



Comhairle Contae Thiobraid Árann
Tipperary County Council

STAGE 1 - APPROPRIATE ASSESSMENT
SCREENING CONCLUSION AND STATEMENT

FOR

**PROPOSED VARIATION NO. 4 OF THE SOUTH TIPPERARY
COUNTY DEVELOPMENT PLAN 2009 – 2015 (AS VARIED)**

INCORPORATION OF A SETTLEMENT
PLAN FOR FETHARD

IN ACCORDANCE WITH THE REQUIREMENTS OF
ARTICLE 6(3) OF THE EU HABITATS DIRECTIVE

NOVEMBER 2016

Contents

Section 1: Introduction	2
1.1 The Fethard Settlement Plan	3
1.2 Relationship with other Plans and Programmes	4
Section 2: Stage 1 AA Screening	6
2.1 Description of plan and local site or plan area characteristics	6
2.2 Identification of relevant Natura 2000 Sites, & compilation of information on their qualifying interests & conservation objectives.	7
2.3 Assessment of likely effects – Direct, indirect and cumulative – undertaken on the basis of available information	11
Section 4: Consultation with the NPWS	16
Section 5: Screening Conclusion & Statement.....	17
Appendix 1: Maps and Illustrations	18

SECTION 1: INTRODUCTION

This is the Appropriate Assessment (AA) Screening Conclusion and Statement prepared by Tipperary County Council (the Council) for:

Proposed Variation no. 4 of the South Tipperary County Development Plan 2009 – 2015 (as varied) - Incorporation of a Settlement Plan for Fethard

Its purpose is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or programme, alone and in combination with other plans, programmes or projects, could have significant effects on a Natura 2000 site in view of the site's conservation objectives.

The Council is required to consider the possible nature conservation implications of any **plan or project** in (combination with other plans and projects) on the Natura 2000 site network before any decision is made to allow that plan or project to proceed. Consideration must be had to Article 6 (3) and (4) of *European Union (EU) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora*, is commonly known as the 'Habitats Directive', which is implemented in Ireland through the European Communities (Natural Habitats) Regulations of 1997. The EU Birds Directive (2009/147/EC) is also applicable.

The legal basis on which **Special Areas of Conservation (SACs)** are selected and designated is the EU Habitats Directive, transposed into Irish law in 1998 and 2005. The Directive lists certain habitats and species that must be protected within SACs. Irish habitats include raised bogs, blanket bogs, turloughs, sand dunes, machair (flat sandy plains on the north and west coasts), heaths, lakes, rivers, woodlands, estuaries and sea inlets. Ireland is also required under the terms of the EU Birds Directive (2009/147/EC) to designate **Special Protection Areas (SPAs)** for the protection of endangered species of wild birds. Listed rare and vulnerable species, Regularly occurring migratory species, such as ducks, geese and waders. Wetlands, especially those of international importance, which attract large numbers of migratory birds each year. SACs and SPAs are collectively known as **Natura 2000 sites**.

It is stated in the 'Guidance on Appropriate Assessment for Planning Authorities', DoEHLG (2009) that screening for AA should commence with the preparation of the Plan 'Issues Paper'. A planning authority, in consultation with the Department if necessary, should determine and identify existing and potential effects of the plan on a Natura 2000 site or network. AA screening is required at every stage of the decision making process. Furthermore AA is an iterative process. The policies and objective of the plan must be

formulated and the decision audited in the context of the various stages of the AA process (screening, NIS, mitigation, alternatives, IROPI and compensatory measures).

This AA Screening Report was issued to the National Parks and Wildlife Service (NPWS) Section of the Department for Communications, Climate Action and Environment and should be read in conjunction with the SEA Screening Determination and Report prepared for the proposed Variation No 4 of the South Tipperary County Development Plan 2009 (as varied) (the proposed Variation).

It is stated in the ‘*Guidance on Appropriate Assessment for Planning Authorities*’, DoEHLG (2009), that order to ensure that AA is properly integrated into the plan-making process and within the relevant timeframes, it is essential to carry out AA screening in advance of the start of the statutory preparation/review process for the proposed Variation and as the Plan is amended through the review process it will be necessary to carry out AA screening at every stage of the planning process. This AA screening report should therefore be read in conjunction with the SEA screening report prepared for proposed Variation No. 4, and with any review of both documents as the plan making processes proceeds.

1.1 The Fethard Settlement Plan

The current Fethard Local Area Plan (LAP) 2011 forms part of the South Tipperary County Development Plan 2009. The South Tipperary County Development Plan remains in force and was subject to SEA and AA during its preparation. The Fethard LAP is coming to the end of its lifespan and will expire in March 2017, and therefore it is necessary to consider the renewal of the planning framework for Fethard. In addition, it is now necessary to consider how Fethard will be incorporated into the new planning framework for the amalgamated county of Tipperary.

It is noted that in accordance with the Planning and Development Act 2000 (as amended), that it is not mandatory to prepare a LAP for Fethard, in this respect, it is stated:

“(b) A local area plan shall be made, except for an area where a development plan of a former town council continues to have effect, in respect of an area which—

(i) is designated as a town in the most recent census of population, other than a town designated as a suburb or environs in that census,

(ii) has a population in excess of 5,000, and

(iii) is situated within the functional area of a planning authority which is a city and county council or a county council.”

