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Submitted via email: cdp@laoiscoco.ie

23rd March 2021

RE: Review of the Draft Laois County Development Plan 2021-2027

To Whom It May Concern,

An Taisce welcomes the opportunity to comment on the Draft Laois County Development Plan 2021-2027. We wish to make the following submission, which we request the Council take into consideration in the finalisation and adoption of the Plan.

We would also request that the Council make An Taisce known of any further consultation periods regarding the making of the new Development Plan.

Yours sincerely,

Phoebe Duvall
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland

Submission on the Draft Laois County Development Plan 2021-2027



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1. Overarching Comments

The new Laois County Development Plan (hereafter referred to as the CDP, Draft CDP or Draft Plan) should represent a catalyst for positive change and facilitate the development of the county in a plan-led, sustainable manner. The CDP should strive to establish a coherent framework for the coordinated sustainable economic, social, cultural and environmental development of the county in line with the UN Sustainable Development Goals.

An Taisce's key objectives in making this submission on the Draft County Development Plan include:

- Ensuring that the climate and biodiversity loss emergencies are addressed at all levels of planning and development;
- Ensuring that national, regional and local policy and guidelines are implemented;
- Reducing Ireland's greenhouse gas emissions in accordance with EU law;
- Protecting town centres, and counselling against unserviced development and sprawl;
- Promoting compact development served by public transport in accordance with national Smarter Travel policy;
- Promoting rapid and extensive shifts toward walking and cycling and away from private car use;
- Reducing unsustainable fossil fuel use such as in heating buildings and in transport (e.g., private car dependency);
- Ensuring the implementation of EU environmental law and protecting habitats and biodiversity, particularly Natura 2000 sites;
- Protecting our water bodies and water quality, including through the prevention of inappropriate development;
- Conserving the quality of the Irish landscape, archaeological monuments and built heritage, particularly protected structures;
- Promoting efficient investment in public infrastructure and services; and,
- Promoting local self-reliance, public health and quality of life.

We are pleased that many of these goals already form key parts of the Draft CDP.

1.1 Addressing Climate and Biodiversity Emergencies

Given that the global climate and biodiversity loss emergencies are the defining challenges of our time, An Taisce strongly supports the significantly increased emphasis on climate mitigation and adaptation throughout the Draft Plan. The focus on the climate crisis in Chapter 3 and the targets provided in the Action Areas are very welcome additions.

All climate mitigation provisions in the new CDP must be assessed against Ireland's fair share emissions reduction commitments in line with the Paris Agreement and the need to limit warming to 1.5C over pre-industrial levels. Similarly, the new Plan should ensure that development decisions are also assessed against these commitments. We also recommend, in line with the social inclusion provisions of Chapter 5, that commitments be added to Chapter 3 to address the disproportionate impact of climate change on marginalised communities.

We would note that the National Mitigation Plan was struck down by the Supreme Court on 31 July 2020 for non-compliance with the Climate Action and Low Carbon Development Act 2015. However, we note that the National Mitigation Plan is still included in the Draft Plan, for instance, in section 3.2.3.1 and in Policy Objective CA 1. We submit that the Draft CDP should be amended to reflect the Supreme Court Judgment.

While the Draft CDP has a strong focus on climate, An Taisce considers that it does not sufficiently address the concurrent biodiversity loss emergency. The 2018 "Living Planet Report" from the World Wildlife Fund[1] presented a very bleak picture of the state of global biodiversity. There has been an overall 60% decline in species population size in just over 40 years (1970-2014). This decline stands at 83% for freshwater species. We would also draw the Council's attention to a recent paper[2] published by an international cohort of researchers highlighting the scale of the challenge posed by biodiversity loss, the implications for human society and the lack of adequate responses from policy makers.

We submit that the new CDP should directly and thoroughly address the gravity of the biodiversity crisis in a manner commensurate to the way it in which addresses the climate crisis. While there are many robust policy objectives in the Draft Plan aimed at ecological protection, we do not consider that they sufficiently consider the context or address the scale of the current biodiversity loss emergency.

2. Sustainable Settlement

The defining pattern of spatial development in Laois and around Ireland in recent decades has generally been of a sprawling, uncoordinated nature where land has been developed in a 'leapfrog', low-density pattern. This type of land use has diminished the liveability of areas, created places that lack adequate public facilities, and generated car dependency for long commutes.

[1] Living Planet Report, World Wildlife Fund (2018): https://www.worldwildlife.org/pages/living-planet-report-2018
[2] Bradshaw et al (2021) Underestimating the Challenges of Avoiding a Ghastly Future, Frontiers in Conservation Science: https://www.frontiersin.org/articles/10.3389/fcosc.2020.615419/full ; Covered in the *Irish Times* here: https://www.irishtimes.com/news/environment/a-ghastly-future-leading-scientists-offer-bleak-prediction-for-civilisation-1.4456653

To achieve compact and sustainable settlement, combat rising transport emissions, and improve the quality of life for citizens, it is imperative that the new CDP addresses future population growth and continues to encourage a shift away from dispersed, car-orientated development patterns to walkable, cycleable, transit-orientated and consolidated urban forms. A crucial aspect of this will be the maintenance of and improvement in investment in public transport, walking and cycling to offer communities viable alternatives to private cars.

