

Draft Monaghan County Development  
Plan  
(Incorporating the Development Plans for  
the Towns of Monaghan,  
Carrickmacross, Castleblayney, Clones  
and Ballybay)  
2013-2019

Manager's Report on Submissions  
Received in Relation to the  
Strategic Environmental Assessment  
(Environmental Report)

November 2012



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## **1.0 Introduction**

The Draft Monaghan County Development Plan 2013-19 and associated Environmental Report were placed on public display on 31<sup>st</sup> May 2012 for a period of ten weeks, with submissions invited up to and including 10<sup>th</sup> August 2012. This report lists the persons or bodies who made submissions, summarises the issues raised by the persons or bodies who made submissions with regard to the Environmental Report, and gives the response of the Manager to the issues raised.

## **2.0 Consultation Process**

The Draft Monaghan County Development Plan 2013-19 and associated Environmental Report were on public display between 31<sup>st</sup> May 2012 and 10<sup>th</sup> August 2012. The draft plan and associated Environmental Report were displayed in the County Council Offices, the Town Council Offices and Branch Libraries. The draft plan and associated Environmental Report were also placed in the Mobile Library and was available to down load from the County Council website. A Facebook Page was also created.

## **3.0 Public Meetings**

A series of public meetings were held in evenings at the end of June in Monaghan, Carrickmacross, Castleblayney, Clones and Ballybay to give the public an opportunity to discuss the draft plan and associated Environmental Report with officials from the planning section. No issues with regard to the Environmental Report were raised.

#### **4.0 List of Persons/Bodies Who Made Submissions**

The following persons/bodies made submissions in respect of the Environmental Report

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## **5.0 Summary of Submissions and Response of Manager**

5.1: Submission Ref: DMCDPER1

Person/Body: Border Regional Authority

Location: N/A

Core Issue: Various

### Points Raised

1. The Environmental Report is an excellent document and both it and the Natural Impact Report provide a significant evidence base to develop an appropriate framework, strategy and relevant policies and objectives to ensure the County develops in a sustainable manner.
2. It is important that the key issues and particular environmental pressures are central to the development of a revised plan and appropriate policies and objectives are developed to address these issues.
3. The Council should revisit the requirements of the Strategic Environmental Assessment Directive in respect of transboundary consultation to ensure that all necessary procedures and actions are taken.
4. The most recent information in respect of the capacities of waste water treatment plants in each of the settlements in the county should be provided in Table 6.7 of the draft Development Plan and Table 17 of the Environmental Report.
5. Although the Environmental Report identifies that the proliferation of rural housing in the county has implications for surface and ground water supplies, it is not clear how the revised housing policy has been determined with regard to water quality and particularly sensitive areas. Section 3.5 should be amended to include issues emerging from the relevant River Basin Management Plans and other sources of information on water quality.
6. Both the Environmental Report and the draft plan indicate a decline in the population of the urban centres and growth on the environs of the towns. However, it is not clear how these issues are being addressed in the revised development plan. The Council should review urban and rural housing policy to ensure that the issues and problems highlighted in the Environmental Report are adequately addressed by policy.
7. The wording of policies and objectives in the draft plan should be consistent with those outlined in the Environmental Report.

### Response of the Manager

1. Noted.
2. Noted and agreed.

3. It is considered that the necessary procedures and actions in respect of transboundary consultation have been undertaken.
4. The information presented in respect of the capacity of existing WWTPs was accurate in early 2012. **However, it is recommended that these figures will be reviewed to ascertain if any updates are necessary.**
5. The purpose of Section 3.5 of the Core Strategy is to determine those rural areas that are experiencing development pressure in the form of rural housing, those areas that have capacity for rural housing and those areas where rural housing should be restricted. Chapter Four of the draft development plan sets out those areas in the county that have sensitive surface waters, sensitive ground waters, areas of ground water vulnerability, and aquifer protection areas. Policies WPP1, WPP2, WPP5, WPP6, WPP8 - WPP12 have been specifically included into the draft development plan to seek to protect surface and ground water. Assessment of the impact of rural housing upon ground water and surface water and thus its acceptability will be assessed on a case by case basis based on the objectives and policies in Chapter Four and the information set out in Maps 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6.
6. The draft development plan contains policies and objectives to limit the amount of residential development on the environs of towns to local rural generated housing and sufficient land has been zoned for residential development within the towns to offer opportunities for a range of housing tenure in the towns. The draft plan also contains policies to protect surface and ground waters and to protect the landscape from visually unacceptable development.
7. Noted and agreed.

5.2: Submission Ref: DMCDPER2

Person/Body: Inland Fisheries Ireland (Eastern River Basin District)

Location: N/A

Core Issue: Protection of Aquatic Habitats

### Points Raised

1. It is recommended that surface and ground water flows in respect of practices such as water abstraction and effluent discharge are considered in Section 6.9 of the Environmental Report.

