

I refer to the notification sent to the Department of Culture, Heritage and the Gaeltacht on 17 July, 2020 in connection with the above draft development plan. Attached are underwater archaeology and nature conservation observations as co-ordinated by the Development Applications Unit under the stated headings below.



Planning Ref: **FP2020/039**

(Please quote in all related correspondence)

7 October, 2020

Forward Planning Section
Offaly County Council
Áras an Chontae,
Charleville Road,
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County Offaly

Re: Draft Offaly County Development 2021-2027

A chara

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Outlined below are underwater archaeology and nature conservation observations as co-ordinated by the Development Applications Unit under the stated headings below.

Archaeology

Having considered the ' Built Heritage' and 'Climate Action ' sections of the **Draft Plan** together with the previous Development Plan, it is noted that the archaeological heritage, including underwater cultural heritage and the published *Climate Change Sectoral Adaptation Plan for Built and Archaeological Heritage¹ (2019)* should to be referenced and highlighted to include amendments / updated information referenced in the previous plan.

The section on the archaeological heritage would benefit from being expanded to include stating that the underwater archaeological resource can also be found in the inland waterways – rivers and lakes, including islands in lakes, and such environments can retain rich underwater cultural heritage. Examples of sites may include slipways, fishtraps, fording points and wrecks or smaller craft, e.g. logboats. Artefactual material may also be found within these submerged environments.

¹ <https://www.chg.gov.ie/heritage/climate-change/the-built-and-archaeological-heritage-climate-change-sectoral-adaptation-plan/>



Certain developments can have both a direct and indirect impact on the underwater cultural heritage. These include Flood Relief Schemes, inland waterways and marine dredging programmes, drainage schemes, etc. Flood Risk Assessments can inform, through detailed archaeological assessment, the cultural heritage potential for areas that may be impacted on by proposed relief measures, and this in turn can facilitate the development of an agreed management and protection strategy for the Offaly's archaeological heritage which can allow for progress in areas like flood relief requirements, while protecting the cultural resource.

Any proposed Development Plan should, as part of the Cultural Heritage Section, have definitive sections/policies on the protection of Offaly's terrestrial and underwater cultural heritage. The plan should include provision for the adequate assessment and protection of both known and potential terrestrial and underwater archaeology. It should be noted that the results of such assessments can inform other areas of planning policy throughout the life of the plan, including cultural tourism, local amenity needs and development zoning.

Pertaining specifically to the Underwater Cultural Heritage, it is therefore recommended that Offaly County Council take into consideration the following in relation to developing **Policies and Objectives** for the proposed County Development Plan (2021-2027). This will further strengthen and build upon the current protection afforded the archaeological heritage of the county under the plan.

Core Minimum Objectives for Underwater Archaeological Heritage

- It is essential that there be a general and over-arching objective for the protection of all archaeological sites protected under the National Monuments Acts 1930 to 2014. This should include Wrecks protected under the National Monuments Acts or otherwise included in the Wreck Inventory of Ireland Database (WIID) as maintained by the National Monuments Service.
- Under the 1987 National Monuments Amendment legislation, all wrecks over 100-years old are protected. Of the c. 18,600 total wrecks listed, most are without exact locations and the records of wrecking pertaining to them date from the 18th century or later. Many more previously unknown wrecks therefore await discovery especially in inland counties.
- Archaeological heritage occurs in all environments, urban and rural, upland and lowland, grassland, tillage and forestry, inland and coastal, dryland, wetland (including peatlands) and underwater (including watercourses, lakes, estuarine and the sea). Wrecks 100 or more years old have full legal protection under the National Monuments Acts. They (along with archaeological objects) are automatically protected and generally do not feature in statutory listings (the Record of Monuments and Places and the Register of Historic Monuments). It is nevertheless (indeed, all the more so) essential that appropriate objectives are made which ensure due account is taken of protection of underwater cultural heritage in all its forms (which includes a range of features additional to wrecks, e.g. remains of bridges). An inventory of **known** historic wreck sites is now available at www.archaeology.ie



(<https://www.archaeology.ie/underwater-archaeology/wreck-viewer>) but given the nature of the underwater environment there is always high potential for previously unknown archaeological features to be present and this needs to be reflected in development plan objectives. This also applies to areas formerly underwater, such as reclaimed lands.

- All aspects of archaeological heritage and underwater cultural heritage, in all environments, shall be considered in the development process, including impacts on unidentified elements of the archaeological and underwater cultural heritages. Areas that have developed around watercourses, including rivers and lakes may contain known and/or previously unknown underwater archaeological sites, structures, features or artefacts, and this should be considered when reviewing the existing Development Plan and developing policies for the new plan. Likewise, reclaimed areas may also contain previously unknown, buried archaeology that could be revealed during development impacts. Any plan should include this in its policy and objectives section. Sites such as slipways, historic quays, quay furniture, fixtures and fittings, fishtraps, logboats, etc., singular sites such as rock cut platforms and steps, and of course artefactual material associated with sites or as individual depositions in underwater environments, etc. can all be retained and preserved in underwater contexts or on land previously covered by water (e.g. reclaimed areas).
- Proposed developments which may, due to their location, size, or nature, have implications for elements of the archaeological heritage should be subject to an archaeological assessment, which should in general be carried out before any grant of permission. Such developments include those that are located at or close to archaeological sites or monuments or historic wrecks, those which are extensive in terms of area (ground disturbance of 1/2 hectare or more) or length (1km or more) even if no known elements of the archaeological heritage are present, those which would affect significant areas of environments such as wetlands and underwater areas even if no known elements of the archaeological heritage are present, and any developments that require the carrying out of Environmental Impact Assessment.
- Any development either above or below ground, within the vicinity of any terrestrial or underwater site of archaeological interest shall not be detrimental to the character of the archaeological site or its setting.