The prioritisation of future development in Laois's towns towards efficient, compact, and serviced locations in accordance with the sequential approach and existing infrastructural capacity is critical. The CDP should be guided by the existing essential social infrastructure (schools, community facilities, etc.) and physical infrastructure (transport, water services, communications, etc.), including realistic prospects for addressing capacity constraints. Where services are not available, there should be a reasonable expectation of their provision within the plan period. Land should not be zoned if there is no reliable prospect of providing key physical infrastructure within the plan period or a within reasonable time period thereafter, such as improved roads, footpaths, drainage and lighting to serve likely future development. The Council should engage with the providers of essential physical and social infrastructure and ensure that the town-specific policies are based on realistic assessments regarding the funding and timing of such infrastructure, recognising that some levels of strategic infrastructure may take a number of cycles to provide.

An Taisce therefore welcomes the many commitments throughout the Draft Plan to, for example:

- Promote compact growth;
- Locate new development in close proximity to public transport, walking and cycling routes, and existing services and amenities;
- Direct new rural development to existing villages and settlement clusters;
- Create vibrant communities in both urban and rural areas;
- Direct development to infill sites, brownfield sites, vacant/derelict sites, etc.;
- Focus on regeneration and the social, economic and environmental benefits thereof;
- Support the development of serviced sites; and
- Discourage ribbon development

As an additional measure to address compact settlement creation and the issues discussed above, An Taisce recommends that the Council make the seven location test standards for new housing outlined in the now replaced National Spatial Strategy 2002 (see chart below) a mandatory CDP requirement for new housing development. Unlike sustainability and quality of life indicators, these should be strictly enforced threshold standards without which no

development should be permitted. This requires that zoning and decisions for new housing be conditional on integration with existing communities, affordability and mix of housing types, walking and cycling access to local services and schools, public transport access to employment locations, and availability of recreation facilities.

	Evaluation Considerations
The Asset Test	Are there existing community resources such as schools, etc. with spare capacity?
The Carrying Capacity Test	Is the environmental setting capable of absorbing development in terms of drainage, etc.?
The Transport Test	Is there potential for reinforcing usage of public transport, walking and cycling?
The Economic Development Test	Is there potential to ensure integration between the location of housing and employment?
The Character Test	Will the proposal reinforce a sense of place and character?
The Community Test	Will the proposal reinforce the integrity and vitality of the local community and services that can be provided?
The Integration Test	Will the proposal aid an integrated approach to catering for the housing needs of all sections of society?

Tests for housing locations from the National Spatial Strategy 2002

We welcome the recognition of the need for climate action in relation to housing and settlement patterns, particularly the requirement to include climate action measures as one of the criteria for one-off housing (e.g. in Policy Objective RH 5).

3. Town Centres

An Taisce welcomes the approach taken in the Draft CDP towards town centre regeneration and the various commitments in the Town/Village Centre Management Policy Objectives. These are also supported by the 2020 Programme for Government, which includes a mandate for implementing a Town Centres First policy to *"implement a strategic approach to town centre regeneration by utilising existing buildings and unused lands for new development, and promote residential occupancy in our rural towns and villages. We will use the National Planning Framework as our template."*

4. Sustainable Tourism

It is a particular objective of An Taisce that future tourism and recreational visitor promotion nationally should be as car-free as possible. A new tourist model is required based on longer area-based stays rather than drive-through tourism, and on enhanced promotion and development of safe greenway cycling routes, and attractive walking and hiking routes for all ages and abilities. It is noted that the 2020 Programme for Government sets out a range of policies on tourism including to: "*Develop Ireland as a **long stay** tourism destination to spread tourism more evenly across the country. This will help reduce emissions and maximise economic return*" (emphasis added).

Laois has many opportunity areas to develop car-free ecotourism in conjunction with enhancing local recreational amenity benefits in access to safe cycling routes and appreciation of nature and cultural heritage. An Taisce would suggest the following for inclusion in the new CDP:

1. Provision for the creation of an area-based strategy for the Slieve Blooms based on nature and night sky appreciation;
2. Identification of low traffic level local roads to promote safety enhanced cycling routes and loops to link Portlaoise with the Slieve Blooms and the county's main cultural heritage locations including the Rock of Dunamase, Emo House and Demesne and Heywood Gardens.
3. Assessment of the feasibility of a greenway on the redundant Portlaoise to Kilkenny railway line route.

We welcome the various policy objectives, including TM 10, to promote Laois as a destination for low-impact activities that both showcase and protect the county's natural and built heritage. We also welcome the commitment to integrating climate action with tourism development in the Climate Change and Tourism Policy Objectives. These recognise the need for tourism to contribute to emissions mitigation while also recognising that tourism will be impacted by climate change and will need to adapt accordingly.

The Draft CDP does recognise the need for sustainable transport integration with tourism. We note Policy Objective TM 12 to "*Increase connectivity and accessibility to public transport and walking and cycling infrastructure from key tourist destination hubs to encourage more sustainable modes of transport*" and TM 4 which suggests the creation of an app to guide tourists around the county's walking and cycling routes. We recommend the inclusion of additional explicit objectives to increase car-free, long-stay trips. The policy objectives to provide for additional tourist accommodation in appropriate locations, particularly in areas with existing services and infrastructure are noted and welcome.

