

APPROPRIATE ASSESSMENT CONCLUSION STATEMENT

FOR THE CAHIR LOCAL AREA PLAN 2021-2027

for: Tipperary County Council

Civic Offices
Nenagh
Co. Tipperary



Comhairle Contae Thiobraid Árann
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by:

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Table of Contents

Section 1	Introduction and Background	1
1.1	Introduction.....	1
1.2	Legislative Requirements in relation to AA	1
1.3	AA Conclusion Statement	1
Section 2	How the findings of the AA were factored into the Plan	2
Section 3	Consideration of Alternatives	3
3.1	Summary of Description and Assessment of Available Reasonable Alternatives	3
3.2	Reasons for choosing the alternatives for the Plan in the light of the other reasonable alternatives	5
Section 4	AA Determination	6

List of Tables

Table 1.1	Matters taken into account by the AA	1
Table 2.1	Matters taken into account by the AA	2
Table 3.1	Selected Alternatives for the Plan.....	5

Section 1 Introduction and Background

1.1 Introduction

This is the Appropriate Assessment (AA) Conclusion Statement for the Cahir Local Area Plan. The obligation to undertake AA derives from Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC as transposed into Irish legislation by, inter alia, the Planning and Development Act 2000, as amended. AA is a focused and detailed impact assessment of the implications of a strategic action (such as a plan or programme) or project, alone and in combination with other strategic actions and projects, on the integrity of any European Site in view of its conservation objectives. This AA Conclusion Statement should be read in conjunction with the Plan and associated documents including the AA Natura Impact Statement (NIR).

1.2 Legislative Requirements in relation to AA

In carrying out the AA for the Plan, Planning and Development Act 2000, as amended, requires, inter alia, that the Council considers the matters arrayed in the first column on Table 1.1 below. The second column identifies how these issues have been addressed.

Table 1.1 Matters taken into account by the AA

Matter specified by the Regulations	How addressed by AA
(a) the Natura Impact Report	An AA NIR accompanies this AA Conclusion Statement and the Plan
(b) any supplemental information furnished in relation to any such report	
(c) if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Report	This AA Conclusion Statement accompanies the NIR that provides additional detail on European Sites.
(d) any information or advice obtained by the public authority	
(e) if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project	Submissions made during the Plan preparation/AA process that were relevant to the AA resulted in updates being made to the AA NIR.
(f) any other relevant information	Proposed Material Alterations were screened for the need to undertake Stage 2 AA (Stage 2 AA was determined not be required).

In addition to the above, the Regulations require that the Council makes available for inspection a determination regarding the outcome of the assessment with respect to whether or not the Plan would adversely affect the integrity of a European site (a copy of this determination is provided at Section 4).

1.3 AA Conclusion Statement

Non-Statutory AA guidance (Department of Environment, Heritage and Local Government, 2009) states that (Section 4.14) it *"is recommended that planning authorities include a clear and discrete AA Conclusion Statement as a distinct section in the written statement of the plan separate to the SEA statement."* This guidance recommends that the following issues are addressed by the AA Conclusion Statement:

- Summary of how the findings of the AA were factored into the Plan (see Section 2);
- Reasons for choosing the Plan as adopted, in the light of other reasonable alternatives considered as part of the AA process (see Section 3);
- A declaration that the Plan as adopted will not have an adverse effect on the integrity of European Sites (provided at Section 4); and
- The NIR (the AA NIR is accompanied by this AA Conclusion Statement and has informed the AA Determination – see Section 4).

As recommended, this AA Conclusion Statement addresses the above issues.

Section 2 How the findings of the AA were factored into the Plan

The SEA and AA team worked with the Plan-preparation team at the Council in order to integrate requirements for environmental protection and management into the Plan.

The Plan was prepared in an iterative manner whereby the Plan and AA documents have informed subsequent versions of the other. The findings of the AA were integrated into the Plan through mitigation measures. These mitigation measures ensure that there will be no significant effects to the ecological integrity of any European site from implementation of the Plan. The mitigation measures most relevant to the protection of European sites are identified in Table 2.1 below.

