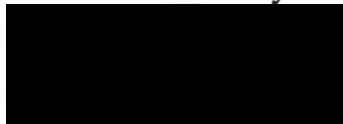




**Submission on Proposed Amendments to the Draft Clare
County Development Plan 2023-2029**

By

Michael Duffy.



3rd January 2023

A Chara,

Further to my submission of 28th March 2022 the contents of which are still relevant I wish to add the following with regard to the draft plan as now proposed.

I note that the SEA Environmental Report is not in accordance with the statutory guidelines and in particular the Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities Prepared by the Department of Housing, Local Government and Heritage gov.ie/housing March 2022 (copy appended). This review to date has been based on the 2004 guidelines and should be revised to take account of the new guidelines. As the Minister states;

"I am pleased therefore to revise the original Guidelines so that the lessons coming from national and European evaluations over the last decade and a half can be reflected in practice in the Planning system in Ireland".

"The review of these Guidelines has been carried out alongside the review of the Development Plan Guidelines for Local Authorities, and should assist regional assemblies and planning authorities in carrying out efficient and effective SEA during the preparation of land use plans, which will contribute toward achieving national and international sustainable development goals".

<https://www.gov.ie/en/press-release/4cd97-updated-strategic-environmental-assessment-sea-guidelines-to-help-integrate-environmental-issues-into-development-plans/>

Strategic Environmental Assessment Environmental Report (SEA ER):

There are very good reasons why the owner of a taxi cannot get his/her mechanic cousin to NCT their taxi. They must bring it to an approved independent test centre for inspection. If there is any issue subsequently there is a printed report to prove that the brakes actually cause the wheels to stop and proof that the steering wheel is actually connected to the two front wheels. We may not like having to engage with this process but it is difficult to argue against it.

The European Commission do not really care much about the style, location, connectivity, or other social aspects of our realm generally set out in a County Development Plan. What it really does care about are the impacts a Plan or project will have on the environment and aspects of our environment which don't have a voice. Just as it did with the taxi driver's brakes it saw fit to regulate for these issues. It, along with the Courts, are the nearest this we get to honest brokers in the planning process which includes this development plan process. The EU try not to crowd a Member State and leave much of the detail to its own discretion. It generally does not interfere unless the Member State either centrally, or through its devolved elements, such as a Planning Authority (PA), abuse its position. The people of Clare are not generally aware of, or show little interest in, the County Development Plan. Probably the only aspects they are aware of, although they may not be aware of the connection, is around rural housing. They know there are restrictions around who can build, where they can build and they know about the onerous requirements around "percolation tests" at least up to the point of achieving planning permission. The EU seem relatively happy with how we address the environmental aspects of building a home in the countryside [at least up to the planning stage]. Any observer of previous plans, or this draft development plan, will see the objectives relating to on-site wastewater assessment and requirements for strict compliance with EPA codes of practice. Contrast this to the light touch, or in some cases, no touch, procedures around municipal wastewater treatment in previous plans including this draft proposed plan.

This is worth considering. The big stick is waved at the little people to draw attention from the errant ways of the master. We know the history. The Local Authority (LA) designed and constructed the vast majority of municipal wastewater treatment plants in the County. It gladly relieved itself of that duty in 2013/4 when Irish Water was imposed on the Country. It wasn't a clean divorce though; the two remained joined at the knee if not the hip. Sniggering in the background was the Minister and his/her Department; yes, the paymasters. The token "NCT tester" is the EPA who is, at an executive level, joined to the other knee and subject to the same paymaster. It won't rock the boat and won't insist on print-outs for the condition of the brakes or steering wheel. The well-established practice to date in reviews of CDP's is to speak out of both sides of the executive mouth regarding municipal wastewater treatment. Bury token references to the need to expand capacity or in some cases actually provide wastewater treatment for the 1st time and then much more prominently in the Plan zone land for housing as the PA sees fit.

Purpose of Environment Report (ER):

The purpose and function of the Environmental Report (ER) are well explained and set out in the guidelines. For the avoidance of doubt the ER is intended to be a standalone document and distinguished from the Natura Impact Report (NIR). The ER in this process, as presented to date, has many shortcomings which on its own is enough to call into question the validity of this proposed plan. In this instance there is no requirement for screening as SEA is a mandatory requirement for a CDP. The first duty of the PA was to carry out scoping for the SEA and the most fundamental aspect of that was to establish baseline conditions which exist. The Environmental Assessment of the County Development Plan did not engage with EPA AER's and other data on wastewater treatment plants (WWTP's). This is fundamental scientific information to establishing baseline conditions. I refer above to the EPA as being tied at the knee which I firmly believe it is. However if one digs deep enough into its published AER's, and review past planning applications and other well hidden PA data, it is possible to establish the true baseline picture. The powers that be, in this case, for the moment, the PA, don't want that truth to be exposed because more than half the land proposed to be zoned for development, and particularly residential housing, would be precluded from being included. The Office of the Planning Regulator (OPR) has a role in this but seems to be a just a carbuncle on the famous knee and tolerated once it keeps shadow boxing in the background. For completeness the OPR shares the paymaster with the others.

Flaws in the ER:

There are many flaws and lacunae in the ER as presented. I have attempted to highlight the most obvious and important but this is by no means a complete list of them. In the first instance the ER is based on 2004 guidelines and needs to be reviewed to reflect the 2022 guidelines. Similarly it is not acceptable to blend the amended report as a Volume 10 (a) & (b) "*addendum to environmental assessments*". The requirement is for an amended Environmental Report. Table 2.2 of section 4 refers that "*The EPA guidance document will be considered in preparing the Plan and associated SEA*". That's it thereafter – not another whisper of the EPA Guidance or any of its data after that in the ER. The scoping box was ticked and the PA seems to think this will do the trick. One of the requirements for the ER is that current and likely future state of the environment are included. It is intuitive that these need to be assessed or properly assessed and grounded in the best available scientific evidence of the situation on the ground. That did not happen. It is supposed to identify existing environmental problems including issues and threats to the environment. It is also supposed

to identify significant effects and cumulative effects. That includes all of these not just selected parts that the PA decide to publish.

Section 7.1 of the guidelines

Plan-makers and SEA practitioners are advised to ensure that elected members of local government are fully aware of the purpose of the SEA process and the importance of the integration of the findings of the Environmental Report into the plan. They should be made aware of the implications of proposing changes to the draft plan late in the plan-making process as these changes may also be subject to further assessment as part of the SEA of the plan.

Clearly the elected members are required to consider the Environmental Report. They need to be fully informed and therefore the report cannot have lacunae and must stand alone; not integrated with AA or other processes as suggested in Table 2.5 of the ER.

Section 2.4.1 of the guidelines refers to SEA and Appropriate Assessment. It states the following;

In practice, where both environmental assessments are required, the SEA and AA processes often run in parallel and steps that are common to both processes, such as baseline data collection, can use the same resources and techniques. In this regard, Article 11(2) of the SEA Directive states that Member States may provide for coordinated or joint procedures with other EU legislation in order to avoid duplication of assessment. The Environmental Protection Agency's (EPA) guidance on Integrated Biodiversity Impact Assessment provides further advice on how procedural elements of the two processes can be integrated, notwithstanding **that their overall function and purposes are very different**. The Department of Housing, Local Government and Heritage is preparing updated guidance on the AA process which will assist local authorities when carrying out this type of assessment for plans [my emphasis].

There is no screening determination regarding SEA as suggested in Table 2.5. SEA is mandatory for this proposed plan.

There is no amendment of the ER in this part of the process. There is a convolution of assessments included but not coherent methodology for the public to track the environmental assessments. This SEA report is not fit for purpose and needs to be revisited.

Page 234 of the ER states-

The 7 designated 'Small Towns' in County Clare are Kilkee, Killaloe, Lisdoonvarna, Miltown Malbay, Newmarket-on-Fergus, Sixmilebridge and Tulla and these towns are of fundamental importance as employment and tourist centres and for the provision of services and facilities for their resident populations and their rural hinterlands. The strategy for these settlements is to ensure that their existing roles are maintained and further strengthened through measures such as the adequate zoning of lands for development, supporting the concept of settlement networks, seeking investment to regenerate and rejuvenate these settlements, supporting and working with the relevant bodies towards the development of the required ancillary infrastructure (including innovative solutions for wastewater treatment), and the adoption of a facilitatory approach towards appropriately-scaled and designed urban development.

A fleeting mention but not an assessment. Kilkee has no wastewater treatment whatsoever. Killaloe, Miltown Malbay and Newmarket on Fergus have dysfunctional plants and no zoning which will increase wastewater on these plants should be included in this plan. Does *innovative solutions for wastewater treatment* include burying the fact in the SEA ER and/or NIR?

Well buried on Page 238 of the ER it states –

According to the EPA Urban Wastewater Treatment Report, 2019 Kilkee, Kilrush and Ballyvaughan were all found to be discharging untreated waste water to our seas. In addition, Shannon Town, Ennis South and Lahinch failed to meet the European Unions treatment standards in 2019.

For the benefit of those who do not know Ennis South is Clareabbey WWTP which discharges to the Fergus, an SAC, and the PA considered this plant to be overloaded as far back as 2003. It continued to grant planning permissions since 2003 so it is no surprise it is failing discharge ELV's. Moreover in its unquestionable wisdom Irish Water, in collaboration with its tied at the knee agent, has decided to add the Clarecastle wastewater to this plant without any planning permission or appropriate assessment of the likely significant effects on the SAC. That will be dealt with in another forum but the relevance here is that there should be no land zoned in this Plan for anything that will add wastewater to this overloaded plant. The PA has not shown any of the best scientific evidence available of the inadequacy of this plant.

Is that the extent of the scoping carried out – a 2019 EPA report? Several planning applications on already zoned lands in Lahinch have been refused permission recently because that is no WWTP capacity. All zoning in Lahinch which will contribute additional wastewater should be removed from this proposed plan.

Well buried on Page 240 of the ER it states –

it is impossible to provide for growth in important service centres such as Ennistymon, Lahinch and Killaloe amongst others with no planned investment in un-serviced towns and villages. This could lead to the creation of undue pressure for septic tanks in rural towns and villages with potentially an increased demand for one off housing in County Clare.

One wonders where “the *amongst others*“ are located? Is the executive assuming that the elected members already know? Are the public entitled to know the locations?

ER Appendices:

In Appendix A – Detailed Assessment of Plan Objectives contains 345 pages of spreadsheets with 13 colour coded columns. There is no explanation or index of what these indices relate to. There is no column in relation to an assessment of wastewater in respect of proposed objectives.

These are selective and do not assess all the agglomerations within the County.

Appendix B – claims to be a “Detailed Assessment of Volume 3 (a – d)” It most certainly is not detailed. For Example there is no assessment of the following non-conclusive list of locations.

Miltown Malbay; Lahinch; Kilkee; Kilrush; Ennistymon; Doonbeg; O'Callaghan's Mills; Ogonnelloe; Ruan; Tubber; Furthermore while given objectives have been assessed most of the paragraphs within specific objectives have not been assessed.

Appendix C – (Tables 8.2 – 8.5) – Detailed Assessment of cumulative and in-combination effects has incalculable lacunae in relation to in-combination effects where no wastewater or dysfunctional wastewater treatment is a factor.

Addendum to Environmental Assessments:

Given that the ER itself is flawed it follows that this addendum is automatically flawed but in any event its contents are independently flawed. While in this document there is an index of the parameters set out in Table 1 there are 12 parameters listed but yet the spreadsheets have 13 associated columns. Table 2 indices are incorrect and it makes no assessment of wastewater treatment. There are no assessment outcomes against each paragraph relating to revised objectives. The inadequacies in the information provided make it impossible to comment in any meaningful way on the proposed revisions.

This addendum refers to amendments to zoning in locations which were not assessed in the original ER. Furthermore the amended zonings relate to locations where there is either no wastewater capacity or no wastewater treatment at all.

Settlements should not be defined or zoned where there is no municipal wastewater treatment. Permitting more on-site wastewater treatment systems in these settlements will impact on densities or future densities and will cause more problems in the future. The PA has no legal mechanism, notwithstanding objectives to this effect, to force existing householders with on-site wwts to connect to municipal systems if and when they come available. A condition of planning in this regard cannot be enforced and will probably be outside enforcement timelines in any event. Liscannor is a good example of this. Additional zoning should not be permitted until existing development within the settlement boundary and agglomeration is connected to the public wwt system and existing on-site systems decommissioned. The relationship between these owners of on-site systems and Irish Water in respect of new connections needs to be addressed. These taxpayers are instrumental in providing the new infrastructure and will incur significant on-site costs regarding rearrangement of their internal pipe systems and decommissioning existing systems. In this regard connection charges and, in some cases, extension of public sewers, should be waived.

I note that in this “addendum” it was possible to refer to Miltown Malbay, Lahinch, Kilkee, and Kilrush in order to amend zonings but it was not possible to assess these locations in the ER.

Chief Executive Response to previous submission:

The Chief Executive in his response to S2/940 states that *“both the SEA and Appropriate Assessment (AA) which were prepared in tandem with the preparation of the draft Clare County Development Plan 2023-2029 were used to inform all zonings and objectives throughout the process. The best available data and scientific information together with expertise in the relevant disciplines were utilised in this process”*. With respect I beg to differ and I believe that this submission demonstrates that the SEA is flawed and probably fatally flawed at this stage.

In his response he has given an undertaking that *“In accordance with the National Planning Framework Clare County Council could not zone any lands for future potential development where insufficient infrastructure exists (i.e. water and wastewater)”*. That is not reflected in the proposed amendments to the plan. Even within the deficient assessments to date it is recognised that in many of the settlements with proposed zoning *“insufficient infrastructure exists”*. It remains unclear how the PA intends to square this circle.

Proposed Zoning;

Several generations of Clare County Development Plans have gone unchallenged in relationship to the true relationship between available sustainable wastewater treatment and zoning, particularly zoning for residential housing. The PA has plenty of practice speaking from both sides of its corporate mouth. The stakeholders further up the pyramid have no incentive to ensure it is fulfilling its supposed role. In fact the contrary is the case and the other three elements of the quartet, Irish Water, the EPA, and the Minister don't want to know about the real facts. The OPR has an opportunity to cut its teeth here but I won't hold my breath.

A proper assessment of both wastewater treatment plants in Ennis, including the dysfunctional combined sewer system, will show that both are over capacity, have unmonitored stormwater overflows and are operating in contravention of National Regulations and European Directives. The situation has declined to such an extent that in order to retain any semblance of duty the EPA have commenced to prosecute Irish Water in token attempts to justify its existence.

The reasons that the likes of Miltown Malbay were omitted from proper assessment in the ER is because the PA knows well the dysfunction of the in-situ wwtp and the pollution it has caused,

including the covered-up effects of this pollution, over decades. It knows that recently, in collaboration with Irish Water, it unlawfully connected an additional loading on this dysfunctional plant. It also knows that there are numerous developments around Miltown Malbay, Spanish Point and the wider County which are legally required to have wastewater discharge licences in place but due to the incompetence of the LA do not have them. Without any scoping this LA knows full well where the skeletons are buried.

In a personal capacity I had pensioner clients, one of whom couldn't sleep with worry because this LA carried out an EPA prescribed inspection of their 1970's septic tank, found it deficient on the basis of a non-invasive walkover stroll and issued threatening correspondence on no supportive grounds. When challenged, the LA representative could not state what standard these people were expected to upgrade their system to. The LA would not admit that there is no standard in such cases other than an obligation not to pollute.

Since 1992 I complained to this LA regarding an illegal discharge to a swallow hole from its Kilfenora municipal WWTP (now an "asset" of Irish Water's) which polluted the potable well for my home. The bureaucratic line back then was that it was farmers who were polluting my well. It took me until 2011, when availing of my right to public participation as part of this LA's obligation to get authorisation from the EPA, to prove that this plant was polluting my well. In the event it was discovered to be polluting at least a dozen wells downstream from the plant. It wasn't the farmers at all but of course I knew that for over a decade. The reason the EPA instructed Clare County Council to carry out the downstream testing was because it realised that I knew what I was talking about and had my facts gathered. That story, including my ongoing determination to see it through to the end, should not be lost on the upper echelons of the bureaucratic pyramid in respect of this Development Plan. The days of verbal or typed slurry being applied in drafts to blackmail elected members into adopting a Development Plan for this County are over. The ball is firmly in your court Chief Executive.

Extracts and comments from Volume 1:

3.1 Core Strategy

The Planning and Development Act, 2000 (as amended) **requires the inclusion of an evidence-based 'Core Strategy'** in development plans which demonstrate how the development plan is consistent with the National Planning Framework (NPF) and the relevant Regional Spatial and Economic Strategy.. The Core Strategy must take account of any policy of the Minister in relation to national and regional population targets and serves to reinforce the role of the development plan as the fundamental link between national, regional, County and local policies. **The Core Strategy must also provide the policy framework for other documents within the organisation including the Local Economic and Community Plan, local areas plans and the zoning of land in settlements.**

3.2 Strategic Aims

To provide the policy framework for settlement plans and local area plans (LAPs), particularly in relation to land-use zoning, and to ensure a strategic approach to zoning that allows an appropriate level of development throughout the plan area.

- To set the context for the **key infrastructure** of the County and its role;
- **To provide a framework within which the provision of sustainable infrastructure**, amenities, economic investment and development can take place to maximise the use of resources in the County, for current and future generations; and
- To comply with the requirements of the Planning and Development Act, 2000 (as amended).

Goal XVIII: A county where the overall strategic objectives of the County Development Plan are translated into settlement plans and local area plans containing detailed land-use zonings and master-planning of neighbourhoods **in an evidence-based, plan-led approach** with a focus on ensuring a high quality of life.

3.4.2 Core Strategy Statement

The Core Strategy has taken the following into account:

- Facilitating residential development in serviced and unserved settlements as an alternative to rural one-off housing;

- Ensuring all lands identified for development are in accordance with the “Tiered Approach to Land Use Zoning” as set out in the NPF and identified in Appendix 1 of the Volume 3’s;

It certainly has not done this. It has not applied the tier methodology appropriately.

Objectives 3.1 and 3.2 are verbal rubbish.

“*To support*” the core strategy is meaningless.

“*To ensure that sufficient land continues to be available to satisfy the housing requirement of the County over the lifetime of the Plan*”. The truth is that the land zoned in this proposed is unsustainable in environmental terms and cannot be adopted. The term *continues* is meaningless in the context where current lands cannot be zoned because of infrastructure deficits.

4.2.2 Compact Growth is meaningless in a context where these lands should not be zoned in the first instance.

19.4. Nature of Zonings

Strategic Residential Reserve is meaningless in a context where these lands should not be zoned in the first instance.

Page 266 reference to Section 28 guidelines

Development Plans, Guidelines for Planning Authorities DHLGH (June 2022)

Falsely claims that all aspects of the Plan is informed by this guidance in particular the Core Strategy and the zoning of lands and policy objectives.

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009)

The NIR carried out is flawed regarding the capacity of wwt plants.

Strategic Environmental Assessment (SEA) Guidelines (2004) needs to be updated to Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities Prepared by the Department of Housing, Local Government and Heritage gov.ie/housing March 2022

Appendix 9 Implementation and Monitoring

The parameters set have no basis

CDP3.1 Core Strategy - sustainability not demonstrated with respect to wwtp's

3.4 Settlement Hierarchy

The Hierarchy is based not only on population, but on a variety of strategic long-term planning and land use considerations including the capacity of individual areas to accommodate growth; jobs to resident workers ratio; availability of road, rail and air transport; **availability of water and wastewater services**; availability of education facilities; and the requirement to revitalise rural areas. In addition, the requirements of the Strategic Environmental Assessment (SEA) process have informed the preparation of the Settlement Hierarchy.

3.4.2 Core Strategy Statement

The Core Strategy has taken the following into account:

The allocation of population growth to the settlements **on a sustainable** tiered approach based on the settlement hierarchy, the infrastructure services, demand, past delivery, jobs to resident workers ratio and potential growth. This means that settlements will grow at an appropriate rate and at a more self-sufficient level, thereby reducing the need to commute;

Application of a graduated and responsive, tailored approach to the quantum of zoned lands having regard to Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), and circular Letter NRUP 02/2021. Therefore, in addition to higher densities in settlements, consideration has been given to an element of lower density development which does not represent more than 20% of the total planned housing stock in any settlement;

Falsely claims that the quantum, location and distribution of new development **has had regard to the capacity of existing and planned wastewater services infrastructure**;

The capacity of settlements to grow in the absence of necessary infrastructure,

Falsely claims that environmental considerations have been taken into account in the preparation of the Core Strategy.

3.4.3 Settlement Hierarchy and Strategy

These population targets and land requirements are reflected in the settlement plans set out in Volume 3 of this Development Plan and should be used as a framework for the provision of water and wastewater services in the County.

Additionally, in order to achieve balanced County-wide growth, the Settlement Strategy was prepared having regard to the capacity of individual areas to accommodate growth; jobs to resident workers ratio, availability of road, rail and air transport; availability of water **and wastewater services**; availability of education facilities; and the requirement to revitalise rural areas. Regard was had to the SEA and AA processes. **There is no evidence presented to demonstrate this.**

CDP 4.1 It is an objective of Clare County Council:

m) To monitor the cumulative effect of grants of planning permission on available wastewater capacity where connection to a public wastewater treatment plant is included as part of a development proposal; **Why, for the first time, has this monitoring been included? What baseline figures will be adopted? Clearly the PA is aware of the capacity issues but won't state then clearly.**

Falsely claims that Development Strategy The policies of this Development Plan support the delivery of key growth for the Limerick Shannon Metropolitan Area in the NPF, RSES and MASP, having regard to the constraints in place particularly in the Limerick suburbs area of Clare **in relation to wastewater**, and road infrastructure.

CDP 4.4 It is an objective of Clare County Council:

h) To monitor the cumulative effect of grants of planning permission on available wastewater capacity where connection to a public wastewater treatment plant is included as part of a development proposal. **As 4.1 above.**

Section 5.2.8 Ancillary Living Criteria It will be a requirement that all applications for Ancillary Living Units shall comply with the following criteria:

- The unit shall be modest in size and consist of no more than a combined kitchen/dining/living room, a bathroom and contain no more than two bedrooms. The unit shall not exceed a gross floor area of 100sq.m;
- If the site is not connected to public mains, it must be demonstrated that the existing wastewater treatment system on site is capable of taking any additional loading associated with the unit. Details of any required upgrades shall be submitted as part of the development management process; **This clearly demonstrates the prejudice against on-site treatment and municipal treatment which goes unquestioned.**

11.4 Water and Wastewater Services The provision of a good quality water supply and effective wastewater disposal infrastructure are critical requirements for the future economic development, quality of life and sustainable growth of the County. The provision of adequate infrastructural capacity in areas of population growth, as identified in the Settlement Strategy, will allow for the plan-led future development of County Clare. The Council recognises that, in order to ensure land use policy is sustainable and for the Development Plan strategy to be realised, a co-ordinated and integrated approach to planning the provision of public utility services is crucial. This is paying lip-service to the requirements while on the other hand ignoring them by zoning land irrespective of the current inadequate infrastructure.

Irish Water has responsibility for the provision and management of water supply and wastewater services. Clare County Council, through a Service Level Agreement with Irish Water, manages the daily operation of infrastructure and the progression of capital projects. However Irish Water has responsibility for project prioritisation and financial investment. The Irish Water proposed Capital Investment Plan 2020 – 2024 sets out the priority projects to the year 2024. Priorities must include investment to ensure acceptable service levels to existing customers, to achieve regulatory compliance and to cater for future growth. In addition, minor upgrades and improvement works are continually carried out on a nationally prioritised basis through Irish Water's National Programmes (for example, capital maintenance and mains renewal programmes amongst others). **This PA/LA has absolutely no control over the destiny of wastewater infrastructure funding. If the infrastructure is not commissioned on the ground the zoning decisions cannot be made.**

Water Services CDP11.29 It is an objective of Clare County Council:

d) To ensure that development proposals comply with Irish Water's standards and requirements in relation to water and wastewater infrastructure to facilitate the proposed development.

The objective is meaningless. It is the tail wagging the dog. It is Irish Water's duty to provide the necessary infrastructure prior to the zoning requirement.

11.4.3 Wastewater Management Irish Water has responsibility for the provision and management of wastewater facilities serving sewered towns and villages, including the management of storm water for combined sewers. The maintenance, upgrading and provision of the County's wastewater drainage system is essential to accommodate future development requirements and to ensure the

sustainable development and environmental protection of the County. At present there are significant service and compliance issues in many existing wastewater systems in County Clare.