As Fethard does not come under any of these categories, a LAP is not mandatory in accordance with the Planning and Development Act 2000 (as amended).

It is also noted that as a result of the application of the provisions of the Local Government Reform Act 2014, settlements in Tipperary that currently have Town Development Plans will eventually be incorporated into the planning framework of the County Development Plan as LAPs in their own right. This will apply to the larger settlements of Clonmel, Nenagh, Thurles, Carrick on Suir, Tipperary, Cashel and Templemore and will also include the settlements of Cahir and Roscrea. The nine settlements set out are classified as ‘regional’, ‘sub-regional’ and ‘district towns’ in the settlement hierarchy for Tipperary. As a ‘Service Centre’ Fethard is located on a lower tier on the settlement hierarchy than the 9 towns set out and will therefore not be subject to a LAP.

Furthermore, it should be noted that the South Tipperary County Development Plan 2009 underwent an extensive variation process in 2015 (Variation No. 2). The objective of this Variation was to provide a unified vision for Tipperary, and to update the planning policy framework for the county for both urban and rural areas. The South Tipperary County Development Plan (as varied) sets out the relevant policies and objectives for the planning and development of the rural settlements of Tipperary and is supported in its strategic policy statements by dedicated local settlement plans for each settlement.

In the event that proposed Variation No. 4 is adopted and becomes effective before the end of the lifespan of the current LAP 2011 the LAP will be revoked¹ on the same day as the adoption of Variation No. 4.

1.2 Relationship with other Plans and Programmes

In line with the provisions of the settlement strategy set out in Chapter 3 of the County Development Plan, Fethard is designated as one of 35 ‘Service Centre’s in the County.

It is stated that Service Centre’s ‘are robust settlements that have a capacity to accommodate new residential growth, employment and enterprise and other appropriate uses. The services centre’s are being targeted for growth at an appropriate scale to service their local hinterlands and to consolidate housing, local employment, public transport and a range of services. These towns and villages perform important roles as retail and service providers in their local economy and are targeted for continued growth’.

¹ Revoke means to officially withdraw, rescind or cancel. It is a legal term which is used in the Planning & Development Acts which refers to the cancelling of an existing Local Area Plan and in this case will facilitate the adoption of the Fethard Settlement Plan.

Each of the Service Centre's for Tipperary are subject to the policies and objectives of the County Development Plan (as varied) and are further supported by individual dedicated settlement plans that will address specific and unique local planning issues as relevant to each settlement.

Having consideration to the above, the status of Fethard as a 'Service Centre' remains unchanged and through proposed Variation No. 4, Fethard will be subject to the overriding policies and objectives of the County Development Plan (as varied) in its place within the framework of the County Development Plan.