Furthermore, the detailed Plan preparation process undertaken by the Planning Department combined with specialist input from the SEA and AA process facilitated zoning that avoids inappropriate development being permitted in areas of high ecological sensitivity.

Table 2.1 Matters taken into account by the AA

Mitigation Measures within the Plan, including:	
SD2.	Ensure all proposals comply with the policies, objectives and development management standards of the South Tipperary County Development Plan 2009 (and any review thereof).
TC2.	Facilitate the re-development of Town Centre Opportunity Sites (as identified in Figure 10) in accordance with the guidance set out Appendix 1 and compliance with the development management standards of the County Development Plan
ED3.	Monitor and manage any increases in visitor numbers in order to avoid significant effects including loss of habitat and disturbance and impacts on existing infrastructure. Visitor / habitat management plans will be required for proposed tourism projects as relevant and appropriate.
EDO6.4	Develop Cahir as 'Destination Town' and to seek funding to realise this objective in accordance with Fáilte Ireland's Destination Town Guidelines
Strategic Aim 5: Natural and Built Heritage	
To safeguard, showcase and support the sustainable development of the natural and built heritage of the town; enhancing amenity and providing a high quality environment for locals, visitors and future generations.	
NBH1.	Protect and conserve the integrity and ecological and biodiversity value of the Lower River Suir SAC and the Cahir Woodlands NHA. Ensure that any development proposals within or adjacent to the Lower River Suir SAC are appropriately screened, and assessed if necessary, in accordance with the Habitats Directive
NBH2.	Seek to ensure that new plans or projects would not result in significant climatic impacts on European sites because of their scale, resource or transportation requirements, operation or emissions, either cumulatively or in combination with other development.
NBH5.	Require, where the presence of non-native species is identified at the site of proposed development, new development to detail how invasive species will be managed and controlled.
NBH08.2	Support the community-led projects to develop the blue and green infrastructure in the town to enhance the biodiversity and conservation value of the river corridor.
IU1.	Ensure that adequate and appropriate water services infrastructure is provided in accordance with the requirement of Irish Water and as part of new development proposals.
IU2.	Support the sustainable and efficient use of existing capacity in water services in the planning of new development and compliance with the European Union (Drinking Water) Regulations Drinking Water Regulations 2014 (as amended)
IU3.	Require that all development proposals demonstrate that appropriate Sustainable Urban Drainage Systems (SuDS) are examined and were feasible provided;
IU09.1	Support and work in co-operation with Irish Water to up-grade the public waste water treatment plant in the town.
SD3.	Require new development to incorporate best practice in low-carbon planning through the efficient use of land, reduced energy use and carbon output and to enhance the bio-diversity of the town, in accordance with the Climate Action Plan.
<i>County Development Plan Provisions, including</i>	
Policy LH8: Inland Waters and Riparian Zones It is the policy of the Council to protect the ecological status and quality of watercourses. In order to maintain the natural function of existing ecosystems associated with water courses and their riparian zones and to encourage sustainable public access to waterbodies, the Council will require an undisturbed edge or buffer zone to be maintained, where appropriate, between new developments and riparian zones of water bodies.	
TI12: Noise Emissions: It is the policy of the Council to ensure that new development does not result in significant noise disturbance and to ensure that all new developments are designed and constructed to minimise noise disturbance in accordance with the provisions of the Noise Action Plan 2013, the Development Management Standards set out in Chapter 10 and relevant standards and guidance that refer to noise management ¹ .	
Policy TI13: Light Pollution	
It is the policy of the Council to ensure that new development does not result in significant disturbance as a result of light pollution and to ensure that all new developments are designed and constructed to minimise the impact of light pollution on the visual, environmental and residential amenities of surrounding areas in accordance with the provisions of the Development Management Standards set out in Chapter 10 ² .	