A number of treatment plant and network projects are being progressed under Irish Water's 2020-2024 Programme of Investment to address these issues. Sludge is a by-product of wastewater treatment operations. To minimise risk to human health and the environment Clare County Council will work with Irish Water in the implementation of the National Wastewater Sludge Management Plan for the management of sludge derived from wastewater treatment processes.

Provide evidence and details of these projects. What assessment was made in the SEA regarding the treatment and disposal of wastewater sludge arising in the County?

Wastewater Treatment and Disposal CDP11.32

It is an objective of Clare County Council:

a) To support the implementation of Irish Water Investment Plans and to advocate the provision, by Irish Water, of adequate wastewater treatment facilities to accommodate the target population and employment potential of the County in accordance with the statutory obligations set out in the EU and national policy and in line with the Core Strategy and Settlement Hierarchy set out in this Plan;

An utterly meaningless objective. The PA is at the mercy of Irish Water. In what context can it "support" the implementation of IW plans - by ignoring unauthorised development being carried out by Irish Water?

b) To support the role of Irish Water Investment Plans in taking into account seasonal pressures on critical wastewater treatment service infrastructure and climate change implications in the design of all relevant projects;

Another absolutely meaningless objective.

c) To advocate for the on-going provision, conservation maintenance and upgrade of wastewater treatment infrastructure in the County;

Another absolutely meaningless objective. Is this the methodology central Government proclaimed for application to Irish Water for infrastructure?

d) To maximise the use of the existing capacity of wastewater treatment services in the planning of new development;

Another absolutely meaningless objective. This PA has long since maximised the sustainable capacities in most of the wwtp's.

e) To protect existing way leaves and protection areas around public wastewater treatment services infrastructure through appropriate zoning and to facilitate the provision of appropriate sites for required wastewater treatment services infrastructure;

f) To support Irish Water in the promotion of effective management of trade discharges to sewers in order to maximise the capacity of the existing sewer networks and minimise detrimental impacts on sewage treatment works;

g) To permit the development of single dwelling houses in unserved areas only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses, EPA (2021);

The big stick for the little people. If only it was as pedantic about municipal wwt.

h) Where settlements have no public wastewater treatment infrastructure, and in settlements which have limited or insufficient capacity to facilitate development, to consider alternative developer led/provided shared use wastewater treatment infrastructure, including those incorporating nature-based solutions, to serve development where it can be clearly demonstrated that the system is in compliance with relevant EPA Guidelines on design standards and which will allow connection to a public system when it is provided. Any such consideration will be subject to the following criteria:

- i. Connection to an existing public wastewater treatment system is not currently available.
- ii. Environmental and planning requirements are satisfied including plan adequacy, site suitability and a suitable means of sludge and treated effluent disposal.
- iii. The land on which the treatment plant is located is transferred to Irish Water on their request if/when a public system is provided.

iv. The management and maintenance of the shared wastewater treatment and disposal infrastructure following its completion shall be the responsibility of a legally constituted management company. This management company will be responsible for the adequate maintenance, operation and management of the shared infrastructure. It shall be a condition of sale of all elements of the permitted development that the purchaser become a shareholder in the management company and include a similar condition on any contract for subsequent disposal of the property.

v. Adherence to the environmental assessment criteria set out in section 11.4.3.1 of this plan.

i) To permit the development of treatment systems for small businesses/community facilities in unserviced areas where they are in single ownership and where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses, EPA (2021) and Wastewater Treatment Manuals-Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, EPA (1999); and

i) To encourage and support a changeover from septic tanks/private wastewater treatment plants to public collection networks wherever feasible, subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available; ii) To ensure that any private wastewater treatment system proposed complies with the environmental requirements of Objectives CDP4.2, CDP4.5 and CDP3.13.3 of this plan.

11.4.3.1 Environmental assessment criteria: It will be a requirement that it be demonstrated with scientific certainty that the construction, operation, maintenance, monitoring and decommissioning of any such developer led/provided shared use wastewater treatment infrastructure will not give rise to adverse effects on the site integrity of any European sites in view of their conservation objectives and having regard to the characteristics of the species or habitat, including their structure, function, conservation status and sensitivity to change. Where this cannot be demonstrated with certainty, then developer led/provided shared use wastewater treatment infrastructure shall not be permitted. Nature-based solutions such as constructed wetlands (CWs) and integrated constructed wetlands (ICWs) will not be considered for;

- Settlements within areas of karst landscape
- Areas deemed to be of high nature value or of high biodiversity value
- Sites within 60m up-gradient of any well or spring used for potable water
- Sites within the inner protection zone of a public groundwater supply source, where the vulnerability rating is classified as extreme
- Sites within 300m up-gradient of a public supply (>10m³/day or >50 persons)

borehole, where an inner protection zone has not been identified • Sites within 25m of a dwelling • Sites where construction of the ICW may negatively impact a site of cultural heritage value • Sites where adequate land area is not available • Sites near a watercourse (distances of not less than 10m from the initial and second ponds and no less than 5 m for subsequent ponds will be required) • Sites that cannot be adequately protected from flood damage. A site-specific flood risk assessment will be required as part of any potential planning application for a Nature Based Solution. • Sites that pose an unacceptable risk to drinking water sources • Sites that conflict with the protection guidelines set out in the Clare Groundwater Protection Scheme.

In addition: • An early assessment of a site's overall suitability and the properties/nature of the influent are required to avoid siting such Nature Based Solutions in inappropriate settlements or areas within settlements. • The assessment must determine whether the ICW discharges, either via surface or ground, to any SAC, SPA or NHA. • In addition to the environmental function of an ICW, it is an essential requirement of the ICW concept to explicitly address the social, economic, and ecological considerations of the site, so that the needs of all stakeholders in the management of the land and water resources that are linked to a site need are given appropriate consideration. Regard must be had to all water quality discharges, achieving an appropriate landscape-fit and enhancing biological diversity. • As the ICW concept is based on integration into the immediate and adjacent environment, site characterisation must investigate how this requirement can be achieved and optimised. • The Management Company must ensure that the nature and properties of the influent are known, that adequate land space is available and that the system can operate with low or zero energy requirements. • Given the nature of these systems in Ireland, potential developers must provide the Planning Authority with sufficient baseline information to enable planning/discharge conditions to be set should the Nature Based Solution be deemed appropriate within the settlement for a specific site. • The Management Company will be required to put in place an Emergency Response Plan for the system which will outline the procedures which must be put in place should monitoring indicate exceedences of emissions limit values, where a failure in the system occurs, where the system becomes inundated due to severe or adverse weather conditions or through inappropriate influent amongst other occurrences.

Once again the big stick for the small guy. The PA should be very careful what it wishes for. Its proven incompetence for decades in the application of proper planning conditions, and enforcing them, for developer provided wastewater treatment is a major can of worms still to be resolved.

Who is waving the flag for “nature-based solutions such as constructed wetlands (CWs) and integrated constructed wetlands (ICWs)? All wastewater treatment is nature based just some systems are more lucrative and better marketed than others.

Strategic Wastewater Treatment Projects CDP11.33 It is an objective of Clare County Council:

- a) To support investment in and the sustainable development of strategic wastewater treatment facilities by Irish Water in County Clare arising from initiatives including Investment Plans and Strategic Drainage Area Plans subject to appropriate environmental assessment and the planning process;
- b) To liaise with Irish Water to ensure adequate wastewater treatment facilities are available to accommodate population growth in the County;
- c) To ensure that the assimilative capacity of the receiving environment is not exceeded and that increased wastewater discharges from population growth does not contribute to degradation of water quality body status or give rise to adverse impacts on the integrity of the Natura 2000 network;
- d) To support Irish Water to eliminate untreated discharges from settlements in the short-term, while planning strategically for the long-term in tandem with Project Ireland 2040 and the RSES and in increasing compliance with the requirements of the Urban Waste-Water Treatment Directive;
- e) To support and facilitate the separation of foul and surface water networks in the County; and
- f) To liaise with Irish Water to identify wastewater treatment plants which are subject to flooding from severe weather events, and to advocate for the prioritisation of these plants for suitable upgrades.

More absolute drivel. Zoning land where appropriate infrastructure is not in place is a material contravention of paragraph (c) before this plan is even adopted. How does the PA intend to “support” or “liaise”. The elected members don’t get much support from Irish Water and their honourable attempts at liaison are notable rejected by Irish Water.

Rural Wastewater Treatment Programmes CDP11.34 It is an objective of Clare County Council:

- a) To support investment in the sustainable development of rural waste water treatment programmes and the initiatives of Irish Water, communities and developers in small rural settlements to identify sustainable solutions subject to available funding for such services including the Rural Regeneration and Development Fund of the NDP and the Multi-Annual Rural Water Programme 2022-2025 Measure 8 – Waste Water Collection and Treatment Needs for Villages and Settlements without access

- to Public Waste Water Services. b) To support the provision of centralised wastewater treatment plants at Broadford, Carrigaholt, Cooraclare, Doolin and Labasheeda within the lifetime of this plan;
- (b) To support the servicing of rural villages (serviced sites), in settlements with adequate public wastewater treatment capacity available, to provide an alternative to one-off housing in the countryside; and dc) To ensure that any private wastewater treatment system proposed complies with the environmental requirements of Objectives CDP4.2, CDP4.5 and CDP3.13.3 of this plan.

More unadulterated drivel.

11.4.4 Storm Water Management Storm water can be described as rainwater that falls onto a property or accumulates on the ground and runs off to a storm drain. Storm water increases significantly as a result of developments where permeable surfaces (vegetation and soil) are replaced by impermeable surfaces (car parks, roads, driveways and roofs). In serviced towns and villages with combined sewers the management of storm water falls within the remit of Irish Water. The management of combined sewers falls within the remit of Irish Water.

It surely does and all SWO's in the County regularly spew untreated sewage into surface waters. The problem is that because the regularity or volumes of these discharges is in contravention of European Court Judgements and these SWO's were not considered anywhere in the SEA.

Appendix 1 Serviced Land Assessment -

Within each of the settlements, all undeveloped lands currently zoned for residential uses, and other sites contiguous to the built areas of the settlement, were identified for detailed review and assessment. Site Assessment All sites identified for assessment and review have been appraised based on infrastructural requirements and land use criteria. For infrastructural requirements, each site is assessed in terms of road and footpath infrastructure, and water supply and wastewater capacities. Table 2 provides a summary of the evaluation process for physical infrastructure (Tier 1, Tier 2 and un-serviced). Table 3 sets out the land use evaluation criteria: Compact Growth, Public Transport and Coordinated Growth. Sites evaluated either meet (✓) or do not meet (X) these criteria.

Existing infrastructure can support the development of the site, subject to on-site works, some minor works at access points or linking into available existing systems. **Tier 1 - Serviced**

Some off-site works are required but **could be delivered as part of a planning application** to develop the site **or capital investment is identified to facilitate development over the course of the Plan.** Tier 2 - Serviceable

The land could not reasonably be serviced over the course of the plan and capital investment works have not been identified to meet the infrastructural need to develop the site over the course of the Plan. These sites are discounted, and no further assessment is made. Unserviceable

The entirety of the serviced land assessments need to be properly assessed for zoning determinations with regard to wastewater treatment capacity.

Conclusions:

The PA has absolutely no power or say over wastewater infrastructure funding. Any comments in this proposed plan regarding investment plans of Irish Water are worthless and not worth the paper they are written on. All one needs do is look through the promises/aspirations/objectives of past plans.

Why did the PA not publish the scoping information and data provided by Irish Water referred to in response to my original submission by the CE? Where is the “openness and transparency” of the process?

“Irish Water have engaged with Clare County Council to inform both the policy objectives and the zoning of our settlements. They have provided feedback at the pre-draft and draft stages which has incorporated a critique of the zoning identified, the planned upgrades and the planned investment in wastewater treatment plants across the county together with the available headroom. The information as provided at this draft stage will be taken into consideration in informing the final Plan. I do not propose to amend the draft CDP on this issue.

This is a shot across the bows from the OPR.

Councils must avoid 'back of fag packet' approach to zoning, says deputy planning regulator – The Irish Times

This process is significantly flawed. The information provided is not sufficient to make properly informed responses to the proposal or amendments. Clearly the PA needs to reconsider its proposition before making any proposal for adoption of the elected members.

Michael Duffy

3rd January 2023

By email.

Submission No: S2/940 –Michael Duffy

Relevant Chapters / Topics

- Land Use Zoning
- Wastewater Treatment Systems

Summary of Issues Raised in Submission

This submission relates to the SEA and the associated objectives. The following objectives should be amended to include text in relation to:

- CDP2.4 – smart growth of clusters where appropriate;
- CDP2.6 – an assessment of foul connections to legacy stormwater culverts in urban areas;
- CDP2.9 – headroom capacity for every wastewater plant should be sought from Irish Water and declared in this review;
- CDP2.11 – as at CDP2.6, existing combined foul and storm systems should be assessed with a view to separating them to ease volumes requiring treatment;
- CDP2.22 – seek assessment of pumped storage generation;
- CDP4.5 – headroom capacity for every wastewater plant should be sought from Irish Water and declared in this review;
- CDP4.6 - headroom capacity for every wastewater plant should be sought from Irish Water and declared in this review;
- CDP4.7 – in relation to sub-paragraph (e) include discharge of treated effluent to surface waters under licence;
- CDP4.8 – to include a reference as proposed to an amended CDP4.7 (e);
- CDP4.9 – to include reference as proposed to an amended CDP4.7 (e) and CDP4.8 that wastewater systems can be installed in new or existing clusters, with discharge to surface waters, even if remote from the site, under licence. Consideration to be taken of CDP2.4 and the detail given regarding CDP2.4 in this submission;
- CDP4.10 – include an approach to extending clusters (or considering new clusters in appropriate locations) including provision of wastewater treatment. This is to reduce ribbon development and address access issues onto national routes;
- CDP4.13 – growth of settlements must be informed by infrastructure capacity which should be determined in advance of zoning in this plan;
- CDP4.14 – to recognize that treated effluent for a one off dwelling can be discharged to surface water under licence and that be taken into account in areas where percolation is such that to date sites have been declared unsuitable and permissions have been refused. Granted permissions to be transferrable to persons who can demonstrate compliance with rural policies, rather than making a new application;
- CDP4.20 – Only very limited resources should be applied to this objective as agents are aware of guidelines and understand attitudes of Planning Authority in this regard. Agents can advise their clients appropriately;
- CDP5.7 – elected members to be informed by a third party regarding s.180 legislation and the taking in charge obligations of the LA and the role of Irish Water;

- CDP11.34 – as stated previously, that appropriate discharge to surface water under licence is considered when alternatives are not available;
- CDP11.38 - identify suitable locations for the disposal of inert building waste, in proximity to sites, as part of planning applications and with landowners who offer lands for improvement.

Chief Executive's Response

I wish to thank Michael Duffy for his submission and I would like to address the issues raised as follows:

Strategic Environmental Assessment (SEA)

Both the SEA and Appropriate Assessment (AA) which were prepared in tandem with the preparation of the draft Clare County Development Plan 2023-2029 were used to inform all zonings and objectives throughout the process. The best available data and scientific information together with expertise in the relevant disciplines were utilised in this process.

In accordance with the National Planning Framework Clare County Council could not zone any lands for future potential development where insufficient infrastructure exists (i.e. water and wastewater). Equally lands which are subject to flood risk were not zoned in line with the preparation of the Strategic Flood Risk Assessment in accordance with the Floods Directive.

A robust Natura Impact Report prepared as part of the Appropriate Assessment process and incorporated into the Strategic Environmental Assessment is one in which areas of particular sensitivity in terms of their designation as a European site are firstly avoided and secondly where the potential for indirect, cumulative or in-combination effects are mitigated as appropriate. This has been achieved through the preparation of the Clare County Development Plan through the incorporation of the site-specific mitigation measures associated with the relevant zonings, as technical guidance for each land parcel. This will serve to inform future potential landowners, developers, agents and the general public as to the site specific surveys, field investigations etc which should be undertaken at site level.

A County Development Plan is a strategic level document which serves to inform the lower tier plans and applications at Development Management stage.

Policy Objectives of the draft CDP – Chapter 2 Climate Action

Objective CDP2.4 'Smart Growth Initiatives'

Objective CDP2.4 reads as follows: "It is an objective of Clare County Council to support smart growth initiatives that develop new solutions to existing and future urban challenges, including climate risks in the County and to seek climate and smart technology funding in this regard." I consider that this is a general objective within the Climate Action chapter and is not intended to capture particular initiatives such as development at clusters or the establishment of new clusters. Clusters are predominantly located in open countryside where there is no connection to water or waste water infrastructure, located on poor soils or areas of Karst. Following an analysis of the clusters located across the county it has been established that there is sufficient capacity for growth on a sustainable basis within the existing cluster boundaries without leading to impacts on such sensitive receptors for this planning cycle. As per the requirements of the NPF and the RSES for the Southern Region the focus is on

growing the rural villages of the County and enhancing the offering for the rural population within these communities which represents more sustainable growth of the rural areas. I do not propose to amend the draft CDP on this issue.

Objective CDP2.6 Flood Risk Assessment and Management

The submission seeks the inclusion within CDP2.6 of reference to the assessment of foul connections to legacy stormwater culverts in urban areas. The draft CDP strongly encourages stormwater separation from combined sewers (under Objective CDP11.33 (e)) and the implementation of Sustainable Drainage Systems (SuDS) to remove surface water from combined sewers, thereby freeing up additional capacity for development. This is particularly relevant to achieving compact growth objectives in settlements. Legacy issues pertaining to stormwater culverts in urban areas are being addressed by Irish Water on a rolling basis. I do not propose to amend the draft CDP on this issue.

Objective CDP2.9 Effective Collaboration to Implement River Basin Management Plans and the Water Framework Directive

The submission seeks that headroom capacity for every wastewater plant should be sought from Irish Water and declared in this review.

Irish Water have engaged with Clare County Council from the onset of this review to inform both the policy objectives and the zoning of our settlements. They have provided feedback at the pre-draft and draft stages which has incorporated a critique of the zoning identified, the planned upgrades and the planned investment in wastewater treatment plants across the county together with the available headroom. The information as provided at this draft stage will be taken into consideration in informing the final Plan. I do not propose to amend the draft CDP on this issue.

Objective CDP2.11 Storm Water Management.

The submission seeks that existing combined foul and storm systems should be assessed with a view to separating them to ease volumes requiring treatment. The draft CDP strongly encourages stormwater separation from combined sewers (under Objective CDP11.33 (e)) and the implementation of Sustainable Drainage Systems (SuDS) to remove surface water from combined sewers, thereby freeing up additional capacity for development. This is particularly relevant to achieving compact growth objectives in settlements. Legacy issues pertaining to stormwater culverts in urban areas are being addressed by Irish Water on a rolling basis. I do not propose to amend the draft CDP on this issue.

CDP2.22 Ardnacrusha Hydroelectric Power Station

In relation to this objective, the submission seeks the assessment of pumped storage generation in several potential locations in the County. These locations are not identified in the submission. I consider that pumped hydroelectric energy storage has been subject of a thorough assessment to identify potential areas where it may be suitable, details of which are contained in Chapter 15 'Energy Storage' in the Clare Renewable Energy Strategy which is Volume 5 of the Draft CDP. I do not propose to amend the draft CDP on this issue.

Policy Objectives of the draft CDP – Chapter 4 Urban and Rural Settlement Strategy

CDP4.5 Service Towns

The submission seeks that headroom capacity for every wastewater plant should be sought from Irish Water and declared in this review.

Irish Water have engaged with Clare County Council to inform both the policy objectives and the zoning of our settlements. They have provided feedback at the pre-draft and draft stages which has incorporated a critique of the zoning identified, the planned upgrades and the planned investment in wastewater treatment plants across the county together with the available headroom. The information as provided at this draft stage will be taken into consideration in informing the final Plan. I do not propose to amend the draft CDP on this issue.

CDP4.6 Small Towns

The submission seeks that headroom capacity for every wastewater plant should be sought from Irish Water and declared in this review.

Irish Water have engaged with Clare County Council to inform both the policy objectives and the zoning of our settlements. They have provided feedback at the pre-draft and draft stages which has incorporated a critique of the zoning identified, the planned upgrades and the planned investment in wastewater treatment plants across the county together with the available headroom. The information as provided at this draft stage will be taken into consideration in informing the final Plan. I do not propose to amend the draft CDP on this issue.

CDP4.7 Large Villages

The submission seeks that in relation to sub-paragraph (e) the discharge of treated effluent to surface waters under licence is included. Sub-paragraph (e) states:

To ensure that in the case of any development/reuse or redevelopment where connection to an existing wastewater treatment plant is not possible, the provision of a private waste water treatment system will only be permitted where it can be demonstrated that the proposed system meets standards set out within EU and national legislation and guidance.

I consider that the requirement to meet standards set out in EU and national legislation and guidance is sufficient to cover the method of discharge. I do not propose to amend the draft CDP on this issue.

CDP4.8 Small Villages

The submission seeks that the discharge of treated effluent to surface waters under licence is included. I consider that the requirement to meet standards set out in EU and national legislation and guidance is sufficient to cover the method of discharge from any waste water treatment system permitted within a Small Village. I do not propose to amend the draft CDP on this issue.

CDP4.9 Clusters

The submission seeks to include the same reference that is sought as an amendment to CDP4.7 (e) and to CDP4.8, that wastewater systems can be installed in new or existing clusters, to enable new development, with discharge to surface waters, even if remote

from the site, under licence. The submission seeks that consideration be taken of CDP2.4 (Smart Growth Initiatives) and the detail given regarding CDP2.4 in this submission.

I consider that unnecessarily expanded growth within Clusters should not be supported where there are no services or amenities available. This is the case within the vast majority of the clusters that are designated in the draft CDP and would be the same in any potential cluster for which the designation may be sought. To consider expansion of the number of clusters or expansion of the spatial extent of existing clusters would reflect negatively on the Strategic Environmental Objectives in terms of Climate Change and Population and Human Health, because unsustainable development, in the absence of infrastructure, increases Green House Gas emissions and the release of carbon through the need for residents to travel by motorised vehicle to destinations such as shops, schools and leisure activities which are remote from the cluster in which their house is (or may be) located. As per the requirements of the NPF and the RSES for the Southern Region the focus is on growing the rural villages of the County and enhancing the offering for the rural population within these communities which represents more sustainable growth of the rural areas. I do not propose to amend the draft CDP on this issue.

CDP4.10 Countryside

The submission seeks that this objective include an approach to extending clusters (or considering new clusters in appropriate locations) including provision of wastewater treatment. This is to reduce ribbon development and address access issues onto national routes.

I consider that unnecessarily expanded growth within Clusters should not be supported where there are no services or amenities available. This is the case within the vast majority of the clusters that are designated in the draft CDP and would be the same in any potential cluster for which the designation may be sought. To consider expansion of the number of clusters or expansion of the spatial extent of existing clusters would reflect negatively on the Strategic Environmental Objectives in terms of Climate Change and Population and Human Health, because unsustainable development, in the absence of infrastructure, increases Green House Gas emissions and the release of carbon through the need for residents to travel by motorised vehicle to destinations such as shops, schools and leisure activities which are remote from the cluster in which their house is (or may be) located. As per the requirements of the NPF and the RSES for the Southern Region the focus is on growing the rural villages of the County and enhancing the offering for the rural population within these communities which represents more sustainable growth of the rural areas. I do not propose to amend the draft CDP on this issue.

CDP4.13 Planned Growth of Settlements

The submission seeks that the growth of settlements must be informed by infrastructure capacity which should be determined in advance of zoning in this plan.

In accordance with the National Planning Framework Clare County Council could not zone any lands for future potential development where insufficient infrastructure exists (i.e. water and wastewater). Equally lands which are subject to flood risk were not zoned in line with the preparation of the Strategic Flood Risk Assessment in accordance with the Floods Directive. I do not propose to amend the draft CDP on this issue.

CDP4.14 New Single Houses in the Countryside within the ‘Areas of Special Control’.

The submission seeks that the objective recognise that treated effluent for a one off dwelling can be discharged to surface water under licence and that be taken into account in areas where percolation is such that to date sites have been declared unsuitable and permissions have been refused. The submission also seeks that granted permissions shall be transferrable to persons who can demonstrate compliance with rural policies, rather than making a new application.

In relation to discharges to surface water under licence, I note the following:

- The 2021 EPA Code of Practice: Domestic Wastewater Treatment Systems states that:
“If the percolation value is >120 the site is unsuitable for DWWTs discharging to ground. Discharge to surface water may be alternative but requires Water Pollution Discharge Licence from Local Authority”;
- Clare County Council have never issued Section 4 licences for one-off houses;
- It is my understanding that where other Councils issued Section 4 licences for one-off houses, there is evidence that it has caused a significant negative environmental outcomes.
- There is no mechanism in the Water Pollution Act 1977/1990 that licences can be easily transferred.