### Response of the Manager

1. It is recommended that the Environmental Report considers the impact upon surface and ground water flows in respect of practices such as water abstraction and effluent discharge. The following paragraph will be inserted after Section 6.9.2 of the Environmental Report:

#### **6.9.3: Water Implications**

**“Future projections indicate that climate change will have significant impacts on river flows and global water resources. In particular, it is the extremes – floods and low flows – that will be most affected. It is also likely that rainfall and river flows will become much more variable than at present. This will have major implications for water supply, irrigation, commercial and industrial development, human health and environmental conditions. New areas will become vulnerable to flooding, while existing flood-prone areas will be affected more often. Decreases in summer rainfall, coupled with a rise in rates of evaporation, will mean that low flows become more persistent. This will lead to problems of water supply.**

**The impacts of climate change are projected to increase in the coming decades. Research commissioned by the EPA has demonstrated that action is required on a national basis to prepare for adverse impacts in areas such as flooding, water management during dry spells, sea-level rise and coastal erosion.”**

5.3: Submission Ref: DMCDPER3

Person/Body: Louth County Council

Location: N/A

Core Issue: General

#### Points Raised

1. It is unclear why the Strategic Environmental Assessment (SEA) has a role in determining the quantum and location of zoned residential land as stated in Section 3.4.3, given that the amount of land required for residential development is provided for in the RPGs. The SEA has no role in determining the quantum of zoned residential land.
2. Although the Environmental Report states that one of the environmental pressures in the county includes a threat to water quality from public waste water treatment plants (WWTPs) in some of the towns operating at full capacity, there appears to be adequate capacity at existing WWTPs. However, the data used in relation to existing WWTPs should be based on the figures in the 2012 update report on data presented in the EPA Report "Focus on Urban Waste Water Discharges in Ireland".
3. The non technical summary of the Environmental Report does not include an analysis of the alternatives dealt with in the main document.
4. The Planning and Development (SEA) (Amendment) Regulations 2011 include an addition in Article 13A(a)(v) "any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation, or local area plan"
5. The National Biodiversity Plan has been updated.
6. The alternative scenario of 'growth with relaxed policies' is questionable as a realistic alternative given the provisions of Section 28 of the Planning and Development Acts 2000-2010 in respect of Ministerial Guidelines.
7. The Areas of Primary Amenity, Secondary Amenity and Visual Amenity mentioned in Section 6 should be mapped and or illustrated and connected to maps.
8. It would be of benefit that those objectives and policies identified as having the potential to conflict with the strategic environmental objectives were identified in Section 12 and 13 for mitigation.
9. The statement in Section 14 "there may be certain elements of them that could also lead to a potential for environmental conflict. Where this arises the policies and objectives should be mitigated to an acceptable level" further enhances the requirement for appropriate mitigation measures to be included.



## Response of the Manager

1. The SEA informs the development plan in respect of those locations that can support increases in population based on environmental and infrastructural capacity. Consequently the amount of land zoned for development in a settlement in an area of sensitive ground or surface waters is likely to be limited based on the information derived from the SEA.
2. The information presented in respect of the capacity of existing WWTPs was accurate in early 2012. **However, it is recommended that these figures will be reviewed to ascertain if any updates are necessary.**
3. **It is recommended that Section “Alternative Approaches to Making the draft Development Plan” in the non technical summary of the Environmental Report shall be revised to include the following analysis of the alternatives dealt with in the main document.**

“Part of the SEA process requires the consideration of ‘reasonable alternatives’. In selecting SEA Alternatives, cognisance must always be taken of parent strategies and documents which have a key influence on how alternatives were framed. **Section 5.0 of this Environmental Report entitled “Assessment of Alternatives and Selection of Preferred Scenario” sets out and examines the following three alternative growth models. ~~The following three scenarios were formulated and considered:~~**

- **Growth with Relaxed Planning Policies**
- **Growth with Restrictive Planning Policies**
- **Planned Growth with Regulatory Planning Policies**

### **Alternative 1: Growth with Relaxed Planning Policies**

**This scenario would involve minimal intervention in terms of strategic planning which would ultimately result in allowing development to follow market forces to a great extent and would take a short-term planning, economic, social and environmental approach.**

### **Alternative 2: Growth with Restrictive Planning Policies**

**This scenario would represent a restrictive approach to the development in the county. This approach would result in the concentration of development within the larger towns of the county. Development would be served by appropriate infrastructure and there would be strict demarcation between urban and rural areas. Areas of the county which are the subject of ecological designations would be carefully managed and sustained. This approach would strengthen the main towns of the county but would also put pressure onto existing services and facilities in the towns and in addition, the vitality of the rural community would stagnate. This approach would have major environmental benefits but would**

result in a decline in the social, cultural and economic wellbeing of rural areas. This approach would not result in a coordinated, balanced growth of the county.

**Alternative 3: Planned Growth with Regulatory Planning Policies**

This scenario is based around the planned growth of the County and a sustainable settlement structure based on the Settlement/Core Strategy. This will afford for the balanced and sustainable development of the County. In this scenario, the principles of sustainable development are integrated into the Plan.

Scenario 3 was considered the most appropriate development model for the future development of County Monaghan. Scenario 3 affords for the most effective way of focusing growth and development within the county whilst ensuring the economic, environmental, cultural and social prosperity of the county”.

4. Noted.
5. It is recommended that Table 2 is amended as follows to include reference to the National Biodiversity Plan 2010-2015.