SECTION 2: STAGE 1 AA SCREENING

2.1 Description of plan and local site or plan area characteristics

Area covered by the proposed Plan

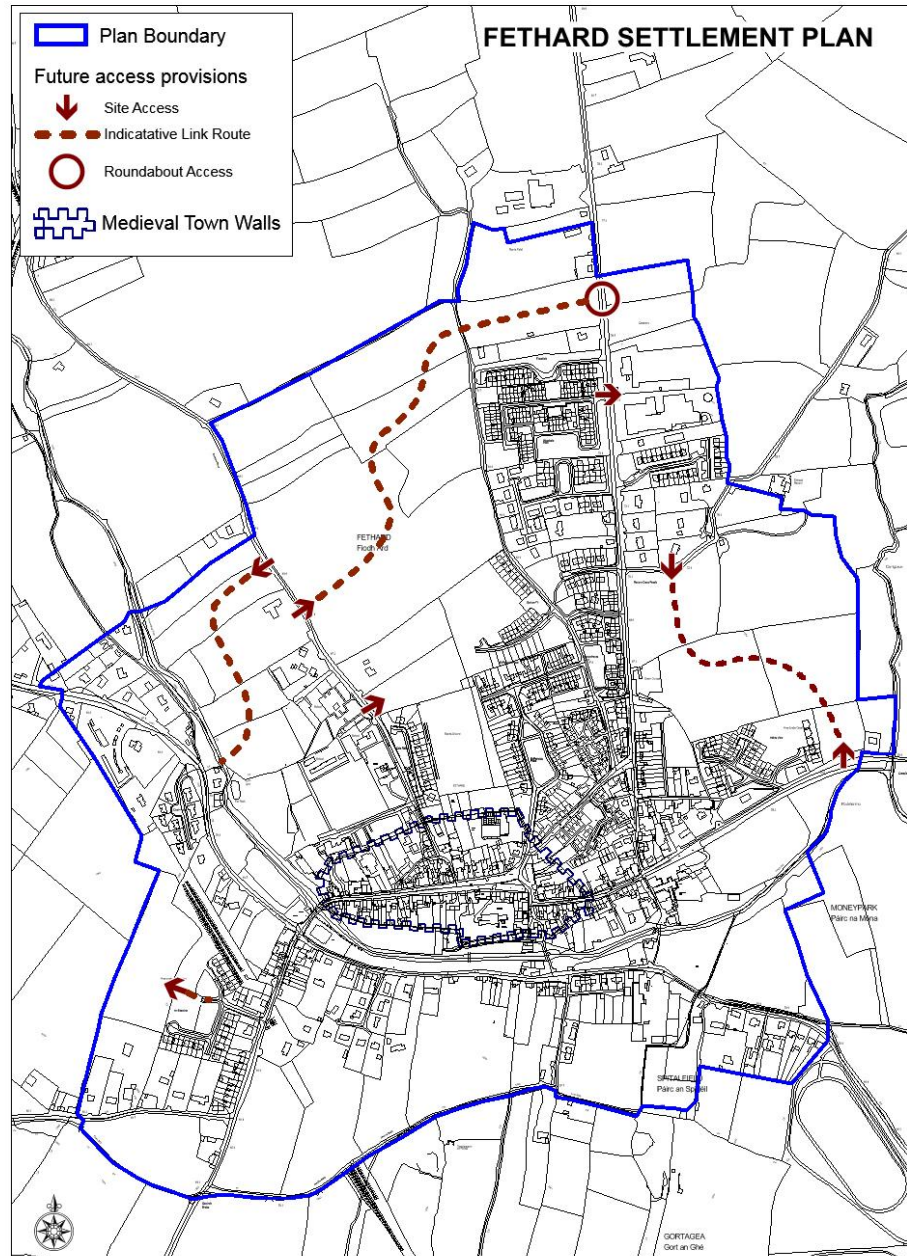


FIGURE 1: PLAN AREA

The 'Plan area' is the settlement boundary for Fethard as set out in the current Fethard LAP 2011. The Plan area is set out in Figure 1 and relates to the urban area of Fethard, the Plan area is approx 140ha and the provisions of the settlement plan will only apply to the area within the Plan boundary. The population of Fethard is circa 1,541 (CSO 2011). The proposed settlement plan

	will not influence other plans in the planning hierarchy other than non-statutory local level plans. Proposals for new development, projects, schemes and public realm improvement works will be influenced by the proposed settlement plan and the objectives of the South Tipperary County Development Plan (as varied).
What is the purpose of the proposed Plan?	The proposed settlement plan will replace the current LAP in place for Fethard. The proposed settlement plan will supplement the existing planning framework as it relates to Fethard in the County Development Plan (as varied) and policies and objectives as they relate to Fethard. It will specifically address and set out local planning objectives for Fethard including landzoning, social and amenity issues and public realm improvement.
Lifespan of the proposed Plan	The proposed settlement plan for Fethard will be incorporated by way of a variation and therefore will form part of the South Tipperary County Development Plan (as varied), already subject to AA.

2.2 Identification of relevant Natura 2000 Sites, & compilation of information on their qualifying interests & conservation objectives.

Fethard is located in the southeast of the county and no part of the plan area is directly located within an SAC or a SPA. However, the Lower River Suir SAC is located approximately 1km east of the Plan boundary and is downstream from the location of the municipal Waste Water Treatment Plant (WWTP) located at Moneypark (see Figure 3).