As a result of the above consideration, I do not propose to amend the draft CDP on this issue.

In relation to granted permissions being made transferrable to persons who can demonstrate compliance with rural policies, rather than making a new application, I consider that a legislative change would need to be made to accommodate this scenario. It is not therefore within the remit of the draft CDP to make provision for it.

CDP4.20 Clare Rural House Design Guide

The submission seeks that only very limited resources should be applied to the preparation of a new Clare Rural House Design Guide during the period of the Development Plan. The rationale for this request is as agents are aware of guidelines and understand attitudes of Planning Authority in this regard, and that agents can advise their clients appropriately. The submission is noted in respect of this item.

Policy Objectives of the draft CDP – Chapter 5 Housing

CDP5.7 Unfinished Developments and Taking in Charge

The submission seeks that elected members be fully informed by a third party regarding Section 180 legislation and the taking in charge obligations of the LA and the role of Irish Water with respect to Section 180.

Objective CDP5.7 states that *“it is an objective of Clare County Council to work with all relevant stakeholders to ensure that residential developments are taken in charge in accordance with the requirements of the Planning and Development Act, 2000 (as amended) and the Council’s Taking in Charge Policy for Private Housing Developments 2009 and any subsequent policy”*. I consider that this objective provides adequate information regarding the Council’s activities

regarding Taking In Charge of estates, and that in particular the existence of the Council's Taking in Charge Policy for Private Housing Developments (2009) is a valuable source of information. I do not propose to amend the draft CDP on this issue.

Policy Objectives of the draft CDP – Chapter 11 Physical Infrastructure, Environment and Energy

CDP11.34 Rural Wastewater Treatment Programme

The submission reiterates the request that appropriate discharge to surface water under licence is considered when alternatives are not available.

I note the following in relation to discharges to surface water under licence:

- The 2021 EPA Code of Practice: Domestic Wastewater Treatment Systems states that:
“If the percolation value is >120 the site is unsuitable for DWWTS discharging to ground. Discharge to surface water may be alternative but requires Water Pollution Discharge Licence from Local Authority”;
- Clare County Council have never issued Section 4 licences for one-off houses;
- It is my understanding that where other Councils issued Section 4 licences for one-off houses, there is evidence that it has caused a significant negative environmental outcomes.
- There is no mechanism in the Water Pollution Act 1977/1990 that licences can be easily transferred.

As a result of the above consideration, I do not propose to amend the draft CDP on this issue.

CDP11.38 Construction and Demolition Waste

The submission seeks that the objective makes provision for scenarios where a planning application for a development that generates inert building waste can identify suitable locations for the disposal of that waste, in proximity to the development site in collaboration with landowners who offer lands for improvement.

The disposal of building waste arising from a development can be subject to conditions to the planning permission which may require a construction waste management plan, or a demolition method statement, or both, to be submitted. Any off-site disposal of inert building waste would need to be described clearly in those documents. These documents must be agreed with the Planning Authority prior to the commencement of development. I consider that there is adequate policy support for waste disposal from construction sites in Objective CDP11.38 and I do not propose to amend the Draft CDP on this issue.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2023-2029 on the basis of this submission.



Rialtas na hÉireann
Government of Ireland



Strategic Environmental Assessment

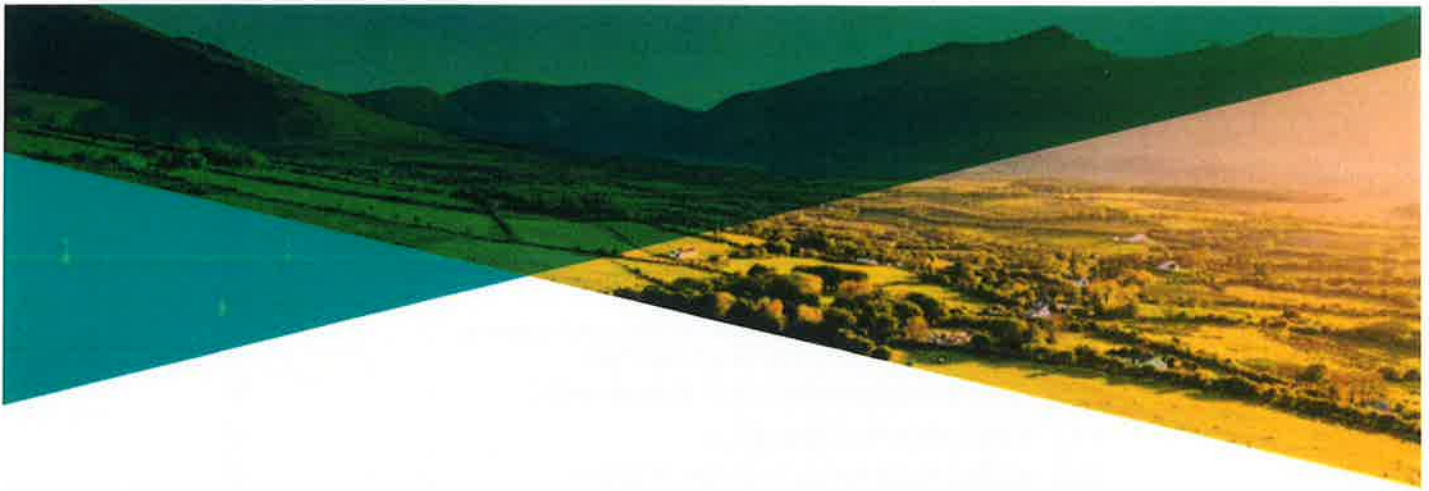
Guidelines for Regional Assemblies
and Planning Authorities

Prepared by the Department of Housing, Local Government and Heritage

gov.ie/housing

March 2022

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Foreword by Minister of State Burke

Over 15 years have passed since Ireland transposed the requirements of Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment – commonly known as the “Strategic Environmental Assessment (‘SEA’) Directive”. Since this time, there has been significant progress made by plan-makers in Ireland, particularly within the Planning system, in integrating environmental considerations within plans and programmes. We therefore have an effective strategic planning system that has embedded the practice of strategic environmental assessment (SEA) at the heart of national, regional and local land-use planning. SEA in Ireland occurs at all levels of land use plan-making and accounts for over three quarters of all SEA activity in Ireland: including the National Planning Framework, Regional Spatial and Economic Strategies, County Development Plans and Local Area Plans.

The Department's original SEA Guidelines date from 2004 and were published just after the transposition of the SEA Directive into Irish law and the introduction of its formal implementation into the Irish land use planning system. In 2019, the European Commission published the results of an appraisal of the effectiveness of the SEA Directive across all Member States and determined that the Directive was fit for purpose. In the light of the current focus within the European Union and further afield on the threats posed by climate change and the global decline in biodiversity, SEA has also been an important process in ensuring that plans and programmes are compliant with the relevant national, regional and local environmental objectives and targets.

I am pleased therefore to revise the original Guidelines so that the lessons coming from national and European evaluations over the last decade and a half can be reflected in practice in the Planning system in Ireland.

The review of these Guidelines has been carried out alongside the review of the Development Plan Guidelines for Local Authorities, and should assist regional assemblies and planning authorities in carrying out efficient and effective SEA during the preparation of land use plans, which will contribute toward achieving national and international sustainable development goals.



A handwritten signature in black ink that reads "Peter Burke". The signature is written in a cursive style.

Mr. Peter Burke T.D.
Minister of State with responsibility for Local Government and Planning

Acknowledgements

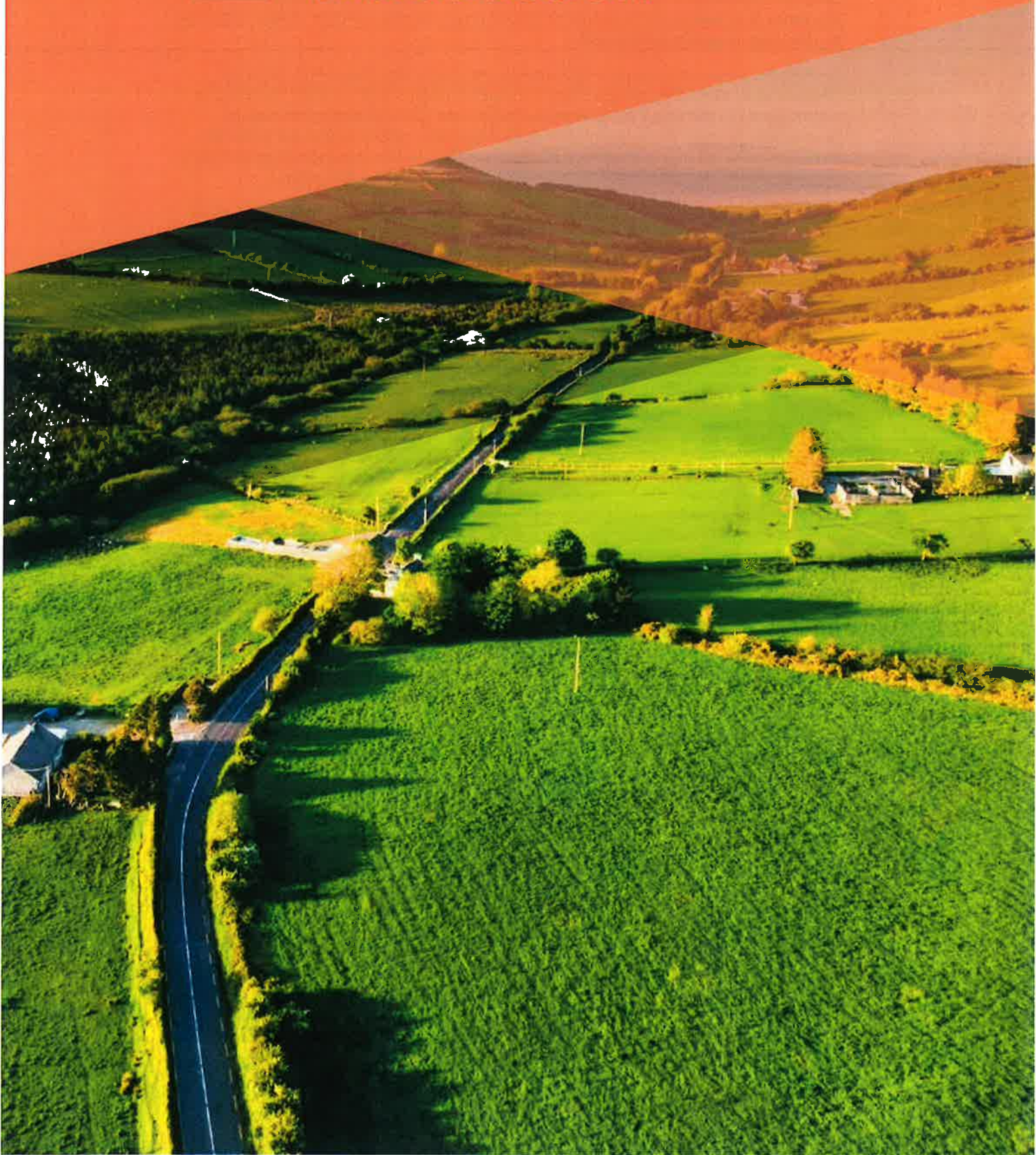
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The Guidelines were first published in a draft form to provide an opportunity for the public to submit comments to the Department in advance of the guidelines being finalised. The Department wishes to acknowledge the time and effort taken by all those who made submissions on the draft Guidelines and also those who participated at an interdepartmental workshop held by the Department in July 2019. The Department took due account of submissions in preparing these Guidelines.

These Guidelines were formally issued under section 28 of the Planning and Development Act 2000, as amended. All hyperlinks in these Guidelines were correct at the time of publication.

1

Introduction



1. Introduction

1.1 What is Strategic Environmental Assessment?

Strategic Environmental Assessment (SEA) is a process for the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme, before a decision is made to adopt the plan or programme.

SEA aims to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans with a view to promoting sustainable development.

Strategic Environmental Assessment (SEA) of plans and programmes is required by European Directive 2001/42/EC ('the SEA Directive'). For a specific range of land-use plans, this Directive is transposed into Irish law by Statutory Instrument (S.I.) No. 436 of 2004 (the Planning and Development (Strategic Environmental Assessment) Regulations 2004), as amended by S.I. No. 201 of 2011 (the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011). Hereafter these are referred to as the 'SEA Planning Regulations'.

For all other relevant plans and programmes in Ireland (including other types of plans in the land-use planning sector), the SEA Directive is transposed into Irish law by S.I. No. 435 of 2004 (the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004), as amended by S.I. No. 200 of 2011 (the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011).

Appendix A gives the full text of the SEA Directive.

1.2 Status of the Guidelines

These Guidelines do not purport to be a legal interpretation of EU or national law. They should be read in conjunction with the SEA Directive and the implementing Regulations that transpose the Directive into Irish law.

These Guidelines have been published by the Minister for Housing, Local Government and Heritage under sections 23(8) and 28(1) of the Planning and Development Act 2000, as amended ('the Act'), which respectively require regional assemblies, and planning authorities and An Bord Pleanála, where applicable, to have regard to the Guidelines in the performance of their functions under the Act. Planning authorities are also required under section 28 of the Act, as amended to make the Guidelines available for inspection by members of the public.

These Guidelines provide advice on carrying out SEA in the land-use planning sector for those plans listed in S.I. No.436 of 2004, as amended. They replace previous guidance for Regional Authorities and Planning Authorities published in 2004. The plans in S.I. No.436 of 2004, as amended, comprise regional, county and local plans, including Regional Spatial and Economic Strategies, County or City Development Plans, variations of Development Plans, Local Area Plans and Planning Schemes for Strategic Development Zones.

1.3 Structure of the Guidelines

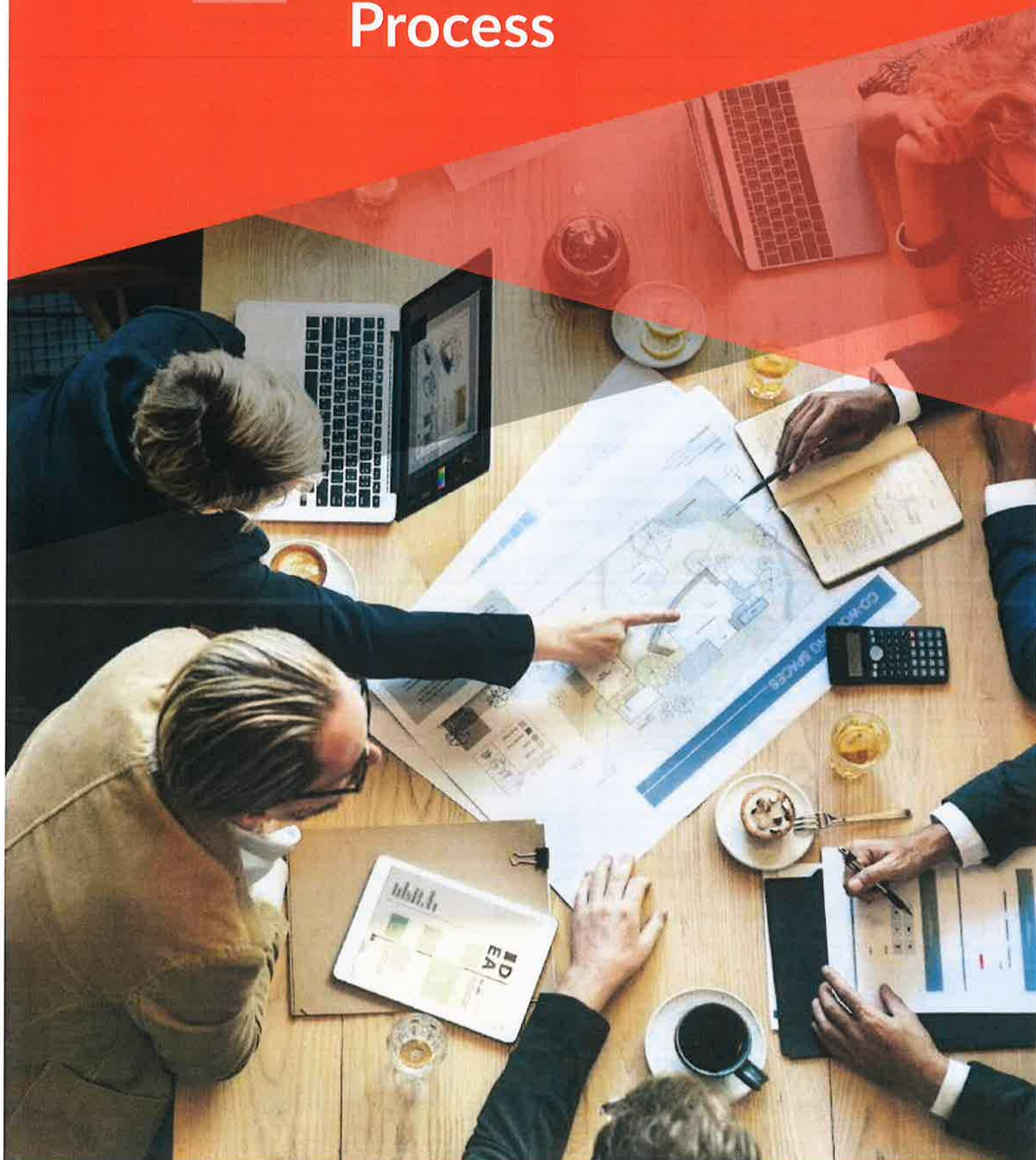
These Guidelines deal with the SEA stages in chronological order, which correspond to the relevant stages in the plan-making process, as shown below in Table 1.1:

Table 1.1: SEA stages and where they are addressed in the Guidelines

SEA STAGE	CHAPTERS
Where required, screen certain plans to decide if SEA is necessary	3 - Screening
Where SEA is required, scope the content of the Environmental Report	4 - Scoping
Collect baseline environmental data, consider planning alternatives, assess impacts, propose mitigation measures	5 - The Environmental Report
Prepare the Environmental Report	5 - The Environmental Report
Consultations with relevant environmental authorities, the public, and (if necessary) adjacent States (carried out at several stages in the SEA process)	6 - Consultations on Plan and Environmental Report
Provide specified information on the Plan and the SEA process to the public, relevant environmental authorities and any transboundary States, following adoption of the plan	7 - Amendments to the draft Plan, adoption of Plan and preparation of the SEA Statement
Monitor the significant environmental effects of implementing the plan	8 - Monitoring



2 Integrating SEA into the Plan-Making Process



2. Integrating SEA into the Plan-Making Process

2.1 Stages in the SEA process

Table 2.1 sets out the different stages within the overall SEA process. Table 2.2 summarises how SEA - when required (Chapter 3- Screening, refers) - can be integrated into the plan-making stages under the Planning and Development Act 2000, as amended. **Appendix C** provides more detail on integration of the two processes (plan-making and SEA) using the example of a review of a Development Plan such as a County Development Plan.

Table 2.1: Stages in the SEA Process

Preparatory Steps to see if SEA is required:
<p>Determine If the SEA Directive applies: If a plan by a regional assembly or a planning authority is not one of those listed in S.I. 436 of 2004, as amended, then the requirement for SEA may still exist if the plan fits the requirements of the SEA Directive or clarifications on the scope of the Directive resulting from case law. Such plans will therefore follow the requirements of S.I. 435 of 2011, as amended. This step will not be required for the majority of plans in the land-use planning sector, which are described in S.I. 436 of 2004, as amended, as SEA is mandatory in most such cases.</p> <p>If it is determined that the SEA Directive applies to a plan, then the next stage is to decide if there are mandatory requirements for a 'full' SEA to be carried out (for example, with reference to the list of plans in S.I.436 of 2004, as amended) or if it needs to be screened to determine if there are likely significant effects on the environment (for example, variation of a development plan).</p> <p>SEA Screening: Apply "screening criteria" if it requires screening (for example, for Local Area Plans below the population or area threshold) to determine if the plan is likely to have significant effects on the environment.</p> <p>If the assembly or authority determines that the plan is not within the list of those that require mandatory SEA, then as part of the SEA screening process the SEA Planning Regulations requires consultation of relevant environmental authorities over a minimum 4-week period. At the end of this period, if it is concluded that SEA is not required, then the determination must be published by the regional assembly or planning authority and made available to the public and the relevant environmental authorities.</p>
Undertaking the SEA:
<p>Scoping of the Environmental Report: When the SEA process is commenced, at an early stage it is recommended that the purpose, geographic area and timeframe of the plan and its relationship (both vertically (within the hierarchy of land-use plans) and horizontally (other sectoral plans/programmes operating in the same area)) with other plans / programmes are identified. Plan-makers must notify/ consult with the relevant environmental authorities and it is also recommended that plan-makers should prepare a Scoping Report for submission to the authorities.</p>

Baseline data collection: Based upon the scoping stage, data on the current state of the environment of the area should be collected, with particular reference to (a) areas of environmental importance (such as European sites, as referenced below); and (b) areas experiencing environmental problems (such as waste, or air or water pollution) and (c) other data relating to the environmental topics listed in the SEA Planning Regulations (including monitoring data that may have been collected in relation to SEA of previous plans, if relevant). Describe how the environment would be likely to evolve based on current development and background environmental trends.

Define Strategic Environmental Objectives ("SEO"): Based on the collection of baseline information and taking account of national policy and any relevant international legal obligations (for example, aspects listed in Annex I of the SEA Directive, such as biodiversity, air, cultural heritage, etc. as well as other EU or international environmental objectives). These SEOs set out the environmental objectives against which the draft plan will be compared, as part of the overall assessment.

Consider alternatives: Identify reasonable alternative approaches for the plan, which are capable of fulfilling the overall objectives of the plan. Evaluate these alternative approaches against the Strategic Environmental Objectives at a high level using relevant baseline data, with a view to establishing the preferred approach. Describe the preferred approach (which may combine elements of different options), stating reasons for the choice, and expand upon it with detailed policy objectives.

Evaluation of significant impacts: Evaluate the preferred approach against the Strategic Environmental Objectives in more detail to determine the magnitude and significance of effects on the environment.

Mitigation of significant effects: Propose measures to prevent, reduce and, as fully as possible, offset any significant adverse effects on the environment, as appropriate.

Monitoring proposals: Design monitoring measures in relation to any likely significant environmental impacts of the implementation of the plans in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

Prepare the Environmental Report: and a Non-Technical Summary documenting the steps undertaken during the SEA process.

Consultation and Public Participation: Carry out consultation with relevant environmental authorities and the public on the Environmental Report and the draft plan.

Amendments to the plan after initial consultation on the draft plan: Screen any proposed draft amendments to the plan that might occur as a result of the consultation process. Evaluate, modify/mitigate the proposed modifications where required. Make information on the likely significant effects on the environment of implementing the proposed amendment available for a subsequent period of consultation.

Prepare SEA Statement: Following plan adoption, prepare and publish the SEA Statement as a record of how the SEA has influenced the adopted form of the plan.

Monitoring: Following plan adoption, implement monitoring commitments. For Development Plans (and variations) and Local Area Plans the results of monitoring must be included in the Chief Executive's Report as required by Articles 13J, 13R and 14J of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), as amended, with reference to section 15(2) of the Planning and Development Act 2000, as amended. Monitoring of the significant effects on the environment as a result of implementing the plan should extend throughout the lifetime of the plan and the results should inform the next plan-preparation cycle.

Figure 2.1: Strategic Environmental Assessment Process Overview
(reproduced with permission from the Environmental Protection Agency)

STRATEGIC ENVIRONMENTAL ASSESSMENT Process Overview

Strategic Environmental Assessment (SEA) is a systematic process for identifying, reporting, proposing mitigation measures and monitoring environmental effects of plans, programmes and strategies. It aims to ensure that environmental issues are taken into account at every stage in the preparation, implementation, monitoring and review of plans, programmes and strategies of a public nature.

