

CHAPTER 6 ENVIRONMENTAL SERVICES AND PROTECTION

6.1 BACKGROUND

The Water, Environment and Emergency Service are now amalgamated at Central and Area Levels following the process of Better Local Government reform. The responsibilities of the Council in relation to these services involves the development and operation of water and environmental infrastructure for the benefit of citizens, and also protection of the natural environment – air, water and soil - in accordance with the principles of sustainable development.

GOAL

To support sustainable development of the County through the protection of the environment and the provision of quality environmental services. A sustainable system is one which respects the **natural environment**, the **economy** and also the **social and cultural** needs of the community.

OBJECTIVES

Provide every resident with a satisfactory level of service, through sustainable systems, in respect of:

- (a) Potable domestic Water Supply;
- (b) Suitable domestic Waste Water collection and disposal systems;
- (c) Adequate industrial and commercial Water Supply;
- (d) Suitable Waste Water collection for commercial and industrial purposes;
- (e) Adequate controls for treatment and disposal of industrial waste water;
- (f) Collection, treatment and disposal of Household Waste;
- (g) Adequate controls for the collection, treatment and disposal of Commercial and Industrial Waste;
- Protect surface water and ground water from pollution;
- Protect against soil contamination;
- Minimise air and noise pollution;
- Support remediation of all existing pollution;
- Provide a Veterinary Service to protect human and animal health and well being through the enforcement of national legislation;
- Provide an effective Fire Service to deal with all types of emergency events in order to protect human life and property;
- Provide community support for emergency services by promoting, developing and maintaining Civil Defence as an effective volunteer based organisation;
- Ensure full compliance with relevant National and European Regulations, Statutes and Directives through monitoring and control of relevant activities.
- Provision of adequate wastewater treatment systems for urban areas and for industrial units where applicable.

6.2 RESOURCE PRIORITISATION

Allocation of resources to maintain, develop and improve services will be further prioritised as follows:

- (i) To ensure quality;
- (ii) To meet current demand;
- (iii) To increase capacity for economic expansion.

6.3 POLICY FRAMEWORK

The Water and Environment Service Programmes are guided by a number of EU Directives for controls on the utilisation of natural waters, such as, Abstraction Waters (75/440/EEC), Fish Waters (78/659/EEC), Bathing Waters (76/160/EEC), Shellfish Waters (79/923/EEC) etc, and for control of activities affecting water bodies, such as, the Urban Waste Water Treatment Directive (91/271/EEC), the Nitrates Directive (91/676/EEC), the IPPC Directive (96/661/EEC), the Drinking Water Directive (80/778/EEC), the Groundwater Directive (80/68/EEC), and the Landfill Directive (99/31/EC), etc. These Directives are generally transposed into Acts of the Oireachtas and SI Regulations. For example the Water Framework Directive (2000/60/EC) is implemented in Ireland through the European Communities (Water Policy) Regulations – SI No. 722 of 2003. This last Directive seeks to establish a European framework for the implementation of all directives relating to protection of natural waters.

The Council is systematically notified of Government policy in respect of the above, through Circulars issued by the Department of Environment Heritage and Local Government, and exchequer funding is conditional on the implementation of these policies.

The Council rely on accepted European principles for environmental protection such as *Sustainable Development*, the *Polluter Pays Principle*, the *Proximity Principle* and the *Precautionary Principle*, in its development and implementation of environmental policies.

The principles and legislative framework outlined above, form the basis of policy development by the Council in respect of Environmental Services and Protection and are described below.

6.4 POLICIES AND PROPOSALS

A wide ranging suite of policies/proposals have been developed by the Council for Environmental Services and Protection as follows: -

POLICY ESP1 – ENVIRONMENTAL PROTECTION

To monitor environmental impacts from human activities in respect of soil, air, and water, and to militate against negative impacts through enforcement, licensing and direct intervention.

POLICY ESP2 – FLOOD RISK AND DEVELOPMENT

The underlying causes of flooding, heavy rain and high sea levels, are, essentially, uncontrollable. However, some of the factors that influence the extent and severity of the flooding attributable to these causes can be addressed. The most influential of these factors is development, in particular development in flood plains. The risk of flooding should be considered in all cases where development is being considered in the interests of individuals proposing the development and of the public in general.