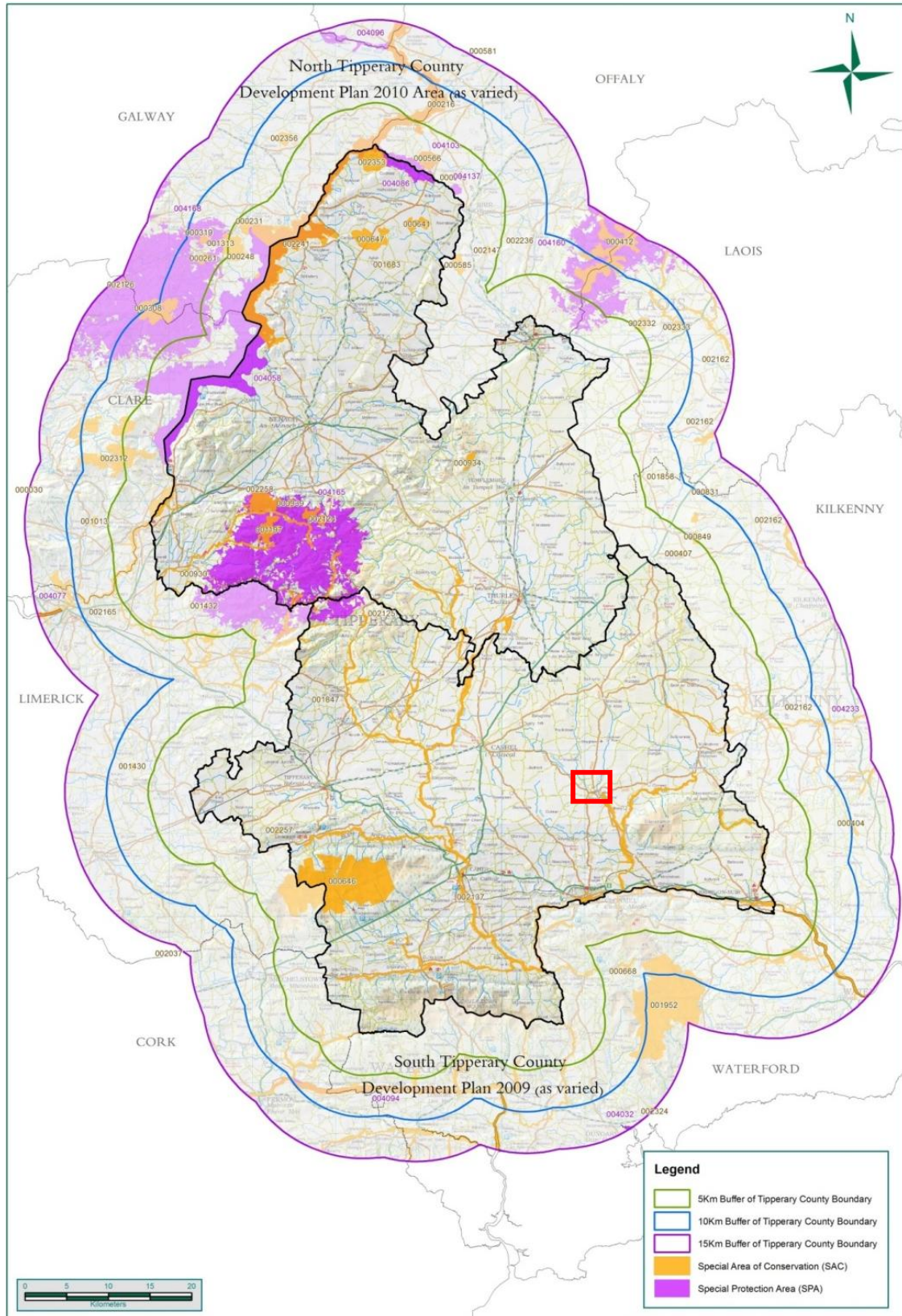


FIGURE 2: LOCATION OF NATURA 2000 SITES RELATIVE TO THE PLAN AREA

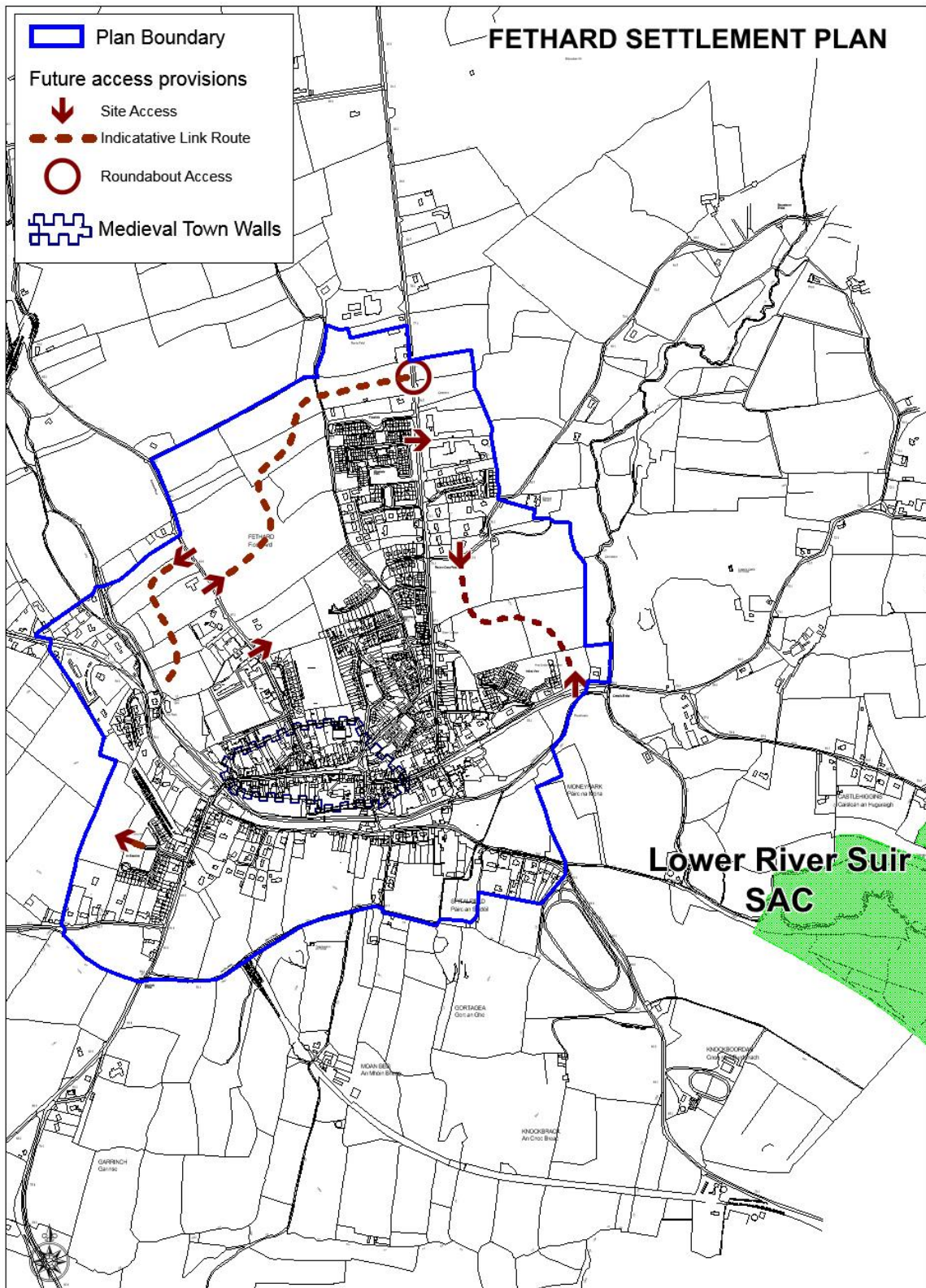


FIGURE 3 LOCATION OF PLAN AREA RELATIVE TO LOWER RIVER SUIR SAC

There are no other Natura 2000 sites located proximate² to the Plan area and it is not likely that the implementation of the Plan would impact on any Natura 2000 site other than the Lower River Suir SAC.