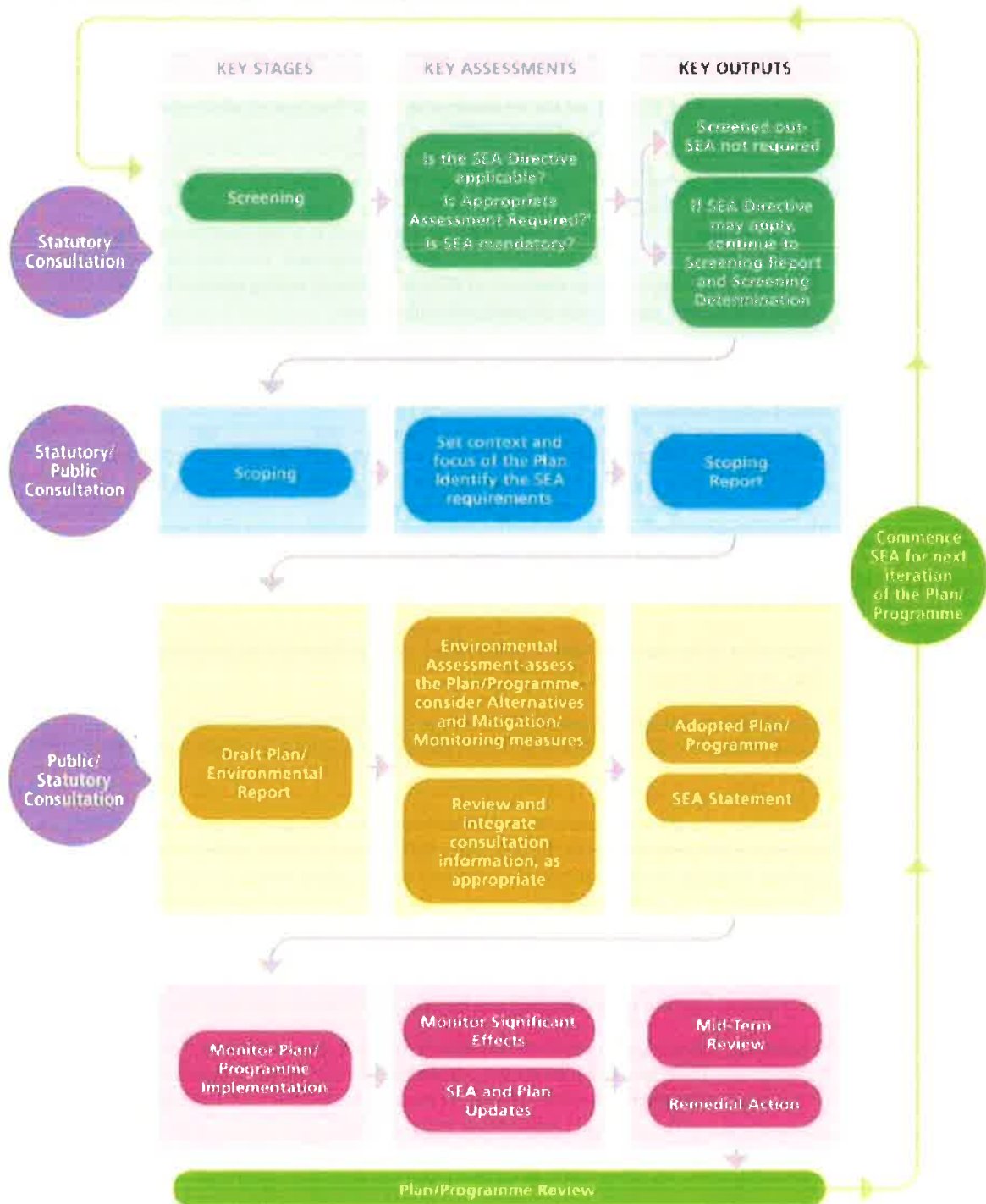


Table 2.2: SEA and how it fits into the Plan-making Process (generic)

STAGE	PLAN	SEA
Pre-review.	Preparation of Issues Paper.	(Assumes that SEA is mandatory. If SEA is not mandatory, screen for possible significant environmental effects). Existing baseline data and monitoring data related to SEA of previous plans may inform the Issues Paper.
Initial public consultation.	Publication of: (a) statutory notice of intention to make or review plan, and (b) Issues Paper.	Scoping the content of the Environmental Report, in consultation with relevant environmental authorities.
Preparation of Documentation.	Preparation of draft plan.	Preparation of Environmental Report: assess and mitigate impacts of plan.
Public consultation.	Public display of draft plan and consideration of submissions.	Public display of Environmental Report and consideration of submissions.
2nd public display (if required).	Display of any material amendment(s) to draft plan.	Identify, assess and mitigate any significant environmental effects of such material amendments. Provide addendum to Environmental Report if required.
Completion of process.	Adoption of plan.	Publish SEA Statement after adoption of the plan.
Post-adoption.	Implementation.	Monitoring of significant environmental effects throughout the lifetime of the plan.

2.2 Who is responsible for carrying out SEA?

The plan-making authority is responsible for carrying out the SEA process. In practice, the management of the SEA procedures is often carried out by an in-house SEA team within the planning authority or regional assembly, who are also responsible for preparing the plan, or by external specialists, or by a combination of both. If it is carried out in-house, the SEA team have the advantage of being familiar with the planning issues involved, and will be best placed to integrate environmental issues into the plan preparation process. Staff on in-house SEA teams should have received suitable training and have the experience required to carry out the required SEA tasks. The use of external specialists, on the other hand, can bring a greater degree of objectivity to SEA, and may well possess more environmental or other technical expertise than the in-house team. Planning authorities or assemblies may bring in specialists to assist in-house teams during specific tasks, for example, baseline data collection or analysis of alternatives; or as external advisors advising on the overall process.

The environmental and technical expertise of other sections of the regional assembly or planning authority (for example, waste, water, transport, biodiversity, cultural heritage, GIS) should be utilised to the greatest possible extent. In-house staff with less experience of SEA may require training to familiarise themselves with the purpose of SEA and how it works in practice (see also Section 5 regarding the quality of the Environmental Report).

2.3 Documenting the SEA Process

While there is an overlap between some of the procedural steps in the plan preparation/ review process and the SEA process, it is strongly recommended that a separate SEA 'file' be maintained throughout the plan preparation or review process. Overlap may arise, for example, when submissions are received from the public; whereby such comments may address both land-use planning and environmental issues and may indeed be inter-linked. The SEA file should include a copy of all documentation relevant to the SEA process even if this is duplicated in the separate draft plan 'file' or, for example, in the Appropriate Assessment 'file' as relevant. The maintenance of a separate SEA file will be of considerable assistance when, after the adoption of the plan, the SEA statement has to be compiled, summarising how environmental considerations were integrated into the plan.

2.4 SEA and other Environmental Assessments

2.4.1 SEA and Appropriate Assessment

The SEA Directive references the assessment of plans required by Article 6(3) of the European Habitats Directive¹, known as "Appropriate Assessment" (AA) in Ireland. This assessment is required where a project or plan is likely to give rise to significant effects upon a site in the Natura 2000 network – referred to in Ireland as "European sites"². European sites are Special Protection Areas for birds and Special Areas of Conservation for habitats and species.

Plans in the land-use planning sector addressed by S.I. 436 of 2004, as amended, either require full SEA or screening for SEA. Articles 13A, 13K and 14A of the Planning and Development Regulations 2001, as amended ('the 2001 Regulations') state that screening for SEA requires the consideration of criteria relating to European sites. These are included in Schedule 2A of the 2001 Regulations (which correspond to Annex 2 in the SEA Directive). Amongst these criteria are "the effects on areas or landscapes which have a recognised national, European Union or international protection status." These criteria may be interpreted as including areas designated as European sites.

The SEA Directive also refers to European sites when it requires those plans that undergo SEA to include in the Environmental Report (see Chapter 5), information on "any existing environmental problems which are relevant to the plan or programme including, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC." (Annex 1(d)).

For plans that require screening for SEA under S.I. 435 of 2004 (that might include land-use plans by planning authorities not covered by S.I. 436 of 2004), SEA shall (in most cases) be required for any plan that is likely to have a significant effect on a European site (either individually or in combination with other plans), but is not directly connected with or necessary to the management of a European site. In other words, a plan that may require an AA, as a result, will also require an SEA to be undertaken. This may occur even in the scenario where it is determined the plan does not set the framework for future development consent of projects.

However, a plan under S.I. 435 of 2004 which may require AA, may not automatically require SEA if the plan is proposed to determine the use of a small area at a local level or is a minor modification to a plan or programme (with reference to Article 9(2) of S.I. 435 of 2001, as amended). This scenario may result in such plans involving small areas/local level or minor modifications to plans requiring Appropriate Assessment, but not SEA.

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

² As defined by Section 177R of the Planning and Development Act 2000, as amended.

In practice, where both environmental assessments are required, the SEA and AA processes often run in parallel and steps that are common to both processes, such as baseline data collection, can use the same resources and techniques. In this regard, Article 11(2) of the SEA Directive states that Member States may provide for coordinated or joint procedures with other EU legislation in order to avoid duplication of assessment. The Environmental Protection Agency's (EPA) guidance on [Integrated Biodiversity Impact Assessment](#) provides further advice on how procedural elements of the two processes can be integrated, notwithstanding that their overall function and purposes are very different. The Department of Housing, Local Government and Heritage is preparing updated guidance on the AA process which will assist local authorities when carrying out this type of assessment for plans.

2.4.2 SEA and Strategic Flood Risk Assessment

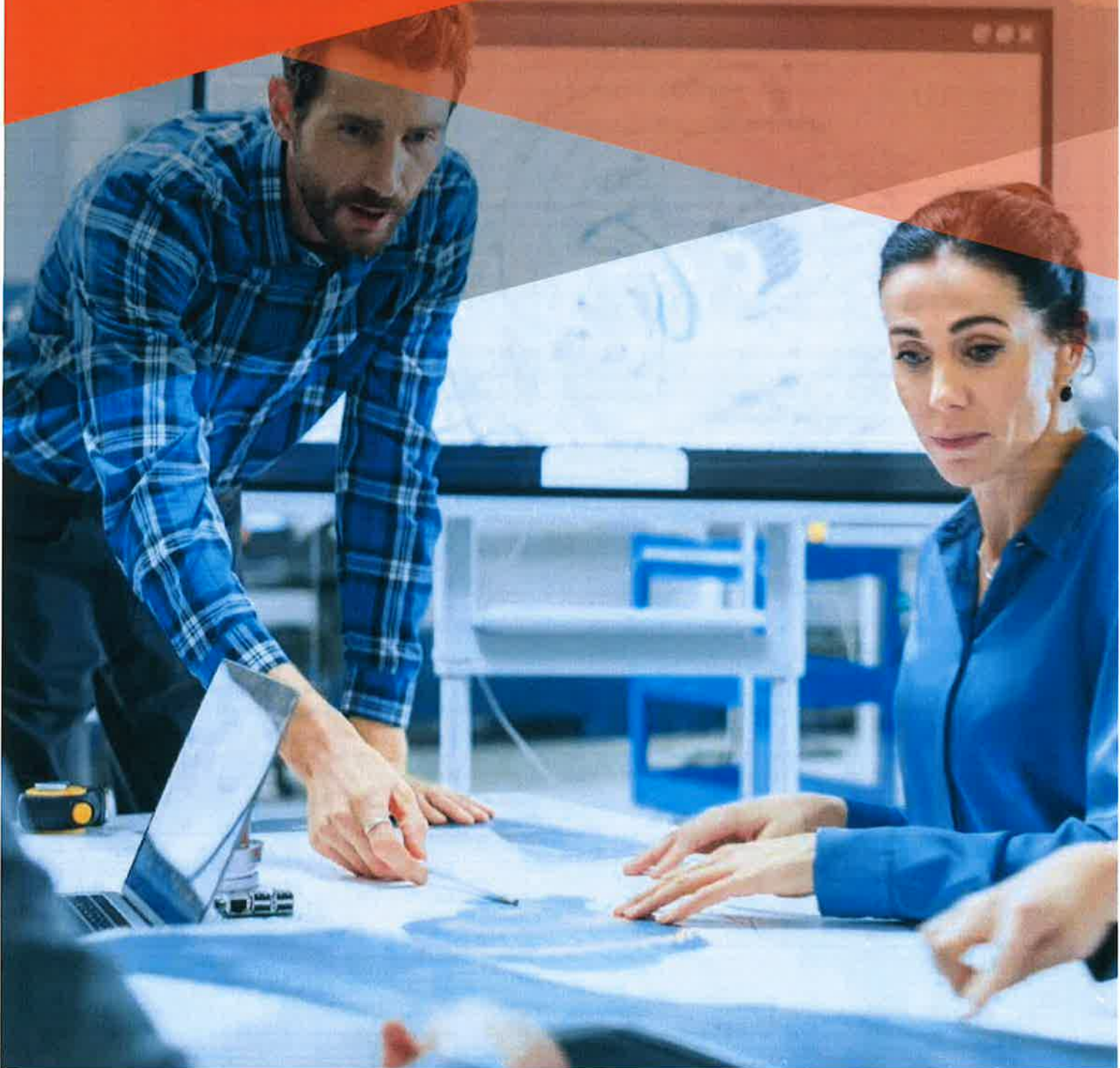
Strategic Flood Risk Assessment (SFRA) should also be carried out during the review/preparation of Development Plans and involves identifying areas of flood risk and how the risk should inform the planning process through the sequential approach of avoidance, substitution or, where justified, mitigation. SFRAs provide detailed information on the spatial distribution of flood risk where development might be considered. Baseline data on flooding can be very useful for the SEA process where proposals for development are considered for specific zones. Likewise, the SEA process may highlight certain constraints on flood relief options, if development in flood prone areas can be justified and mitigation is necessary. Further advice can be found in 2009 guidance, published jointly by the Minister and the Office of Public Works, on "[The Planning System and Flood Risk Management Guidelines for Planning Authorities](#)".

2.4.3 SEA and assessments under Water Framework Directive

Assessment of plans may also be required under the Water Framework Directive to ensure that the approved plan is consistent with the River Basin Management Plan including water quality and management objectives. The Department is preparing procedural guidance on assessments required by the Water Framework Directive and will, among other things, consider how these assessments of plans and programmes may be integrated into SEA.

There are many areas of overlap between the environmental assessments referred to above and the SEA process. The European Commission's document, 'Common Implementation Strategy for the [Water Framework Directive and the Floods Directive Guidance Document No. 36](#)' (See 'Annex A: Comparative overview table WFD, HD, EIA and SEA Directive'), summarises some of these areas of overlap and also where the assessment procedures diverge and require different approaches to be taken.

3 Screening



3. Screening

3.1 What is Screening

"Screening" is the process for deciding whether a particular plan, other than those for which SEA is mandatory, is likely to have significant environmental effects, and thus requires formal SEA to be undertaken. It precedes the commencement of the SEA process itself where SEA is deemed to be required.

3.2 Scope of application of the SEA Directive

The Directive only applies to "plans and programmes", the definition of which is set out in Article 2:

"For the purposes of this Directive:

- a) "plans and programmes" shall mean plans and programmes, including those co-financed by the European Community, as well as any modifications to them:
 - which are subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and
 - which are required by legislative, regulatory or administrative provisions;"

SEA is a mandatory requirement for plans:

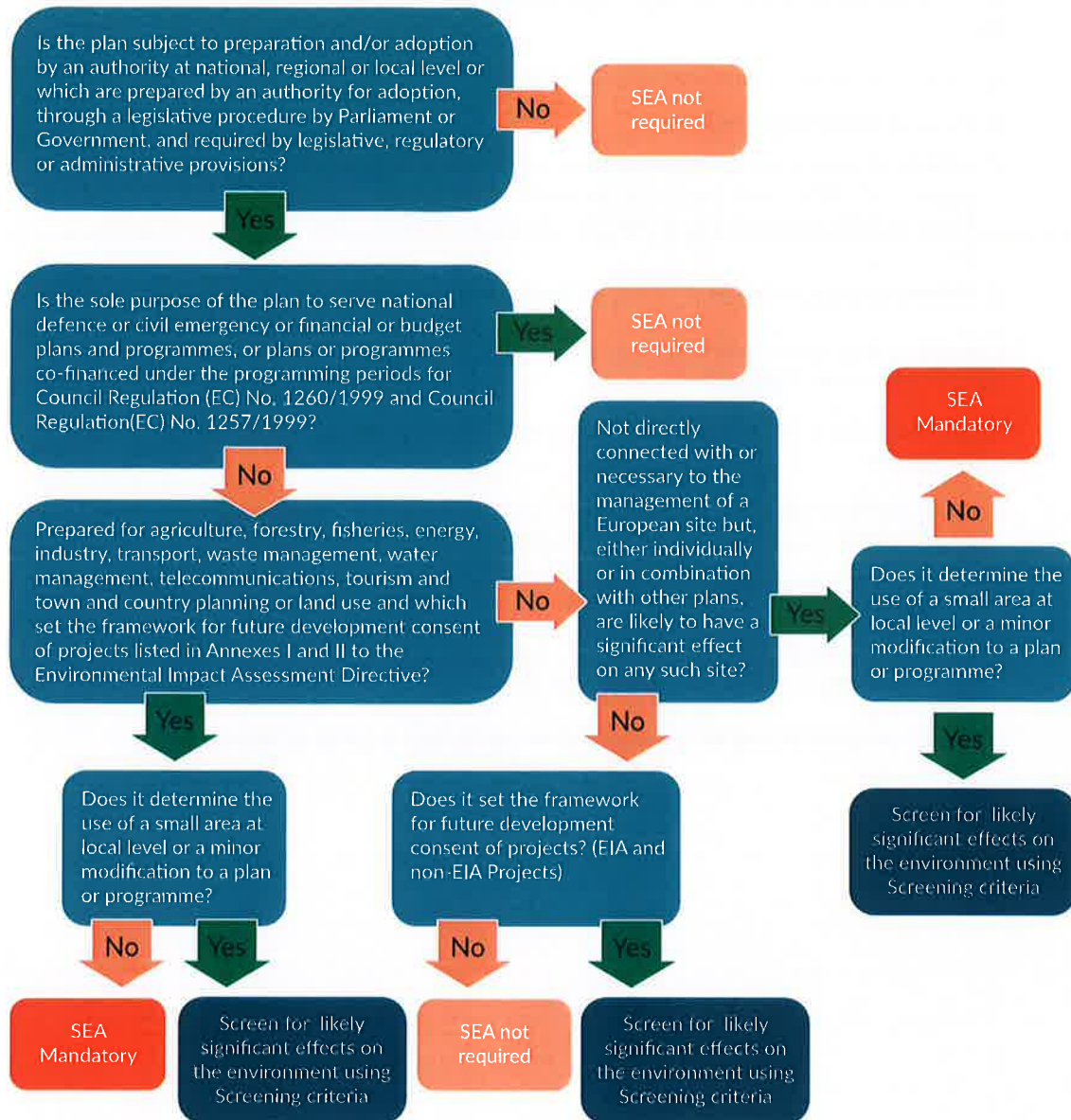
- a) which are prepared for certain specified sectors (including land use planning), and which set the framework for future development consent of projects listed in Annex I or Annex II of the Environmental Impact Assessment (EIA) Directive³; or
 - b) which, in view of the likely effect on European sites, have been determined to require an assessment under the Habitats Directive.
- Plans in these categories which determine the use of small areas, or minor modifications to such plans and programmes, only require SEA where the Member State determines that they are likely to have significant environmental effects. In Ireland, such decisions are based on a case-by-case examination.
 - In deciding whether a particular plan is likely to have significant environmental effects, regard must be had to the criteria set out in Annex II of the SEA Directive – which is reproduced in Schedule 2A to the Planning and Development Regulations 2001, as inserted by Article 12 of the SEA Planning Regulations (S.I. 436 of 2004, as amended).
 - The environmental authorities prescribed in the SEA Planning Regulations must be consulted during screening.

Figure 3.1 shows a decision-tree which reflects the SEA Directive and how it may be concluded (using the steps set down in S.I. 435 of 2004, as amended): a) if a plan is exempt from the Directive's requirements; b) if SEA is mandatory or c) if screening for SEA is required. Note that in the case of statutory land use plans, it is usually not necessary to question if they fall under the requirements of the SEA Directive as they are addressed by S.I. 436 of 2004 as amended - see Section 3.3.

Further guidance on screening of plans and programmes can be found in the [EPA guidance on SEA Screening](#).

³ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014

Figure 3.1 Decision-tree setting out requirements for SEA under S.I. 435 of 2004, as amended.



3.3 Which plans may require SEA in land use planning in Ireland?

The SEA Planning Regulations (S.I. No. 436 of 2004, as amended), which implement the SEA Directive specifically for the following land-use plans in Ireland, require that SEA be carried out for:

- a) Regional Spatial and Economic Strategies (RSES);
- b) City and County Development Plans;
- c) Local Area Plans for areas with a population or the target population of the area of a local area plan is 5,000 persons or more or, the area covered by the local area plan is greater than 50 square kilometres, or the local area plan is being prepared for a town and its environs area, and
- d) Planning Schemes in respect of Strategic Development Zones (SDZs)

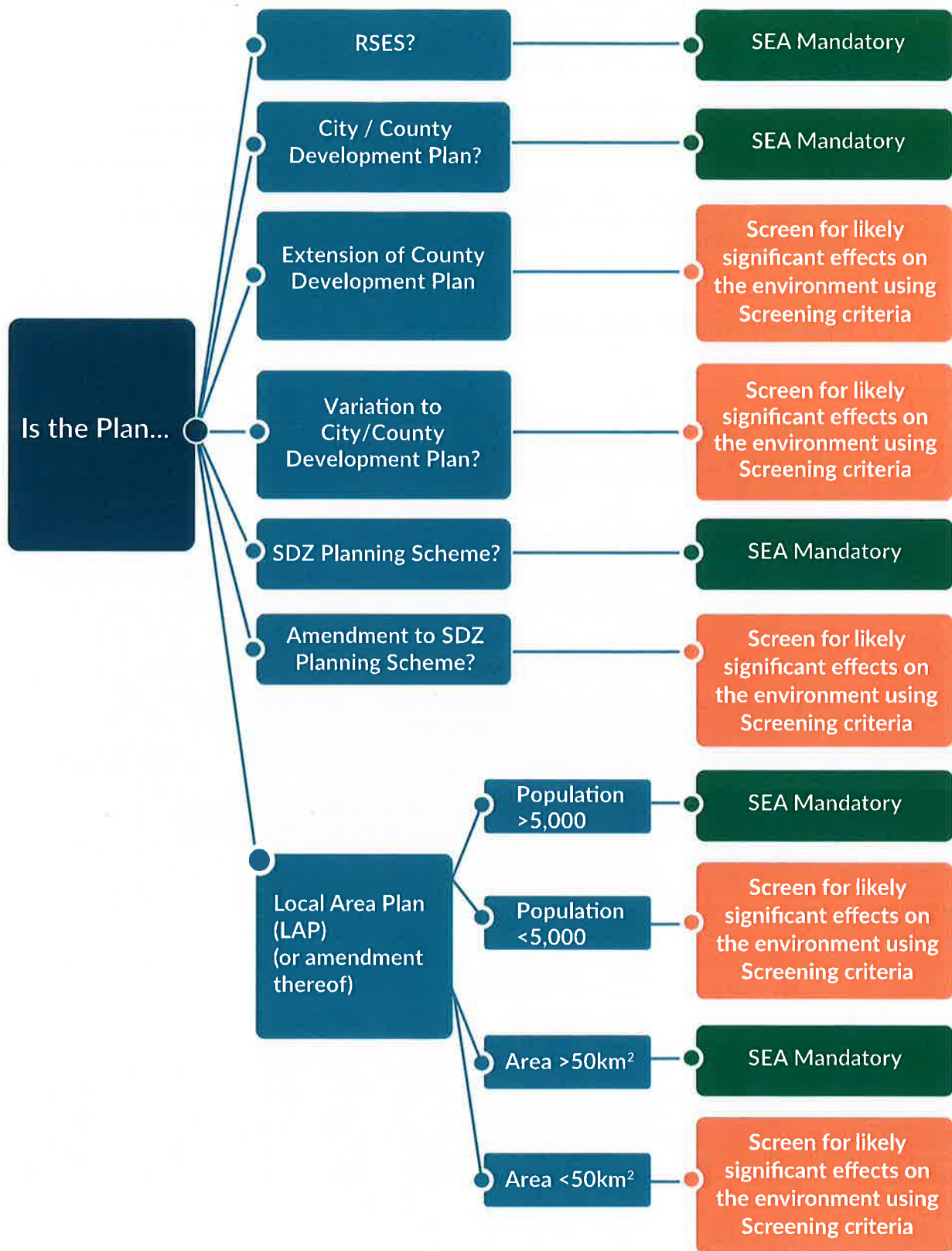
Screening for SEA is not required for these plans, as SEA is mandatory. The plan can proceed directly to the formal SEA process.

Under S.I. No. 436 of 2004, as amended, screening to determine whether SEA is required is mandatory for:

- (a) Local Area Plans, where the population or the target population of the area is less than 5,000 people, or the area covered by the local area plan is less than 50 square kilometre;
- (b) Development Plans where the population or target population of the area is less than 10,000 persons; or
- (c) Variation, amendments or modification of City and County Development Plans and Planning Schemes in respect of Strategic Development Zones.

Figure 3.2 shows the process of SEA screening for specific land-use plans in Ireland.