We also welcome the significant focus on the continued development of greenways and blueways in the county and the commitments to do so while avoiding conflicts with sensitive ecological sites and ensuring compliance with the Habitats and Birds Directives.

5. Rural Laois

5.1 Agriculture

Current models of intensive agriculture in Ireland are resulting in an array of adverse impacts including to water quality, air and climate, and biodiversity.

The EPA's latest report on Water Quality in 2019 (published in December 2020)[3] reveals that water quality trends in Ireland continue to be problematic. The report indicates that over one third of rivers and a quarter of lakes are failing to meet their environmental quality standards for nutrients. Of particular concern are the increasing pollution trends since 2015, with nitrate found to be increasing in nearly half of river sites, and phosphate increasing in a quarter of sites. This is in stark contrast to the situation in 2015 when nitrate was increasing in only 1.4% of our rivers, and phosphate in 4%. Runoff from agriculture is a key driver of these declines, particularly as herd numbers and fertiliser use increase.

Ammonia emissions causing air pollution are another result of bovine agricultural processes including manure storage, slurry spreading and the use of inorganic nitrogen fertilisers on fields. Ireland has breached its 116kt per annum limit under the National Emissions Ceiling Directive (2016/2284/EU) since 2016[4], 98% of which is caused by agriculture. Moreover, Ireland is legally obliged under the Directive to decrease its ammonia emissions to 107.5kt by 2030. Intensifying bovine agriculture in Ireland will make achieving these targets extremely difficult.

Agriculture is also a major emitter of greenhouse gases and is contributing significantly to Ireland's ongoing failures to reach its legally binding Paris Agreement targets; GHGs from agricultural account for one third of Ireland's total emissions.

[3] EPA (2020) Water Quality in 2019: http://www.epa.ie/pubs/reports/water/waterqua/Water%20Quality%20in%202019%20-%20an%20indicators%20report%20(web).pdf

[4] EPA, June 2020, Ireland's Air Pollutant Emissions: https://www.epa.ie/pubs/reports/air/airemissions/irelandsairpollutantemissions2018/EPA-Air-Pollutant-Emissions-website.pdf

While we welcome commitments to environmentally sustainable agriculture in Policy Objectives RL 1-4, we consider that they fail to reflect the scale of the changes needed in the agricultural sector to address the aforementioned issues. These issues are also not sufficiently analysed in Chapter 3 on climate. We therefore submit that agricultural development should only be supported in the CDP policy objectives where it is demonstrably shown to not exacerbate deterioration in water quality, to comply with the Habitats Directive, to not exacerbate the current exceedence of national ammonia limits, and to not further increase GHG emissions with respect to EU and national climate change targets.

The latest EPA water quality report discussed above is a clear indication that the water protection measures currently in place under the Nitrates Directive are failing to adequately protect our water quality, despite increased investment in this area, with the establishment of Agricultural Sustainability Support and Advisory Programme (ASSAP), and other measures intended to address this. Ireland has obligations under the EU Water Framework Directive to bring all water bodies into good status by 2027, and roughly 50% of waters are currently failing this.

In principle, we welcome Policy Objective RL 2 to "*Facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution*." However, we consider it to be weak and recommend that policies providing for protection from pollution should be made as strong and enforceable as possible to begin to reverse the highly problematic trends evidenced in the EPA report. The new CDP should also require compliance with River Basin Management Plans as well as the use of catchment sensitive farming practices. Specific action is also needed to protect the sensitive River Barrow and River Nore.

It is submitted that policy objectives are required to ensure that permission for agricultural developments is only granted when the direct, indirect and cumulative impacts of a proposal to water, air, climate and biodiversity have been evaluated and mitigated if necessary. This includes impacts in the wider landholding (outside of the red line-bounded site) resulting from activities resulting from or facilitating the proposal (e.g. slurry spreading in relation to an application for a slatted cattle shed).

An Taisce fully recognises that agriculture will continue to form a key part of the rural economy in Laois. In the interest of making it maximally sustainable, we therefore suggest the inclusion of specific policy objectives promoting agricultural diversification. We recommend these specifically promote the production of vegetables, grains, nuts, pulses, fruits, etc.

5.1.1 New European Strategies

In May 2020, in furtherance of the European Green Deal, the EU Commission published in parallel "A Farm to Fork Strategy" and the "EU Biodiversity Strategy for 2030 - Bringing nature back into our lives". The Biodiversity Strategy includes 14 key targets, the majority of which are relevant to agriculture (see section 7 below for the full list).

We submit that the policies, objectives and targets of these two strategies should be incorporated into the new CDP. We therefore recommend the inclusion of the following policy objective:

> "*Laois County Council will implement the objectives and targets at county level of the EU 'A Farm to Fork strategy', published in May 2020. The Council will also implement the targets of the 14 point EU Nature Restoration Plan in the 'EU Biodiversity Strategy for 2030 - Bringing nature back into our lives'. Agricultural development proposals must demonstrate compliance with the targets and policies of both strategies."*

5.2 Forestry

An Taisce considers that the policy objectives around forestry should better differentiate between the planting of native woodland and the planting of other species such as sitka spruce, which create what are essentially ecological dead zones. We also suggest that greater emphasis be placed on facilitating the planting of native broadleaf woodlands.