	Plan, Programme Strategy or Legislation	Key Consideration for Draft Development Plans
<b>BIODIVERSITY, FLORA AND FAUNA</b>		
<b>INTERNATIONAL</b>	Strategic Environmental Assessment (SEA) Directive 2001/42/EEC.	Requirement to carry out SEA.
	Convention on Wetlands of International Importance 1971 (amended 1982 and 1987) (Ramsar Convention).	Requirement to protect sites from loss or damage by development.
	Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.	Requirement to carry out an Appropriate Assessment
	Directive 79/409/EEC on the conservation of wild birds.	Requirement to carry out an Appropriate Assessment
	UN Convention of Biological Diversity.	Requirement to protect and enhance ecological resources.
	Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979)	Requirement to maintain diversity and distinctiveness.
	Pan-European Biological and Landscape Diversity Strategy	Requirement to maintain diversity and

	(1995)	distinctiveness.
	European Biodiversity Strategy (1998)	Requirement to maintain diversity and distinctiveness.
	Freshwater Fish Directive (78/659/EEC)	Requirement to maintain diversity and distinctiveness.
	Shellfish Waters Directive (79/923/EEC)	Requirement to maintain diversity and distinctiveness.
	Planning and Development (Strategic Environmental Assessment) Regulations 2004 as amended.	Requirement to carry out SEA.
	Flora Protection Order 1980 as amended.	Protection of species.
	Forestry Act 1946	Protection of species.
	Wildlife Act 1976	Protection of species.
	Wildlife (Amendment) Act 2000	Protection of species.
	National Biodiversity Plan <b>2010-2015</b>	Requirement to maintain biodiversity.
	Monaghan Biodiversity Action Plan 2009-2014	Requirement to maintain biodiversity.
<b>SOIL</b>		
<b>INTERNATIONAL</b>	EU Thematic Strategy for Soil Protection	Aims to maintain and protect soil quality.
<b>NATIONAL</b>	National Soil Survey of Ireland	Inform the Draft Plan

6. It is considered that this scenario is a realistic alternative.
7. The Areas of Primary Amenity, Secondary Amenity and Visual Amenity are illustrated in Map 4.7 of the draft development plan.

8. Where conflicts have been identified in Table 31, appropriate mitigation has been included through the objectives and policies contained within the draft development plan. **However it is recommended that further detail of the mitigation measures be included in the Environmental Report where appropriate. (Refer to Appendix 1.)**
9. Mitigation measures have been introduced into the draft plan as a result of the Strategic Environmental Assessment. It is considered that these measures have resulted in objectives and policies that once may have conflicted with the strategic environmental objectives but which are now benign or have significantly reduced potential. **However it is recommended that further detail of the mitigation measures be included in the Environmental Report where appropriate. (Refer to Appendix 1.)**

5.4 Submission Ref: DMCDPER4

Person/Body: Inland Fisheries Ireland (North Western River Basin District)

Location: N/A

Core Issue: Protection of Aquatic Habitats

Points Raised

1. In determining the likely significant effects of plans or programmes, regard should be given to the need for the sustainable development of the inland and marine fisheries resource (including the conservation of fish and other species of fauna and flora, aquatic habitats and the biodiversity of inland and marine water ecosystems) Consideration should be given to the sustainable development of inland fisheries and the impacts upon water quality, aquatic and associated riparian habitats, biological diversity, ecosystem structure and functioning, fish spawning and nursery areas, surface water hydrology, passage of migrating fish, areas of natural heritage importance, sport and commercial fishing, and amenity and recreation areas.

Response of the Manager

1. The draft development plan contains objectives and policies to protect rivers in terms of water quality, biodiversity, physical structure and amenity.

5.5: Submission Ref: Submission DMCDPER5

Person/Body: Environmental Protection Agency

Location: N/A

Core Issue: General submission regarding the Environmental Report

1. The Strategic Flood Risk Assessment (SFRA) should be undertaken for the County Development Plan and Town Development Plans prior to adoption and the findings of the SFRA should be reflected in the SEA and final plan.
2. The inclusion of Table 32 Incorporation of Environmental Issues into the draft development plan is acknowledged.
3. Map 4 Sensitive Surface Waters is noted. However no spatial data is provided on the water quality status under the EPA and EFD classifications. Consideration should be given to highlighting on a map, areas of particularly poor water quality. This should be inserted within the Non Technical Summary.
4. Consideration should be given to including a map highlighting the areas at risk of significant flood risk or recurring flooding within the county. This should be inserted within the Non Technical Summary.
5. Consideration should be given to amending the first bullet point of Section 3.2 of the Environmental Report as follows “Develop in a sustainable manner, the potential of each part of the County in economic, social and environmental terms”.
6. Section 3.3.4 Border Regional Planning Guidelines 2010-2022 should also consider inclusion of a reference to the role of the Regional Planning Authority and also key aspects of Core Strategy implementation to be carried out in the plan.
7. There would be merits in Section 4 Appropriate Assessment to make reference to any zoning/re-zoning carried out and any buffer zone provision following on from the Stage 2 conclusion.
8. Chapter 6 Current State of the Environment is noted.
9. Consideration should be given to including water quality status maps for the plan from the Neagh Bann and North West River Basin Management Plans to provide a spatial context to water quality within the County.
10. Consideration should be given to including a map showing the EPA classification of water quality within the plan area. It is noted that the Blackwater River, Dundonagh Stream and Clontibret Stream were identified as being of Poor Status Q3 of 2010. The WFD Classification also highlights surface waters including the River Blackwater and River Erne as being of Poor Status in 2011.
11. There would be merits in including a cumulative sensitivity/vulnerability map for the plan area, outlining areas of overlapping sensitivity which may have greater potential for

significant cumulative effects to be afforded significant protection in implementing the plan.