Archaeological Assessments

Proposed developments, due to their location, size, or nature and that may have implications for the archaeological heritage, should be subject to archaeological assessment, including underwater archaeological assessments. Such developments include those that are located at or close to an archaeological monument or site, those that are extensive in terms of area (1/2 hectare or more) or length (1 kilometre or more) and developments that require an Environmental Impact Statement.



Archaeological Heritage can include:

- National Monuments in the ownership/guardianship of the State or Local Authority
- Archaeological and Architectural monuments/sites in the Record of Monuments and Places (RMP)
- Monuments in the Register of Historic Monuments
- Zones of Archaeological Potential in Historic Towns
- Underwater Archaeological Heritage, including Historic Wrecks
- Previously unknown and unrecorded archaeological sites (including subsurface elements with no visible surface remains, both terrestrial and underwater)
- Potential sites located in the vicinity of large complexes of site or monuments
- Existing or former wetlands, unenclosed land, rivers or lakes, or the inter-tidal/foreshore/estuarine zone
- Objects or artefacts of known or potential archaeological significance, including into the modern period and recent past (e.g. post-medieval archaeology)

Climate Change

The Department of Culture, Heritage and the Gaeltacht has published the Climate Change Sectoral Adaptation Plan for Built and Archaeological Heritage (2019) as part of the National Adaptation Framework for climate change. This document should also be considered a plan or policy for the purposes of section 9(6) of the Planning and Development Act 2000. The Department will continue engagement with the Climate Action Regional Offices (CAROs) and the City and County Managers Association throughout the implementation of this sectoral plan. It is essential that climate change adaptation is built into all policies and planning procedures, including, in particular in, development plans. There will, of course, be substantial overlap with architectural heritage and wider responses by the planning authority to the need to address climate adaptation across all sectors.

Recommended Climate Change Policies and Objectives for Archaeological Heritage

- To promote awareness and the appropriate adaptation of Ireland's built and archaeological heritage to deal with the effects of climate change.
- To identify the built and archaeological heritage in local authority ownership and areas at risk from climate change including, but not necessarily restricted to, the Record of Monuments and Places, protected structures and architectural conservation areas designated in the development plan.
- To undertake climate change vulnerability assessments for the historic structures and sites in its area.
- To develop disaster risk reduction policies addressing direct and indirect risks to the built and archaeological heritage in its area.
- To develop resilience and adaptation strategies for the built and archaeological heritage in its area.



- To develop the skills capacity within the local authority to address adaptation / mitigation / emergency management issues affecting historic structures and sites in order to avoid inadvertent loss or damage in the course of climate change adaptation or mitigation works.

It is recommended that the Council takes cognisance of the above in relation to finalising of the new Offaly Development Plan, and this office welcomes the opportunity to provide advice in relation to the same.

Nature Conservation

The following observations are made by the Department in its role as the authority with overarching responsibility for nature conservation and the nature directives (i.e. the EU Birds Directive (2009/147/EC) and Habitats Directive (92/43/EEC)). The observations are not exhaustive but are intended to assist the planning authority in meeting its obligations in relation to nature conservation, European sites, biodiversity and environmental protection in the process of reviewing and preparing the draft County Development Plan 2021-2027 for Offaly hereafter referred to as the CDP. The Department would welcome the opportunity to discuss any of the matters raised here if this would assist the planning authority in the process of preparing the CDP.

This submission follows the chapter headings in Volume 1 Written Statement of the CDP:

1. Introduction
2. Core Strategy, Settlement Strategy, Housing Strategy
3. Climate Action & Energy
4. Biodiversity and Landscape
5. Economic Development
6. Tourism and Recreational Development
7. Retail & Town Centre Strategy and Regeneration
8. Sustainable Mobility & Accessibility
9. Social Inclusion, Community and Cultural Development
10. Build Heritage
11. Water Services and Environment
12. Land Use Zoning Objectives
13. Development Management Standards

1. Introduction

The Department welcomes the inclusion of 'respect for our biodiversity' in the Strategic Vision for the County, the strategic objective to 'protect and enhance Offaly's natural assets of clean water, biodiversity, landscape, green infrastructure, heritage and agricultural land' and the inclusion of 'protect and enhance heritage, landscape and biodiversity' in the County Strategic Outcomes listed in Table 1.3. The introduction lists some sources of funding that



will help in achieving the delivery of objectives within the Plan. The Department suggests that this list also includes biodiversity funding mechanisms. Such mechanisms include the EU LIFE Programme. This programme has funded the Living Bog project², (LIFE NAT/IE/000032) run and co-funded by this Department which aims to restore peatlands habitat in six County Offaly raised bogs. For the next phase of the LIFE programme (2021-2027) the European Commission proposes to raise the budget to 5.45 billion Euros. EU funding mechanisms under the Common Agricultural Policy (CAP) post-2020 will also be available to support farming for nature and should also be mentioned. The draft Prioritised Action Framework for Ireland 2021-2027³ identifies the financing necessary to manage Special Areas of Conservation and Special Protection Areas and their associated green infrastructure for the period 2021 -2027 and links them to the relevant EU funding programmes and should also be consulted for funding opportunities. This Department also provides funding to local authorities to promote actions in National Biodiversity Action Plan 2017-2021 (NBAP)⁴, with multi-annual funding for projects now available.

2. Core Strategy

The Department commends Offaly County Council in following the Ecosystem Services Approach principles (consideration of natural systems, taking into account the services that ecosystems provide and involving people) in preparing this Plan and developing policies and objectives and notes that the council will promote an Ecosystem Services Approach in its decision-making processes, including those relating to the preparation of statutory land use plans. The end of the Ecosystem services section states *'In recognition of the need to manage natural capital, provisions have been integrated into the Plan that will contribute towards management of air quality, noise pollution, light pollution, water quality and integrated catchment management.'* In accordance with Objective 1 of the NBAP to mainstream biodiversity into decision-making across all sectors, the Department advises that 'management of biodiversity' should also be included in this statement.