The Lower River Suir SAC

The Habitats Directive requires the focus of the assessment at this stage to be on the integrity of the site as indicated by its Site Specific Conservation Objectives (SSCOs). These SSCO's aim to define favorable conservation condition for the qualifying habitats and species at that site. The maintenance (or restoration) of the favorable condition for these habitats and species at the site level will contribute to the overall maintenance of favorable conservation status of those habitats and species at a national level.

***Favorable conservation status of a species** can be described as being achieved when: 'population data on the species concerned indicate that it is maintaining itself, and the natural range of the species is neither being reduced or likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.'*

***Favorable conservation status of a habitat** can be described as being achieved when: 'its natural range, and area it covers within that range, is stable or increasing, and the ecological factors that are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and the conservation status of its typical species is favourable'.*

No SSCO's are available for the Lower River Suir SAC, therefore the Department has provided generic Conservation Objectives for designated European sites as follows:

To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

The specific site characteristics of the Lower River Suir SAC are outlined below:

Code	Description
1330	Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)
1410	Mediterranean salt meadows (<i>Juncetalia maritimi</i>)

² Within 15km

3260	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation
6430	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
91A0	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles
91E0	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*
91J0	<i>Taxus baccata</i> woods of the British Isles*

* denotes a priority habitat

Code	Common Name	Scientific Name
1029	Freshwater Pearl Mussel	<i>Margaritifera margaritifera</i>
1092	White-clawed Crayfish	<i>Austropotamobius pallipes</i>
1095	Sea Lamprey	<i>Petromyzon marinus</i>
1096	Brook Lamprey	<i>Lampetra planeri</i>
1099	River Lamprey	<i>Lampetra fluviatilis</i>
1103	Twaite Shad	<i>Alosa fallax fallax</i>
1106	Salmon	<i>Salmo salar</i>
1355	Otter	<i>Lutra lutra</i>

2.3 Assessment of likely effects – Direct, indirect and cumulative – undertaken on the basis of available information

2.3.1 Is the Plan Necessary to the Management of European Sites?

Under the Habitats Directive, Plans that are directly connected with or necessary to the management of a European site do not require AA. For this exception to apply, management is required to be interpreted narrowly as nature conservation management in the sense of Article 6(1) of the Habitats Directive. This refers to specific measures to address the ecological requirements of annexed habitats and species (and their habitats) present on a site(s). The relationship should be shown to be direct and not a by-product of the plan, even if this might result in positive or beneficial effects for a site(s).

The primary purpose of proposed Variation No. 4 is not the nature conservation management of the sites, but to provide for the development of Fethard. Therefore, the proposed Variation is not considered by the Habitats Directive to be directly connected with or necessary to the management of European designated sites, in this respect, it is therefore necessary to consider whether the proposed variation has the potential to give rise to significant effects on the River Suir SAC.

2.3.2 Elements of the Proposed Variation with Potential to Give Rise to Significant Effects

Direct, Indirect or Secondary Impacts

As outlined in the European Commission Environment Directorate General document “*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*”, impacts that could potentially occur through the implementation of the proposed Variation, if unmitigated, can be categorised under a number of headings:

- Loss / reduction of habitat area (e.g. due to the development of new projects);
- Disturbance to Key Species (e.g. increased public access to protected sites, or during the construction phase of infrastructure projects);
- Habitat or species fragmentation;
- Reduction in species density;
- Changes in key indicators of conservation value such as changes in water quality / quantity (e.g. alteration to drainage regime in sensitive wetland areas; run-off of pollutants during construction and operation of developments).

In determining the potential for significant effects, a number of factors have been taken into account. Firstly, the sensitivity of the Lower River Suir SAC, secondly, the proposed Variation and the potential effects associated with its implementation on the site were considered. The outcome of this screening is presented in below.

Loss / Reduction of Habitat Area

Direct habitat loss is caused where there is complete removal of a habitat type. Habitat loss can also occur through the reduction of habitat quality and a loss of important habitat functions. It can arise from the introduction of invasive species, toxic contamination, or physical alteration.

- The implementation of the proposed settlement plan for Fethard will not give rise to any loss/reduction of Habitat Area, as no development is proposed that would cause loss of habitat in the SAC.
- It is acknowledged that habitat loss in areas outside of European sites could also lead to adverse effects should the affected habitat support / or be used by species for which European sites are designated. However, having consideration to the separation of the SAC from the Plan boundary and the large area zoned for

agriculture³ and amenity use on the south east of the town where the plan boundary is closest to the SAC, it is considered that there is no material alteration to the current Plan provisions and that the risk is mitigated.

Disturbance to Key Species

Key species are defined as those listed on the Annexes of the EU Habitats Directive and Birds Directive for which sites are designated. Disturbance to species supported by a European site is likely to increase where there is an increase in activity levels from developments within or adjacent to designated areas. Sources of disturbance include noise, vibration, light, emanating from construction and / or operational activities.