12. Significant environmental pressures as presented in Chapter 7 area noted. Consideration should be given to including Table 27 within the Non Technical Summary.
13. Consideration should be given to reviewing Chapter 8 Flood Risk Assessment to providing a map highlighting the recurring flood risk areas within the County identified by the OPW.
14. Chapter 4 Flooding and Spatial Planning of The Planning System and Flood Risk Management Guidelines for Planning Authorities should be fully integrated within the plan.
15. Consideration should be given to including a table showing how the assessment of the alternative development scenarios against the environmental issues listed in Schedule 2B(f) of S.I. No. 436 of 2004 to ensure a consistent approach was taken in determining a preferred development scenario. This should be reflected in the selection of the preferred development scenario.
16. Clarify 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.
17. Refer to the potential for cumulative effects in combination with other relevant Plans/Programmes and Projects.
18. Clarification should be given as to whether any potential significant transboundary effects have been identified and how the plan proposes to address/mitigate and manage these – this should include any potential effects on water quality, biodiversity, landscape etc.
19. There would be merit in providing a summary table outlining how each significant effect is linked directly to relevant mitigation measures, monitoring measures and where appropriate a specific policy or objective in the plan.
20. Mitigation measures should be included for all likely significant effects. The assessment of aims, policies and objectives as provided in Table 31 is noted. Where conflicts have been identified with EPOs, it should be ensured that adequate and appropriate mitigation measures are provided to address these.
21. Consideration should be given to the following:
  - a. The inclusion of monitoring frequencies
  - b. Monitoring of both positive and negative effects where they occur
  - c. Inclusion of the on-going review of environmental targets and indicators in the monitoring programme. Responsibility for this role should be clearly identified.

22. The monitoring programme should be flexible to take account of specific environmental issues as they arise and should be able to capture the possibility of cumulative effects.
23. While the monitoring programme sets out the various sources of data, the actual departments responsible for collecting, collating and analyzing the data should be identified as soon as possible after the plan has been adopted.
24. The monitoring programme should include information on how the monitoring proposed will allow unforeseen adverse effects to be identified and responded to as appropriate. Issues such as responsibility and appropriate remedial action should be addressed.

#### Response of the Manager

1. A Strategic Flood Risk Assessment is currently being carried for County Monaghan. Preliminary information obtained from the Historic Flood Maps, the Office of Public Works Benefitting Lands Maps, site visits and verified local knowledge has informed the draft development plan. This has resulted in the adoption of a precautionary approach to lands which either are currently at risk of flooding or could be at risk of flooding in the future under climate change. The completed Strategic Flood Risk Assessment will be factored into the statutory two year review of the development plan in 2015 and any necessary changes to the development plan will be progressed by way of variation.
2. Noted.
3. Maps indicating the status of surface waters (lakes and rivers) in the county are detailed in the River Basin Management Plans.
4. A Strategic Flood Risk Assessment is currently being carried for County Monaghan. In the interim, the suitability of lands for development having regard to flood risk, has been determined using preliminary information obtained from historic flood maps, information from the Office of Public Works, contour mapping and LIDAR information, site inspections, and assessment by County Council engineers. In addition the principles set out in the Department of Environment, Heritage and Local Government Guidelines "The Planning System and Flood Risk Management (2009)" have also been applied. This has resulted in the adoption of a precautionary approach being applied to lands which either are currently at risk of flooding or could be at risk of flooding in the future under climate change, where they have been excluded from development or restricted to development of a type that has a low vulnerability to flooding or is water compatible. The completed Strategic Flood Risk Assessment for the County will be factored into the statutory two year review of the development plan in 2015 and any necessary changes to the development plan will be progressed by way of variation.



5. **It is recommended that Section 3.2 of the Environmental Report is amended to state “sustainably develop the potential of each part of the County in economic, social and environmental terms”.**
6. Section 1.5 of the development plan refers to the Regional Planning Guidelines and indicates that Section 27 of the Planning and Development Act 2000 (as amended), requires that local authority development plans must be consistent with the regional planning guidelines in force for its area.
7. County Monaghan has two Natura 2000 sites, however only Kilroosky Lough Cluster SAC is located within close proximity to zoned land (Clones Town). Although Ramages Lough which is part of Kilroosky Lough Cluster SAC is included within the settlement envelop of Clones Town in the current development plan, the draft development no longer includes it within the settlement envelope. In addition, Policy WPP10 has been inserted within the draft development plan to ensure that development will not be permitted where there is a potential for a likely significant impact upon the groundwater or surface water supply to the Natura 2000 site. The policy states that the applicant will be requested to demonstrate with hydrological evidence that the proposed development will not affect the Natura 2000 site. Slieve Beagh SPA is not located within proximity to any lands which are zoned for development. The issue raised is dealt with in the Natura Impact Report. Therefore it is not necessary to amend Section Four of the Environmental Report.
8. Noted.
9. As point 3 above.
10. As point 3 above.
11. It is considered that the creation of a map containing all the information set out in Maps 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6 would be difficult to read given the number of layers of information that would be over laid on it.
12. Table 27 “Summary of Environmental Pressures within the County” is already contained within the Non Technical Summary.
13. As point 4 above.
14. Noted and agreed.
15. **It is recommended that the following table which illustrates how the assessment of the alternative development scenarios against the environmental issues listed in Schedule 2B(f) of S.I. No. 436 of 2004 is inserted into Section 5.1.4: Preferred Scenario of the Environmental Report.**

This table shall be referred to as *Table 2: Summary of Evaluation of Scenarios against SEA Environmental Objectives*.