3. Climate Action & Energy

The Department welcomes that in the preparation of this chapter of the Plan, regard has been had to the National Peatlands Strategy 2015⁵ and also policy CAEP-17 *'to support the implementation of any relevant recommendations contained in the National Peat lands Strategy 2015 and any subsequent revisions'*. In accordance with Principle P19⁶ of the above

² <http://raisedbogs.ie/>

³ <https://www.npws.ie/news/public-consultation-draft-paf>

⁴

<https://www.npws.ie/sites/default/files/publications/pdf/National%20Biodiversity%20Action%20Plan%20English.pdf>

⁵ <https://www.npws.ie/sites/default/files/general/Final%20National%20Peatlands%20Strategy.pdf>

⁶ P19 The potential contribution of peatlands rehabilitation, restoration and enhancement to climate change mitigation and adaptation, in addition to peatland preservation, will be fully explored. The immediate priority will be to address research requirements in relation to rehabilitation, restoration and enhancement and to establish the information required to support the development of an informed policy position. This will include the development of a sound technical basis for analysis and reporting of greenhouse gas emissions and removals associated with wetlands



strategy, the Department recommends that Offaly County Council considers the opportunity for climate change mitigation through the rewetting and restoration of industrial cutaway bog, thereby lowering carbon emissions from these sites.

As part of the conservation measures outlined in the National Raised Bog Special Area of Conservation Plan 2017-2022⁷ and also as an action within Ireland's Climate Action Plan 2019⁸ the Department is progressing its peatland restoration programme on protected raised bogs (Special Areas of Conservation and Natural Heritage Areas) in the midlands region which will include bogs in Co. Offaly. This programme represents an important component of the Just Transition Plan by supporting employment and aiding biodiversity in the region. Restoration and rehabilitation of peatlands can directly reduce/halt carbon loss and provide multiple additional ecosystem services such as water and air quality improvements, flood attenuation, reduction in biodiversity losses and can provide socioeconomic benefits to local communities.

The Department notes that the Council's Wind Energy Strategy includes peatland areas within "areas open for consideration" for wind energy development. Where industrial developments such as renewable energy, bioenergy and energy storage projects are encouraged on or close to peatlands the Council should be mindful that such developments do not negatively impact on any rehabilitation measures including enhanced rehabilitation measures (i.e. drain blocking and rewetting).

In relation to policy CAEP-12 which states '*It is Council policy to support the enhancement of carbon sinks such as peatlands, forestry, and permanent grasslands, with consideration of afforestation on cut away peatlands*', emerging science indicates that the optimum way to change cut away bog from a carbon source to a carbon sink is through rewetting by drain blocking, subject to certain conditions, rather than through afforestation. Forest planting and restocking on peat translocates carbon from a large soil carbon reservoir that is secure over millennia under natural conditions (i.e. peat soils) to a more reactive store (i.e. wood) which, regardless of its end use, is more likely to be converted back to carbon dioxide within years to decades. Healthy, natural peatland ecosystems continue sequestering carbon indefinitely. Moreover, when other benefits of peatland restoration (e.g. biodiversity, water quality) are considered there is a clear case for forest-to-bog restoration. In addition, as outlined in the Bord na Móna's 'Strategic Framework for the Future Use of Peatlands 2011'⁹ the difficulties in establishing suitable growing media limit or preclude the use of cutaway for forestry. The Forest Service will not support afforestation on peat soils with an average depth of more than 50cm. On cut away bogs, residual peat depths range from zero (or practically zero) on uplifts within the bog floor to some 2-3 metres within depressions. Considering the above, the Department recommends that the phrase '*with consideration of afforestation on cut away peatlands*' in policy CAEP-12 should be changed to '*with consideration of re-wetting and restoration of cut away peatlands, where appropriate.*'

⁷ <https://www.npws.ie/peatlands-and-turf-cutting/management-plans>

⁸ <https://www.dccae.gov.ie/en-ie/climate-action/publications/Pages/Climate-Action-Plan.aspx>

⁹ <https://www.bordnamona.ie/wp-content/uploads/2016/01/The-Future-Use-of-Peatlands.pdf>



With reference to policy CAEP-13¹⁰, the Department would like to see more detail in relation to stakeholders involved in the preparation the afteruse framework plan. It is also recommended that reference to “infrastructure” should also include electricity infrastructure associated with these areas.

In relation to council policy CAEP-16¹¹ which deals with planning applications for development on or immediately adjacent to peatlands, the Department recommends that they shall be accompanied by Ecological Impact Assessment (EclA) where relevant, due to the high biodiversity value of peatlands, including remnant uncut peatlands in peripheral areas. In addition, it is well established now that a lot of midland peatlands have some level of groundwater dependency and so groundwater abstraction, such as required for bioenergy projects and data centres has the potential to impact on their ecohydrology and therefore hydrogeological assessments must also be considered where groundwater abstraction is to take place.

In relation to council policy CAEP-33¹² and objective CAEO-07¹³ related to bioenergy production, ecological impacts can occur due to nitrogen (NOx) emissions from any bio-energy combustion process and ammonia (NH3) emissions from the spreading of digestate.

The impacts of nitrogen deposition on nitrogen-sensitive Natura 2000 sites or Annex 1 habitats outside European sites should be taken into account when considering the location of bio-energy facilities within the county. Impacts of nitrogen deposition include acidification and eutrophication resulting in biodiversity loss. Details of nitrogen deposition mapping and impacts on habitats are included in the Department’s latest Article 17 report¹⁴.