5.3 Peatlands

The commitments, particularly in Chapters 9 and 11, to restoring peatlands are welcome. It is submitted, however, that any provision for development on peatlands, such energy developments or the growing of energy, must be subject to full sustainability assessments, particularly in relation to carbon and biodiversity. We also submit that an additional policy objective should be added to state: "*The extraction and use of peat for horticulture is not to be permitted"*.

An Taisce strongly supports the commitments in the Draft Plan to facilitating a Just Transition for the many people impacted by the cessation of commercial peat harvesting.

5.4 Mining and Aggregates

We submit that an additional policy objective be included to require strict enforcement against unauthorised development and of conditions applied to permitted quarry development. We also

consider that Section 35 of the Planning and Development Act 2000 (as amended) regarding past failures to comply should be rigorously applied to proposals for continued or expanding quarrying operations.

6. Infrastructure and Energy

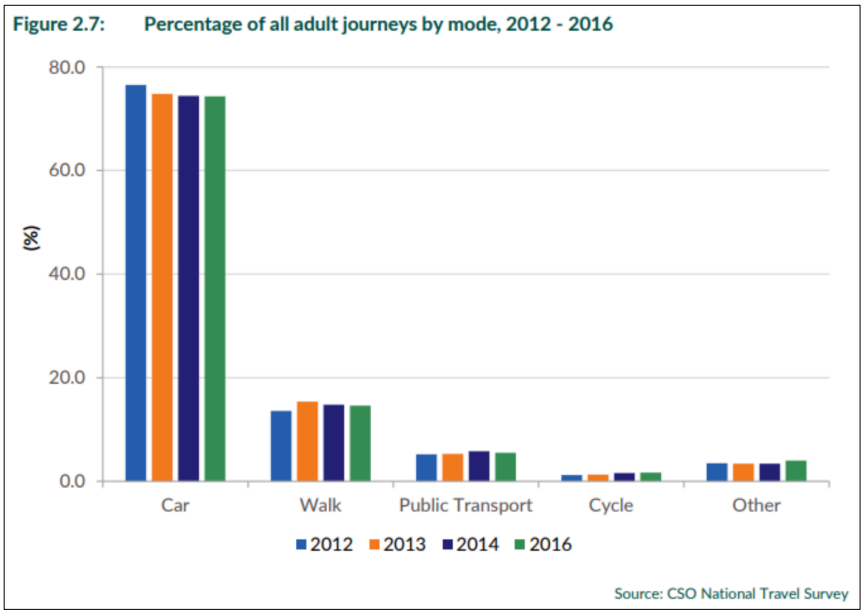
6.1 Sustainable Transport

To achieve compact and sustainable settlement, combat rising transport emissions, and improve the quality of life for people in Laois, it is imperative that the CDP addresses future population growth and encourages a shift away from dispersed settlement towards more consolidated urban forms. A crucial aspect of this is that investment in public transport, walking and cycling is maintained and improved in order to offer communities a viable alternative to private cars.

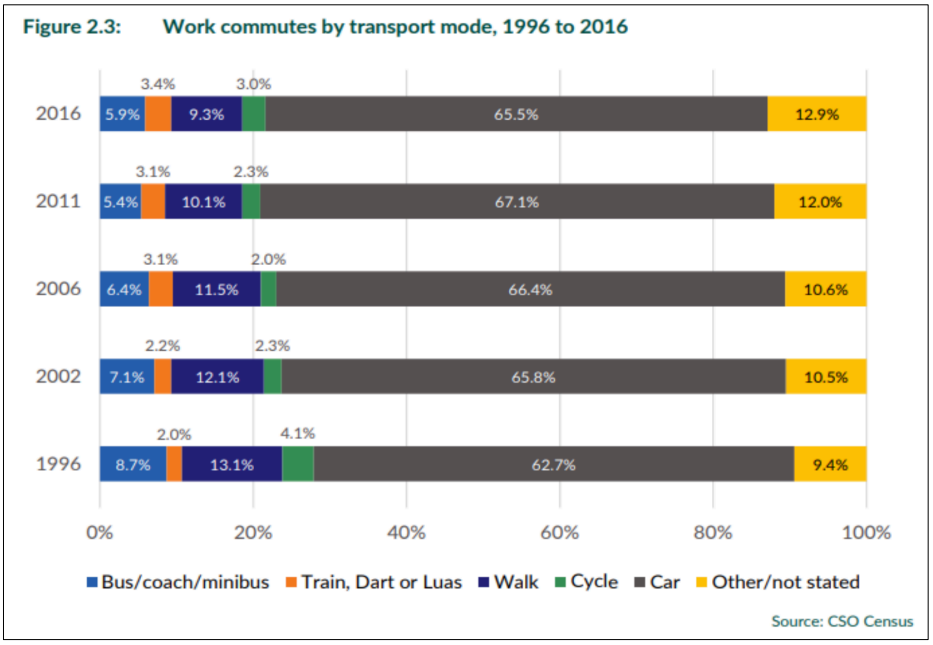
The data presented in a recent Government review of sustainable mobility policy[5] make it unequivocally clear that Ireland has failed to achieve the modal shift in transport that was envisioned in the Smarter Travel policy (2009) and a suite of other transport-related policies. Yet, as noted in the review, transport[6] accounted for over 27% of Ireland's emissions in 2017, with 52% of that generated by private cars.