Figure 3.2 Decision-tree setting out the requirements for SEA of specific land-use plans.



3.4 Determining whether there are likely significant effects on the environment

Screening for SEA seeks to fundamentally answer the question as to whether the draft plan would be likely to have significant effects on the environment and therefore require further analysis, in the form of SEA. The screening decision should not be determined by the size of the plan area alone. It will also be influenced by the nature and extent of the development likely to be proposed in the plan, its location, and its broad environmental effects.

The criteria in Schedule 2A to the Planning and Development Regulations 2001, as amended by the SEA Planning Regulations, (Box 3.1) must be taken into account in determining whether significant effects on the environment are likely to arise.

Appendix B elaborates on the SEA screening criteria and provides advice on how they should be applied. Advice contained in other guidance publications will also assist in the application of these screening criteria.

Box 3.1 Criteria for determining whether a plan or programme is likely to have significant effects on the environment

Schedule 2A to the Planning and Development Regulations 2001, as amended by the SEA Planning Regulations (S.I. 436 of 2004, as amended), sets out two main types of criteria for determining whether a plan or programme is likely to have significant effects on the environment

1. The characteristics of the plan having regard, in particular, to:

- the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
- the degree to which the plan influences other plans, including those in a hierarchy,
- the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan,
- the relevance of the plan for the implementation of European Union legislation on the environment (for example, plans linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (for example, due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
 - (a) special natural characteristics or cultural heritage,
 - (b) exceeded environmental quality standards or limit values,
 - (c) intensive land-use,
- the effects on areas or landscapes which have a recognised national, European Union or international protection status.

The criteria are not listed in order of importance. In general, it can be assumed that the more criteria that are met, the more likely it is that the environmental effects will be significant. However, each screening decision should be made on its own merits and on the basis of an overall consideration of all the screening criteria listed above.

Where the significance of environmental effects is uncertain, the plan-making authority should use its best professional judgement as to whether SEA should be undertaken, taking into account the comments from the relevant environmental authorities. It is not intended that special studies or expert technical evaluations will be necessary for the purposes of making a screening decision.

3.5 Consultation of Environmental Authorities during screening for SEA

Unless the regional assembly or planning authority has determined that SEA is mandatory for the plan concerned, it must issue a formal 'screening notice' to the relevant environmental authorities (including the adjacent planning authorities), consulting them on whether they consider significant effects on the environment are likely to arise. The detail of the content on the 'screening notice' is not set out in legislation, but as good practice it may include:

- The geographic area of the plan (a suitably-scaled map should be included), where relevant;
- The purpose and overall objectives of the plan, to the extent known at the time;
- Its intended lifespan; and
- Responses to the screening criteria in Schedule 2A addressing the potential interactions between the plan and the environment. **Appendix B** gives further advice on this.

⁴ S.I. 2011 of 2011 amended the SEA Planning Regulations by adding planning authorities to the list of SEA screening consultees, to include "any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation, or local area plan." (Article 3(b))

The Department's website provides the most up-to-date contact details for the environmental authorities that must be consulted as part of SEA screening, taking into account transfers of functions between Ministers since the SEA Regulations first identified the environmental authorities. During the preparation of a development plan, the environmental authorities must be given at least 4 weeks to respond to a prospective plan-maker. Where the proposal is a variation to a development plan, this consultation period is a minimum of 3 weeks.

Since the outcome of the SEA screening stage can have implications for the subsequent stages of preparation of the plan, it is important that elected members of the planning authority or assembly members, who have the power to request amendments and adopt the final plan, are made fully aware of both the SEA screening process and their responsibilities within the SEA process. Elected members may benefit from face-to-face briefings, webinars or focused training to assist in raising awareness of the SEA process.

During the plan's preparation there may be amendments to the draft plan that require it to be re-screened to ensure that it will not have significant effects on the environment. Whilst the original plan may have not required SEA (following the screening for SEA), this does not rule out the scenario whereby subsequent amendments may require SEA (after screening the amendments themselves) and thereby force the draft plan to undergo SEA. In such cases in order to be comprehensive and address cumulative impacts, the SEA may have to consider the effects of the whole plan on the environment in the SEA, and not just the proposed amendment to the draft plan. Section 4 of these Guidelines provide recommendations on how the screening of proposed amendments to plans may be undertaken.

3.6. SEA Screening Determination.

After the regional assembly or planning authority takes the consultation responses from the environmental authorities into account, a formal screening 'determination' must be made. The authority or assembly must make this determination available for public inspection at its offices and on its website, and notify its decision to any environmental authority that was consulted as soon as practicable after making the determination.

The determination should be a brief document but must include, where appropriate, the reasons for deciding that SEA is not required in the decision.

4 Scoping



4. Scoping

4.1 What is Scoping?

Once it has been established that SEA is required, as a result of either mandatory SEA requirements or following screening, scoping should take place. The purpose of scoping is to ensure that the relevant environmental issues are identified, and the level of detail to which they should be assessed is agreed, so that the relevant issues can be given the necessary emphasis in the Environmental Report.

Scoping is a mandatory requirement and requires consultation with the relevant environmental authorities.

Whilst the SEA Directive and the implementing regulations refer to scoping in the context of the Environmental Report (which is considered in detail in Chapter 5 below), it is important to note that the assessment process itself also needs to be scoped. Scoping the SEA process means identifying which of the environmental topics stated in the SEA Directive may be particularly pertinent to the plan or programme being assessed, so that resources are appropriately allocated to ensure an efficient, focused SEA. For example, an SEA of a plan with a coastline will place more emphasis on certain issues (such as marine landscapes and coastal amenities), compared to plans for land-locked areas. Similarly, where historic towns are to be addressed by the proposed plan, the reuse of vacant historic buildings may require more emphasis in the SEA than plans that may only cover modern settlements in which vacant buildings are less frequently recorded.

The identification of pertinent environmental and development issues should also be informed by the results of monitoring the significant environmental effects of previous plans.

4.2 When should scoping take place?

The timing of SEA scoping for plans under the aegis of S.I. 436 of 2004, as amended, should be as follows:

- a) **Development Plans:** preliminary scoping can begin even before the start of the formal 2-year review process, as the existing plan will provide a reasonable indication of pertinent environmental and development issues. However, formal scoping usually takes place during the initial public consultation phase required under subsections (1) to (3) of section 11 of the Planning and Development Act 2000, as amended ('the Act').
- b) **Variations of Development Plans:** where the screening process indicates a need for SEA, the planning authority should consult with the relevant environmental authorities regarding SEA scoping prior to carrying out the notification procedures under subsection (2) of section 13 of the Act.
- c) **Local Area Plans:** scoping should take place during the pre-plan consultation process required under section 20(1) of the Act, as it will be necessary to complete preparation of the Environmental Report prior to publication of the statutory notice under section 20(3) of the Act.
- d) **Regional Spatial and Economic Strategies (RSES):** some preliminary scoping can take place towards the end of the 6-year life of the RSES, but formal scoping should begin as soon as practicable after notice has issued by the regional assembly of its intention to make a new Strategy, under section 24(1) of the Act.
- e) **Planning Schemes in respect of Strategic Development Zones (SDZs):** formal scoping should begin as early as possible in the process of preparing a draft Planning Scheme under section 168(1) of the Act.

4.3 SEA Scoping Report

The usual approach to SEA scoping is for the plan-making authority to carry out preliminary environmental baseline data collection and interpretation; prepare a 'SEA Scoping Report'; and send this to the relevant environmental authorities for consultation. In the case of (a), (b) and (c) in section 4.2 above, adjacent planning authorities must also be consulted as appropriate.

As a minimum, the Environmental Report must address all of the mandatory SEA topics listed in paragraph (f) of Schedule 2B of the Planning and Development Regulations 2001, as amended (which reflects Annex I(f) of the SEA Directive), so the Scoping Report should do the same. It should not be assumed that if the assessment of a specific issue for example, water quality has been carried out at a higher tier of SEA and plan-making, then this issue does not require re-assessment at lower plan levels. Similar environmental issues or development objectives may require assessment at different tiers in the planning hierarchy as different choices may be available at each tier. Scoping should therefore involve identifying the choices available, and their likely environmental impacts, at the specific level of plan-making that is the subject of the SEA.⁷

The content and nature of the SEA Scoping Report is not prescribed in legislation. However, in order to facilitate consultation with the relevant environmental and planning authorities, it is recommended that such a report should give an outline of:

- the geographic area involved (a map should be included);
- the nature of the plan, and its intended lifespan;
- the likely scale, nature and location of development within the area during the life of the plan (in broad terms);
- in broad terms and where possible, the plan's predicted significant environmental impacts; and
- the scope and level of detail expected of the Environmental Report (refer to Chapter 5).

Whilst scoping takes place at an early stage, it may be useful to include a preliminary discussion of alternative approaches to delivering the plan's objectives. There may be environmental constraints or opportunities that may require certain choices to be disregarded or taken forward for consideration in the further development of the plan, and this may influence the scope of the Environmental Report. For example, the development of riverside paths may be constrained by flooding or ecological sensitivities so other alternatives for providing recreational opportunities in woodlands and parks may be more feasible.

The SEA Scoping Report should include information about the scope and level of detail expected in the Environmental Report. The SEA Planning Regulations allow for considerable flexibility concerning scope and the level of detail. Only information that "may reasonably be required"⁸ needs to be included in the Environmental Report, taking into account:

- current knowledge and methods of assessment;
- the contents and level of detail in the plan;
- the stage in the decision-making process; and
- the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of assessment⁹.

In practice, firstly, the preparation of the Environmental Report involves collating currently available, relevant environmental data; and it does not necessarily require major new research. Baseline data will have been collected as part of the pre-draft stages of the plan review process and this will be useful to determine the pertinent environmental issues. Not all of the baseline data that has been collected will be related to the environment so the SEA team may have to filter out the key issues that may be of use for the SEA process. Where data deficiencies or gaps exist, this should be acknowledged in the report. Secondly, the Environmental Report can only be as detailed as the plan it is assessing: it is not possible to carry out a detailed assessment of

⁷ At this early stage it would not be reasonable to be able to predict the plan's impacts but an overall indication of how it may interact with the environment would be useful to include.

⁸ Annex I of the SEA Directive- as transposed into Irish law for certain land-use plans by S.I. 436 or 2004, as amended, which inserts Schedule 2B into the Planning and Development Regulations 2001, as amended

⁹ Article 5.2 of the SEA Directive

non-specific plan policies, nor would it be appropriate to scope for a very high-level assessment of detailed policies, objectives or zoning proposals for example.

Whilst there are mandatory requirements for the content of the Environmental Reports, it is the purpose of the SEA scoping stage to identify which aspects of the environment and which of the topics require greater focus in the SEA process and reporting. In order to avoid overly complex and lengthy documents, it is recommended that regional assemblies and planning authorities focus on key environmental issues to which the plan in question is likely to give rise. This will permit a more relevant and detailed assessment and efficient use of resources within the plan and SEA teams.

It is important to acknowledge that for land-use plans in Ireland, a tiered hierarchy of strategic plans (such as RSEs, County Development Plans and Local Area Plans) ultimately provide the basis for informing consents for individual projects. In turn, some of the major development projects themselves require environmental impact assessment (EIA) as part of the development consent process. Successful scoping during SEA of plans with the ultimate projects in mind, can benefit the subsequent EIA of these projects. This concept is often referred to as 'tiering'. To avoid duplication of assessment at different tiers in the hierarchy of plans, taking the review of a Development Plan as an example, certain strategic planning issues may already have been determined – and their impacts assessed – at a national or regional level, whereas other more detailed issues will more appropriately be left for consideration at a local area plan level or even at the detailed project-EIA level. Additional advice on how best to ensure that tiering takes place effectively can be found in the Environmental Protection Agency's [Guidance on Strategic Environmental Assessment – Environmental Impact Assessment Tiering](#).

In scoping the Environmental Report for plans, therefore, it is important at the outset to identify those issues which are best dealt with at the scale and level of that plan, and what issues are better dealt with at the level of other plans and projects elsewhere in the hierarchy of plans. It is important to try to eliminate the potential for consideration of certain issues to be passed down to lower levels, unless necessary, as many important choices (for example, development standards) may have implications for the environment and may be better considered at higher, more strategic levels.

Relevant information obtained at other levels of decision-making and assessment, or through the requirements of other EU legislation may be used in the Environmental Report. This could include information from existing environmental impact statements and as part of the requirements of other EU Directives (such as air and water quality).

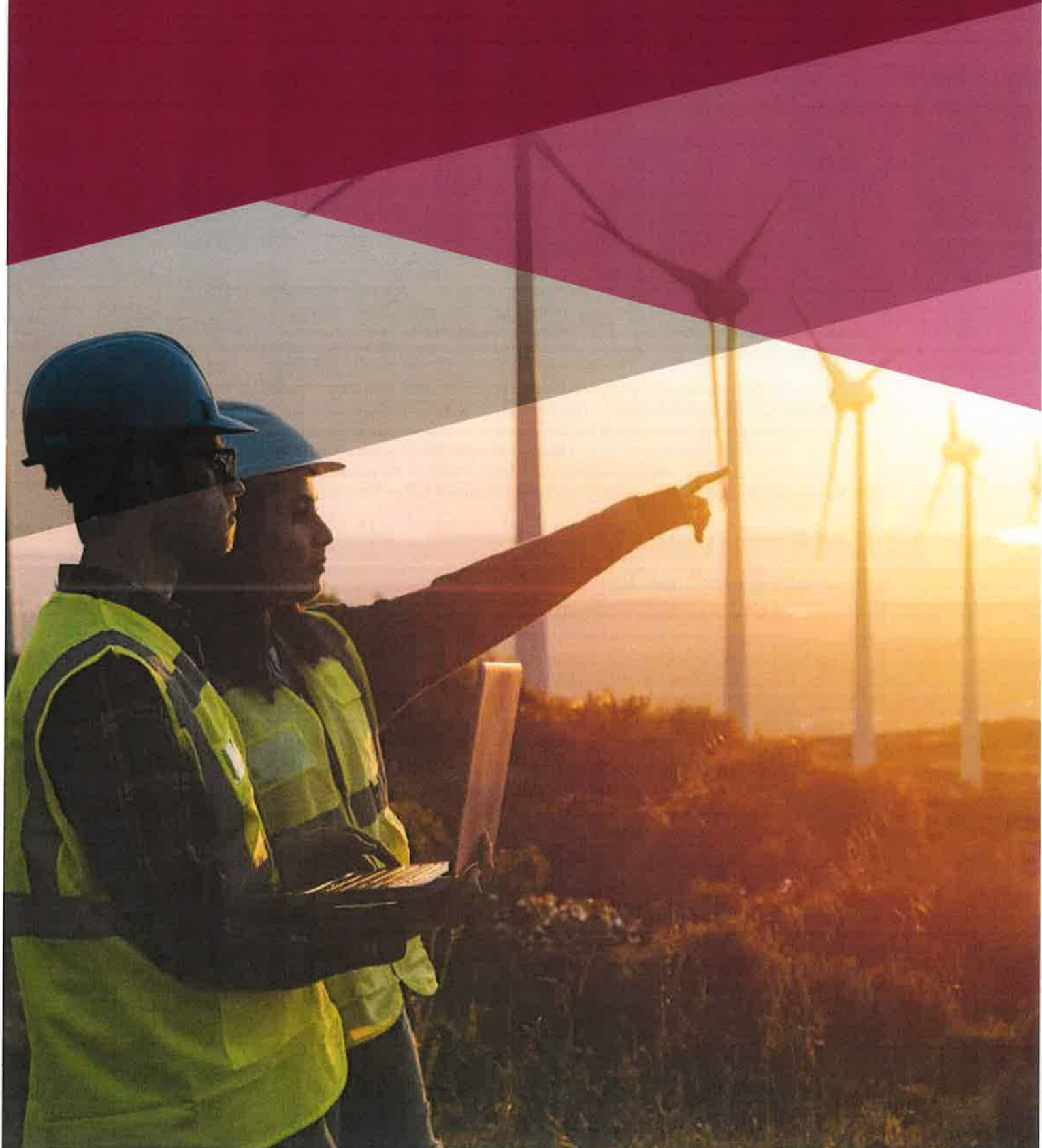
4.4 Consultation with Environmental Authorities during Scoping

Article 6(3) of the SEA Directive and the SEA Planning Regulations require that the relevant environmental authorities are consulted when deciding on the scope and level of detail to be included in the Environmental Report. It is essential that this consultation takes place as early as possible during the scoping process and that the advice of the relevant environmental authorities is taken on board in finalising the process. If scoping is to be meaningful, the plan-making authority or assembly is advised to do more than just issue a statutory notice to the designated environmental authorities. The additional submission of a concise SEA Scoping Report that focuses on the purpose of the plan and the nature of the receiving environment will help to generate constructive responses from the environmental authorities. It is recommended that scoping documentation and other SEA documentation should be sent in electronic format and made available on the plan-making authority's website as evidence that this statutory requirement has been carried out.

During the preparation of Development Plans, the SEA Planning Regulations allow a minimum of 4 weeks to allow the relevant environmental authorities to revert to the plan-maker with comments on the scope of the proposed Environmental Report. In the case of variation(s) to a Development Plan, this consultation period is a minimum of 3 weeks. When the final version of the plan is adopted, the SEA Statement that is published alongside the plan must state how such comments that were submitted during the scoping stage were taken into account.

The EPA has provided specific [guidance](#) on their website on the nature of information that plan-makers should issue to the EPA during the SEA process.

5 The Environmental Report



5. The Environmental Report

5.1 Overview

An 'Environmental Report' is the part of the plan's supporting documentation, which contains the information required by Article 5 and Annex I of the SEA Directive – reproduced in Schedule 2B to the Planning and Development Regulations 2001, as inserted by Article 12 of the SEA Planning Regulations. Box 5.1 below presents the required contents of the Environmental Report, often referred to as the 'SEA Environmental Report'. The Environmental Report is a key mechanism in promoting sustainable development, in raising awareness of significant environmental issues and in ensuring that such issues are properly addressed within the capacity of the planning system.

The Environmental Report forms part of the draft plan's documentation, and there should be integration between the iterative procedures of preparing the Environmental Report and of the draft plan, so that the drafting of the plan is informed by environmental considerations from the outset.

The Environmental Report must be made publicly available at the same time as when the draft plan is put on public display. It is important that the draft plan fully reflects the SEA process and contains a published record of how environmental issues and mitigation measures that address significant effects have been integrated into the draft plan.

It is now common practice to present the Environmental Report as a separate appendix to the draft plan. However, it is also good practice to include a summary chapter on the SEA process and outcomes in the draft plan itself and to make reference to the Environmental Report in the main text where relevant.

Apart from the compilation of background material, which can be done before the start of the statutory plan preparation/review process, work on both the draft plan and the Environmental Report should proceed in tandem. If the SEA process is to add value to plan-making, the preparation of the Environmental Report should influence choices made within the preferred version of the draft plan, and any mitigation measures needed to offset potential adverse environmental effects of implementing the preferred version of the draft plan.

Box 5.1 Required contents of the environmental report

Article 5 of the SEA Directive:

1. Where an environmental assessment is required under Article 3(1), an Environmental Report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Annex I.
2. The Environmental Report prepared pursuant to paragraph 1 shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.
3. Relevant information available on environmental effects of the plans and programmes and obtained at other levels of decision-making or through other Community legislation may be used for providing the information referred to in Annex I.
4. The authorities referred to in Article 6(3) shall be consulted when deciding on the scope and level of detail of the information which must be included in the environmental report.

Annex I of the SEA Directive:

- (a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;
- (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
- (c) the environmental characteristics of areas likely to be significantly affected;
- (d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;
- (e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
- (f) the likely significant effects⁽¹⁾ on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;
- (g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;
- (h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;
- (i) a description of the measures envisaged concerning monitoring in accordance with Article 10; and
- (j) a non-technical summary of the information provided under the above headings.

⁽¹⁾ These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.

5.2 Contents of the Environmental Report

Each of the requirements of the Environmental Report (Box 5.1) is discussed in more detail below.

5.2.1 Contents and main objectives of the Plan or Programme, and its relationship with other relevant Plans

This section of the report should succinctly state:

- the legal status of the draft plan, its period of validity, and the geographic area covered (including a map of the plan area and adjacent local authorities, main transport links and main conurbations);
- the extent to which the draft plan incorporates, or is guided by strategic objectives from higher level plans or programmes;
- its main objectives;
- the scale, type and location of significant development envisaged in the area during the life of the plan; and
- its relationship with other plans or programmes in the area (including land use plans not listed in S.I. 436 of 2004 as amended, and in non- land use planning sectors such as waste management plans, transport plans, water management plans, wind energy strategies), and the extent to which the draft plan will set the strategic context for lower-tier plans, such as Local Area Plans.

5.2.2 Current and likely future state of the environment

Items (b) and (c) in Box 5.1 creates three main requirements:

- A baseline description of the current environment in the area: with particular reference to those aspects of the environment that are experiencing plan-related problems (such as development pressures) at present, or are likely to be significantly affected by implementation of the draft plan;
- a “do-nothing” scenario: an estimate of how current environmental conditions would change over time without implementation of the draft plan; and
- a “focusing down”: to areas likely to be significantly affected by the draft plan.

Depending on the nature and scale of the draft plan, most or all of the following baseline data may be relevant:

- a statistical overview of the area: physical size, current and estimated future population, population density, settlement sizes, broad mix of land uses, etc.;
- a description of the physical environment of the area: topography, landscape characteristics, availability of natural resources (surface and ground waters, soil quality, air quality, mineral resources, etc.), with particular reference to scarce or non-renewable resources;
- location and type of sensitive and protected areas (for example, Special Areas of Conservation, Natural Heritage Areas, Architectural Conservation Areas, etc.) and protected species: and the extent to which they are experiencing, or are likely to experience, development-related pressure; and
- types or patterns of development: which may be linked to environmental problems or which are environmentally-friendly developments (such as compact mixed-use developments, compact and well-insulated homes).

The purpose of the baseline description is to identify the current state of the environment, against which the likely effects of implementing the draft plan can be assessed. The impacts of the draft plan can be estimated as the difference in environmental conditions with and without implementation of the draft plan. It is clearly desirable, therefore, to use relevant quantitative data as far as possible to predict and measure such changes (environmental indicators) that can be used during the monitoring phase. Where appropriate, time-series data may indicate trends which should be identified as part of a “do nothing” or “do minimum” scenario, for example, what might happen if current development trends in a certain area were to continue into the future¹⁰. Qualitative indicators may also be appropriate for some types of environmental impacts.

¹⁰ Although it should be noted that in the context of statutory land-use plans, the do-nothing scenario is not considered a reasonable alternative to be considered as part of the SEA or plan preparation process.

Data Sources

Where SEA has been carried out for previously adopted iterations of the plan, SEA-related monitoring data that should have been collected for these previous iterations should be referenced. Reference to the state of the environment since the last adopted plan period is a useful starting point for the current assessment: it helps to identify trends over time, and which proposals within the current plan have been effective or require amendment for subsequent versions. Relevant data collected as part of other parallel assessments (particularly Appropriate Assessment and Strategic Flood Risk Assessments) can also be used.

Compilation of environmental data, particularly at a scale relevant to the area of the draft plan, may be problematic for some parameters. Authorities should identify and use available data sources, rather than undertake major new data collection. Where information gaps are identified, the plan-making authority should consider how those gaps might be addressed in the future. The implications of cost resources required for data collection should also be considered and in some cases a partnership approach involving other agencies or neighbouring authorities may be useful. While national datasets that are widely available are relevant for SEAs of the higher-level RSES and County Development Plans, local baseline data which may be useful for Local Area Plans or for assessing specific land-use zonings may be found in published Environmental Impact Assessment Reports (EIARs) for project proposals. The Department of Housing, Local Government and Heritage hosts the centralised database of links to planning applications that were accompanied by an EIAR, known as the [EIA Portal](#). Note that data contained in EIARs may become less valid for re-use in SEA over time, as EIA data represent a 'snapshot' of a specific location at a specific point in time.

The presentation of spatial baseline data in map or graphical form will help those involved in plan preparation to understand the distribution of environmental characteristics or problems within their area and relevant issues in adjoining areas,

The use of Geographical Information Systems (GIS) by many plan-making authorities has been helpful in this regard. The EPA has published the "[GISEA Manual](#)" a guide to how GIS can be used at various stages within the SEA process (including monitoring). Considerable mapping information is available online at the Ordnance Survey Ireland's [Geohive](#) website and in the [SEA Spatial Data Sources Inventory](#) maintained by the EPA.