4. Biodiversity and Landscape

The Department commends Offaly County Council for including a dedicated Biodiversity chapter within the plan, thereby giving prominence this vitally important issue. The Department considers that the introduction to this chapter should outline the urgency in tackling the current national and global biodiversity crisis¹⁵, which is as serious as the climate

¹⁰ CAEP-13 It is Council policy to support the preparation of a comprehensive after use framework plan for the industrial peatlands and associated workshops, office buildings and industrial sites in the midlands and adjacent parts of the north west and southern regions, which meets the environmental, economic and social needs of communities in these areas, and also demonstrating leadership in climate change mitigation and land stewardship.

¹¹ CAEP-16 It is Council policy that planning applications for development on or immediately adjacent to peatlands shall be accompanied by assessments considering the following issues where relevant; peatland stability, hydrology, and/ or carbon emissions balance

¹² CAEP-33 It is Council policy to facilitate and support the development of projects that convert biomass to gas or electricity subject to national and regional policy, normal siting, design, environmental and planning considerations.

¹³ CAEO-07 It is an objective of the Council to support and facilitate the production of low carbon renewable biogases such as hydrogen and biomethane, produced largely from agricultural organic matter, that can be exported to the National Grid.

¹⁴ https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol2_Habitats_Article17.pdf

¹⁵ The recent (2019) Article 17 report on the Status of EU Protected Habitats and Species in Ireland and Article 12 report on the status and trends of Ireland’s bird species have shown that even with strict protection these habitats and species are continuing to deteriorate. Ireland’s 6th National Report to the Convention on Biological Diversity has identified that although some progress has been made by Ireland in achieving the 20 UN Aichi Biodiversity targets, progress is at an insufficient rate. These reports are available at www.npws.ie.



change crisis in term of its impacts on human well-being. Biodiversity loss is our loss. The link to sustainable development is clear. Current negative trends in biodiversity and ecosystems will undermine progress towards 80% of the assessed targets of the UN Sustainable Development Goals¹⁶, related to poverty, hunger, health, water, cities, climate, oceans and land. A Strategic Objective of the CDP is to contribute, as practicable, towards achievement of these goals. Loss of biodiversity is therefore shown to be not only an environmental issue, but also a developmental, economic, security, social and moral issue as well.

Halting and reversing the loss of biodiversity ensures that we are supplied with the 'ecosystem services' it provides, that are essential to our well-being. In agriculture, these services include the maintenance of soil structure and the supply of nutrients, pollination and pest control which will guarantee our food security.¹⁷ Outdoor recreation and tourism also relies heavily on ecosystem services and biodiversity to provide the experience of being 'in nature' that both local people and visitors to County Offaly increasingly seek out. The current Covid-19 pandemic has highlighted the role biodiversity plays in maintaining our physical and mental health with a recent UK study showing that spending at least 120 minutes per week in nature is associated with good health and wellbeing. Good quality access to the greenspace can also bring other benefits such as greater community cohesion and reduced social isolation with the greatest benefits being to deprived groups.¹⁸ However, natural resources are non-renewable and must be protected first, and then leveraged sustainably. The loss of the Corncrake from the Shannon Callows, in large part due to flooding events during their breeding season, despite the great efforts put into their conservation exemplifies the complexity of halting of biodiversity loss.¹⁹ However it is possible to restore biodiversity and even save species on the brink of extinction, as the Offaly Grey Partridge Project²⁰ shows, through sustained conservation action and co-operation at a national as well as a local level. This project has also benefited many other species, including pollinators and ground nesting birds such as Lapwing. The Department advises that the introduction to this chapter outlines the current biodiversity crisis, the ecosystem services County Offaly faces to lose should the current accelerating trend in biodiversity loss continue, and the urgency in halting and reversing this trend.

The following comments are suggestions which the Department hopes are helpful in addressing the biodiversity crisis through the CDP.

The Department notes that many of the policies and objectives in this chapter are focused on matters such as landscape and geological protection and amenity protection and provision, and are not directly relevant to biodiversity and ecosystem conservation and

¹⁶ <https://www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/>

¹⁷ Bullock, C., Kretsch, C., Candon, E. (2007) The Economic and Social Aspects of Biodiversity, Benefits and Costs of Biodiversity in Ireland, report prepared for the Department of the Environment, Heritage and Local Government

¹⁸ Public Health England (2020) Improving access to greenspace, a new review for 2020

¹⁹ National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht (2015) A framework for Corncrake Conservation to 2022

<https://www.npws.ie/sites/default/files/publications/pdf/A%20Framework%20for%20Corncrake%20Conservation%20to%202022%20%28Nov2015%29.pdf>

²⁰ <https://www.independent.ie/irish-news/back-from-brink-why-grey-partridge-numbers-are-soaring-once-again-38472583.html>



restoration (e.g. BLP-15, BLP-16, BLP, 19, BLP-21, BLP-32, BLP-33, BLP-34, BLP—35, BLP-37, BLP-38, BLP-39, BLP-40 and BLP-41 and objectives BLO-05, BLO-06, BLO-07, BLO-11, BLO-21, BLO-22, BLO-23, BLO-24 and BLO-25). The Department considers that, in order to realise the CDPs strategic objective to protect and enhance Offaly's natural assets including biodiversity and in accordance with the Objective 1 of the NBAP, more of the policies and objectives should be clearly focused on biodiversity and ecosystem conservation and restoration. This is critical in ensuring that the Council meets its obligations in relation to halting the loss of biodiversity.

Furthermore, the Department advises that policies and objectives related to biodiversity and ecosystem conservation and restoration should be clearly separated from policies and objectives related to other matters both in the CDP and settlement plans. This would assist the council in securing and monitoring the implementation of the policies and objectives of this Plan and in the Department's monitoring of the NBAP which includes the performance indicator '*Number of explicit policies and objectives for biodiversity and ecosystem services in County Development Plans and other local plans per Local Authority*'.