	BFF	POP	HH	S	W	A	CF	MA	CH	L	
Alternative 1	-	0	-	-	-	-	-	-	-	-	Generally Negative
Alternative 2	+	-	-	+	+	+	+	-	0	+	Generally Positive
Alternative 3	+	+	+	+	+	-	-	+	0	+	Generally Positive

**+ = Positive Impact**

**- = Negative Impact**

**0 = Neutral Impact**

*BFF: Biodiversity, Flora and Fauna*

*POP: Population*

*HH: Human Health*

*S: Soils*

*W: Water*

*A: Air*

*CF: Climatic Factors*

*MA: Material Assets*

*CH: Cultural Heritage*

*L: Landscape*

#### **Alternative 1: Growth with Relaxed Planning Policies**

This scenario would involve minimal intervention in terms of strategic planning which would ultimately result in allowing development to follow market forces to a great extent and would take a short-term planning, economic, social and environmental approach.

#### **Alternative 2: Growth with Restrictive Planning Policies**

This scenario would represent a restrictive approach to the development in the county. This approach would result in the concentration of development within the larger towns of the county. Development would be served by appropriate infrastructure and there would be strict demarcation between urban and rural areas. Areas of the county which are the subject of ecological designations would be carefully managed and sustained. This approach would strengthen the main towns of the county but would also put pressure onto existing services and facilities in the towns and in addition, the vitality of the rural community would stagnate. This approach would have major environmental benefits but would result in a decline in the social, cultural and economic wellbeing of rural areas. This approach would not result in a coordinated, balanced growth of the county.

#### **Alternative 3: Planned Growth with Regulatory Planning Policies**

This scenario is based around the planned growth of the County and a sustainable settlement structure based on the Settlement/Core Strategy. This will afford for the balanced and sustainable development of the County. In this scenario, the principles of sustainable development are integrated into the Plan.

Scenario 3 is the preferred Scenario for the future development of County Monaghan and forms the basis of the preparation of the Draft Monaghan County Development Plan 2013-2019 (incorporating the development plans for the Towns of Monaghan, Carrickmacross, Castleblayney, Clones and Ballybay).

Scenario 3 affords for the most effective way of focusing growth and development within the county whilst ensuring the economic, environmental, cultural and social prosperity of the county.”

16. It is considered that the full range of environmental effects of the implementation of the plan was taken into consideration when compiling Table 31 of the Environmental Report.
17. The potential for cumulative effects in combination with other relevant Plans/Programmes and Projects has been taken into account in the Environmental Report.
18. It has been determined that the objectives, policies and land use zonings contained within the Draft Monaghan County Development Plan 2013-2019 do not have the potential for significant transboundary effects.
19. Table 32 outlines how the SEA process has shaped the drafting of the draft development plans. The table outlines how the environmental issues raised throughout the SEA process were incorporated into the draft plans as objectives and policies.
20. Where conflicts have been identified in Table 31, appropriate mitigation has been included through the objectives and policies contained within the draft development plan. **However it is recommended that further detail of the mitigation measures be included in the Environmental Report where appropriate. Refer to Appendix 1.**
21. **It is recommended that an updated table outlining monitoring frequencies of the effects of the implementation of the development over its lifetime and those responsible for this monitoring is included in Section 10 of the Environmental Report. (Refer to Appendix 2.)**
22. Noted.
23. Noted.
24. Noted.

5.6: Submission Ref: DMCDPER6

Person/Body: Jack Tenison

Location: Bawn

Core Issue: General Submission with regard to draft development plan and Bawn as a Tier 6 settlement.

#### Points Raised

1. New development at Bawn is contrary to environmental objective L1 of the SEA which states: "To protect and conserve the quality, character and distinctiveness of landscapes and avoid significant adverse impacts on the landscape and is in breach of the target which stated "no development permitted which results in avoidable visual impacts on the landscape".

#### Response of the Manager

1. Noted. The Environmental Objectives stated within the Environmental Report provide a standard against which the Objectives and Policies of the draft development plan were proofed or tested for compatibility so that the potential significant adverse environmental impacts and significant positive impacts could be highlighted; this is indicated in Table 31 of the Environmental Report. In addition, it should be noted that any residential development proposed within a Tier 6 settlement will be subject to the requirements of the remaining relevant policies contained within the draft development plan.

5.7: Submission Ref: Submission DMCDPER7

Person/Body: Department of Arts, Heritage and the Gaeltacht

Location: Not applicable.

Core Issue: Architectural and Built Heritage

Points Raised

1. Table 23 of the SEA contains inaccuracies regarding National Monuments in State Care or Subject to Preservation Orders. Submission includes details of same.