- The implementation of the proposed settlement plan for Fethard will not give rise to any disturbance of key species due to the location of development sites at a significant separation from the SAC. Works to the WWTP could potentially give rise to disturbance (ex-Situ), in the event that works are proposed to the existing WWTP, these will be subject to separate AA screening (to be carried out by Irish Water for projects set out in the CIT 2017 – 20121).

Habitat / Species Fragmentation

Habitat and species fragmentation can occur through the breaking up of or loss of habitats resulting in interference with existing ecological units. Fragmentation can also result from impediments to the natural movements of species. This is relevant where important corridors for movement or migration are likely to be disrupted such as along river corridors when construction may introduce a barrier to the free movement of species from one area of habitat to another. The status of Fethard in the Settlement Hierarchy is not proposed to be altered and no development expansion is envisaged in the area of the Plan proximate to the River Suir SAC.

- Habitat / species fragmentation will not arise from the implementation of the proposed settlement plan for Fethard.

Reduction in Species Density

Reduction in species density may result from loss / reduction of habitat area, disturbance, or fragmentation, either individually or in combination. In addition, changes in habitat quality could lead to reductions in populations of sensitive species. The status of Fethard in the

³ It should also be noted that the agricultural field at this location is a proposed NHA.

Settlement Hierarchy is not proposed to be altered and no development expansion is envisaged in the area of the Plan proximate to the River Suir SAC. The WWTP for Fethard is located downstream of the Plan boundary and is managed by Irish Water in accordance with a license from the EPA. The role of Fethard in the settlement hierarchy is not proposed to be changed and therefore, it is not envisaged that there will be a significant change in the operation and status of the WWTP outside of planned upgrade works.

- The implementation of the proposed settlement plan for Fethard will not give rise to any reduction in species density due to the location of development sites at a significant separation from the SAC.

Changes in Key Indicators of Conservation Value

The key indicators of conservation value for sites with the potential to be affected by the implementation of the proposed Variation include surface water quality. Any deterioration in water quality within surface and ground water dependant ecosystems can lead to direct and indirect impacts on a range of habitats and species of conservation importance.

- In relation to settlement development in Fethard, the main sources of such impacts include; increase in pressure on the existing WWTP with resultant decrease in discharge quality and potential run-off from new development or other pollutants to downstream SAC during construction phase.

It is noted that the previous screening report prepared for the Fethard LAP 2011 acknowledged that the WWTP for Fethard is located upstream of the Lower River Suir SAC and for this reason had the potential to impact on the conservation value of the SAC due to discharge. The EPA River Water Quality Report 2004 - 2015 has identified an overall improvement in water quality on the Clashawley River downstream of the WWTP figures set out in their report dated pre-2004. Furthermore, it is noted that the EPA monitor 6 sites on the Clashawley, these are outlined below, and it was found that no site has been identified for further assessment on the Clashawley (Report on River Water Quality in Tipperary 2013).

EPA Monitoring Sites on the Clashawley		
Clashawley 16C01-0100 16C01-0200 16C01-0300 16C01-0400 Q4 (2011) 16C01-0500 Q4 (2011)	There are two branches to the Clashawley, which join to form the main channel for the final two stations. Colour, ammonia, BOD and o-phosphate were elevated at stations 0100, 0200 and 0300 in January following heavy rain. Nitrates remain elevated at station 0100	No significant change from 2012.

16C01-0600 Q4 (2011)	d/s of Killenaule. Ecology is good over the length of the river.	
-----------------------------	--	--

The graph below is extracted from the Report on River Water Quality in Tipperary 2013, EPA and illustrates that there has been a reduction in levels of O-Phosphate in the River over the last few years. This can be attributed to reduced loading as a result of the closure of the Dawn Foods factory and as a result of improvement works carried put to the water networks in the town and the WWTP.

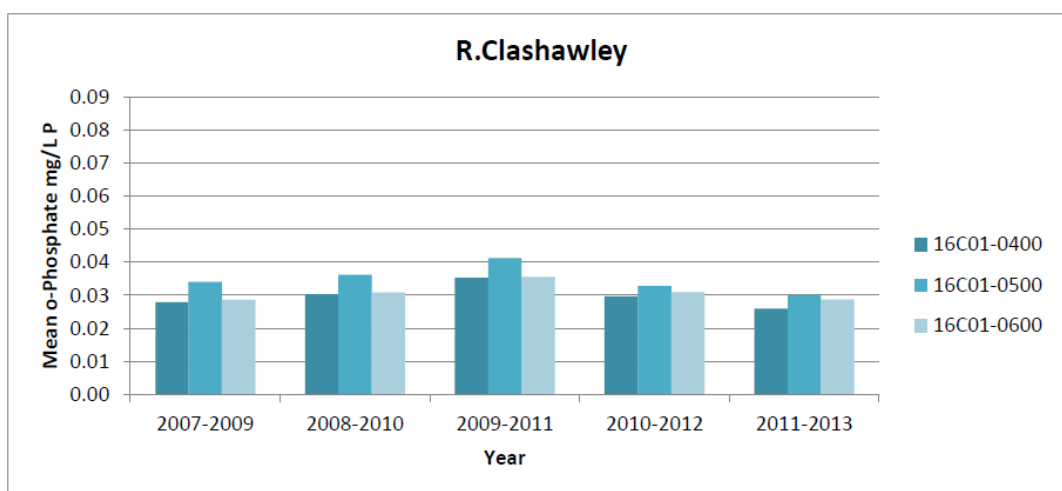


FIGURE 4: LONG TERM TREND GRAPH – OPHOSPAHTE

The WWTP for Fethard is located downstream of the Plan boundary and is managed by Irish Water in accordance with a license from the EPA. The role of Fethard in the settlement hierarchy is not proposed to be changed and therefore, it is not envisaged that there will be a significant change in the operation and status of the WWTP outside of planned upgrade works.

