grants of planning permission on available waste water treatment capacity under the terms of the relevant Waste Water Discharge Licence and where adequate capacity is not available, does not grant permission unless additional capacity is to be provided during the lifetime of any permission. Arklow currently does not have a wastewater treatment plant and Objective W3 of the draft plan addresses this identified environmental problem:

W3 Proposed developments within the plan area will only be permitted where it can be adequately demonstrated that sufficient waste water treatment infrastructure with adequate capacity is available or proposed to be available, capable of servicing the proposed development without causing any adverse environmental impacts

- 1.5 All references to guidelines will be updated as necessary in the final ER

Section 2 Specific comments on the Non Technical Summary (NTS)

In general the non-technical summary presents the environmental sensitivities of the plan area in a clear and concise manner which is welcomed. However the following issues should be addressed:

- 2.1 Consideration should be given to including in the NTS of a sub-section relating to “how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the information”, as required in Schedule 2B (h) of S.I. No. 436 of 2004.
- 2.2 In Section 3.0 ‘*Summary of Baseline Environment / Existing Environmental Problems facing the Plan area*’ consideration should be given to inclusion in the NTS of *Figure 3.11 Flooding* from the Environmental Report under the appropriate heading.
- 2.3 In Section 4.0 ‘*Strategic Environmental Objectives*’ consideration should also be given to inclusion of SEO’s for energy conservation, water conservation and amending existing Biodiversity SEO’s for invasive species management and control.
- 2.4 In Section 5.0 ‘*Alternative Plan Scenarios*’ there would also be merits in providing a table showing the assessment of each development alternative against each SEO to highlight the reason for selection of the preferred alternative. This assessment should also address the full range of effects as required under the SEA Directive including short, medium, long, cumulative effects etc.

Response

- 2.1 This will be included in the final ER
- 2.2 The flooding map refereed to (3.11) from the full SEA is replicated in the NTS – this must be an error on behalf of the Environmental Protection Agency
- 2.3 This is not strictly a matter relating to the NTS, but rather to the SEO’s used for overall Strategic Environmental Assessment. In this regard, the SEO’s are considered appropriate against which to measures the environmental soundness of the plan.

- 2.4 It is considered to include the detailed evaluation as requested in the NTS would render it somewhat cumbersome and complex whereas the point of the NTS is to provide a simple and uncomplicated synopsis of the processes involved in the preparation of the Environmental Report for the Arklow Town and Environs Development Plan.

Section 3 Specific Comments on the Environmental Report

3.1 Baseline Environment Description (Section 3)

- 3.1.1 Included in the List of Figures (in the Table of Contents) is Figure 3.2 *Corine Land Cover Mapping 2000*; however reference is made in Section 3.3.2 to Corine 2006 Land Classification. This should be updated as appropriate, where time permits this database should be consulted.
- 3.1.2 The inclusion of *Section 3.3.10 Urban Habitat Mapping Study* is welcomed and acknowledged.
- 3.1.3 *Section 3.4 Population and Human Health* refers to an estimated population for the Plan area in the region of 19,000 persons by 2016. It is noted that the proposed upgraded wastewater treatment plant would only cater for a capacity of 18,000p.e. The projected population targets should involve the phased introduction of residential lands subject to capacity and appropriate treatment being established
- 3.1.4 *Section 3.6.2 Risk Assessment*: The footnote relating to the Avoca Estuary should be updated to refer to "...**benthic**..." rather than "...*bottom of the sea*..." as appropriate, given that Benthic riverine/estuarine/marine flora and fauna may be affected. A similar correction should be considered for the footnote on page 42.
- 3.1.5 *Section 3.6.7 Water Supply*: It should be noted that the Arklow Public Water Supply is currently on the EPA's Remedial Action List for the following reason "*Supply identified by the HSE where further investigation or improvement maybe required*". The proposed Action Programme involves "*Treatment plant to be upgraded and recommendations of the EPA audit to be implemented*".
- 3.1.6 Under *Existing Problems* in Section 3.6.8 *Register of Protected Areas* highlights water bodies in the plan area as being (1b) rather than (1a). This should be amended to refer to the correct classification (1a) representing *water bodies at significant risk of not achieving good status by 2015*. It may be a clerical error to be updated as appropriate.
- 3.1.7 *3.6.9 Flooding*: It should also be acknowledged that the OPW have identified recurring instances of flooding at numerous locations within the plan area, South Quay, Fairgreen, South Green, Condren's Lane, Ferrybank, the Brook, Porters Bridge and along the Avoca River as highlighted on www.floodmaps.ie
- 3.1.8 *3.6.11 Flood Risk Management Guidelines for Local Authorities* on Page 40 refers to "SEA may recommend ...removal of existing zonings for all types of development on the basis of unacceptable high level of flood risk..." Clarify whether the SEA has proposed zoning changes in relation to flood risk within the Plan.
- 3.1.9 *Section 3.8 Waste Water*: The description of a projected population for the plan area by 2016 of 19,000 persons in the context of a proposed upgraded wastewater treatment plant with a capacity for 18,000 p.e would appear to conflict with the principles of sustainable development. Consideration should be given to ensuring development progressed/permitted in line with the ability to provide adequate and appropriate wastewater treatment capacity.