Response of the Manager

1. **Noted. It is recommended that Table 23 (Now Table 24) of the Environmental Report be amended as follows:**

National Monument Ref	Status	Site Type	Townland	RMP No.
111	Ownership	Round Tower	Crossmoyle, Clones	MO011/01002
111	Ownership	Church	Crossmoyle, Clones	MO011-01001
112	Ownership	High Cross	Crossmoyle, Clones	MO011-01005
382	Ownership	Mannan Castle (Motte & Bailey)	Donaghmoyne	MO028-118
200	Owenship	Round Tower	Iniskeen	MO029-031002
564	Guardianship	Cairn	Mullyash, Tavanaska	MO015-007
367	Ownership	Cairnbaine Court Tomb	Tiredigan	MO012-041
4/90	Preservation Order	Black Pigs Dyke (Linear Earthwork)	Annagheane	MO016-012
7/84	Preservation Order	Ringfort	Doora	MO027-006
1/82	Preservation Order	Crannog	Loughoony	MO012-006
3/87	Preservation	Ringfort	Ture	MO017-030

	<b>Order</b>			
<b>39/74</b>	<b>Preservation Order</b>	<b>Standing Stone</b>	<b>Miskish More</b>	<b>MO0290913</b>

## **Appendix 1: Amendments to Section 12.0 of the Environmental Report**

### **12.0: Mitigation Measures**

Schedule 2B of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 requires that consideration be given to “the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan”. ~~Mitigation involves improving significant negative effects and enhancing positive ones.~~

~~Each policy and objective of the draft development plans were individually assessed, details of which are provided in **Table 31**. Recommended mitigation (changes) which resulted as part of this assessment is identified in **Table 32**.~~

~~There are policies which have been identified as having potential impact on Strategic Environmental Objectives and uncertain interaction with the Strategic Environmental Objectives, the majority of these shall be subject to further detailed assessment and mitigation at implementation stage through best practice in the development management process and implementation of the Plan. In addition certain applications for developments within the County may be subject to individual Environmental Impact Assessments and Appropriate Assessments.~~

**Mitigation involves ameliorating significant negative effects. Where there are significant negative effects, consideration is given in the first instance to preventing such effects or, where this is not possible for stated reasons, to lessening or offsetting those effects. Mitigation measures can be roughly divided into those that: avoid effects; reduce the magnitude or extent, probability and/or severity of effects; repair effects after they have occurred, and; compensate for effects, balancing out negative impacts with other positive ones.**

~~The SEA of the Draft Plan was carried out in-house; as such environmental vulnerabilities, issues and constraints were considered in the first instance through the plan writing process and in this regard formulated with the explicit intention of protecting the environment and avoiding potentially adverse environmental impacts. The ‘Assessment’ proper as outlined in table 31 of this document assessed each aim, objective and policy individually and recommended mitigation (changes) are identified in table 32, namely policy changes.~~

**The mitigation measures referred to below will act to prevent, reduce and as much as possible offset any significant effects of implementing the Draft Monaghan County Development Plan 2013-2019 (incorporating the Development Plans for the Towns of Monaghan, Carrickmacross, Castleblayney and Clones).**

#### **12.1 Mitigation through Consideration of Alternatives**

**A range of potential alternative scenarios for the plan were identified at an early stage in the process and evaluated for their likely significant environmental effects. The environmental baseline and the Environmental Objectives were used in order to predict and evaluate the environmental effects of implementing the alternatives. Communication of the findings of this evaluation helped the plan-making team to make an informed choice as to which alternative was to be put before the Elected Members as the proposed draft Plan. Communication of this evaluation to the Elected**

Members through this report helped them to make an informed choice with regard to the making of the Plan.

## 12.2: Re-worded Policies and Objectives.

This section shows how certain plan provisions were re-worded as a result of the SEA and AA processes. The text in **red** is new text added to the original objective/policy. It is considered that the inclusion of these objectives/policies will offset any significant environment effects regarding the implementation of the plan.

### Chapter 3: Settlement/Core Strategy

Inclusion of policies CSP1, RHP1, RHP10, RHP12.

### Chapter 4: Environment and Heritage

Inclusion of objectives HPO1, GHO1, BDO 5, BDO6, SBP1. DSP1, WLO1. WLP 1, AAO1. WPO4 and WPO5. ABO5 and ABO6. PSO4. AHO3. AQO 3 and AQO4

Inclusion of policies AAP1-AAP5 WPP2, WPP5, WPP10, WPP11, WPP12 ABP1. PSP2

Amendment to objective BDO4: Promote the **RETENTION**, management and development of wildlife features such as hedgerows, riparian corridors, wetland **AND OTHER SEMI NATURAL FEATURES** that are essential for the migration, dispersal and generic exchange of wild species. **IN EXCEPTIONAL CIRCUMSTANCES, WHERE IT HAS BEEN DEMONSTRATED TO THE SATISFACTION OF THE PLANNING AUTHORITY THT THE REMOVAL OF HABITATS OF LOCAL BIODIVERSITY VALUE CANNOT BE AVOIDED, EQUAL QUANTITIES OF HABITAT MUST BE REINSTATED. DETAILS OF WHICH MUST BE AGREED WITH THE PLANNING AUTHORITY.**