It is Council Policy that development should not itself be subject to an inappropriate risk of flooding not should it cause or exacerbate such a risk at other locations.

To achieve this policy objective, the following provisions shall apply:

- Development that is sensitive to the effects of flooding will generally not be permitted in flood prone areas.

County Donegal Development Plan 2006-2012 (As varied)

- Appropriately designed development, which is not sensitive to the effects of flooding, may be permissible in flood plains provided it does not reduce the floor plain area or otherwise restrict flow across floodplains.
- Development must so far as is reasonably practicable incorporate the maximum provision to reduce the rate and quantity of runoff.
 - Hard surface areas (car parks, etc.), should be constructed in permeable or semi-permeable materials.
 - On site storm water ponds to store and/or attenuate additional run off from the development should be provided to include Sustainable Urban Drainage Systems (SUDS).
 - Soak-aways or French drains should be provided to increase infiltration and minimise additional runoff.
- For developments adjacent to watercourses of a significant conveyance capacity any structures (including hard landscaping) must be set back from the edge of the watercourse to allow access for channel clearing/maintenance.
- Development consisting of construction of embankments, wide bridge piers, or similar structures will not normally be permitted in or across flood plains or river channels.
- All new development must be designed and constructed taking consideration of the following minimum flood design standards:-
 - For Urban areas or where developments (existing, proposed or anticipated) are involved – over 100 year flood.
 - For Rural areas or where further developments (existing, proposed or anticipated) are not involved – the 25 year flood.
 - Along the Coast and Estuaries – the 200 year tide level.
 - Where streams open drains or other watercourses are being culverted – the culvert shall be sized to comply with the design standards above and shall be accessible for maintenance.
- A flood impact assessment and proposals for the storage or attenuation of run/off discharges (including foul drains) to ensure the development does not increase the flood risk in the relevant catchment must accompany applications for Planning Permission for development areas exceeding 1 Hectare.

POLICY ESP 3 (a) – WASTE MANAGEMENT – WASTE MANAGEMENT PLAN

The Council has made a *Waste Management Plan* in compliance with the Waste Management Act, 1996. This Plan sets out the County Council's policies and strategies for the management of waste. The Plan addresses the requirements of government policy and national goals as documented in the government publication "Waste Management – *Changing Our Ways*". The Plan identifies infrastructural deficits and proposes the development of Waste Management Infrastructure. The relevant policies relate to the following actions: -

LANDFILLS

To investigate the development of four modern landfills in conjunction with the current Waste Management Plan. The Council has an existing modern engineered landfill site at Ballinacarrick, Ballintra and a second landfill site is planned at Meenaboll, Meenaroy. Investigations are underway to identify a suitable landfill site to serve the Inishowen Peninsula.

CIVIC AMENITY SITES/ RECYCLING CENTRES

To develop three Civic Amenity Sites/Recycling Centres at Stranorlar, Letterkenny and Laghy. The County Council has an existing Civic Amenity Site/Recycling Centre in Carndonagh and funding is being sought to develop two further sites to serve the Glenties and Milford Electoral Areas. In addition a Civic Amenity site will also be developed in the Buncrana/South Inishowen area during the life of the Plan.

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MATERIALS RECOVERY FACILITY

To develop a Transfer Station/ Materials Recovery facility near Letterkenny to handle mixed dry recyclables and a central composting unit for biodegradable waste arising from Kerbside Collection systems.

SLUDGE MANAGEMENT PLAN

To develop four wastewater sludge treatment centres throughout the County in conjunction with the Sludge Management Plan, which is incorporated into the Waste Management Plan, and which provides a framework for the treatment of sludge arising from the treatment of waste and wastewater in the County. The plan sets out a strategy for the collection, transportation, handling and ultimate treatment and disposal of sludge. The preferred disposal option for wastewater sludge is the beneficial reuse of biosolids through agriculture and horticulture, following sterilization and thermal drying. The wastewater sludge treatment centres shall be located in the Donegal Town, Gweedore, Letterkenny and Buncrana Waste Water Treatment Works.

POLICY ESP 3(b) – WASTE MANAGEMENT – LITTER MANAGEMENT PLAN

It is the Council's policy to implement the Litter Management Plan.