CSO data show that private car dependence is extremely high across Ireland - 74.3% of all journeys are made by car. 15% are made on foot while only 5.5% are by public transport and 2% by bicycle (see chart below). We note that the National Cycling Strategy, which ran in parallel to Smarter Travel, provided that 10% of all journeys would be made by bike by 2020. Notably, public transport use and accessibility in smaller towns and rural areas is also particularly poor.

[5] https://www.gov.ie/en/consultation/f1b503-public-consultation-on-a-review-of-sustainable-mobility-policy/
[6] This does not include aviation or maritime travel emissions.



Similarly, a cornerstone target of the Smarter Travel policy was that commuting journeys made by car should drop from 65% to 45% by 2020 while commuter journeys by walking, cycling and public transport should increase to account for 55%. As the 2016 census data below shows, we have completely failed to achieve that. In fact, the share of car journeys to work has *risen* since 1996 and actually surpassed the Smarter Travel baseline of 65%. The percentage of commutes made by cycling, walking or taking the bus has decreased and is nowhere near the 55% share stipulated by Smarter Travel.



Section 6.3.4 of the Draft Plan states that 73% of commuter journeys to work in Laois are made by private car and only 6% on foot. This significantly exceeds the Smarter Travel baseline of 65% for car journeys to work.

We therefore welcome the various policies in Chapter 10 of the Draft Plan that support the integration of land use and transport planning as well as facilitate sustainable transport initiatives, particularly Policy Objectives such as TRANS 24 to prioritise pedestrians, cyclists and public transport users on local roads.

However, we submit that robust targeted and timelined plans are needed to ensure the efficient implementation of these policies. We recommend that the current modal split in Laois be further analysed and that specific modal shift targets for 2027 be set in line with the Smarter Travel policy.

One specific measure that An Taisce recommends for inclusion is an explicit objective ensuring that sufficient public transport capacity as well as safe cycling and pedestrian infrastructure be provided prior to or in tandem with any new residential development. Increased sustainable transport infrastructure and capacity provision needs to come before expanded residential development, particularly in larger towns and their catchment areas.

6.1.1 Programme for Government

The 2020 Programme for Government sets out as overarching mission: "*A Better Quality of Life for All"* with *"A national clean air strategy," "Better work life balance"* and *"a fundamental change in the nature of transport in Ireland"* as key objectives. It sets out as immediate priority actions:

> *"Necessary improvements in climate impact, quality of life, air quality and physical and mental health demand that every effort is made by the Government to make active travel and public transport better and more accessible."*
>
> *"Each local authority will be immediately mandated to carry out an assessment of the road network, to see what space can be allocated for pedestrians and cyclists. This should be done immediately*."

In light of the Programme for Government mandate and the aforementioned transport data, we cannot overstate the urgency with which the Council needs to address the current unsustainability of transport in the county and the ongoing failure to achieve meaningful progress toward a modal shift away from private car use. We therefore recommend that

provision for the immediate review called for in the Programme for Government be included in the CDP.

6.1.2 Road Investment

Any future investment in motorway or dual carriageway schemes, other than small-scale bypasses to relieve urban congestion points, would be a misdirection and misspending of limited public money. Policy and investment in Laois should be reprioritised away from road infrastructure (with the exception of necessary maintenance and town bypasses) and redirected to support public and active transport projects and cycling infrastructure.

Significant amounts of existing road space needs to be reallocated for high quality segregated cycle lanes and footpaths.

6.2 Water

The management of surface and ground water in accordance with the provisions of the EU Water Framework Directive (WFD) will be one of the most crucial challenges in this new CDP. Ireland faces an immense challenge in achieving 'good' status in all water bodies by 2027 as required by the WFD.

The ongoing proliferation of private wastewater treatment systems will present significant challenges for the achievement of Ireland's legally binding water quality targets under the WFD. Therefore, the CDP should ensure the adequate provision of serviced sites within close proximity to established water/wastewater infrastructure, where a connection to services can be readily facilitated, and where there is sufficient cumulative capacity within the wastewater treatment plant.

We also recommend the insertion of a policy objective to promote changeover from septic tanks to public collection networks in all cases where this is feasible. We would also submit that a specific policy objective is needed to require the consideration of WFD compliance in the granting of planning permissions.

We would highlight the recent court ruling by Justice Hyland (2018 740 JR), which clarifies how unassigned waterbodies must be treated when assessing planning applications against WFD requirements, with implications for projects in proximity to unassigned waterbodies:

> "*The WFD, as interpreted by the CJEU, requires a Member State to ensure that the requirements of Article 4 are met before permission is granted. It cannot be so satisfied in respect of development affecting a water body whose status has (in breach of the*

WFD and the implementing regulations in Ireland) not been assigned by the EPA." [para 130 2018 740 JR]

It is submitted that the new CDP should take account of this ruling and its implications for granting planning permissions.