Amendment to policy THP1: protect trees and hedgerows from development that would impact adversely upon them. **DEVELOPMENT PROPOSALS WHICH NECESSITATE THE REMOVAL OF EXTENSIVE AMOUNTS OF TREES AND HEDGEROWS SHOULD BE AVOIDED AND TRANSPLANTING OF EXSITING TREES AND HEDGEROWS SHOULD BE EMPLOYED WHERE APPROPRIATE.**

Amendment to policy THP3: ensure that existing mature trees, woodlands and hedgerows are, as far as practicable, preserved and incorporated into any new developments or where removal is avoidable **COMPENSATORY PLANTING OF AT LEAST EQUAL AMOUNTS OF NATIVE TREES AND SHRUBS SHOULD BE UNDERTAKEN.** ~~Replaced by new native planting~~

Amendment to policy WPP1: In assessing applications for development Monaghan County Council will consider the impact on the quality of surface waters and will have regard to targets and measures set out in the Neagh Bann and North Western International River Basin Management Plans **AND WHERE APPROPRIATE THE BLACKWATER, GLYDE, FANE, WOODLAND AND ERNE EAST WATER MANAGEMENT UNIT ACTION PLANS.**

Amendment of objective GIO1: Develop a Green Infrastructure Strategy within County Monaghan during the life-time of the development plan, **ENSURING THE PROTECTION OF COUNTY MONAGHAN'S NATURA 2000 SITES ARE CENTRAL TO THIS STRATEGY. THIS STRATEGY SHALL BE PREPARED IN FULL COMPLIANCE WITH THE REQUIREMENTS OF SEA AND HABITATS DIRECTIVE.**



### **Chapter 5 Economic Activity**

Inclusion of objectives: RUO1, AGO1, FYO1, CCO1-CCO4, ERO1, ERO10 INO1. EIO1 RTO1 TMO1

### **Chapter 6 Infrastructure and Services**

Inclusion of objectives: TRO1 PTO1 RNO1, RNO7 and RNO8 URO1 and URO5 WSO1 and WSO8 WTO1, WTO9. FLO1, FLO2, FLO6. WMO1 TEO1. FSO1 and CDO1.

Inclusion of policy: MAP1.

Amendment to WTO6: "Complete the proposals outlined in the Water Services Investment Programme and Assessment of Needs Report 2010-2013, subject to funding. **WHERE NEW OR UPGRADES TO WASTE WATER TREATMENT PLANTS ARE PROPOSED, THESE SHALL FULLY COMPLY WITH THE WATER FRAMEWORK DIRECTIVE AND THE URBAN WASTE WATER REGULATIONS**".

Amendment of Policy WTP1: "Development **PROPOSING TO CONNECT TO THE PUBLIC WASTEWATER TREATMENT SYSTEM** shall be limited or restricted in those areas where capacity is ~~not available~~ **INSUFFICIENT TO ACCOMMODATE THE DEMANDS OF THE DEVELOPMENT** and where funding is unavailable to increase the ~~size~~ **CAPACITY** of the relevant facility.

Amendment of Policy WMP3: "Apply the 'Polluter Pays' Principle, **PROXIMITY PRINCIPLE, PRECAUTIONARY PRINCIPLE OF SHARED RESPONSIBILITY IN ALL WASTE MANAGEMENT INITIATIVES**".

### **Chapter 7: Development of Community Infrastructure**

Inclusion of objectives: CIO1, CIO12, ACO1, CFO1, RAO1, RAO 14, CWO1, CWO2 and CWO3, TAO1, NHO1. SEO1

Inclusion of policy: SEP1

### **Chapter 8: Strategic Objectives for Settlements**

Inclusion of objective: SSO14, SSO16, SSO17, SSO18, SSO19, SSO20, UDO 1, TCO1, SRO1, IEO1, RPO1, SNO1, SBO1, REO1, STO1

### **Chapter 9 – Monaghan Town Development Plan**

Inclusion of objectives: MN1, MN4, MN6, MN8, MN11, MN13, MN14

### **Chapter 10 – Carrickmacross Town Development Plan**

Inclusion of objectives: CK1, CK4, CK8, CK11, CK13, CK17

### **Chapter 11 – Castleblayney Town Development Plan**

Inclusion of objectives: CBO1, CBO5, CBO7, CBO9, CBO11

### **Chapter 12 – Clones Town Development Plan**

Inclusion of objectives: CLO1, CLO2, CLO6, CLO9, CLO11, CLO14

### **Chapter 13 – Ballybay Town Development Plan**

Inclusion of objectives: BBO1, BBO5, BBO7, BBO11

### **Chapter 14 – Village Development Plans**

Inclusion of objective: VPO1

## **Chapter 15 – Development Management Guidelines**

Inclusion of policies: TVP1, SFP9, ASP1, HDP1, RDO1, RDP1, RAP2, TAP1, ADP1, AFP1, AFP9, AFP10, CDP1, REP1, REP3, REP4, TEP1, TEP2, EGP1, INP1, EIP1, EIP2, RTP1, TOO1, TOO2, NRP9.

Amendment of policy LSP1 “Existing trees and hedgerows soften the visual impact on any new development, give shelter and maturity to the site, and should be retained. **DEVELOPMENT PROPOSALS WHICH NECESSITATE THE REMOVAL OF EXTENSIVE AMOUNTS OF TREES AND HEDGEROWS WILL BE RESISTED**”.