The use of GIS is not just limited to this stage, but can help at all stages in the SEA process in terms of how to understand the receiving environment. Plan-makers and SEA practitioners are encouraged to establish GIS resources and expertise within their authorities in order to maximise use of these tools. Map-based information can be very useful in engaging the public during consultation on draft plans and SEA Environmental Reports. Because of the time and effort likely to be needed to compile baseline information – especially when SEA is being carried out for the first time – much of this compilation work can and should be done in advance of the statutory plan-preparation/ review process. The Environmental Report should not reproduce large quantities of quantitative data, but rather analyse, interpret and present the data in a user-friendly manner.

Environmental Sensitivity Mapping (ESM) allows several layers of environmental data to be overlaid, weighted (for example, more weight given for international than for local designations), analysed and presented, to create bespoke maps of sensitivity to certain development pressures. Collection and analysis of spatial data on issues such as flooding, surface and groundwater sensitivity, biodiversity and landscape can benefit from using this resource and can also assist in environmental assessments required under other Directives. Figures 5.1 and 5.2 show examples of ESM presented in Environmental Reports.

¹¹ Further information is available at the [ESM Webtool website](#). Other useful resources include [myplan.ie](#) which is an online portal to spatial planning data including Development Plans and individual planning applications; and the EPA's [SEA Spatial Information Sources Inventory](#) which provides up-to-date links to spatial datasets. The Heritage Council also hosts spatial data on their [website](#). Marine activities can be viewed on [marineplan.ie](#)

Figure 5.1

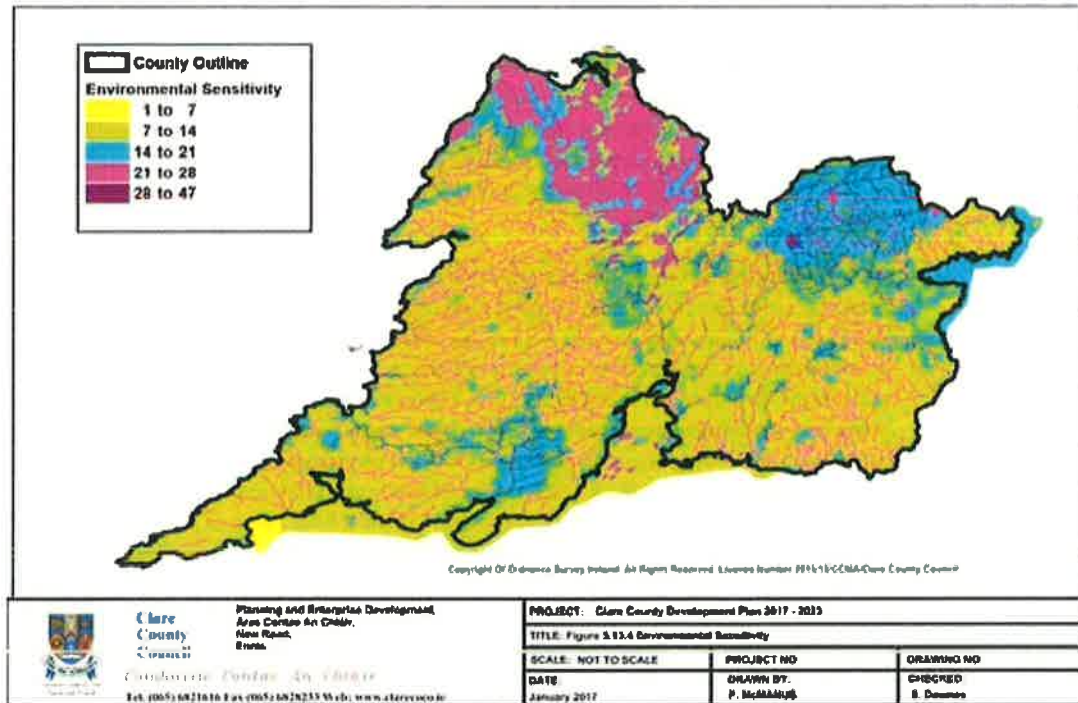
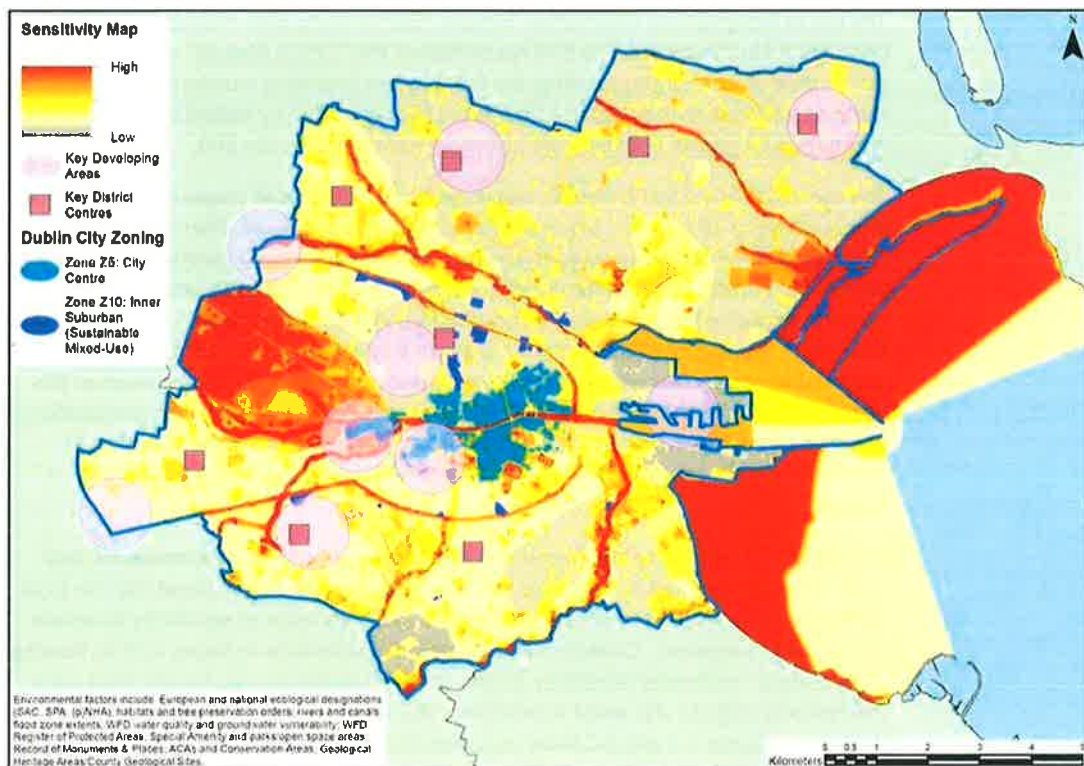


Figure 5.2



“Do-Nothing” Scenario

The “do-nothing” scenario represents a continuation of present trends - as if the current plan were to continue - without any policy changes, environmental interventions or infrastructural improvements which may be proposed in the draft plan. In the context of statutory land use plans under S.I. 436 of 2004, as amended, there is no “no plan” scenario for Development Plans, since Development Plans are by nature cyclical and the new plan will be taking over from an existing one. It forms the basis of comparison against which the environmental effects of the draft plan will be measured. It also forms the basis for the subsequent discussion of cumulative effects.

The “do-nothing” scenario should describe, over the lifetime of the expected new plan (for example, 20 years):

- Any ongoing trends, for instance decreases in carbon emissions, increases in flood frequency, decreases in biodiversity, increase in vacancy/dereliction levels; and
- Any projects or plans that are expected to take place regardless of the plan in question, for example, expected new roads or flood protection works, projects with planning approval.

Environmental characteristics of area likely to be affected

This is a ‘focusing in’ analysis of those areas likely to be significantly affected by implementation of the draft plan (item (c) in Box 5.1 above), typically those areas are where the draft plan proposes significant new development. It is important because these areas could be particularly environmentally robust and able to accept new development better, or may have specific environmental sensitivities that require avoidance or mitigation measures.

This analysis would thus involve:

- determining where significant (scale and/or type) development is likely to take place during the life of the plan; what kind of development will it be; and what impact is it likely to have on the environment; and
- determining whether there are parts of the area (such as protected sites, areas with vulnerable water courses, or high amenity areas) which are more sensitive to development than others; and how such areas are likely to be affected by the plan.

GIS mapping is likely to be very useful for this stage.

Clearly this stage cannot be carried out until the draft plan is at a point where likely future development choices are identified, and so may need to be ‘retrofitted’ to the baseline environmental description.

5.2.3 Existing environmental problems

The requirement to identify environmental problems (item (d) in Box 5.1 above) should focus on identifying the nature, location and scale of existing environmental problems in the area, such as water or air quality, or problems that may arise from car-dependent land use patterns. Box 5.2 below shows a summary of existing environmental issues relating to population and human health.

Box 5.2 Example of existing environmental issues relating to population and human health. *Taken from Clare County Development Plan 2017-2023: Vol 10b(ii) Strategic Environmental Assessment Environmental Report*

Note: The Chapter titled "Human Health and Quality of Life" included baseline data on Radon, Noise, Seveso sites, Integrated Pollution Prevention and Control License, Pollutant Release and Transfer Register, Climate Change, Flooding and Human Health, The Natural Environment, Human Health and Quality of Life.

5.7.8 Issues and Threats

The County of Clare has experienced ever increasing development pressures, but a changing economic climate over recent years has resulted in a slowdown in this regard. This in turn presents challenges for the future in relation to the retention of the younger age cohorts within the area and encouraging those who work within the area to also live within it and to encourage additional employment opportunities within the Plan area to avoid a trend of further outward movement from the Plan area in pursuit of employment.

The population of Ennis increased by 4.6% since 2006 and compared with other Hub towns it has seen one of the lowest increases. Of concern is the significantly higher growth seen in the environs which has greater environmental implications.

The unemployment rate in Ennis stands at 21.5% (Census 2011). In order to avoid continued losses there must be a pro-active approach to encourage the existing population of the area to remain by providing employment opportunities, services and resources which will benefit the entire county. There is a need to provide sustainable alternative employment options for the people of Clare.

Pressure on the existing wastewater infrastructure and water supply and the capacity for it to accommodate growth within each of the settlement areas for residential and employment uses is a significant issue across the county. The same concern exists in relation to water quality and the risk of contamination from the proliferation of individual waste water treatment units and risk of contamination from oil tank leakages from those located in areas of high groundwater vulnerability across the county.

5.7.9 Data Gaps/difficulties

Human health data for the Plan area is not easily available. However, impacts on human health and quality of life may be derived from any of the environmental parameters. Ultimately, all of the effects of a development on the environment impinge upon human beings and their quality of life, both positively and negatively. Direct effects relate to matters such as water and air quality, noise, and landscape change. Indirect effects relate to such matters as flora and fauna. Accordingly, the topic of human beings and their quality of life are addressed in this Environmental Report by means of an appraisal of the indirect effects of the Plan on the other environment parameters, of which human beings and their quality of life are an integral part. Where appropriate, mitigation measures to reduce/avoid adverse impacts are identified and incorporated into this Report and the Plan under the other environmental parameters.

The legislation, as per Schedule 2B of the Planning and Development Regulations 2001, as amended, also requires a discussion of any existing environmental problems “in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC”, which translates into “in particular, problems related to Special Protection Areas (SPA) for birds, Special Areas of Conservation (SAC) for habitats and species, and other similarly important environmental areas”.

Environmental problems in SPAs/SACs are generally referable to why the SPA/SAC has been designated. For instance if a riverine SAC has been designated for its freshwater pearl mussels, and water quality in the river is poor, then this will be an environmental problem. Information on SPAs and SACs, their sensitivities/vulnerabilities and current status will be available from the screening and scoping stages of the Appropriate Assessment for the draft plan (where this has been undertaken).

5.2.4 Strategic Environmental Protection Objectives

Annex 1(e) of the SEA Directive, as replicated by paragraph (e) of Schedule 2B of the Planning and Development Regulations 2001, as amended, requires that the Environmental Report must include the “environmental protection objectives”, established at international, European Union or national level, which are relevant to the draft plan and secondly describe the way those objectives and any environmental considerations have been taken into account during its preparation.

The EPA's [SEA Pack](#) provides links to a selection of the documents that relate to environmental protection objectives and sources of information from which such objectives can be prepared.

These environmental protection objectives may then be used to inform the development of Strategic Environmental Objectives ('SEOs') that may be adapted and used as assessment criteria in Environmental Reports, making them specific to the SEA process and draft plan in question.

The SEA Directive only requires the identification of objectives that are “relevant to the plan”, so a process of scoping the relevant SEOs will assist in focusing on those objectives that are pertinent to the draft plan. SEOs should also be adapted to local environmental circumstances as necessary (for example, coastal erosion/coastal protection objectives may be relevant to only parts of a county's coastline).

SEOs should be relevant to the location, nature and scale of the draft plan being assessed and reflect the potential significant effects of implementing the plan within a particular timescale. Therefore, the use of a generic series of SEOs for all Development Plans is not useful in practice. For example, an SEO for biodiversity/fauna and flora for a plan that is targeted at the national-scale may be “To preserve, protect, maintain and, where appropriate, enhance the terrestrial, aquatic and soil biodiversity, particularly EU designated sites and protected species.” This may be transposed and expanded upon at the lower regional tier in the planning hierarchy with a larger and more detailed list of SEOs such as:

- To preserve, protect, maintain and, where appropriate, enhance the terrestrial, aquatic and soil biodiversity, particularly EU designated sites and protected species.
- Ensure no adverse effects on the integrity of any European site, with regard to its qualifying interests, associated conservation status, structure and function.
- Safeguard national, regional and local designated sites and supporting features which function as stepping stones for migration, dispersal and genetic exchange of wild species.
- Enhance biodiversity regionally in line with the National Biodiversity Strategy and its targets.

These regional-scale SEOs would be referenced when designing the SEOs at the next lower tier - County-scale. At this level, the SEOs may be even more detailed and even reference specific locations or targets. Examples may include:

- Protect, conserve, enhance where possible and avoid loss of diversity and integrity of the broad range of habitats, species and wildlife corridors.
- Conserve and protect sites of nature conservation of County-scale importance including NHAs, pNHAs, National Parks, Nature Reserves, Wildfowl Sanctuaries as well as protected species outside these areas as covered by the Wildlife Act.
- To achieve the conservation objectives of European Sites (SACs and SPAs) and other sites of nature conservation.
- Meet the requirements of the Water Framework Directive and the [named] River Basin Management Plan/National River Basin Management Plan.
- To minimise and, where possible, eliminate threats to bio-diversity including invasive species, specifically invasion of Zebra Mussel on [named lakes].
- Promote green infrastructure networks, including riparian zones and wildlife corridors.

Regarding the design of the SEOs that reflect objectives relating to climate change, the EPA's SEA Pack and their good practice guide "[Integrating Climate Change into Strategic Environmental Assessment in Ireland - A Guidance Note](#)" are useful documents to help plan-makers and SEA practitioners to design SEOs to reflect the current government policy and good practice.

Regional assemblies and planning authorities should ensure that wherever possible, the SEOs are accompanied by a target (a standard to be achieved) and an indicator (a parameter that will be used to measure progress toward the target). This is an important linkage between the assessment and monitoring stages, as the indicators should inform the evaluation of monitoring data which is collected after the draft plan has been adopted. An example of SEOs, targets and indicators is provided in Figure 8.1 in Section 8. More detailed criteria can also be developed to clarify how achievement of the SEO objectives can be assessed. Box 5.4 below shows an example from the Dublin City Development Plan 2016-2022 SEA Environmental Report.

Box 5.4 SEOs and linked assessment criteria Dublin City Development Plan 2016-2022
Environmental Report, Table 5.2.

Environmental Protection Objective	Detailed Assessment Criteria – To what extent will the Dublin City Development Plan:	SEA Topic
<p>Objective 2: To protect and where appropriate, enhance the diversity of habitats, species, ecosystems and geological features.</p>	<ul style="list-style-type: none"> • Provide effective protection of European and nationally designated biodiversity sites and species (including species of flora and fauna within and outside designated sites)? • Sustain, enhance or where relevant prevent the loss of ecological networks or parts thereof which provide significant connectivity between areas of biodiversity? • Avoid loss of protected habitats, species or their sustaining resources in national and European designated ecological sites? • Support delivery of Habitats and Birds Directive? • Contribute to Ireland's National Biodiversity Action Plan objectives and actions? 	<p>Biodiversity/flora and fauna (BFF1)</p>
<p>Objective 3: Contribute to the mitigation of/ and adaption to climate change and implement requirements of Strategic Flood Risk Assessment.</p>	<ul style="list-style-type: none"> • Minimise emissions of greenhouse gases? • Reduce waste of energy, and maximise use of the renewable energy sources? • Ensure flood protection and management? • Reduce vulnerability to the effects of climate change? • Restrict where applicable development in flood plains and valuable green space? 	<p>Climate Factors (CF1)</p>
<p>Objective 4: Minimise emissions of pollutants to air associated with development activities and maintain acoustic quality.</p>	<ul style="list-style-type: none"> • Prevent air pollution associated with development activities • Control nuisance associated with odour and/or dust emissions from development activities 	<p>Air Quality (AQ1)</p>
<p>Objective 5: To protect and where necessary improve the quality and management of watercourses and groundwater, in compliance with the requirements of all water and habitat based legislation including the river basin. Management Plan of the Eastern River Basin District.</p>	<ul style="list-style-type: none"> • Promote sustainable drainage practices to improve water quality and flow and to enhance opportunities for biodiversity • Improve water body status to at least good status, as appropriate to the WFD • Prevent deterioration of the status of designated water bodies with regard to quality, quantity • Prevent physical modifications that would impact habitats and fish passage • Contribute to effective protection and enhancement of 'protected areas' on the WFD Register of Protected Areas • Promote sustainable use of water and water conservation • Reduce the impacts from point and diffuse source pollutions, abstractions and flow regulation 	

5.2.5 Alternatives

Article 5.1 of the SEA Directive requires the Environmental Report to consider "reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme". Annex 1(h) of the SEA Directive, as replicated in paragraph (h) of Schedule 2B of the Planning and Development Regulations 2001, as amended, requires "an outline of the reasons for selecting the alternatives". This suggests that there are three stages to the consideration of alternatives:

1. Identify reasonable alternatives;
2. Evaluate and compare the alternatives; and
3. Provide reasons for the choice of preferred alternative(s).

In practice, effective Environmental Reports "tell the story" of the alternatives in the Environmental Report including how reasonable alternatives have been identified, evaluated and compared, and the reasons for choosing the preferred alternative(s).

The Environmental Protection Agency has published guidance on [Developing and Assessing Alternatives in Strategic Environmental Assessment](#) and this guidance provides useful advice when considering and evaluating alternatives.

Identify reasonable alternatives

It is the responsibility of the plan-makers to identify the alternatives to be considered and this should commence early in the SEA process, at the scoping stage. The higher the level/ tier of the plan (such as Regional Spatial and Economic Strategies), the more strategic the alternatives, which are likely to be available, will be. Conversely, lower tier plans, such as Local Area Plans, will be framed in a policy context set by the level(s)/ tier(s) above them. However, rational choices identifying reasonable alternatives need to be made – and demonstrated – at the level of each particular plan.

It is up to the plan-maker to decide on the nature, diversity and level of detail within each of the reasonable alternatives in each case. Plan-makers should consider holding workshops involving key stakeholders to generate reasonable alternative strategies and objectives. It should be made clear in the SEA Scoping Report that alternatives (including alternatives proposed for other planning authorities' plans, where relevant) are being considered during the SEA process and where possible, an indication of what these alternatives may look like.

In Development Plans, the nature of alternatives may often relate to various patterns of development. In relation to the location of new residential development, for example, issues to be considered when generating reasonable alternatives may include:

- How much development can be located on brownfield sites?
- How much development can be created by addressing vacancy/dereliction issues?
- Which greenfield sites can be serviced, and which are closest to public transport?
- What densities would be appropriate for different locations?
- What other land uses should be mixed with residential?
- What areas should be avoided (for example, due to risk of flooding)?
- Does the site selection minimise adverse impacts on heritage?

The focus of this task is generally on alternative development objectives, policies and land use zonings. By having regard to the existing environmental condition, pressures and intentions for intervention, the alternatives that demonstrate a higher degree of environmental sustainability may be identified.

Depending on the scale and nature of the plan under scrutiny, there may be several reasonable alternatives considered under different aspects of the plan, for example, alternative residential patterns, transport hubs and linkages options, and alternative locations for green infrastructure. It is not necessary nor useful to restrict the SEA to only considering one alternative "version" of the entire draft plan. It is also not required to consider alternative objectives that are not within the overall purpose or content of the plan.

Where a plan has limited options for strategic alternatives (for example, a County Development Plan should comply with strategic policy established in the Regional Spatial and Economic Strategies), a possible approach is to consider the likely significant environmental impacts of different scenarios around the preferred strategic alternative. Examples might include:

- A County Development Plan may include restrictions on new development in an area with vulnerable groundwater resources due to the potential effects on groundwater quality and supply (for example, drinking water). What would happen in terms of water quality if this policy were to be breached to a significant extent? Would any mitigation measures be required at a development management (project) level?
- A Regional-level Plan/Strategy may assume a certain level of economic growth to underpin the amount of residential and commercial development envisaged in the plan. What would be the likely environmental consequences if economic growth were to be significantly higher or lower than forecast?

It may be possible to rule out alternatives as not being "reasonable" at early stages of the SEA process and therefore do not require further consideration. "Unreasonable" alternatives could include:

- not having a new plan since the development of specific Development Plans is legally required.
- scenarios that are not within the overall purpose or content of the plan (for instance provision of a new major road as part of a Local Area Plan);
- scenarios that contradict national policy (for instance proposing significant new development in unserved, scarcely-populated areas);
- scenarios that are clearly worse than other more reasonable alternatives.

Whilst the "do-nothing" alternative is not reasonable for the plan as a whole, there may be a scenario whereby not proceeding with a material alteration or amendment to a plan may be considered a preferred alternative. Again, the process by which this is considered should be clearly communicated in all relevant plan and SEA documentation.

Assessing and comparing alternatives

Once the reasonable alternatives have been identified, they should be compared against each other and assessed on an equal footing with each other at an early stage in the plan-making process. The alternatives should be assessed at a high level against the SEOs – see Section 5.7 below – and sometimes, where appropriate, spatial alternatives may be directly projected against spatial environmental data such as environmental sensitivity mapping. The results of the assessment may sometimes be presented as a matrix. The comparison of alternatives does not normally involve counting up the number of +/- symbols, because the SEOs may not all have equal importance for the plan. For instance, air quality objectives may be more important than water quality objectives where air pollution is already bad. Rather, the supporting text should identify main differences between the environmental impacts of the alternatives.

Providing reasons for the choice of preferred alternatives

[Guidance on implementation of the SEA Directive](#) from the European Commission states that the Environmental Report should provide “an accurate picture of what reasonable alternatives there are and why they not are considered to be the best option.” The Environmental Report should thus set out what the preferred alternatives are and clear reasons why the preferred option was chosen over the other reasonable alternatives. Sometimes the preferred form of the plan will combine elements from the various alternatives considered.

Plan-makers and SEA practitioners are advised to refer to detailed guidance on [Developing and Assessing Alternatives in Strategic Environmental Assessment](#) published by the Environmental Protection Agency.

5.2.6 Likely significant effects on the environment

The preferred plan will set out objectives that reflect the purpose of the plan, and policies and development standards that implement these objectives. These objectives, policies and standards are the focus of the assessment stage.

Assessment approach

The assessments of likely significant effects should be carried out by the SEA team on an iterative basis. Their assessment should stimulate debate and discussion with the plan team during the drafting of the plan, rather than after the entire plan has been drafted. This process may involve external specialist advice, where deemed appropriate.

The effects of the plan objectives, policies and standards are normally assessed against the SOEs: this is often termed “objective-led” assessment and is the most frequent SEA method used in Ireland. For some parameters however, an assessment based on environmental baseline data may be useful. For example, the cumulative impact of increased run-off from residential developments on river flows should be modelled if flood risk is a particular concern. This is often termed “baseline-led” assessment.

Reporting the results of the assessment of significant effects on the environment has often relied upon a matrix-based approach using symbols (for example, ☐ or ☐, + or -) or shading, to depict positive, negative or neutral impacts on the SEOs. This approach allows efficient assessment of the impacts for the assessor, but practitioners should consider that when presented in an Environmental Report such matrices may sometimes benefit from supporting text to facilitate comprehension of the overall results by the reader and to ensure that emphasis is made on the more pertinent issues in the proposed plan. Clear, concise yet comprehensive Environmental Reports reflect effective scoping of the key environmental issues.