¹ The Council will require new developments to submit a Noise Impact Assessment and appropriate mitigation measures as part of their planning application. This provision will apply to the following: a. For new developments that are likely to generate noise nuisance or an unacceptable impact on sensitive receptors, b. For new developments within the current Action Planning Area as set out in the Tipperary County Council Noise Action Plan, 2014 or c. For developments near major roads (i.e. traffic volumes in excess of 3 million vehicles per annum or otherwise on a case by case basis.) Where developments are planned adjacent to major roads, the planning application shall incorporate acoustical planning into the development design e.g. designing the development so that the access road is adjacent to the major road noise source. It may also involve the use of buffer zones and/or noise barriers and traffic calming measures. In permitting new development outside of the Action Planning Areas identified in the Noise Action Plan 2013, the Council will refer to the appropriate regulations and guidance in place,

² All new public lighting shall be designed and installed to meet minimum design standards and will also incorporate the principles of Energy-Efficient Design into the design process. Proposals for new development including or likely to require external lighting shall include details of lighting schemes to comply with minimum standards and best practice in energy efficient design. All new multi-unit residential and commercial development shall identify the following on a site layout plan to an appropriate scale at planning application stage: • The appropriate lighting specification to perform the lighting task necessary to the most energy efficient standard. • Include measures to minimise light spillage and pollution through design, layout and specification. • Avoid dazzle or distract of drivers on nearby public roads to the standards of TII.

Section 3 Consideration of Alternatives

3.1 Summary of Description and Assessment of Available Reasonable Alternatives

Contributing towards the protection of ecology and European sites was one of the key environmental issues in the consideration of alternatives to the Plan.

3.1.1 Tier 1: Prepare a Plan or not

(Tier 1) Alternative A: Prepare a New Plan for Cahir³

This alternative involves preparing the Local Area Plan in order to provide a six-year framework for the planned, co-ordinated and sustainable development of Cahir Town and in order to replace the existing Cahir Local Area Plan 2011-2017 (as extended).

By preparing a new Local Area Plan to replace the existing Cahir Local Area Plan 2011-2017 (as extended), this alternative would allow for the local planning framework for the town to be updated to take account of the higher level planning framework and associated requirements (much of which was published or updated following adoption of the Plan in 2011, including the National Planning Framework, the Southern Regional Spatial and Economic Strategy and the Tipperary County Development Plans) and environmental information and requirements, including that related to flood risk. This approach would benefit each environmental component the most and would provide the highest levels of certainty and coherency to both decision makers and stakeholders, including residents and potential developers. Applications for developments would be more likely to be successful and residual adverse effects would be least likely.

(Tier 1) Alternative B: Do Not Prepare a New Local Area Plan for Cahir

This alternative involves not preparing the Local Area Plan and allowing the existing Cahir Local Area Plan 2011-2017 (as extended) guide development in the town.

By not preparing a new Local Area Plan to replace the existing Cahir Local Area Plan 2011-2017 (as extended), this alternative would not allow for the local planning framework for the town to be updated to take account of the higher level planning framework and associated requirements (much of which was published or updated following adoption of the Plan in 2011, including the National Planning Framework, the Southern Regional Spatial and Economic Strategy and the Tipperary County Development Plans) and environmental information and requirements, including that related to flood risk. This approach would benefit each environmental component the least and would provide the lowest levels of certainty and coherency to both decision makers and stakeholders, including residents and potential developers. Applications for developments would be less likely to be successful and residual adverse effects would be most likely.

3.1.2 Tier 2: Serviced Land and Infrastructure Assessment Alternatives

(Tier 2) Alternative A: A Plan prepared using a Serviced Land and Infrastructure Assessment approach⁴

This alternative involves preparing the Plan using a Serviced Land and Infrastructure Assessment approach. It is noted that methodologies for this approach are set out in higher level documents, including the National Planning Framework and the 2013 Local Area Plan Guidelines for Planning Authorities, however this tier of alternatives is being considered by the assessment in order to demonstrate its environmental benefits.