Amendment of policy LSP3 “Careful consideration should be given to roadside boundary treatments and access. The disruption of existing boundary features should be avoided. Trees, hedgerows, stone walls and earthen embankments are an attractive part of the rural scene and should be retained. Where these have to be removed to provide the required sight distance, they should be reinstated behind the sight lines. The removal of excessive amounts of roadside vegetation should be avoided. **TRANSPLANTING OF EXISTING TREES AND HEDGEROWS SHOULD BE EMPLOYED AS APPROPRIATE**”.

Amendment of policy TEP7 “Masts or other apparatus shall not generally be permitted in areas of Primary or Secondary Amenity, **SPECIAL PROTECTION AREAS, SPECIAL AREAS OF CONSERVATION**, in Architectural Conservation Areas or on or near Protected Structures”.

Amendment of policy INP7 “Industrial development shall not generally be permitted in areas of Primary or Secondary Amenity, **SPECIAL PROTECTION AREAS, SPECIAL AREAS OF CONSERVATION**, in Natural Heritage Areas, in Architectural Conservation Areas or on or near Protected Structures or Monuments”.

Amendment of policy EIP4 “**EXTRACTIVE INDUSTRY** development shall not generally be permitted in **SPECIAL PROTECTION AREAS, SPECIAL AREAS OF CONSERVATION**, areas of Primary or Secondary Amenity, in Natural Heritage Areas, in Architectural Conservation Areas or on or near Protected Structures or Monuments, unless where the Council is of the opinion that the need for the resource outweighs the environmental impact, having regard to the scarcity or otherwise of the mineral resource. In all circumstances the Council will balance the case for a particular quarrying operation against the need to protect the environment”.

Amendment of policy EIP9 “**ALL APPLICATIONS FOR EXTRACTIVE INDUSTRY PROPOSALS MUST BE ACCOMPANIED BY AN INTEGRATED PHASED DEVELOPMENT AND RESTORATION PLAN FOR AFTER CARE/REUSE OF THE SITE**”. ~~Ensure that land is reinstated and landscaped on a phased basis following the termination of extractive activities.~~

Amendment of policy TOO3 “**RESIST DEVELOPMENT THAT WOULD ADVERSLEY AFFECT THE NATURAL RESOURCES UPON WHICH TOURISM IS BASED**” ~~Protect through the enforcement of policies in relation to resource protection and holiday home development.~~

Amendment of policy TOO5 “Facilitate infrastructure for water related activities such as canoeing/kayaking, boating, angling, and canal cruising. **SUCH DEVELOPMENTS MUST BE CONSISTENT WITH THE NATURAL AND RECREATIONAL VALUE OF THE WATER BODY AND ANY HERITAGE DESIGNATION**”.

Amendment of policy TOO6 “Facilitate infrastructure for marine related activities such as boating, angling, and canal cruising. **SUCH DEVELOPMENTS MUST BE CONSISTENT**

WITH THE NATURAL AND RECREATIONAL VALUE OF THE WATER BODY AND ANY HERITAGE DESIGNATION”.

**Chapter 16: Housing Strategy**

Inclusion of objective HGO1 and policy HGP1.

## **Appendix 2: Updated version of Section 10.0 of the Environmental Report.**

### **10.0: Monitoring, Environmental Objectives, Indicators and Targets**

The environmental indicators and targets presented below will be used to monitor the predicted environmental impacts of implementing the Plan.

Monitoring will be based around the objectives, indicators and targets outlined below and will commence at an early stage to help identify unforeseen adverse effects and the undertaking of appropriate remedial action.

~~The list of environmental objectives is indicated in table 28 below and is based upon Table 4B of the DoEHLG Guidelines (2004)~~

#### **10.1: Responsibilities**

**Monaghan Local Authorities will be responsible for monitoring the environmental effects of the implementation of the Monaghan County Development Plan 2013-2019 (Incorporating the Development Plans for the Towns of Monaghan, Carrickmacross, Castleblayney, Clones and Ballybay). However, there are a number of state bodies who have monitoring responsibilities, e.g. the Environmental Protection Agency, the National Parks and Wildlife Service, and the Central Statistics Office. Information from such authorities will need to be acquired to carry out a comprehensive monitoring programme of the Monaghan County Development Plan 2013-2019.**

#### **10.2: Indicators, Targets and Thresholds**

**Monitoring is based around the indicators which were chosen earlier in the process. These indicators allow quantitative measures of trends and progress over time relating to the SEOs used in the evaluation. Focus will be given to indicators which are relevant to the likely significant environmental effects of implementing the Plan and existing monitoring arrangements will be used, where possible, in order to monitor the selected indicators. Each indicator to be monitored will be accompanied by the relevant target(s) which were identified and/or developed depending on the availability of legislation and/or guidelines. Table 29 outlines the objectives for each environmental parameter together with their associated targets, indicators and the responsible authority.**

#### **10.3 Frequency of Reporting**

**Section 15(2) of the Planning and Development Act, 2000 (as amended) states that the Manager shall, not later than two years after the making of a development plan, give a progress report to the Elected Members regarding the implementation of the Plan. The Statutory Manager's Report on Progress in achieving the objectives of the Development Plan 'shall include information in relation to the progress on, and the results of monitoring the significant environmental effects of implementation of the development plan'. It is expected that these reports will be issued to the designated Environmental Authorities and made available on the County Council website.**