Response

- 3.1.1 This has been noted and the ER shall be updated accordingly
- 3.1.2 Noted
- 3.1.3 This is a matter addressed in the draft plan that clearly specifies that development will not be permitted where adequate wastewater treatment capacity is not available. Amendments to the draft plan have also been proposed in the Manager's report to include phasing of development land.
- 3.1.4 This has been noted and the ER shall be updated accordingly
- 3.1.5 Noted
- 3.1.6 This has been noted and the ER shall be updated accordingly
- 3.1.7 Noted
- 3.1.8 The SEA and Strategic Flood Risk Assessment processes have resulted in zoning changes to this plan (compared to the previous plans) having regard to the level of flood risk identified. In particular, all undeveloped lands in Zone A flood risk have had their zoning removed. Where zoning is retained in Zone A, clearly requirements for

the type of development that could be considered are set out in the plan, in accordance with the *Flood Risk Management Guidelines for Local Authorities*.

3.1.9 This is already addressed in item 3.1.3 above

3.2 Strategic Environmental Objectives (Section 4)

The format of this section is to be welcomed, as is the description of SEO's and associated indicators and targets.

3.2.1 In the context of strengthening SEO B2, consideration should be given to amending this SEO to refer also to "*invasive species control and management*" as appropriate and relevant.

3.2.2 Drinking Water SEO DW should also consider inclusion of a reference to a "*safe and secure*" water supply being provided.

3.2.3 Consider inclusion of SEO's in relation to Energy Conservation and Water Conservation.

Response

It should be noted that neither the SEA Directive nor the SEA Regulations specify a requirement to use SEOs to evaluate plan/programme provisions, let alone specify what SEOs to use.

The SEA Directive requires that the evaluation of plans/programmes be focused upon the relevant aspects of the environmental characteristics of areas likely to be significantly affected. In compliance with this requirement, the SEA has focused upon the most relevant aspects of the environmental characteristics within and surrounding Arklow Town and Environs.

SEO's relating to these environmental characteristics have been identified and developed for the SEA in order to evaluate the likely significant impacts of implementing the Plan on the environment. In the absence of a 'rule' specifying which SEOs to use, SEOs have been developed for environmental components which are likely to be significantly impacted upon - in the absence of mitigation - as a result of implementation of the Plan.

Invasive species control and management, energy conservation and water conservation are issues which we consider to be environmental components not warranting specific inclusion as part of the SEOs. SEOs have been included for relevant, related environmental issues, including those with regard to the protection of biodiversity, protection of water resources, the provision of wholesome and clean drinking water, car dependency and transport related emissions to air.

Invasive species control and management, energy conservation and water conservation are issues which are covered by other strategic actions and guidance documents - planning applications made under the Development Plan must take cognisance of relevant provisions as appropriate.

The EPA's suggestion with regard to SEO DW ('To serve development within the Plan area with drinking water that is both wholesome and clean') covers:

1. quality ('safe'); and,
 2. quantity/appropriate provision ('secure').
1. SEO DW covers 'quality' with the appropriate wording as demonstrated below:
The relevant legislation which sets out the requirements for drinking water quality in Ireland is the European Communities (Drinking Water) Regulations (No. 2) 2007. This legislation requires water suppliers to insure that drinking water is wholesome and clean, setting out the requirements needed to be met for drinking water to be wholesome and clean.

2. Appropriate provision of wholesome and clean drinking water is inherent to the phrasing of SEO DW ('To serve development') and accompanying Indicator and Target DW(2).

3.3 Context for the Development Plan (Section 5)

- 3.3.1 The inclusion of this section shows a clear example of integration between the plan and the SEA. The context of the plan in relation to other influential plans / programmes etc is acknowledged.

Response

- 3.3.1 Noted

3.4. Evaluation of Alternative Plan Scenarios (Section 7)

- 3.4.1 The inclusion of Figure 7.1 *Overall Sensitivity Map* is acknowledged as is the assessment methodology.
- 3.4.2 The inclusion of Table 7.5 '*Evaluation Against SEOs*' is noted. Consideration should also be given to assessing the full range of effects as provided for in Schedule 2B(f) of S.I. No. 436 of 2004 including in particular cumulative effects, short term effects, medium term effects etc

Response

- 3.4.1 Noted
- 3.4.2 The SEA Directive and the SEA Regulations require that the Environmental Report includes information on the 'likely significant effects on the environment' of implementing the plan/programme. Neither the SEA Directive nor the SEA Regulations require that the likely significant effects of implementing plans/programmes on the environment are characterised.