6.3 Energy

We welcome the Draft Plan's robust consideration of renewable energy development of various types and scales across Laois and well as the many policy objectives supporting and facilitating this. We also welcome the recognition that the development of renewables must be done with regard to ecological constraints, Habitats Directive requirements, heritage considerations, landscape, local amenity, etc.

6.3.1 Gas Network and Fossil Fuels

With regard to Policy Objective NRE 5, An Taisce submits that there is no capacity for further expansion of the fossil gas network under national, EU and international climate policy. Fossil gas must be phased out of our energy mix by 2035 if we are to reach our Paris Agreement targets to keep warming under 1.5C. Further expansion of gas networks also risks that infrastructure becoming "stranded assets" as Ireland makes the required transition away from fossil fuels.

We therefore recommend that the objective to develop further gas supplies and expand the gas network be removed. We also suggest an objective banning the use of fracked gas in the energy mix. An objective should also be included to require proposals for new fossil fuel infrastructure or for proposals requiring significant fossil fuel use to provide an emissions assessment evaluating the impact of proposal on progress towards binding national emissions targets.

6.3.2 Anaerobic Digestion and Biomass Combustion

In principle, we welcome the objective to provide for the development of biogas through anaerobic digestion but *only* where the sustainability of this resource is justified. In order for bioenergy to be deemed renewable and to contribute to overall emissions reduction, the feedstock sources and the supply chain of these feedstocks must be assessed to be sustainable.

For example, while the burning of biogas generated from biomass, slurry, etc. might be deemed 'carbon neutral', the emissions that contribute to the growth, harvesting and transport

of the feedstock must also be considered, and can negatively impact bioenergy's overall contribution to climate mitigation. The fertiliser used to accelerate the growth of energy crops and feed cattle, which eventually produce slurry, not only produce emissions but also contribute to water pollution. In the worst cases, the emissions mitigation potential of biogas may be negligible.

We would highlight that anaerobic digesters suffer from significant fugitive emissions problems via methane leaks. The effect of the leakage of this potent greenhouse gas may greatly reduce or cancel out the claimed climate benefits of using biogas in place of fossil fuels[7,8,9,10,11]. Digesters also do not remove ammonia from the digestate[12].

The CDP must therefore ensure that any provision of bioenergy is accomplished in a sustainable manner.

Anaerobic digestion predicated on increased grass/energy crop production should not be permitted in light of the increased levels of fertiliser input needed to grow the grass and the associated water quality and climate impacts. The use of existing waste streams for energy provision are often a more sustainable option as they do not promote an increase in production of energy crops, which can increase NO_2 soil emissions and water quality impacts through higher requirements of fertiliser.

However, with regard to the use of slurry, intensive cattle farming is also a major emitter of greenhouse gases and is contributing significantly to Ireland's ongoing failures to reach its legally binding Paris Agreement targets; GHGs from agriculture account for one third of Ireland's total emissions. Any use of slurry for bioenergy production should not be reliant upon or drive further bovine agriculture intensification.

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[7] Paolini, V., Petracchini, F., Segreto, M., Tomassetti, L., Naja, N., Cecinato, A., 2018. Environmental impact of biogas: A short review of current knowledge. Journal of Environmental Science and Health, Part A 53, 899–906. https://doi.org/10.1080/10934529.2018.1459076

[8] Grubert, E., 2020. At scale, renewable natural gas systems could be climate intensive: The influence of methane feedstock and leakage rates. Environ. Res. Lett. https://doi.org/10.1088/1748-9326/ab9335

[9] Liebetrau, J., Reinelt, T., Agostini, A., Linke, B., 2017. Methane emissions from biogas plants. IEA Bioenergy.

[10] Ebner, J.H., Labatut, R.A., Rankin, M.J., Pronto, J.L., Gooch, C.A., Williamson, A.A., Trabold, T.A., 2015. Lifecycle Greenhouse Gas Analysis of an Anaerobic Codigestion Facility Processing Dairy Manure and Industrial Food Waste. Environ. Sci. Technol. 49, 11199–11208. https://doi.org/10.1021/acs.est.5b01331

[11] Baldé, H., VanderZaag, A.C., Burtt, S.D., Wagner-Riddle, C., Crolla, A., Desjardins, R.L., MacDonald, D.J., 2016. Methane emissions from digestate at an agricultural biogas plant. Bioresource Technology 216, 914–922. https://doi.org/10.1016/j.biortech.2016.06.031

[12] Ireland has now breached its 116kt per annum ammonia air pollution limit under the National Emissions Ceiling Directive (2016/2284/EU) for three years in a row (2016-2018) (see the EPA report, Ireland's Air Pollutant Emissions 1990-2030 published June 2020). The EPA reports that this is a direct result "*of continued increases in the national herd and fertiliser nitrogen use.*" Ireland is legally obliged under the Directive to decrease its ammonia emissions to 107.5kt by 2030, however, emissions are projected to continue to be non-compliant up to and beyond 2030.