Having consideration to the above, it is considered that water quality is being maintained on the Clashawley and that the continued planning and development of Fethard in line with that currently permitted by the Fethard LAP will not result in adverse impacts on the SAC.

SECTION 4: CONSULTATION WITH THE NPWS

This AA screening report (and the SEA screening report) is now for the consideration of the the National Parks and Wildlife Service (NPWS) Section of the Department for Communications, Climate Action and Environment.

Date Received	Response from NPWS
N/a	Non received

Comments were received from the other statutory consultees these are addressed in the SEA Screening Determination and Report.

SECTION 5: CONCLUSION & STATEMENT

The requirement for Stage 2 AA for the proposed Variation would arise if the proposed Variation were determined as having potential or uncertain effects on the integrity of the network of designated ecological sites known as Natura 2000. This screening assessment evaluates the proposed Variation in order to determine if it needs to be the subject of a Stage 2 AA.

This Screening assessment has determined and identified existing and potential effects of the proposed Variation on the Natura 2000 site relevant to the Plan area. The baseline environment and risks to the safeguarding of the Natura 2000 network have been considered along with the scale and nature of the proposed Variation. In addition, it is noted that all lower level projects arising through the implementation of the proposed Variation will themselves be subject to AA when further details of design and location are known. Having consideration to:

- The existing SEA and AA processes carried out for the County Development Plan 2009 (as varied),
- The stated purpose of the proposed Variation, which is to incorporate the planning framework for Fethard as part of the County Development Plan (as varied), where it will be subject to the overriding policies and objectives of the County Development Plan 2009 (as varied),
- The proposed Variation will not amend the planning framework and planned vision for Fethard as a 'District Centre' as outlined in the settlement strategy,
- The proposed Variation supports and underpins the significance, relevance and intent of existing policies and objectives of the County Development Plan regarding the protection of the cultural and natural environment,
- Mitigation measures incorporated in the existing LAP and the County Development plan 2009 (as varied) will be carried forward in the planning framework for Fethard.

It is concluded that the proposed Variation poses no risk of a significant effect on the Natura 2000 site network and as such requires no further assessment. Therefore, in accordance with the methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, it is concluded that there is no potential for significant effects and the proposed Variation does not require any further assessment to demonstrate compliance with the Directive.