For clarity however it is recommended that the ER is updated to include:

At the end of the 1st paragraph of Section 7.3

The interactions between the SEOs and the alternatives determine the likely significant effects of implementing the Plan. These effects include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.

Under Section 8.1:

This section evaluates the Draft Plan provisions. Strategic Environmental Objectives (SEOs) are used for this purpose as outlined under Section 7.3. Use has also been made of the environmental baseline descriptions and the maps of the individual environmental components and the overlay of environmental sensitivities provided in Section 3.

The interactions between the SEOs and the provisions of the Plan determine the likely significant effects of implementing the Plan. These effects include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.

3.5 Mitigation Measures (Section 9)

- 3.5.1 The inclusion of specific objectives from the draft plan which relate to the different environmental topics is welcomed and acknowledged.
- 3.5.2 In relation to flooding, consider inclusion of another mitigation measure for assessment of potential rezoning/dezoning of existing zoned undeveloped lands required / provided for as means of mitigating flood risk, following an assessment of appropriateness of land use.

Response

- 3.5.1 Noted
- 3.5.2 This mitigation measure has already been implemented in the plan (see response to 3.1.8 above)

3.6 Monitoring (Section 10)

- 3.6.1 Section 10.4 should consider inclusion of a reference to review excluded monitoring data / indicators / targets during the lifetime of the plan and take account of and incorporate relevant information as it becomes available.
- 3.6.2 Consideration should be given to the following:
 - i. The addition of appropriate corrective action thresholds for unauthorised development, illegal waste activity and water pollution incidents not involving oil spills.
 - ii. The inclusion of monitoring frequencies.
 - iii. Monitoring of both positive and negative effects, where they occur.
 - iv. Inclusion of the on-going review of environmental targets and indicators in the monitoring programme. Responsibility for this role should be clearly defined.
 - v. The monitoring programme should be flexible to take account of the various stages of the plan and should be able to deal with specific environmental issues as they arise. The programme must be able to deal with the possibility of cumulative effects. Proposed plan implementation monitoring should be linked with the proposed SEA related environmental monitoring.
 - vi. The monitoring programme should include information on how the monitoring proposed will allow unforeseen adverse effects to be identified and responded to as appropriate. Who has responsibility for this? What will trigger appropriate remedial action?

Response

3.6.1 & 3.6.2 Noted. These two issues are linked and therefore the response will be as follows:

Thresholds, frequency of reporting, responsibility and indicators for monitoring positive, negative and cumulative effects are detailed under Section 10 of the Environmental Report. Indicators and targets will be reviewed during the preparation of the preliminary monitoring evaluation report.

The Councils are responsible for collating existing relevant monitored data, the preparation of a monitoring report, the publication of this report and, if necessary, the carrying out of corrective action.

It is considered that the following sentence should be inserted at the end of Section 10.5 Reporting:

Indicators, targets and corrective and remedial actions will be reviewed during the preparation of the preliminary monitoring evaluation report.

Section 4 Integration of the plan formulation process with the SEA

- 4.1 It should be clarified how the SEA has influenced the location of and proposed development of the Action Areas within the plan. This is of particular relevance in the context of potential significant environmental effects including cumulative and in-combination effects.
- 4.2 It should be ensured that proposed zoning of lands and development within the plan area is subject to provision of adequate and appropriate Wastewater Treatment Infrastructure. It is of ongoing concern to the EPA, that the wastewater treatment plant serving Arklow is non-compliant with the overall requirements of the Urban Wastewater Treatment Regulations (2001) and the proposed upgraded treatment plant is still outstanding.

Response

- 4.1 During the SEA process a detailed analysis of the receiving environment was carried out where alternative plan scenarios were assessed against the sensitivity of lands within and adjoining the plan area. Following this analysis, the scenario that provided the most sustainable plan option, was pursued. As part of this process the potential impacts of each Action Area was assessed and influenced the final formulation of objectives for these areas.
In addition to the objectives set out for the overall plan area specific objectives for the development of each Action Area were set out and assessed. The inclusion of an objective for each action area stating *“Any development proposals shall have regard to the setting and curtilage of structures and sites of heritage value, and habitats of biodiversity value and appropriate buffer zones-/mitigating measures shall be provided as required”* alongside the objectives set out for the overall plan areas are considered to be adequate.
- 4.2 This is addressed previously in paragraph 3.1.3 of this report.

2 (b) Department of the Environment, Heritage and Local Government

No comments

2 (c) Department of Communications, Energy and Natural Resources

No comments

3. Summary of submissions relating to the Appropriate Assessment screening process and responses to issues raised

3 (a) Environmental Protection Agency

No comments

3 (b) Department of the Environment, Heritage & Local Government

No comments

3 (c) Department of Communications, Energy and Natural Resources

No comments