While the SEA process clearly needs to identify possible significant adverse effects on the environment at an early stage in the plan-making process, the Directive also requires positive effects to be identified as well. Many types of plan include objectives for improving the environment, such as provision of green/blue infrastructure, improvements to sewage treatment infrastructure and integrated transport solutions. The positive impacts of such objectives on the SEOs should also be identified and evaluated.

Significant effects

Significance may be described in terms of the type/scale of development envisaged by the plan and the sensitivity/importance of the receiving environment: the larger the scale of impacts and the more sensitive the receiving environment, the more significant the effects are likely to be. Such assessments require careful judgement, which may best be achieved through a collaborative team effort, involving expert advice and/or workshops where appropriate.

The Environmental Report should explain why certain impacts have been considered “significant”, or “insignificant”, as the case may be. Where significant (positive or negative) impacts are identified, it may be helpful to indicate whether these effects are likely to be significant at the national, regional, or local scale. These different scales are likely to be relevant in the context of devising the corresponding monitoring measures that may detect such impacts.

Cumulative effects

A key advantage of SEA over project-level environmental impact assessment (EIA) is its greater potential to assess cumulative effects, which the case-by-case approach of EIA is not always best equipped to do. For example, the presence of sand-and-gravel deposits within a particular geographical area may result in numerous small-scale quarry projects, which cumulatively may have potential significant environmental effects on transport, air quality, water quality and quantity and availability of development land. Whereas, an assessment of cumulative effects involves a structured approach to determining the interactions between the plan being assessed and other plans, programmes, projects and activities that could combine to produce significant effects on the environment when considered in cumulation. The description of future environmental conditions without the plan (the “do nothing” scenario from Section 5.3) will provide much of this information.

The consideration of cumulative effects also requires an examination of whether various development objectives within the plan are impacting on the same environmental receptor. For example, a viewpoint across a sensitive landscape could be impacted upon by proposals for roads, wind energy proposals, residential and other land zonings within the same plan. Similarly, a catchment-based approach is often useful to identify the cumulative effects of development that can impact on surface water run-off or wastewater treatment capacity. It is important to consider and account for negative impacts on the environment within the zone of influence of the plan, rather than just both within and beyond the plan boundary. This is also particularly pertinent in the case of river catchments where a number of different plans could operate.

Sources of information on cumulative impacts include Myplan.ie which identifies existing planning applications; Ordnance Survey Ireland's Geohive; and the EPA's See Maps. Marine developments and activities can be viewed on marineplan.ie

Approaches to carrying out cumulative effects assessment and presenting the results in the Environmental Report will vary depending on the scale of the plan. Examples of guidance on cumulative effects assessment in SEA are available from the EPA and also from Natural England (United Kingdom).

5.2.7 Measures envisaged to mitigate significant adverse environmental effects

Environmental considerations should inform all stages of plan preparation, so that by the time the preferred form of the plan is chosen, the potential for significant adverse effects arising from plan implementation should be minimal. Box 5.5 shows an example of how a plan has incorporated environmental considerations during the course of the plan-making process.

Box 5.5 Example of how mitigation measures are documented as having been integrated into the Plan. SEA Environmental Report, Dublin City Development Plan 2016-2022.

Potential Significant Impacts if unmitigated	Environmental considerations that have been integrated into the Plan
Failure to comply with the drinking water regulations and to provide new development with a clean water supply	<p>SI1: Policy to support Irish Water: provision of high quality drinking water and waste water treatment facilities.</p> <p>SI2: Policy to support Irish Water in upgrading of wastewater infrastructure and Greater Dublin Regional Wastewater Treatment Plant and Marine Outfall and orbital sewer.</p> <p>SI3: Policy to ensure development is permitted in tandem with available water supply and wastewater treatment.</p>
Increase in water levels	<p>SI19: Policy to support good waste management.</p> <p>SI20: Policy regarding material sorting/recycling.</p> <p>SI21: Policy to minimise amount of water.</p> <p>SI22: Policy regarding polluter pays principle Objectives (SIO15, SIO16, SIO17, SIO18, SIO19)</p>
Effects on entries to the record of Projected Monuments and Places and other archaeological heritage	<p>CHC9: Policy to protect and preserve National Monuments.</p> <p>CHC10: Objective to implement archaeological actions of Dublin City Heritage Plan 2002-2006, in light of the review 2021.</p> <p>CHC15: Policy to preserve historic elements of significance in the public realm.</p>
Effects on entries to the Record of Protected Structures	<p>CHC1: Policy to seek the preservation of the built heritage of the city, etc.</p> <p>CHC2: Policy to ensure that all special interest of protected structures is protected.</p> <p>CHC3: Policy to identify and protect exceptional buildings of late twentieth century.</p> <p>CHC4: Policy to protect the special interest and character of Dublin's Conservation Areas.</p> <p>CHC5: Policy to protect Protected Structures and preserve the character and setting of Architectural Conservation Areas.</p>
Potential adverse impacts arising from visual impacts on the landscape	<p>SC16: Policy to recognise Dublin as predominately low rise whilst also recognising the potential and need for taller buildings in a limited number of locations.</p> <p>SC17: Policy to protect skyline of the inner city.</p> <p>SC18: Policy regarding provision of tall buildings.</p> <p>GI7: Policy to protect landscapes.</p> <p>GI8: Policy regarding the views and prospects in relation to landscape and natural heritage Objectives GIO8: to undertake a views and prospects study to identify key views and prospects of the city.</p> <p>Objective</p> <p>SCO4: to undertake a views and prospects study.</p>

Nonetheless, some plan objectives and policies may still give rise to significant negative effects. For example, new development may create additional demand for water supply in an area where water resources are in short supply. Where the environmental assessment identifies significant adverse effects, consideration should be given in the first instance to avoiding such impacts or, where this is not possible for stated reasons, to lessening or offsetting those effects through a commitment to effect specific mitigation measures.

It is important that any impact that is described as "significant" in the Environmental Report is matched by an appropriate mitigation measure. Mitigation may involve:

- Removal of the development objective/policy altogether;
- Revision of wording;
- Addition of caveats so that the implementation of the objective will include environmental safeguards;
- Additional development objectives intended to directly address (for example, by offsetting habitat loss) significant negative impacts.

The relevant environmental and planning authorities may be able to advise on mitigation measures.

Mitigation should avoid a requirement for further assessment of impacts lower in the planning hierarchy, as this leads to uncertainty as to whether the objective can be ultimately implemented without causing environmental harm. The plan's objectives and policies should be capable of being assessed in their own right at the strategic level. If additional information needs to be collected, or additional alternatives need to be assessed at a lower level in the hierarchy, this should be stated in the higher-level plans, where relevant.

Where the SEA process identifies the potential for significant adverse impacts, even after the application of mitigation measures, the alternative of removing the objective/policy should be reconsidered. Any remaining significant negative effects ("residual effects"), should also be monitored. In such cases, the proposed mitigation measures should be linked to specific monitoring proposals in the Environmental Report.

SEA mitigation should be integrated into the draft and final plan. The Environmental Report should provide an explanation of where the mitigation measures have been incorporated and if they have not, why. If a recommended mitigation measure has been rejected during the SEA process then it is helpful to provide a valid explanation for why the recommendation has been rejected (in the Environmental Report). Other amendments made to the plan during the SEA process should also be described, including those that may not necessarily have been captured as specific mitigation measures but that have rather been absorbed into the wording of policies and objectives as a result of increased environmental awareness by the SEA process. This information will also be useful at the post-adoption 'SEA Statement' stage.

5.2.8 Description of how the assessment was undertaken, including any difficulties

The Environmental Report should include – probably in an early chapter – a discussion of how the assessment was undertaken and any difficulties faced. How the assessment was undertaken should explain:

- Who carried out the SEA
- The timing of the SEA process vis-à-vis the plan-making process
- The dates of any consultation
- The dates of, and web-links to, previous SEA-related reports, including any screening notice, screening statement, scoping report, assessment of alternatives etc.

Difficulties faced during the SEA could include data not being available at the level that is appropriate to the plan, and data gaps in relation to some key issues. It may be difficult to predict the effects of plans with reasonable certainty, perhaps because implementation will be governed by factors outside the control of the planning system. There are ways of minimising problems; for example, forecasts can reflect the uncertainty involved by expressing them in terms of a high-low range rather than giving precise figures. Precise measurements are not always necessary or appropriate: there is a role for qualitative judgements based on experience and expertise. However the SEA Directive requires that any difficulties be acknowledged in the report, so that decision-makers, environmental authorities, other planning authorities and the general public are made aware of them, and can better judge the quality of information, the findings of the assessment and the degree to which they can be relied upon.

5.2.9 Proposed Monitoring Measures

The significant environmental effects of the implementation of plans and programmes must be monitored in order to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action. The SEA Directive and Regulations require the Environmental Report to describe the “envisaged” monitoring measures. The Environmental Report puts forward proposals for monitoring, but these can only be finalised following adoption of the plan.

In selecting such measures, attention should be focused on the likely significant effects identified during the environmental assessment as well as areas where there is a risk of unforeseen adverse effects arising (such as the effects of water or air pollution from other non-planning sectors).

Monitoring throughout the lifetime of the plan can provide valuable and relevant baseline data that can be re-used for the next review of the Development Plan. However, the results of studies of the effectiveness of SEA in Ireland and Europe published by the European Commission in [2016](#) and [2020](#) have consistently noted that SEA monitoring is problematic, and this leads to the process not reaping the benefits that monitoring can provide. Chapter 8 provides more advice on monitoring and additional advice can be found in guidance on monitoring published by the [EPA](#).

It is good practice to consider proposals for monitoring early in the SEA process, (addressing it during scoping or alternatives workshops perhaps), to allow time for the identification of and planning for undertaking monitoring specific mitigation measures and monitoring proposals in the plan that may have environmental consequences. Due to the cost and resource implications of monitoring, scoping is essential to ensure that the monitoring proposals are feasible and useful.

In order to ensure that the mandatory requirement for monitoring of the effects of the plan is met, the commitment to monitoring should be included as a policy/objective within the draft and adopted versions of the plan.

5.2.10 Non-Technical Summary

The purpose of the non-technical summary is to ensure that the key issues and findings of the Environmental Report are readily understood by decision-makers and the general public. The non-technical summary should accurately reflect the findings of the Environmental Report but should be short and concise to allow easy reading. Technical jargon should be avoided, as far as possible.

For the baseline environment, one or more overlay maps may be helpful as a summary; particularly for smaller areas such as those covered by Local Area Plans. To summarise the assessment, a summary table of the impacts of the plan objectives and policies may be helpful, but care will be needed to ensure that the presentation of any complex issues is not distorted through over-simplification. A list of mitigation measures incorporated into the plan will show the effectiveness of the SEA in ensuring that the plan is sustainable.

The SEA Directive, as replicated in paragraph (j) of the Planning and Development Regulations 2001, as amended, specifies that the non-technical summary should be “of the information provided [in the rest of the Environmental Report]”. In other words, it should be a summary of the information in the Environmental Report, not of the process followed to prepare the Environmental Report.

5.3 Structure of the Environmental Report

The Directive and the Regulations are not prescriptive regarding the layout of the report. However, the following layout of contents is recommended:

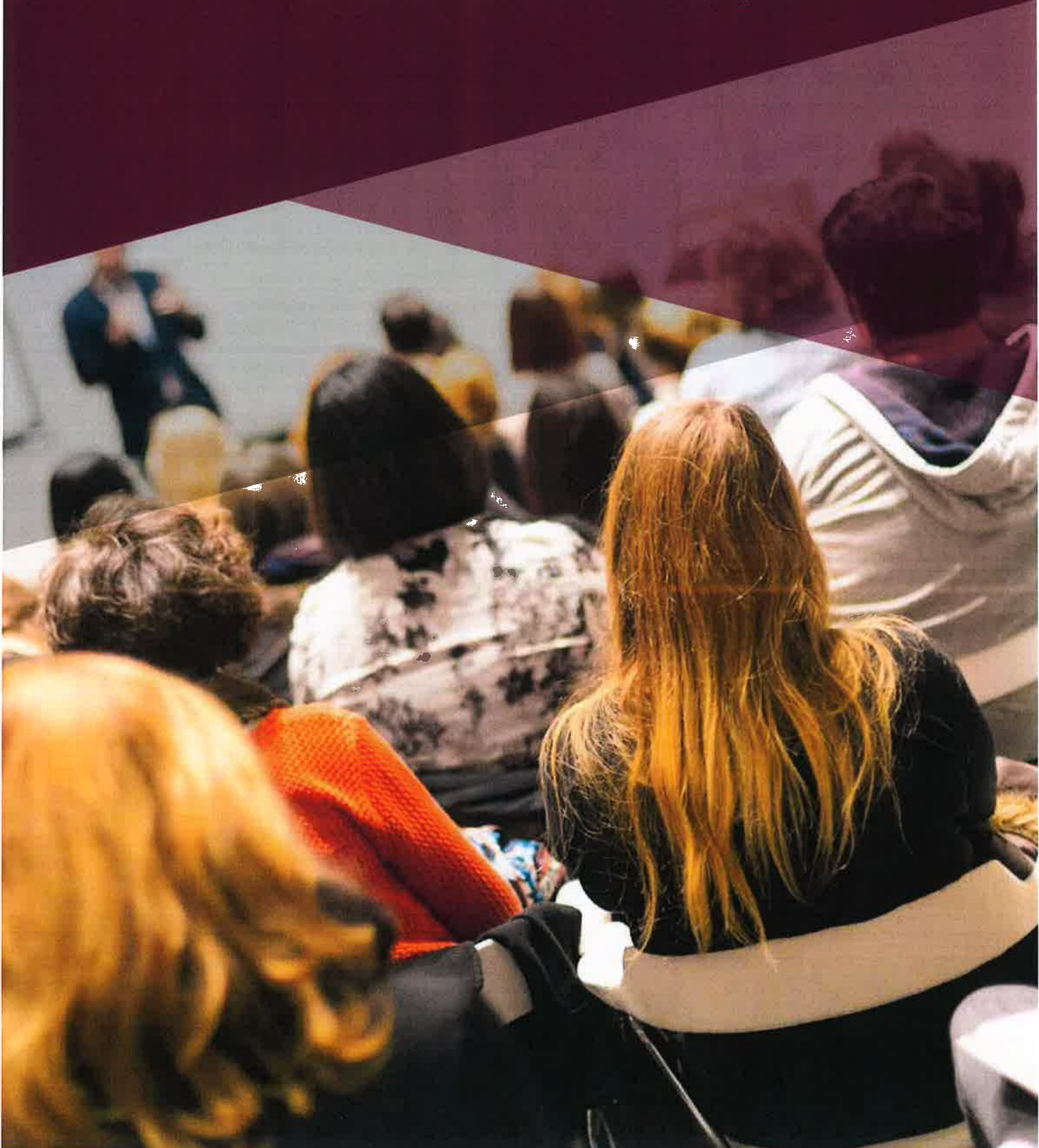
- Non-technical summary (may also be provided separately);
- Introduction (brief description of the plan and the area; purpose of report);
- SEA methodology (including authors, methods used, technical difficulties encountered, list of authorities consulted, etc.);
- Summary of the key objectives of the plan and the outcomes that may result from the plan;
- Relationship of the plan with other relevant plans and programmes;
- Summary of the baseline environment and the do-nothing scenario;
- Strategic Environmental Objectives, targets and indicators;
- Identification, assessment, comparison and choice of preferred alternatives;
- Prediction and evaluation of impacts of the plan objectives and policies;
- Incorporation of mitigation measures and assessment results into the plan;
- Monitoring proposals; and
- Next steps (consultation arrangements, expected next plan-making steps).

Whilst the Environmental Report must contain all of the information required under legislation, it is important that the document is kept as concise as possible to allow all stakeholders to be able to access and scrutinise the contents within the statutory timeframe for public consultation.

Article 12(2) of the SEA Directive, as transposed in a number of articles in the Planning and Development Regulations 2001, as amended, puts an onus on Member States to ensure that Environmental Reports are of sufficient quality to meet the requirements of the Directive. These draft Guidelines are designed to assist plan-making authorities under S.I. 436 of 2004, as amended, to meet that obligation. There are also numerous other tools available to SEA practitioners and reviewers including SEA checklists and review packages. Where SEA consultants are employed, the consultants should ideally; (i) have attained a qualification in environmental planning or environmental science recognised by a Member State of the European Economic Area (EEA) and (ii) have a track record in working within the SEA process relating to land-use planning.

6

Consultations on Plan and Environmental Report



6. Consultations on Plan and Environmental Report

6.1 Requirements for Consultation

The SEA Directive and Regulations make provision for three main types of consultation on the draft plan and environmental report:

- with the general public (Article 6),
- with prescribed environmental authorities (Article 6), and
- transboundary consultations with other (EU) member states (Article 7).

The SEA Directive also specifies that adequate time must be allowed for consultation and for consideration of submissions.

Public participation has been an important feature of the Irish planning system since the Local Government (Planning & Development) Act 1963. The Development Plan is a framework for initiating and influencing the process of change in our surroundings in order to support the wider economic, social and environmental objectives of the community. Effective consultation with and integration of the views and concerns of the wider community in the plan preparation process through public consultation, along with the democratically elected members of the planning authority, is intended to build ownership of the plan and to facilitate its subsequent implementation. Another important reason for consultation is to contribute to the quality of the information available to decision-makers when adopting a plan.

Rights of the public in the context of environmental matters have also been considered by the Aarhus Convention¹². This Convention has been partially legislated for by the European Union with the introduction of two EU Directives: Directive 2003/4/EC on Public Access to Information on the Environment; and Directive 2003/35/EC on Public Participation and Access to Justice in Certain Environmental Matters. Both of these Directives have also been fully implemented in Ireland. The Aarhus Convention (made in 1998) predates the SEA Directive (made in 2001) and the Convention applies to all plans 'relating to the environment' (as per Article 7 of the Convention), whereas the consultation and public participation requirements in the SEA Directive more specifically apply to plans and programmes likely to have significant effects on the environment.

6.2 Consultation with Environmental Authorities and the Public

Both the SEA Directive and Irish planning legislation encourage public participation and the consultation of relevant environmental and other planning authorities in plan-making. "The public" includes organisations as well as individuals.

Article 6(3) of the SEA Directive requires Member States to designate the authorities which, by reason of their specific environmental responsibilities, are likely to be concerned with the environmental effects of implementing plans/programmes for which SEA will be needed.

The Directive specifies the following roles in relation to the environmental authorities:

- They must be consulted by Member States when determining whether certain plans/programmes will require SEA ("SEA Screening", Article 3)
- They must be consulted by plan-making authorities when deciding on the scope and level of detail of the information to be included in an Environmental Report ("SEA Scoping", Article 5)
- They must be given an early and effective opportunity to comment on the draft plan and the Environmental Report (Article 6)
- They must also be given an opportunity to comment in cases of transboundary consultation by other Member States, in relation to likely significant environmental effects within Ireland (Article 7)

¹² [Convention on Access to Information, Public Participation in Decision-Making And Access To Justice In Environmental Matters](#)

- Their comments on a draft plan and associated Environmental Report must be taken into account before the plan is adopted (Article 8)
- They must be informed when the plan is adopted, and the information made available to them must include a statement as to how comments on the draft plan and associated Environmental Report were taken into account (Article 9).

The Department's [website](#) provides the most up-to-date contact details for the environmental authorities that must be consulted during the stages in the SEA process listed above.

Whilst not listed as a statutory environmental authority for the purposes of consultation during SEA, the Office of the Planning Regulator (OPR) has a legislated role to assess statutory development plans and related documentation, including SEA reports, for consistency with the national and regional policy. This includes consistency with guidelines for planning authorities made under section 28 of the Planning and Development Act 2000, as amended. The OPR may provide the relevant planning authority with observations and/ or recommendations at the draft plan stages, which could relate to the consistency of a plan with the Guidelines on SEA. The OPR may decide that a plan, once finally adopted by the planning authority, is not consistent with statutory requirements and may issue a notice to the Minister recommending that powers of direction, specified under section 31 of the Planning and Development Act 2000, as amended, be utilised to compel the planning authority to address the matter.

Although SEA and plan-making are separate processes, covered by different legislative requirements, coordinating consultation efforts and sharing information on consultation outcomes can improve both processes. In particular, the SEA team need to be mindful of the issues raised by consultees, whether directed at the draft plan or the SEA; feedback on the shortcomings in the draft plan may also inform the SEA.

Article 6 of the SEA Directive requires that environmental authorities and the public must be given an "early and effective" opportunity to make submissions on the draft plan and the accompanying Environmental Report before any final decision is made on the plan. The SEA Planning Regulations, as incorporated into the Planning and Development Regulations 2001, as amended, give effect to these consultation requirements by requiring that:

- the Environmental Report must be put on public display¹³ along with the draft plan;
- the draft plan and Environmental Report must be sent to the relevant environmental authorities; and
- written submissions are invited on the Environmental Report as well as the draft plan.

There are many different ways that the public can be consulted and encouraged to participate in the plan-making and SEA processes. Whilst it is not the purpose of these Guidelines to advise on which techniques may be the preferred method for any specific type of plan, plan-makers and the SEA team are encouraged to look at diverse ways to engage the public including both online and in-person techniques.

It is important that all documentation that is circulated to carry out consultations with the relevant environmental authorities clearly specify:

- the stage at which the consultation is taking place (for example, at the SEA screening stage);
- whether the consultation/notification is statutory, or a non-statutory communication seeking data or information;
- what questions or specific issues, if any, the consultee is requested to respond to; and
- the deadline and any preferred format of the response.

¹³ S.I. 201 of 2011 added the requirement that, in addition to the draft plan and Environmental Report being made available at the offices of the Regional/Planning Authority, it must also be on their website. The Directive and the Regulations do not place a time limitation on the retention of these documents.

6.3 Transboundary Consultations

6.3.1 Requirements for Transboundary Consultations with EU Member States

Article 7 of the SEA Directive requires that, where an EU Member State (for example, Ireland) considers that the implementation of a plan being prepared in relation to its territory is likely to have significant effects on the environment in another EU Member State (for example, France), or where a Member State likely to be significantly affected so requests, the Member State in whose territory the plan is being prepared will, before the plan is adopted, forward a copy of the draft plan and Environmental Report to the other Member State.

Where a Member State is sent a copy of a draft plan and Environmental Report, it must indicate to the other State whether it wishes to enter into consultations before the adoption of the plan. If it so indicates, the Member States concerned are required to enter into consultations concerning the likely transboundary environmental effects of implementing the plan and the measures envisaged to reduce or eliminate such effects. Any transboundary effects may require monitoring and, in such cases, possible monitoring arrangements should be discussed.

Where transboundary consultations are to take place, there are a number of procedural issues upon which the Member States concerned must reach agreement. At the outset, they must agree on a reasonable timeframe for the duration of the consultations but ensure that such consultations are carried out and completed within the statutory timeframes set out in the Planning and Development Act 2000, as amended. In addition, they must agree on detailed arrangements (such as advertisements) to ensure that the environmental authorities and the public in the Member State likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time-frame. The Regulations require that the plan-making authority must agree with the other Member State (i) a reasonable timeframe for the completion of the consultations and (ii) detailed arrangements to ensure that the environmental authorities and the public likely to be affected in the other Member State are informed and given an opportunity to forward their opinion within a reasonable timeframe.

6.3.2 Practical Application of Transboundary Requirements

Where an authority in Ireland wishes to carry out a transboundary consultation on the basis of a plan or programme originating in Ireland, the SEA Directive and Regulations require that transboundary consultations should take place following preparation of the draft plan and associated Environmental Report. However, as a matter of best practice, it is recommended that such consultations should be considered as early as possible in the process of plan preparation and particularly during the scoping stage. However, consultees may wish to wait until later stages before formal consultation takes place as there may not be sufficient information on the effects on the environment until the Environmental Report has been prepared.

The SEA Planning Regulations, as amended, state that the responsibility for notifying the affected EU Member State lies with the proponent of the plan. However, before forwarding a copy of a draft plan and Environmental Report to another Member State, the regional assembly or planning authority must consult with the Minister for Housing, Local Government and Heritage. Such consultation should take the form of a written and email communication to the EU and International Planning Regulation Unit, Department of Housing, Local Government and Heritage, Custom House, Dublin 1. A copy of the draft plan and Environmental Report should accompany the written communication in both hard copy and digital format emailed to euplanningregulation@housing.gov.ie. The primary purpose of this consultation with the Minister is to provide information to the Department on activity levels in transboundary consultations.

6.3.3 Transboundary Consultations and Statutory Time Limits

In the case of the preparation of a Development Plan, for example, section 12(2) of the Planning and Development Act 2000, as amended ('the Act'), specifies a minimum period of 10 weeks for public inspection and written submissions or observations. The period selected by the planning authority must allow sufficient time to prepare a report for councillors, on the submissions or observations received, not later than 22 weeks after the public notice (section 12(4) of the Act). Where transboundary consultations are involved, it will be necessary for the planning authority to seek the co-operation of the "affected" EU Member State in ensuring that such consultations, including consultation with environmental authorities and the public in any affected Member State, are completed within the framework of the above-mentioned 22-week period.