The Council and the Town Councils of Buncrana, Bundoran & Letterkenny are responsible for implementing the Litter Pollution Act, 1997, within their respective areas. It is a requirement of the Act that each Local Authority prepares and implements a Litter Management Plan for its functional area. The four authorities concerned have agreed to produce a joint plan for the County. Litter wardens are responsible for enforcing the Litter Pollution Act and the Waste Management Act. At present the Council have a number of full time litter wardens who can issue verbal/written warnings, on the spot fines and investigate illegal dumping. In addition the Council have mobile litter units patrolling the County, collecting rubbish from picnic areas, beaches and roadsides. The units also play a pivotal role in the Council's Spring/Summer Clean Up Programme. It is important throughout the County that litter, which is a major problem in Ireland as a whole, is tackled through a comprehensive programme of public education, as it can portray a very negative image particularly to visiting tourists.

POLICY NO. ESP 4 – GROUNDWATER PROTECTION

The Council proposes to identify important groundwater bodies through geological and hydrogeological surveys and to protect important groundwater bodies through its environmental protection programme and land use planning system. Controls will be based on a risk management approach which seeks to establish the nature of the hazard, the vulnerability of the groundwater body and the potential consequences of a contamination event. Within Donegal there are a number of locally important aquifers, which store large quantities of water and are capable of storing water for small group and villages schemes (e.g. Lough Foyle shores, river gravel deposits at Fanad Head and fluvioglacial and gravel deposits in Glenswilly, Lough Swilly estuary and near the coast at Carndonagh and Buncrana). Public Groundwater Abstraction points and associated Groundwater Protection Plans can be viewed on the Councils website.

POLICY ESP 5(a) – PROVISION OF WATER SERVICES [Water & Wastewater]

The Council proposes to achieve compliance with the Urban Waste Water Treatment Directive in respect of discharges of municipal waste-water to rivers, estuaries and the open sea, and to allow for economic and social development through the delivery of its sewerage scheme programmes. It is also the policy of the Council to provide an adequate and acceptable water supply to consumers compliant with the Drinking Water Directive [98/83/EC], and to allow for economic

and social development through the delivery of its water supply scheme programmes. Water Services are delivered under the **Water Services Investment Programme [WSIP]** and the **Rural Water Programme [RWP]**.

WATER SERVICES INVESTMENT PROGRAMME [WSIP]

The WSIP consists of the Major Capital Programme, the Serviced Land Initiative Programme, and the Water Conservation Programme.

The Council therefore proposes to implement the following policies: -

POLICY NO. ESP 5 (b) - MAJOR CAPITAL PROGRAMME

To implement this major programme, and to recover non-domestic marginal capital costs via water charges and spare capacity marginal capital costs via the Development Contribution Scheme. The Major Capital Programme is guided by the *Assessment of Needs for Water Services* which was first adopted by the Council in 1999 and again revised in 2003.

POLICY NO. ESP 5 (c) - SERVICED LAND INITIATIVE PROGRAMME

To implement viable schemes on this programme and to recover the matching funding through the Development Contribution Scheme. The Serviced Land Initiative scheme was introduced by the Government in order to stimulate housing development in places where serviced land was not available. The scheme provides up to 40% exchequer funding for approved schemes.

POLICY NO. ESP 5 (d) - WATER CONSERVATION PROGRAMME

To install and maintain leakage control systems on all water supplies in future and to reduce UFW to economic levels in accordance with sustainable development principles.

RURAL WATER PROGRAMME

The Rural Water Programme is based on the Rural Water Strategic Plan, adopted by the Council in 2000. The Programme consists of the Group Water Schemes Programme and Small Public Water and Sewerage Schemes Programme. The Rural Water Programme can be viewed on the Council's website.

POLICY NO. ESP 5 (e) - GROUP WATER SCHEMES PROGRAMME

The Council proposes to implement with the support of the Rural Monitoring Committee, the Group Water Schemes Programme and to provide adequate technical and administrative support to group scheme committees, and to take these schemes in charge if the groups so wish.