High nature value (HNV) farming

The Shannon Callows is the largest area of semi-natural floodplain grassland in Ireland. Its internationally important species-rich flood meadows and breeding and wintering birds are reliant on extensive, low input farming practices for their survival. Farm plan schemes are run by this Department and the Department of Agriculture, Food and the Marine and support HNV farming within the Shannon Callows at a farm level. In addition, the callows have been the subject of conservation farming schemes such as Results Based Payments²¹ (RBAPS) project which produced best practice management guidelines. This approach provides the farmer with flexibility and incentivises farmer-led environmental improvements.

The Department urges the council to consider the inclusion of a policy to look for an overall vision/ strategy for the Shannon Callows to be developed in co-operation with all stakeholders to ensure that the area is appropriately managed at a landscape scale as suggest in the recently published book *Farming for Nature, The Role of Results-Based Payments*²². The valuable conservation services provided by farmers in the Shannon Callows and the contribution farming in this area makes to the local economy and sustainability of rural settlements (as outlined in policy RDO-03) must be fully recognised and supported to ensure the continuing viability of such farming practices. This strategy would also provide a framework within which any amenity provision such as the possibility of a linear park from Banagher to Meelick outlined in BLP-19 could be investigated and could help in achieving the CDP's Strategic Objective to reverse the decline / stagnation of towns and villages through renewal and regeneration, and create healthy place-making by improving the attractiveness, quality, design, viability, vibrancy and liveability of the county's settlements.

²¹ <https://rbaps.eu/>

²² <https://www.npws.ie/farmers-and-landowners/farming-for-nature/book-results-based-payments>



HNV farming is also particularly important on esker grasslands, the Slieve Bloom Mountains and the Little Brosna Callows. In some of these areas, farm plan schemes are underway including the Slieve Bloom Hen Harrier Project.²³ The Department suggests that the council could include an objective to encourage, support and promote HNV farming projects and schemes in County Offaly, including the Hen Harrier Project, in order to support the conservation of habitats and species within the county and to seek, on an on-going basis, new funding mechanisms for this work.

The Department urges the council to include objectives to provide support to the community in applying for future locally-led conservation scheme funding opportunities such as the European Innovation Partnerships²⁴ and any other funding mechanisms under the post-2020 CAP and to support the development and marketing of High Nature Value farming products such as extensively reared meat products and herbal hay for the equine and pet market.

Other suggested policies and objectives:

The Department suggests that the council include a policy to ensure that the Council, in the performance of its functions, takes full account of the objective and management practices proposed in any management or related plans for European Sites (SACs and SPAs) in and adjacent to County Offaly published by this Department, including the National Raised Bog Special Areas of Conservation (SACs) Management Plan 2017 - 2022²⁵.

Surveys carried out for the preparation of EIAR, NIS, EclA or other assessments generate biodiversity data previously unknown or unrecorded in a county, and the Department would encourage the council to include an objective requiring these data to be submitted to the National Biodiversity Data Centre (NDBC). This would strengthen the county's knowledge base on biodiversity and ultimately aid its protection.

The Department recommends that where it is proposed to renovate an old building within Opportunity Sites identified in Settlement Plans, such proposals are subject to Bat Surveys as part of any development application.

It is recommended that amenity provision (the development of outdoor pursuits, walking and cycle routes) as outlined in chapter 6 and 8 and in Settlement plans that are likely to result in significant adverse effects to biodiversity, such as those within Riparian zones, floodplains and peatlands, are subject to Ecological Impact Assessment.

It is also recommended that for settlements which lie close to Natura 2000 sites such as Tullamore, Portarlinton, Banagher, Shannonbridge and Clara, that settlement plans include an objective to require new development to avoid adverse impacts on the integrity of the Natura 2000 network and also to avoid impacts to mobile species such as Otter and bird

²³ The large continuous open areas of heath/bog in Slieve Bloom Mountains SPA supports a stable/slightly increasing population of breeding Hen Harrier. There were ten confirmed pairs recorded during surveys in 2019 with six pairs successfully fledging 16 young, consistent with numbers of fledged young in 2017. Generally, the Slieve Blooms typically has the highest fledging rate of all SPAs. <http://www.henharrierproject.ie/programme.html>

²⁴ If taken forward in the next CAP Strategic Plan <https://www.nationalruralnetwork.ie/eip-agri/>

²⁵ [https://www.npws.ie/sites/default/files/files/FOR%20UPLOAD%20Plan\(WEB_English\)_05_02_18%20\(1\).pdf](https://www.npws.ie/sites/default/files/files/FOR%20UPLOAD%20Plan(WEB_English)_05_02_18%20(1).pdf)



species outside of European sites where this would have negative impacts on the conservation objectives of such sites.

Suggested amendments to policies and objectives:

The Department suggests that Policy BLP-20²⁶ is amended so that at least 10 metres of riparian zone, from the top of the river bank is protected from development including walking and cycling routes and associated artificial lighting. It is considered that clear span bridging structures are always the preferred option, not only where fisheries exist, as they a better option for Annex II species such as otter and white-clawed crayfish as well as fish species and that the words '*where appropriate*' are removed. Otters are often averse to using cylindrical culverts and the NRA (now TII) have advised that use of such culverts on smaller watercourses used by otters should not be considered other than in exceptional circumstances²⁷. In such circumstances, as outlined in existing guidelines^{28,29}, the Department considers that suitably designed culverts with mammal shelves or ledges may be required to mitigate any likely significant impact to otter. Any development proposal requiring culverting should also document stream habitat lost and provide compensatory habitat where possible. Realignment of water courses should incorporate stream enhancement measures, as outlined in OPW Environmental Guidance³⁰. The CDP should also promote the removal of historic culverts and infilling along watercourses. This proactive measure would allow for some existing degraded watercourses to return to more naturally functioning systems, provide natural flood relief in an area, provide for biodiversity gain and where appropriate, permit the recreational use of inaccessible river banks.