If food waste and industrial agri-food residues will be used as feedstock, it should be noted that food waste prevention is a key part of the transition to a circular economy. The maximally sustainable use of such waste material has yet to be determined, and anaerobic digestion may not be the most sustainable use. For example, there is a strong need to develop alternative composts to the current peat-based forms, and agri-food waste is a potential key ingredient.

To ensure the sustainability of biogas production, the sustainability of the biogas's end use must also be fully assessed. Permission for biogas facilities should only be granted where the biomethane will not be mixed with fossil gas, as this would exacerbate lock-in to fossil fuel use and contribute negatively to Ireland's potential to reach its 2030 emissions reduction targets. Biogas cannot be considered to be sustainable if it relies on fossil gas for its end use.

Supplying biogas to off-grid industrial users would be a potentially sustainable option, provided it is used for electricity generation and is not mixed with fossil gas. Biogas can also be sustainably used to power buses and delivery vehicles in urban areas, which will have the parallel benefit of reducing air pollution.

We submit that the above points require the policy objectives for bioenergy in the CDP to be clarified. Objectives supporting bioenergy development should be amended to specify that this will only be supported where it can be demonstrated that the feedstock source is sustainable and where the end product will not be mixed with fossil gas.

We submit that Policy Objective CM RE 9 to "*Promote the application and uptake of technologies and solutions that utilise grass for energy extraction such as anaerobic digestion, subject to proper planning and environmental considerations*" should be altered in light of the aforementioned points regarding the adverse impacts of increased grass crop production to support bioenergy.

Similarly, section 3.5.2 which "*supports the potential of growing biomass crops on cutaway bogs and at other suitable locations*" should be strongly caveated with the need for a sustainability assessment that also specifically address carbon and biodiversity impacts.

While An Taisce would be more supportive of the use of existing waste streams, we submit that Policy Objective CM RE 10 "*Promote and prioritise utilisation of existing waste streams from agricultural and forestry sectors for renewable energy projects including anaerobic digestion, subject to proper planning and environmental considerations*" should be qualified to state that that the sourcing, sustainability and impacts of the proposed feedstocks require full assessment.

Furthermore, the import of biomass for energy should be prohibited. We would highlight the case of the West Offaly Power Station, which was refused permission for continued operation by An Bord Pleanála on grounds that included the sustainability of the biomass as well as the inadequate domestic supply thereof and consequent reliance on imports.

7. Biodiversity and Natural Heritage

Ireland has a poor record when it comes to protecting the natural environment. The sprawling nature of development is a driving force for habitat fragmentation, biodiversity loss and agriculture-related land loss and is contributing to climate change.

The 2019 report on "The Status of EU Protected Habitats and Species in Ireland" (prepared every six years as required by Article 17 of the EU Habitats Directive)[13] illustrates the poor condition of Ireland's biodiversity. Out of Ireland's 59 European protected habitats, 85% were assessed as being in an unfavourable conservation status and 46% suffering from ongoing declines. The report highlighted agriculture and development (housing, commercial, industrial, and recreational) as two of the primary threats facing these habitats.

In light of the above, the urgency with which we need to address the biodiversity loss emergency must be reflected in the CDP. As such, we are pleased to see the suite of policies aimed at biodiversity protection and enhancement, including for Laois's eight Special Areas of Conservation, two Special Protection Areas, and 30 Natural Heritage Areas (existing and proposed). However, the implementation and enforcement of these policies must be upheld in the planning process at all levels.

7.1 EU Biodiversity Strategy

We recommend that the implementation of the 14 points in the EU Biodiversity Strategy 2030 should be included as a specific biodiversity objective:

1. *Legally-binding EU nature restoration targets will be proposed in 2021, subject to an environmental impact assessment. By 2030, significant areas of degraded and carbon-rich ecosystems are restored; habitats and species show no deterioration in conservation trends and status; and at least 30% reach favourable conservation status or at least show a positive trend.*
2. *The decline in pollinators is reversed.*

[13] Habitats Directive Article 17 Report Summary 2019:
https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf

3. *The risk and use of chemical pesticides is reduced by 50% and the use of more hazardous pesticides is reduced by 50%.*
4. *At least 10% of agricultural area is under high-diversity landscape features.*
5. *At least 25% of agricultural land is under organic farming management, and the uptake of agro-ecological practices is significantly increased.*
6. *Three billion new trees are planted in the EU, in full respect of ecological principles.*
7. *Significant progress has been made in the remediation of contaminated soil sites.*
8. *At least 25,000 km of free-flowing rivers are restored.*
9. *There is a 50% reduction in the number of Red List species threatened by invasive alien species.*
10. *The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20%.*
11. *Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.*
12. *No chemical pesticides are used in sensitive areas such as EU urban green areas.*
13. *The negative impacts on sensitive species and habitats, including on the seabed through fishing and extraction activities, are substantially reduced to achieve good environmental status.*
14. *The by-catch of species is eliminated or reduced to a level that allows species recovery and conservation.*

7.2 The Slieve Blooms

An Taisce recommends that the new CDP provide for the initiation of a major area-based partnership with County Offaly for nature restoration across the Slieve Blooms based on the EU 14-point key commitments under the EU Biodiversity Strategy 2030. This would focus on:

- The maintenance and enhancement of the peatland and wet and dry heath habitats, with restoration of damaged or degraded areas;
- A nationally significant initiative to create large-scale and continuous native woodland planting belts on the lower contours to achieve transformative ecological benefits and landscape enhancement;
- The active promotion of low impact organic agriculture in the wider area.