³ This is the selected alternative

⁴ This is the selected alternative

Relevant sites were identified that could contribute towards the population growth to be provided for. They were comparatively assessed against infrastructural requirements (relating to water supply and waste water) and planning issues (relating to compact growth, public transport and co-ordinated development). More detail on this approach is provided in Appendix 2 to the Plan.

The serviced land and infrastructure assessment approach under this alternative would allow for water supply, waste water, compact growth, public transport and co-ordinated development considerations to be integrated into the Plan to the highest degree. This approach would benefit the protection of various environmental components. Although potentially adverse effects associated with land use development would exist, they would be mitigated to a significant degree.

(Tier 2) Alternative B: A Plan prepared not using a Serviced Land and Infrastructure Assessment approach

This alternative involves preparing the Plan while not using the Serviced Land and Infrastructure Assessment approach.

By not following a serviced land and infrastructure assessment approach, this alternative would not allow for water supply, waste water, compact growth, public transport and co-ordinated development considerations to be integrated into the Plan to the highest degree. An opportunity to mitigate potentially adverse effects arising from land use development to a significant degree would have been missed.

3.1.3 Tier 3: Growth Model Alternatives

(Tier 3) Alternative A: Consolidated Growth Model⁵

This Growth Model focuses development on the town centre, promoting the re-use of existing properties and the targeted re-development of infill and strategic brownfield site for residential, commercial, and community uses. Complimentary 'edge-of-centre' new residential sites will support the developed of additional options to meet the housing needs of the town. Proportionate growth of employment and industry would also be supported adjacent to existing employment sites in the town. This alternative growth model directly aligns with the National Planning Framework and the Southern Region and Spatial and Economic Strategy in terms of supporting compact growth development, sustainable land management and regeneration of town centres.

By consolidating land use zoning and reducing unnecessary land use zoning this Growth Model would provide for a more compact form of development that would help to maximise benefits from infrastructural investment. By consolidating the zoning and helping to avoid unnecessary sprawl, this alternative would: increase the likelihood of brownfield development; contribute towards efforts to improve sustainable mobility (with associated effects on energy, air, noise and human health); and would benefit the protection of multiple environmental components.

This alternative is the most sustainable of the three growth model alternatives and would be likely to contribute towards environmental protection and management the most.

(Tier 3) Alternative B: Western Expansion of the Town

This Growth Model would promote the development of the town centre, alongside the development of new node of residential development to the west of the town on the Mitchelstown Road. Proportionate growth of employment and industry would also be supported adjacent to existing employment sites in the town.

Development of the new node of residential development to the west of the town on the Mitchelstown Road would be unnecessary given the population growth for the town and available lands within and closer to the centre. It is premature and would not wholly align with objectives relating to sequential development.

⁵ This is the selected alternative

A new centre for convenience goods and services would serve the existing and new communities to the west of the town. Although this alternative would promote town centre development too, the new centre would adversely affect the vibrancy of the town centre, diluting the primacy of the town centre as a focus for new development. New development in this location would require new infrastructure and services, particularly road infrastructure.

The greenfield development of the western secondary centre and associated development of roads infrastructure would result in unnecessary and avoidable potential impacts upon various environmental components.

(Tier 3) Alternative C: Selection of New Growth Areas

This Growth Model would promote the development of the town centre, and the development of individual plots of land on the radial routes within the town. Proportionate growth of employment and industry would also be supported adjacent to existing employment sites in the town.

The development of individual plots of land adjacent to the radial routes out of the town centre would facilitate new housing estates, however this would be unnecessary given the population growth for the town and available lands within and closer to the centre. It is premature and would not wholly align with objectives relating to sequential development.

Although this alternative would support the regeneration of the town centre too, facilitating the new radial housing estates would make infill and brownfield development less likely. The new estates would be distant from the primary amenity areas for the town, public services, and shopping, and would therefore adversely affect the vibrancy of the town centre. The new estates would not be as aligned with efforts to improve sustainable mobility as town centre or edge of centre development would be.