The Department is concerned about the impacts of policy BLP-30³¹ - to plant pollinator friendly trees and plants and management options to improve pollinator populations within areas of semi-natural habitat such as Natura 2000 sites and designated sites, peatlands, river, canals and hedgerows which could lead to damage and loss of genetic diversity within such important conservation sites is encouraged. Therefore it is recommended that this policy excludes these areas and that the measure is confined to highly modified, intensively management public realm amenity grasslands, public open spaces, public parks, roundabouts, grass verges in urban areas and similar. This would also provide more focus to the policy. From reviewing the settlement plans, it is evident that there is scope for much improvement within such areas within the county.

²⁶ BLP-20 It is Council policy to protect riparian corridors by reserving land along their banks for ecological corridors and maintain them free from inappropriate development. Where appropriate clear span structures will be promoted where fisheries exist, and culverting and/or realignment of streams will be discouraged. The Council will consult with Inland Fisheries Ireland in relation to riparian and instream works as appropriate

²⁷ NRA (2008) Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes

²⁸ TII (2015) Design of Outfall and Culvert Details DN-DNG-03071

²⁹ IFI (2016) Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters

³⁰ Brew, T., Gilligan, N., 2019, Environmental Guidance: Drainage Maintenance and Construction. Series of Ecological Assessments on Arterial Drainage Maintenance No. 13. Environment Section, Officer of Public Works, Trim, Co. Meath, Ireland



The Department recommends that objective BLO-04³² is amended to include that proposed developments, that are likely to result in significant adverse effects and are within or close to proposed Natural Heritage Areas (pNHAs) and undesignated peatlands which form part of the counties GI strategy would require Ecological Impact Assessment.

Section 4.13.2 Areas of High Amenity– Upland Areas

Slieve Bloom Mountains

The Department agrees that there is need to devise an overall strategy for the integrated development of the Slieve Bloom Mountain area and will co-operate with any such strategy. It is stated in the section that Offaly County Council along with Laois County Council prepared a joint policy statement for the Slieve Bloom Mountains in May 1995. This statement is not provided with the CDP nor could it be found online. The Department considers that a link to the statement should be provided. It is suggested that as the statement is now 25 years old, and was made prior to the designation of the Slieve Bloom Mountains as an SAC and SPA, it may require to be reviewed and updated. Table 4.21 (D) (page 132) states that the entire mountain area is identified as an Environmental Park. The Department considers that further details about this designation should be provided, include its historical, regulatory and legislative background. This table also suggests that softening of coniferous edge with native deciduous planting is recommended. Where coniferous forestry occurs on peatlands, as outlined in Section 3 above, the Department would favour removal of trees instead of replanting with deciduous trees.

The Department considers that more emphasis could be put on outlining the biodiversity and conservation importance of Areas of High Amenity included in this chapter, such as the Slieve Bloom Mountains.

Green Infrastructure

The Department welcomes the council's Green Infrastructure (GI) Strategy and its policy (BLP-26) to protect existing green infrastructure within the county which is in accordance with Article 10 of the Habitats Directive (92/43/EEC)³³. The inclusion of cutaway bogs (peatlands) in Figure 4.13 which depicts GI within the county is also welcomed. There is scope for peatlands to form an important part of the GI network in County Offaly. As they come out of production, cutaway bogs, by virtue of their function as stepping stones between isolated protected sites, particularly peatlands, may be essential for the migration, dispersal and genetic exchange of wild species, particularly in the context of climate change. An example

¹⁹ BLP-30 It is Council policy to support the aims and objectives of the All Ireland Pollinator Plan 2015/2020 by encouraging the planting of pollinator friendly trees and plants and encouraging management options to improve pollinator populations within: Natura 2000 and nationally designated sites; State and publicly owned land; Peatlands, River, canal and railway corridors; Grass verges along public roads and existing and future greenways; Hedgerows;

³² BLO-04 It is an objective of the Council to ensure that the impact of development within or adjacent to national designated sites, Natural Heritage Areas, Ramsar Sites and Nature Reserves likely to result in significant adverse effects on the designated site is assessed by requiring the submission of an Ecological Impact Assessment prepared by a suitably qualified professional, which should accompany planning applications.

³³ Article 10 of the Habitats Directive (92/43/EEC) requires member states to protect landscape features that are of major importance for wild flora and fauna, where necessary, through land use planning and development policies.



of this is the genetically isolated Red Grouse population in the Slieve Bloom Mountains, however this is an issue for biodiversity in general.

It should be acknowledged that in order to achieve CDP policies BLP-26, BLP-27 and BLP-28, it will be necessary to map existing and proposed GI and ecological corridors at a settlement plan level as well as at a county level. The Department therefore recommends the inclusion of an objective to prepare Green Infrastructure Plans for settlements within the lifetime of this plan and to map existing and proposed green infrastructure and connections as a suitable scale.

The value of naturally occurring wetlands and their hydrological processes needs to be recognised in the context of GI plan for settlements.

BLO-17³⁴ should specify that links to be provided to GI are ecological links such as hedgerows, streams and treelines, and not cycleways or greenways.

Peatlands

As approximately one fifth of the county is comprised of peatlands, the Department welcomes a section in the CDP dedicated to this ecosystem. In addition, the Department urges the council to including a policy promoting re-wetting (i.e. water level is raised and kept near the soil surface), as the general rehabilitation strategy for peatlands, while carefully avoiding any impacts to adjacent land. As well as supporting biodiversity, wetland habitat restoration has the potential to deliver ecosystem services such as climate change mitigation, provision of clean water and water regulation as well as cultural services such as nature-based amenity provision and preservation of in-situ archaeological heritage. This approach would be in accordance with the National Peatlands Strategy 2015, in particular Principle P17 which states '*In deciding on the most appropriate afteruse of cutaway peatlands, consideration shall be given to encouraging , where possible, the return to a natural functioning peatland ecosystem. This will require re-wetting of the cutaway peatlands which may lead in time to the restoration of the peatland ecosystem.*' This policy would also be in line with the River Basin Management Plan 2018-2021, the National Biodiversity Action Plan 2017-2021 and the Climate Action Plan 2019.