7.3 The Heath

It is submitted that the new CDP should recognise the special ecological and landscape significance of the Heath as an open grassland area and specifically provide for appropriate land management.

7.4 Urban Greening

We would highlight Point 11 of the aforementioned EU Biodiversity Strategy that: "*Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan*."

With regard to greening urban and peri-urban areas, Section 2.2.8 of the Biodiversity Strategy states:

> *"Green urban spaces, from parks and gardens to green roofs and urban farms, provide a wide range of benefits for people. They also provide opportunities for businesses and a refuge for nature. They reduce air, water and noise pollution, provide protection from flooding, droughts and heat waves, and maintain a connection between humans and nature.*
>
> *The recent lockdowns due to the COVID-19 pandemic have shown us the value of green urban spaces for our physical and mental wellbeing. While protection of some urban green spaces has increased, green spaces often lose out in the competition for land as the share of the population living in urban areas continues to rise.*
>
> *This strategy aims to reverse these trends and stop the loss of green urban ecosystems. The promotion of healthy ecosystems, green infrastructure and nature-based solutions should be systematically integrated into urban planning, including in public spaces, infrastructure, and the design of buildings and their surroundings.*
>
> *To bring nature back to cities and reward community action, the Commission calls on European cities of at least 20,000 inhabitants to develop ambitious Urban Greening Plans by the end of 2021. These should include measures to create biodiverse and accessible urban forests, parks and gardens; urban farms; green roofs and walls; treelined streets; urban meadows; and urban hedges. They should also help improve connections between green spaces, eliminate the use of pesticides, limit excessive mowing of urban green spaces and other biodiversity harmful practices. Such plans could mobilise policy, regulatory and financial tools.*
>
> *To facilitate this work, the Commission will in 2021 set up an EU Urban Greening Platform, under a new 'Green City Accord' with cities and mayors. This will be done in close coordination with the European Covenant of Mayors. The Urban Greening Plans will have a central role in choosing the European Green Capital 2023 and European Green Leaf 2022.*

The Commission will support Member States and local and regional authorities through technical guidance and help to mobilise funding and capacity building. It will also reflect these objectives in the European Climate Pact."

It is therefore submitted that the new Development Plan should provide for the immediate development of an Urban Greening Plan for Portlaoise by the end of 2021, as well as specific timelined and targeted policies for achieving the objectives of the Urban Greening Plan during the plan period. This could be integrated into the green infrastructure section of Chapter 11

8. Built and Cultural Heritage

Ireland's unique built and cultural heritage in increasingly threatened with destruction. Ireland is a signatory to UNESCO's Convention Concerning the Protection of the World Cultural and Natural Heritage ratified by Ireland in 1991 and the Granda Convention ratified in Ireland in 1995. These conventions provide the basis for our national commitment to the protection of architectural heritage, the importance of "*handing down to future generations a system of cultural references*". To be effective, it relies on its signatory countries implementing their own national protective regimes.

The CDP should ensure the effective promotion of the Architectural Heritage provisions of Planning and Development Act 2000 (as amended) and therefore the protection of Laois's built heritage, including Architectural Conservation Areas (ACAs) and Protected Structures.

Crucially, we submit that Chapter 12 should be amended to include policies for monitoring buildings at risk and using the provision of Section 59 of the Planning Act to serve notices of endangerment to negligent property owners.

9. Strategic Environmental Assessment

The Council has a legal obligation to ensure that the SEA process is robust, effective, and identifies all likely significant effects on the environment under the range of considerations set out in the Annexes to the SEA Directive. To ensure integration of environmental considerations into the plan, a general policy or land use zoning should not be maintained where likely significant effects on the environment are identified.

An Taisce would highlight Article 10, which sets out the provisions for the monitoring of a programme subject to SEA and the obligation for remedial action where unforeseen adverse effects arise:

1. *Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.*
2. *In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.*

The provisions of Article 10 are not just for monitoring but, notably, for the remediation of unforeseen adverse effects. Section 8.12 of the 2001 European Commission guidance states that "*Unforeseen adverse effects is better interpreted as referring to shortcomings of the prognostic statements in the environmental report (e.g. regarding the predicted intensity of the environmental effect) or unforeseen effects resulting from change of circumstances*."

10. Implementation and Monitoring

In the absence of rigorous application of policy, the divergence between policy and practice results in unsustainable, economically inefficient, structurally weak and spatially dispersed settlement patterns. Therefore, it is of paramount importance that the new CDP moves beyond objectives within the text and towards robust targets, actions and measures to achieve the tangible implementation of the plan's objectives and policies. The success or otherwise of the forthcoming CDP can only be judged against quantifiable and implementable criteria which are subject to ongoing monitoring. This will be fundamental in creating a sustainable and healthy society.

We hope and trust that the above suggestions and observations on the Draft County Development Plan 2021 – 2027 will be taken into account at the final stage of plan preparation, and will lead to an improvement in the quality of life in Laois and to better protection of our environment and climate.