APPENDIX 1: MAPS AND ILLUSTRATIONS

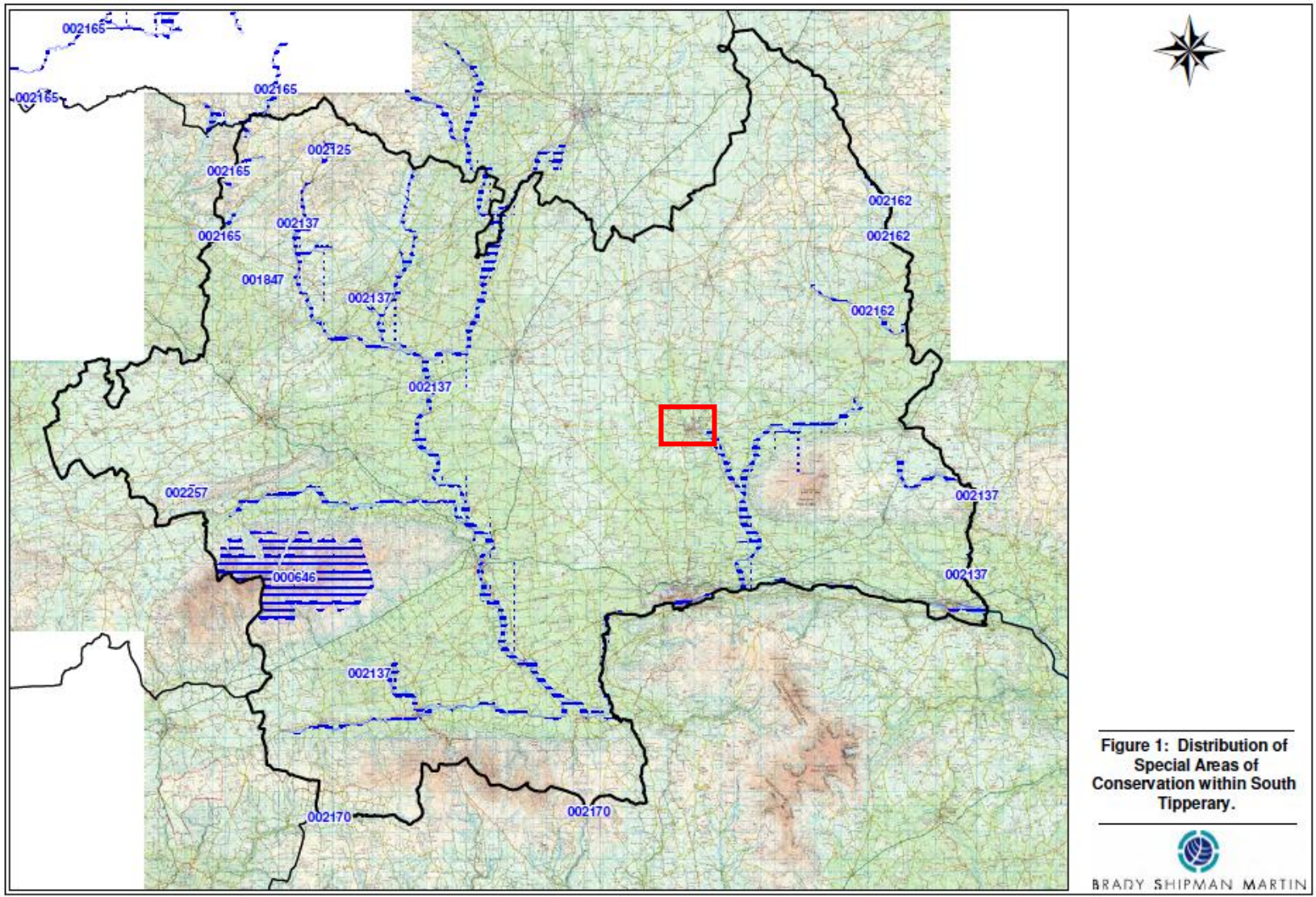


FIGURE 5: SACS SOUTH TIPPERARY

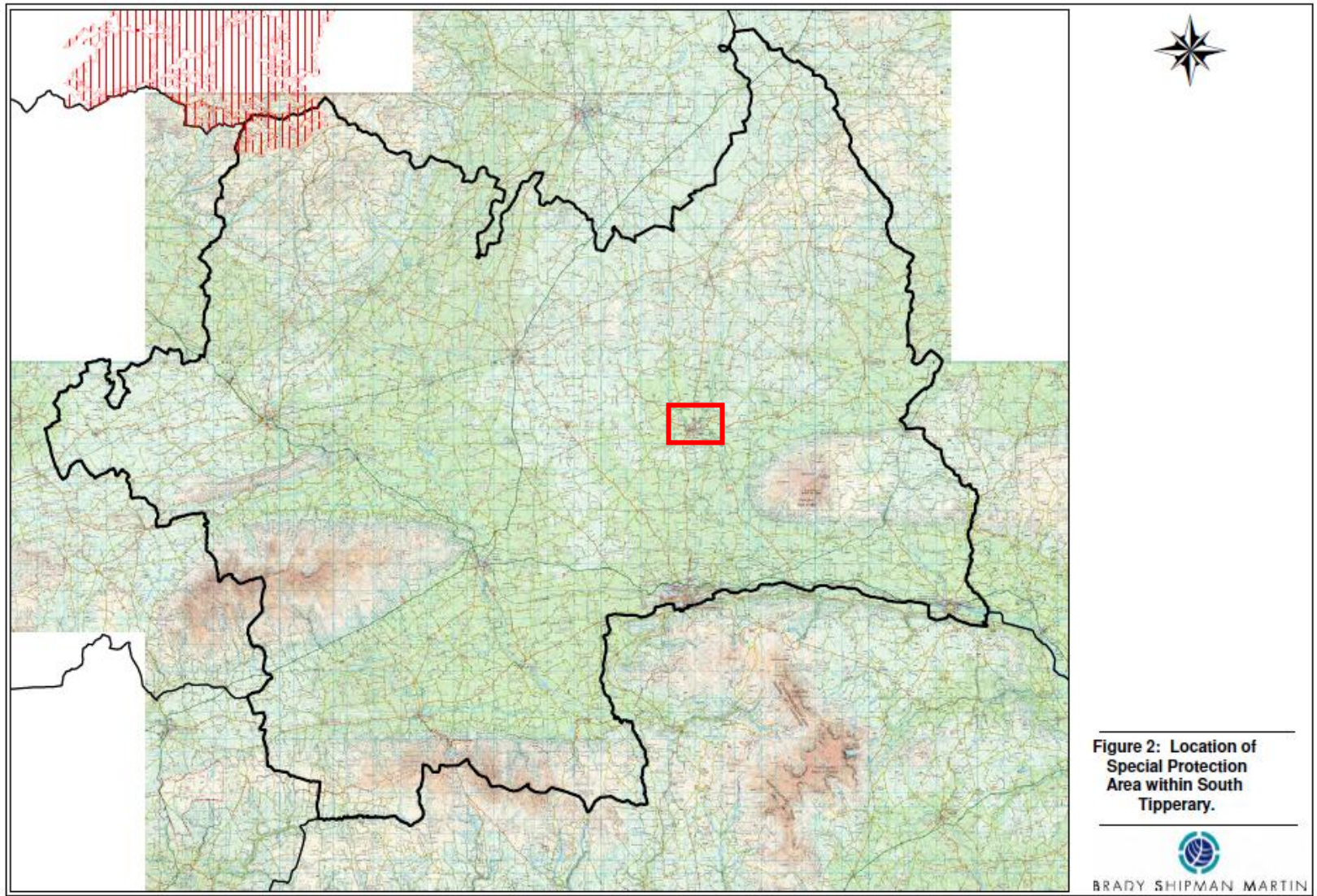


FIGURE 6: SPA'S IN SOUTH TIPPERARY