The greenfield development of these estates would result in unnecessary and avoidable potential impacts upon various environmental components. New development at these locations would also require new water services infrastructure.

3.2 Reasons for choosing the alternatives for the Plan in the light of the other reasonable alternatives

Selected alternatives for the Plan from each of the three tiers of alternatives that emerged from the planning/SEA process are indicated on Table 3.1 below.

These alternatives have been selected and developed by the Planning Team, placed on public display and adopted by the Council having regard to both:

1. The environmental effects, including those relating to ecology and European sites, which were identified by the SEA and are summarised above; and
2. Planning - including social and economic - effects that also were considered by the Council.

Table 3.1 Selected Alternatives for the Plan

Tier	Alternatives Considered	Selected Alternative
Tier 1: Prepare a Plan or not	Alternative A: Prepare a New Plan for Cahir	Alternative A: Prepare a New Plan for Cahir
	Alternative B: Do Not Prepare a New Local Area Plan for Cahir	
Tier 2: Serviced Land and Infrastructure Assessment Alternatives	Alternative A: A Plan prepared using a Serviced Land and Infrastructure Assessment approach	Alternative A: A Plan prepared using a Serviced Land and Infrastructure Assessment approach
	Alternative B: A Plan prepared not using a Serviced Land and Infrastructure Assessment approach	
Tier 3: Growth Model Alternatives	Alternative A: Consolidated Growth Model	Alternative A: Consolidated Growth Model
	Alternative B: Western Expansion of the Town	
	Alternative C: Selection of New Growth Areas	

Section 4 AA Determination

Appropriate Assessment Determination

under
Section 177V of the Planning and Development Act 2000, as amended,
for the

Cahir Local Area Plan 2021-2027

In order to comply with the requirements of Section 177V of the Planning and Development Act 2000, as amended, and pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would adversely affect the integrity of a European site, this Appropriate Assessment determination is being made by Tipperary County Council relating to the potential for the Cahir Local Area Plan 2021-2027 that is being adopted to have significant effects on European sites.

In carrying out this Appropriate Assessment, the Council is taking into account the matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including the following:


- The Natura Impact Report prepared for the Draft Cahir Local Area Plan 2021-2027;
- The AA Screening Report for the Proposed Material Alterations to the Draft Cahir Local Area Plan 2021-2027;
- Written submissions made on the Draft Plan, Proposed Material Alterations and associated documents, while they were placed on public display;
- Ongoing advice on AA from the Council's agents.

The AA documents and advice referred to above have been carefully considered and their reasoning and conclusion agreed with and adopted.

It is determined that:

- Implementation of the Plan would have had the potential to result in effects to the integrity of European sites, if unmitigated.
- The risks to the safeguarding and integrity of the qualifying interests, special conservation interests and conservation objectives of the European sites have been addressed by the inclusion of mitigation measures that will prioritise the avoidance of effects in the first place and reliably mitigate effects where these cannot be avoided. In addition, any lower-level plans and projects arising through the implementation of the Plan will themselves be subject to AA when further details of design and location are known.
- In-combination effects from interactions with other plans and projects have been considered in this assessment and the mitigation measures have been incorporated into the Plan – these measures are robust and will ensure there will be no adverse effects on the integrity of European sites as a result of the implementation of the Plan either alone or in-combination with other plans/projects.
- Having incorporated mitigation measures, the Plan is not foreseen to give rise to any adverse effect on the integrity of European sites, alone or in combination with other plans or projects¹. This evaluation is made in view of the conservation objectives of the habitats or species, for which these sites have been designated.

Signed: _____



Name: Eamon Lonergan, A/Director of Services

Date: 01/04/2021

¹ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be:
a) no alternative solution available,
b) imperative reasons of overriding public interest for the plan to proceed; and
c) Adequate compensatory measures in place.