The Department recommends a strong and clear policy objective in the CDP in relation to peat extraction to ensure clarity in relation to the requirements for planning permission provided for in the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and environmental assessment in this regard.

In relation to BLP-16 'it is the council policy to support the provision of outdoor pursuits, walking and cycling routes throughout the county's peatlands, the Department advises that Ecological Impact Assessment should assess the impacts to biodiversity and in particular of recreational disturbance to ground-nesting bird species including grey partridge, lapwing,

³⁴ BLO-17 It is an objective of the Council to require all new developments to identify, protect and enhance ecological features by making provision for local biodiversity (for example, through provision of swift boxes or towers, bat roost sites, green roofs, etc.) and provide links to the wider Green Infrastructure network as an essential part of the design process.



black-headed gull, woodcock, redshank, snipe and ringed plover. Studies have shown that recreational disturbance can lead to the avoidance of certain areas by birds, which can then impact on breeding success and survival.³⁵ Breeding density, hatching success and pre-fledging survival of ground-nesting bird species can be significantly reduced.³⁶ A Natural England report in relation to bird disturbance for SPAs and RAMSAR sites found that dog walking, particularly dogs off leads, is currently the main cause of disturbance (by far)³⁷ and should be a focus for assessment. In relation to lapwing, natal philopatry (returning to breed in the sites where a bird hatched), is high and consequently, any disturbance to existing breeding sites (particularly that which impacts upon breeding success) is likely to have a disproportionate effect on populations of this species. In addition, Lapwings nest in the open and will readily leave the nest when disturbed and are prone to abandon nests.³⁸

The Department recommends that policy BLP-17 is amended to include ‘and any future conservation projects’.

The Department welcomes policy BLP-18³⁹ and recommends the inclusion of the following as an objective of the plan *‘the Council will support the rehabilitation and restoration of peatlands by ensuring that all developments on or adjacent to this sites which may impinge on their ecohydrology or affect them securing their conservation objectives are subject to Ecological Impact Assessment.’*

Protected species

Annex 1 bird species

The Department recommends the removal of Table 4.4 entitled ‘Occurrence in County Offaly of birds protected under Annex 1 of the EU Birds Directive’ which is incomplete. The Birds Directive (2009/147/EC) instructs Member States to main the populations of all bird occurring naturally in the wild state (see Article 2 & 3). In addition all bird species are protected under the Wildlife Act, 1976, as amended.

In accordance with Article 4(4) of the Birds Directive and Regulation 27 (4) of the European Communities (Birds and Habitats) Regulations 2011-2015, public authorities, in the exercise of their functions, shall strive to avoid pollution or deterioration of bird habitats outside Special Protection Areas. The council should consider inclusion of this as an objective of the plan.

³⁵ Liley, D. et al. (2010) Welsh Seasonality Habitat Vulnerability Review. Footprint Ecology / CCW

³⁶ Showler, D.A. et al. (2010) What is the impact of public access on the breeding success of ground-nesting and cliff – nesting birds? CEE review 05-010 (SR16). Collaboration for Environmental Evidence: www.environmentalevidence.org/SR16.html

³⁷ Liley, D. et al. (2012) North Kent Interim Overarching Report. Footprint Ecology/GGKM/NE

³⁸ Mc Guinness, S., Muldoon, C., Tierney, N., Cummins, S., Murray, A., Egan, S. & Crowe, O. (2015). Bird Sensitivity Mapping for Wind Energy Developments and Associated Infrastructure in the Republic of Ireland. BirdWatch Ireland, Kilcoole, Wicklow.

³⁹ It is Council policy to support collaboration between Offaly County Council, Regional Transition Team and relevant stakeholders of a partnership approach to integrated peatland management for a just transition that incorporates the management, rehabilitation and restoration / re-wetting of significant tracts of peatlands in conjunction with appropriate developed after uses.



Protected Flora (including liverworts and mosses) and Animals

Section 4.5 'Non-designated areas' deals with protected flora. Statutory instrument No. 338 of 1980, the first Flora Protection Order, and on which table 4.10 is based has now been revoked. The Department considers that Table 4.10 should be removed as it is out-of-date. Table 4.11 lists protected species in County Offaly. This list is based on the 1999 Flora Protection Order and is also out-of-date. The current Flora (Protection) Order 2015 (S.I. No. 356 of 2015)⁴⁰ includes an updated list of species. It is recommended that the County Council submit data requests for additional records from NPWS, NBDC and BSBI, in order to get a complete picture of protected plant species in the county. The Flora (Protection) Order, 2015 also gives legal protection to 65 species of bryophytes in the Republic of Ireland (25 liverworts and 40 mosses). Information packs are now available for each of the known FPO bryophyte populations, downloadable as PDF documents from the NPWS website⁴¹ and should be consulted. In addition the council should ensure that data from the most important data holders (NPWS, NBDC, BSBI) should be consulted during the planning process. It should also be noted the under Section 21 of the Wildlife Act 1976, as amended, the habitat or environment of a protected plant is also protected from wilful alteration, damage, destruction or interference.

In addition, strict protection under the Habitats Directive applies to the species listed in Annex IV of that Directive, including plant and animal species. Where Annex IV species are present, all possible measures to avoid damage and disturbance to them must be taken in the formulation of proposals for development. Where the risk of damage or disturbance is unavoidable, an application for a derogation licence may be made to the Minister under Regulation 54 or 55 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477/2011). The derogation license should be obtained in advance of seeking planning permission for a proposed development.