Some 350 of these schemes provide piped water supplies in rural areas, and most are in private ownership. Deficiencies are being assessed and prioritised under three headings: Quality, Supply, and Service. Existing schemes, which have unacceptable water quality, are being addressed as a first priority. Strategies are in place to resolve water quality deficiencies on all schemes serving more than 50 persons, either by connecting these to public supplies, or by installation of adequate water treatment facilities. The Council will therefore implement the programme to upgrade the existing Group Water Schemes. The provision of additional water supply networks in rural areas through the development of new group schemes is also being managed by the Council and financed by the DOEHLG. It will also be the policy of the Council to ensure that all consumers will receive an acceptable standard of water supply so as not to cause damage to people or their property.

POLICY NO. ESP 5 (f) - SMALL PUBLIC WATER AND SEWERAGE SCHEMES PROGRAMME

The Council proposes to implement with the support of the Rural Monitoring Committee, the Small Public Water and Sewerage Schemes Programme and recover the necessary matching funding through the Development Contribution Scheme.

The Small Schemes Programme is funded by the exchequer on the basis of the Council providing a minimum of 25% matching funds. Currently Small schemes are categorised by having a budget less than €635,000. This programme has addressed 30 such schemes since 1994, assessing the short term needs of many water and wastewater schemes and examining major improvements, which will be carried out under the WSIP in due course.

POLICY NO. ESP 6 – WATER SERVICES PRICING POLICY

The Council proposes to implement Government policy in respect of non-domestic water pricing and to consult with affected user groups in respect of the implementation of the policy. It is also the policy of the Council to recover the marginal capital cost of providing spare capacity for future consumers including future housing through the Development Contribution Scheme.

In 1998 the Government adopted a National Water Services Pricing Policy requiring:

- The recovery of "average operational" and "marginal capital" costs in respect of the provision of water services to all non-domestic users (NDU's);
- The completion of the metering of all such users by 2006;
- The maintenance of the status quo on not charging for the provision of domestic water services, and the meeting of these costs through the Local Government Fund in the case of operational costs, and through the Department's Capital programme in the case of infrastructural costs.

POLICY NO. ESP 7 – EMERGENCY SERVICES

The Council proposes to cooperate and share resources with adjoining authorities including those in Northern Ireland and to implement a capital programme of fire station and fire appliance replacement, in order to ensure that Brigades avail of the latest technology and equipment in the interests of public safety.

POLICY NO. ESP 8 – CIVIL DEFENCE

The Council proposes to provide matching funding, management support and adequate accommodation to ensure that Civil Defence volunteers throughout the County can achieve their goals and can continue to improve their skills and operational capacity.

POLICY NO. ESP 9 – VETERINARY SERVICES

The Council proposes to observe and support the mission statement of the Veterinary Section of the County Council namely, to continually ensure the highest standards of protection for the citizens of Donegal in relation to food safety, the effects of animals on the environment and zoonotic disease, through the enforcement of national legislation, in accordance with the resources at its disposal.

Priority will also be given to the welfare of animals and the promotion of animal may relate to maintaining appropriate distances between hazards and residential areas, areas of public use, and/or areas of particular natural sensitivity or interest. In this regard the Council will liaise closely with the Health and Safety Authority and any planning proposals which may be submitted will have to comply with the regulations, guidelines, and directives related to the Major Accident Directive.

County Donegal Development Plan 2006-2012 (As varied)

Section 10(2)(k) of the Planning and Development Act 2000-2004 requires that a development plan shall include objectives for:

"the control, having regard to the provisions of the Major Accidents Directive and any regulations; under any enactment, giving effect to that Directive, of

i siting of new establishments

for the purposes of reducing the risk, or limiting the consequences, of a major accident".

This objective relates to EU Council Directive 96/82/EEC (known as the Seveso II Directive) and is aimed at the prevention of major accidents which involve dangerous substances and the limitation of the consequences of such accidents for people and the environment. It applies to establishments where dangerous substances are produced, used, handled or stored.

In the context of including policies and objectives for the purpose of reducing the risk of a major accident and limiting the consequences of a major accident, the Development Plan is required to indicate the location and nature of established sites within the plan area. In this regard, there are currently no such sites within the County of Donegal. Within the life of the Plan however, this situation may change with the storage thresholds of certain substances either being reduced or the quantities to be stored by industrial users increased.