Animal species are also protected under the Wildlife Act, 1976, as amended.

5. Economic Development – no comments

6. Tourism and Recreation

Chapter 6 includes a number of policies in relation to tourism development in the Slieve Bloom Mountains (i.e. policies TRP-20 and TRP-21). The Slieve Bloom Mountains Nature Reserve is, at over 2,300 hectares, Ireland's largest state-owned Nature Reserve. The National Parks and Wildlife Service, who manage this nature reserve, should be consulted in relation to any proposals to increase visitor access to this site. The NPWS is currently working with a contractor to develop a Visitor Management Plan for the Slieve Bloom Mountains Nature Reserve, which will involve looking at it in the wider context of visitor usage of the Slieve Blooms, and recently has held a key state body stakeholder seminar which was attended by Offaly County Council. It is important that any and all recreational/tourist

⁴⁰ <http://www.irishstatutebook.ie/eli/2015/si/356/made/en/print>

⁴¹ <https://www.npws.ie/maps-and-data/flora-protection-order-map-viewer-bryophytes>



development in Slieve Blooms is carefully thought through and assessed in the context of the fragility and importance of the Nature Reserve. No additional pressures should be created on the peatland habitats and usage should be focussed on robust and lower altitude locations.

This chapter also includes a number of objectives in relation to walking and cycling routes as well as two maps showing a number of proposed midlands walking and cycling routes. While supporting the provision of walking and cycling infrastructure, the Department advises caution in relation to specific commitments being made in relation to walking or cycling routes in the absence of the necessary environmental assessment being undertaken, because such assessment may well lead to the need to consider alternative routes. Many of the same risks to nature conservation interests and biodiversity associated with the development of all linear developments, such as roads, arise in relation to cycleways and walkways (e.g. impacts from disturbance and lighting). The Department advises that project appraisal and consideration of a number of route options, as outlined in the Department of Transport, Tourism and Sport (2016) Common Appraisal Framework for Transport Projects and Programmes (<https://assets.gov.ie/34326/6bb58b8fe9424bce9595f0a118fc334e.pdf>) is one way of taking natural heritage into account at an early stage in relation to these proposals. The Department notes that nationally a number of walking and cycling routes have been recently refused planning permission where it has been determined that they would have significant negative impacts on the environment.

7. Retail & Town Centre Strategy and Regeneration – no comments

8. Sustainable Mobility & Accessibility

In relation to SMAO-15 '*It is an objective of the Council to improve and upgrade bridges in the county as identified in the annual roads programme and budget allocation*', there is scope for barrier removal in conjunction with bridge repair and upgrade and such synergies should be explored with Inland Fisheries Ireland. The foregoing is in line with National Policy Objective 59 (Enhance the conservation status and improve management of protected areas and protected species by integrating policies and objectives for the protection and restoration of biodiversity in statutory development plans) of the National Planning Framework and also the EU Biodiversity Strategy for 2030.

9. Social Inclusion, Community and Cultural Development – no comments

10. Build Heritage – no comments

11. Water Services and Environment



Light Pollution

In relation to objective ENVO-13⁴², regard should be had to the EUROBATS⁴³ and Dark Sky Ireland lighting recommendations⁴⁴ which provide further information on reducing the impact of lighting on wildlife, the correct LEDs and lighting fittings can ensure that these impacts are avoided or minimised and can also reduce carbon emissions. The Department notes that many settlement plans have the objective of '*LED lighting in all new lighting and retrofitting of existing lighting*', and to expand and upgrade public lighting. In keeping with Dark Sky Ireland Lighting Recommendations, the Department suggests that, as a general rule, LED luminaires with warmer colours (i.e., CCT values at or below 2700K) be specified for future installations to avoid environmental impacts associated with blue-rich LED light. Given the proposed upgrading and expansion of artificial lighting and its potential negative impacts on biodiversity, the Department suggests that an objective of the plan could be the development a Public Lighting policy.

12. Land Use Zoning Objectives – no comments

13. Development Management Standards

The Department recommends inclusion in Section 13.9 of a recommendation that Planning applications for renovations, redevelopment or demolition of old buildings in town and village centres shall include a bat survey. Where bats are found all possible measures to avoid damage and disturbance to them must be taken in the formulation of proposals for development. Where the risk of damage or disturbance is unavoidable, an application for a derogation licence may be made to the under Regulation 54 or 55 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477/2011). The derogation license should be obtained in advance of seeking planning permission for a proposed development.

Monitoring the impacts of the CDP on biodiversity:

The CDP has been subject to environmental assessments including Strategic Environmental Assessment. With regard to the requirements of Article 10 of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC, whereby Member States are required to monitor the significant environmental effects of the implementation of plans, the Department advises that biodiversity, flora and fauna monitoring should include the following:

⁴² ENVO-13 It is an objective of the Council to seek to minimise the harmful effects of light pollution in the future provision of outdoor lighting, including investigating measures to improve the approach to street lighting and ensuring that new developments are lit appropriately

⁴³ EUROBATS Series No. 8 publication, Guidelines for consideration of bats in lighting projects, 201

⁴⁴ https://www.darksky.ie/wp-content/uploads/2019/03/DarkSkyIreland_circular.pdf



- Monitoring of nitrogen deposition due to bioenergy projects
- Monitoring of one of rural houses
- Monitoring of the development of walking and cycling routes (including artificial lighting and disturbance)

You are requested to send further communications to this Department's Development Applications Unit (DAU) at manager.dau@chg.gov.ie, where used, or to the following address: The Manager, Development Applications Unit (DAU), Government Offices, Newtown Road, Wexford, Y35 AP90.

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A handwritten signature in blue ink that reads "Michael Murphy". The signature is written in a cursive, flowing style.

Michael Murphy,
Development Applications Unit
053 – 9117516.