In the case of transboundary consultations involving a draft plan from another EU Member State, outside of Ireland, it will be necessary for a regional assembly or planning authority in receipt of such a plan to co-operate with the "origin" Member State in ensuring that such consultations, including consultation with environmental authorities and the public likely to be affected here in Ireland, are completed within any statutory or other timeframe specified by such State.

Where environmental authorities and the public are consulted in respect of a draft plan and associated Environmental Report from another Member State, any submissions received should be transmitted in full (without editing) to the other Member State. It is open to the regional assembly planning authority to transmit any independent comments that the authority itself may wish to offer with respect to the transboundary consultation.

6.3.4 Transboundary Consultations with the United Kingdom

Prior to the departure of the UK from the European Union in 2020, the most likely occurrence of transboundary consultations by Ireland pursuant to the SEA Directive was with authorities in Northern Ireland in the context of the preparation of plans that were considered likely to have significant cross-border environmental effects. However, since the UK has left the European Union, any transboundary consultations can no longer be formally undertaken with Northern Ireland under the auspices of the EU SEA Directive but may, in the future be subject to specific UK and/or Irish legislation, for example, legislation implementing the SEA (Kiev) Protocol to the UNECE's Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention).

In the interim, it is noted that Article 393 of the UK/EU's Trade and Cooperation Agreement (TCA), agreed on Christmas Eve 2020, reaffirms the UK and EU's commitments to procedures for evaluating the likely impact of a proposed activity on the environment and, where specified projects, plans and programmes are likely to have significant environmental, including health, effects, this includes an environmental impact assessment or a strategic environmental assessment, as appropriate. It is therefore recommended that relevant Irish planning authorities and regional assemblies should continue to engage as normal with Northern Ireland's authorities. Planning authorities should offer the opportunity for Northern Ireland authorities to hold a transboundary consultations on relevant plans of Irish authorities, in compliance with general principles of transboundary consultation in the SEA Directive and in the context of consultation, co-operation and action within the island of Ireland on matters of mutual interest, North and South, through the North-South Ministerial Council. Technical guidance on arrangements for transboundary consultations with Northern Ireland concerning SEA of plans and programmes will be updated in due course.

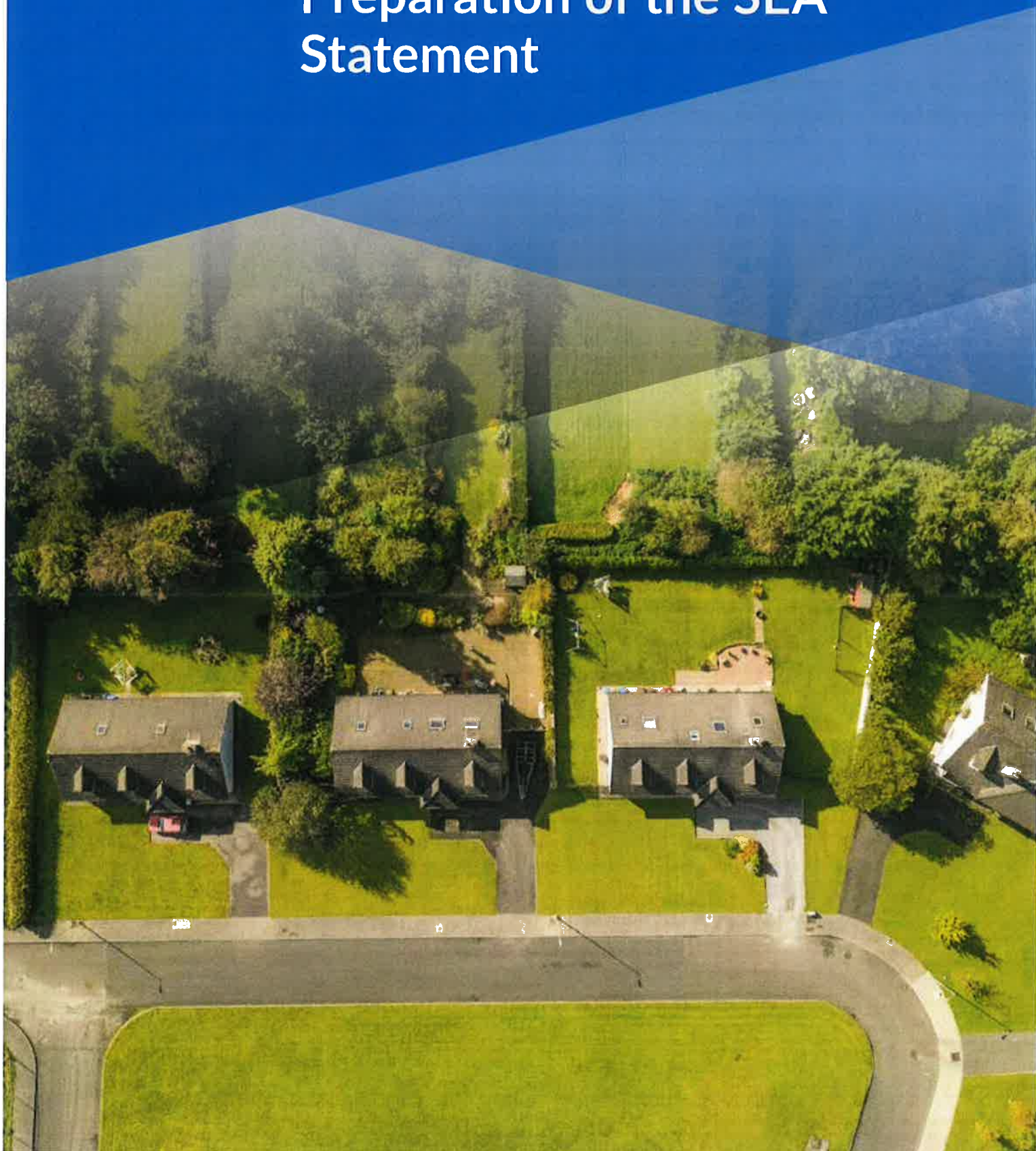
6.4 Consideration of submissions received on the Draft Plan and Environmental Report

The Planning and Development Act 2000, as amended ('the Act'), already requires the consideration of submissions made in relation to draft plans (such requirements that are outside of the obligations under SEA), for example, the Chief Executive's report for the elected members under Section 12(4) or (8) of the Act must list the persons or bodies who made submissions, summarise the issues raised, and give the Chief Executive's recommendations in response to those issues. Submissions received on the Environmental Report must also be listed, summarised and analysed as part of this process. Those who make a submission are entitled to know what consideration has been given to the points made. While it may be desirable to group similar submissions, it is helpful to identify individual submissions, for example, by reference number.

Once the SEA-related submissions have been reviewed by the SEA team, a decision should be made as to whether any pertinent information has been provided or issues raised that would warrant any of the predictions regarding likely significant environmental effects to be revised, and, if so, whether any of the proposed policies and objectives in the draft plan should be amended (see Chapter 7).

The SEA Statement, which is published after the adoption of the plan, must provide a clear and transparent account of how consultation and public participation had shaped the final plan. This includes explanations of why some aspects of the plan have not changed or where other reasons have overridden specific issues raised in submissions from stakeholders.

7 Amendments to the Draft Plan, Adoption of Plan and Preparation of the SEA Statement



7. Amendments to the Draft Plan, Adoption of Plan and Preparation of the SEA Statement

7.1 Amendments to the Draft Plan and Environmental Report

This Section addresses the stages of plan-making after the period of public consultation and tackles the scenario whereby the draft plan may be required to undergo amendment prior to its final adoption. Article 8 of the SEA Directive requires that the Environmental Report, the opinions expressed by the environmental authorities and the public, and the outcome of any transboundary consultation, must be taken into account during the preparation of the plan or programme and before its adoption.

Plan-makers and SEA practitioners are advised to ensure that elected members of local government are fully aware of the purpose of the SEA process and the importance of the integration of the findings of the Environmental Report into the plan. They should be made aware of the implications of proposing changes to the draft plan late in the plan-making process as these changes may also be subject to further assessment as part of the SEA of the plan.

Following the public consultation period for a draft plan, it will be necessary to determine if any proposed amendments in response to the consultation pose likely significant effects on the environment and warrant mitigation measures.¹⁴ The Planning and Development Act, 2000 (as amended) requires a determination to be made to this effect and if SEA is required, the determination must be published alongside the notice of the amendment (refer to Section 3.6 on Screening Determinations).

Any proposed material amendments to the plan need to be assessed in the context of the whole draft plan and not solely in isolation, since there may be interactions between different impacts on SEOs that may only become evident after a more holistic appraisal. If the amendments are likely to have significant environmental effects, the original Environmental Report should be revised, or an addendum should be prepared. Any revisions to impact assessments and mitigation made on the basis of proposed material amendments should be clearly identifiable. If the proposed amendments are unlikely to have significant environmental effects then this also should be recorded. This documentation should be made available for inspection during the public display of the proposed amendments to the draft plan and submissions or observations in relation to such information may be received during that period.

In practice, the assessment of proposed amendments and the need for additional reporting may take place under a very tight timescale. In order to optimise the time available, regional assemblies and planning authorities should ensure that the SEA team are closely involved in the process and are suitably informed to allow them to carry out rapid assessment of proposed changes. It is an advantage if those proposing any changes (such as elected members) have been briefed on the implications of making changes that could trigger an update to the SEA as additional assessments could lead to delays in the plan-making process.

In the case of amendments to Planning Schemes for Strategic Development Zones, the Planning and Development Act 2000, as amended, requires that An Bord Pleanála will carry out SEA screening for the proposed amendment. The Board may request the relevant planning authority to carry out an SEA and to consult the environmental authorities. An Environmental Report must be provided to the Board prior to the approval of the amendment.

¹⁴ As for the main Environmental Report, "likely significant environmental effect" should be judged in relation to Annex II of the SEA Directive – see Box 3.1.

7.2 SEA Statement

Article 9 requires that, when a plan is adopted, the environmental authorities, the public, and any transboundary States (where relevant) must be informed, and the following items made available to those so informed:

- the plan as adopted;
- an “SEA statement” summarising how environmental considerations have been integrated into the plan, how the Environmental Report and the outcome of consultations were taken into account, and the reasons for choosing the plan as adopted in the light of other reasonable alternatives considered; and
- measures decided concerning monitoring measures.

The SEA Statement should be prepared and made available (for example, online) as soon as possible after the adoption of the final plan.

This differs from the Appropriate Assessment “determination” which must be completed before the adoption of the plan. The two documents should be separate and clearly identifiable as to which assessment process they refer.

When the draft plan is adopted, the SEA Planning Regulations require that the notice that is published to inform the public of its adoption must include reference to the SEA Statement being made available. The Regulations also require that the SEA Statement is sent to specific bodies.

The SEA statement must address the points listed in Article 9 of the SEA Directive, as replicated by articles 13I, 13Q, 14L, 15G, 179G and 179I of the Planning and Development Regulations 2001, as amended. The value of the SEA statement is that it explains how the plan has been influenced by the SEA process and how it has led to certain choices being made. Secondly, there may be changes to the final version of the plan that have arisen due to political or other reasons not attributed to the SEA process, and these may need to be flagged and explained. The SEA statement should also include a clear and transparent account of how consultation and public participation shaped the final plan. This may include explanations of why some aspects of the plan have not changed or where other reasons have overridden issues raised in submissions from stakeholders. Although the SEA Directive lists the requirement to provide information on monitoring measures separately from the requirement to provide the SEA statement, the SEA Planning Regulations in Ireland require that information on monitoring measures must also be included in the SEA statement.

The following format for the SEA statement is suggested¹⁵:

- **Document the main stages of the plan-making and SEA processes on a “joint” timeline.** This should show how the SEA was carried out in parallel, integrated with, and informed, the plan-making process.
- **Explain the environmental commitments in the plan:** This should summarise the environmental policies, protections and safeguards that are in the adopted plan. There should be reference to any specific chapters in the plan that address the environment, reference to environmental policies or where there may be specific reference to environmental impacts.
- **Describe how the agreed mitigation measures relate to specific potential environmental effects,** possibly in tabulated format. This information should already be documented in the Environmental Report and can be reproduced directly from it. Reference to the location in the adopted plan where relevant mitigation measures have been integrated, will increase the transparency of the SEA process. It is also important to identify any policies/objectives where significant residual effects may remain after mitigation has been applied.

¹⁵ Taken from the EPA [SEA Effectiveness Study \(2019\)](#); and [Guidance on Strategic Environmental Assessment \(SEA\) Statements and Monitoring \(2020\)](#).

- **Summary of how submissions/consultations were taken into account:** This section should include a detailed description of the consultation mechanisms during the SEA (for example, scoping workshops, public round tables, etc.), timeframes, an outline of the opinions/ feedback gathered, and actions taken in response to the submissions/consultations. This will enable the identification of where and how the plan-making process has been influenced by the consultation stage. In the case of SEA of a Development Plan, for example, the Chief Executive's report under section 12(4) or (8) of the Planning and Development Act 2000, as amended, should provide the basis for this part of the SEA statement.
- **Reasons for choosing the plan as adopted, in the light of other reasonable alternatives considered:** The main alternatives should be briefly outlined, including how they were assessed, and why the preferred alternative was selected. This can be copied or summarised from the Environmental Report's section on alternatives.
- **Monitoring measures:** The Environmental Report should include proposals in relation to monitoring of the plan during its implementation. Once monitoring measures have been finalised with the adoption of the plan, and having regard to any relevant submissions/ consultation, the SEA statement should include a summary of the measures that will be put in place to monitor the significant environmental effects of implementing the plan. Clear, specific and measurable indicators, monitoring responsibilities and timeframes should be included.

Whilst it is not mandatory to retain all SEA documentation online, it is recommended that, for the purposes of transparency and to allow open access to the earlier stages of the SEA process, the SEA Scoping Report, Environmental Report and SEA Statement are all made accessible online for the lifetime of the plan. These documents should be supplemented by the SEA monitoring reports as they become available throughout the lifetime of the plan.

8

Monitoring the Significant Environmental Effects of the Implementation of Plans



8. Monitoring the Significant Environmental Effects of the Implementation of Plans

8.1 Requirements for Monitoring

Article 10 of the SEA Directive, as replicated by articles 13J, 13R, 14J, 15H and 179J of the Planning and Development Regulations 2001, as amended requires Member States to monitor the significant environmental effects of the implementation of plans,

“in order, inter alia, to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action.”

Article 10, SEA Directive

The primary purpose of monitoring is to cross-check significant environmental effects that arise during the implementation stage against those predicted during the plan preparation stage, as well as to identify any unforeseen adverse effects. Monitoring environmental effects enables appropriate remedial action to be undertaken when adverse effects are recorded. Monitoring also contributes to determining whether SEA is, as it is meant to, leading to a high level of protection of the environment and promotion of sustainable development (Article 1 of the SEA Directive).

Monitoring the effects of the plan over its implementation period is also required as a means of providing key evidenced based input into the formulation and refinement of future planning policy in subsequent plans. Maintaining records of these monitoring results reduces the risk of loss of organisational memory of the SEA process and provides for effective focusing of resources in future cycles of the plan. Monitoring reports should also be made available online to allow for future analysis for other purposes, such as environmental impact assessment of projects and strategic environmental assessment of other plans and programmes.

SEA monitoring typically entails measuring established indicators on a regular basis, during the lifetime of the plan. Changes in indicator values can be compared against the documented baseline environment for the plan area to evaluate their upward/downward trend. This is then used as a basis for identifying beneficial or adverse effects. It also serves as the basis to establish changes in the baseline environment, to better inform future plans.

The SEA Directive and the SEA Planning Regulations do not prescribe in detail how monitoring should be carried out or documented. Such flexibility is essential, because the scope, depth and method of monitoring will depend very much on the type of plan being monitored. Existing monitoring arrangements (for example, regular monitoring of air and water quality indicators by the Environmental Protection Agency) should be used where possible. The Environmental Protection Agency has published useful [guidance](#) on meeting the requirements for monitoring in SEA.

8.2 Designing the Monitoring Process

When designing a monitoring process, the plan-making authority should ask:

1. What do we want to monitor and why do we want to monitor this?
2. How can it be measured?
3. Where can the necessary information be obtained? (For example, is it already being measured?)
4. At which value of the environmental indicator is intervention needed, to avoid significant adverse impacts (trigger, threshold)?

These are now discussed in sequence.

8.2.1 What to Monitor and Why

In order to make SEA effective and efficient, the approach to monitoring should be linked to earlier stages in the SEA process, in particular to the design of the SEOs and issues identified during the preparation of the Environmental Report. Monitoring should concentrate on the likely significant environmental effects of the plan, and the measures identified to prevent, reduce and offset any significant adverse effects.

“Unforeseen adverse effects” refers to shortcomings of forecasts in the Environmental Report (for example, regarding the predicted magnitude of an environmental effect) or unforeseen effects resulting from changes of circumstances, which may affect the validity of certain assumptions in the report. Monitoring enables the plan-making authority to evaluate emerging data with a view to considering the need to take action in the form of contingency plans (remediation, restoration etc.) if monitoring reveals unforeseen adverse effects on the environment.

Additionally, where gaps in environmental information are identified during the preparation of the environmental report, monitoring can be geared towards addressing such gaps, where this is practicable.

The results of monitoring will also provide key evidence-based input into the formulation and refinement of future planning policy in subsequent plans during the review process. The Baseline Report which is produced at the start of the development plan review ensures that the review process will be realistically informed by the delivery and outcome of previous plans and planning objectives for the area including the monitoring of significant effects on the environment of the previous plan.

8.2.2 How to Measure

Monitoring is often based on indicators, which measure changes in the environment, especially changes that are critical in terms of environmental quality (such as air or water pollution levels, or impacts on recorded monuments). Indicators aim at simplifying complex inter-relationships and providing information about environmental issues, which are easier to understand. Given the disparity in scale between regional and local plans - for instance the likely significant effects of implementing a high-level plan, such as an RSES, will be very different from those of a Local Area Plan - it is not useful to prescribe a universal set of indicators that are applicable at all scales, but all of the SEA environmental “topics” (for example, air, water, noise etc) should be covered by at least one indicator.¹⁶

Monitoring indicators should be made as specific as possible to ensure that they are well understood and can be easily populated (or measured) using existing or newly gathered data. Indicators should be limited to a narrow (for example, 10-12) and meaningful set of indicators. The information to be gathered should also be relevant to the scale and nature of the plan concerned and meet a specific need. This will help to guarantee commitment to monitoring. Figures 8.1 and 8.2 provide examples of environmental indicators (both adverse and beneficial impacts).

The frequency of monitoring and reporting (for example, regularity, defined seasons, etc.) should also be designed carefully. Monitoring periods should be determined by the temporal scope of a plan/programme but should last the lifetime of the plan.

¹⁶ National and regional-level plans/strategies may lack geographic specificity, contain only high-level strategic objectives and may not lend themselves to cause-effect models in terms of direct measuring of environmental effects. As such, these high-level plans should focus on global (for example, United Nation’s Sustainable Development Goals - SDGs) and national (for example, greenhouse gas emissions) indicators to examine environmental trends. They should also focus on mitigation measures at the national level (for example, proportion of energy produced that is renewable, area of new broadleaf woodland).

Figure 8.1 Example of proposals for monitoring, Fingal County Development Plan 2017-2023

Strategic Environmental Objective	Targets	Indicators	Data source
Objective 1: Preserve, protect, maintain and where appropriate restore the terrestrial, aquatic and soil biodiversity, particularly EU and nationally designated sites and protected species.	Update the Biodiversity Action Plan (2010-2015) with a clear programme for delivery of actions.	Number of programmed actions achieved in Development Plan period (2017-2023)	Fingal Biodiversity Section (yearly reporting)
	Develop a Green Infrastructure Strategy within the lifetime of the Development Plan.	Not available.	Fingal Biodiversity Section
Objective 2: Provide high quality residential, working and recreational environments with access to sustainable transport options.	Increase the number of people living and working in Fingal compared to the 2016 Census base findings.	Number of people living and working in Fingal.	Census 2016 and 2021 (to be calculated in line with available Census data)
	Undertake Local Area Plan for Lissenhall which outline and specify that services will be put in place in advance of residential development.	Not available.	Fingal Planning Department.
Objective 3: Protect human health	Compliance with air quality legislation.	Number of breaches of air quality limits.	EPA Air Quality Monitoring Annual Report (nearest stations applicable to Fingal) (yearly reporting)
	Undertake a review as per the Dublin Agglomeration Noise Action Plan (2012-2018) of the areas within Fingal identified as being exposed to high levels of noise and develop and programme of implementation of the mitigation measures within the lifetime of the Development Plan.	Number of measures implemented.	Fingal Planning Department. (noise section) (yearly reporting)
Objective 4: Safeguard the soil resources within Fingal in recognition of the strong agriculture and horticultural base.	Higher rate of brownfield and infill development as opposed to greenfield development.	Percentage of development within brownfield and infill compared to greenfield.	Fingal Planning Department (yearly reporting)

Figure 8.2 Example of proposals for monitoring, Dublin City Development Plan 2016-2022

Environmental Receptor	Environmental Protection Objective	Target	Indicator	Frequency of Reporting	Department responsible
Population and Human Health	To create a sustainable compact city and a high quality healthy safe environment in which to live, work and/or visit.	Sustainable densities achieved in new residential/mixed used schemes.	Average density of new residential development	Every 2 years	Planning and Property Development Department (PPDD)
		Increase the number of residential properties.	Percentage increase of residential properties	Every 2 years	(PPDD)
		Improve access to community and recreational facilities.	Percentage increase in the number of schools, crèches, community parks, sports facilities and primary health centres.	Every 2 years	(PPDD)
Biodiversity, Flora and Fauna	To protect and where appropriate enhance the diversity of habitats, species, ecosystems and geological features.	Maintain the favourable conservation status of all habitats and species which are within designated sites protected under national and international legislation and also habitats and species outside of designated sites.	Number of development granted planning permission within designated sites.	Every 2 years	(PPDD) Parks and Landscape Services
			Number of Natura Impact Statements submitted to Dublin City Council.	Every 2 years	Parks and Landscape Services
			Percentage increase or decrease of bat and other populations in Dublin City.	Every 2 years	Parks and Landscape Services
		Deliver the objectives of the Dublin City Biodiversity Action Plan 2015-2020	Number of objectives/ policy actions delivered by the biodiversity plan.	Every 2 years	Parks and Landscape Services

8.2.3 Where can monitoring data be found?

Monitoring may not require new research; existing sources of information can be used. Local authorities already undertake a range of environmental monitoring, some of which may be suitable for SEA purposes. Information derived from Development Management systems in combination with the use of GIS based systems mapping environmental sensitivities may be suitable in deriving indicators. In addition, specific plan-related data is often collected as part of the review of a Development Plan. Relevant environmental data are also collected and published by other bodies such as the Environmental Protection Agency. One monitoring arrangement may cover several plans (for example, a Development Plan and related Local Area Plans).

8.2.4 Triggers for intervention

An effective monitoring programme should include reference to quantitative thresholds or trigger levels that, when exceeded, require specific intervention to address a significant effect on the environment. The thresholds should relate to the scale of the plan being assessed and should identify the organisation that should take the intervention. Thresholds may be based on national or international environmental quality standards where appropriate. Interventions when the thresholds are exceeded may include, for example, actions taken at the project-level decision-making stage to intervene at a local level or raising awareness of a particular environmental issue in a specific location.

8.3 Implementing Monitoring

The plan proponent is ultimately responsible for monitoring the effects of the plan and for taking appropriate remedial action, if required. Plan-making authorities should take responsibility for: (i) devising monitoring programmes, (ii) ensuring that arrangements are in place for the timely collection of monitoring data from all relevant agencies, and (iii) evaluating the results of monitoring or ensuring that any necessary evaluations are carried out. In some cases, the relevant environmental agencies may also need to be notified (if monitoring shows declining trends in a particular aspect, which is also the responsibility of another agency, for example, fish populations and Inland Fisheries Ireland).

The process of monitoring should begin at the start of plan implementation (usually just after adoption) and should continue over the entire period of the adopted plan. This is important as the results of monitoring may indicate a need for immediate remedial action (for example, unforeseen loss of habitat, lack of transport capacity). Monitoring throughout the lifetime of the adopted plan will also mean that the next review phase will commence with an awareness of how the environment was affected by the previous plan and highlight where improvements may be justified.

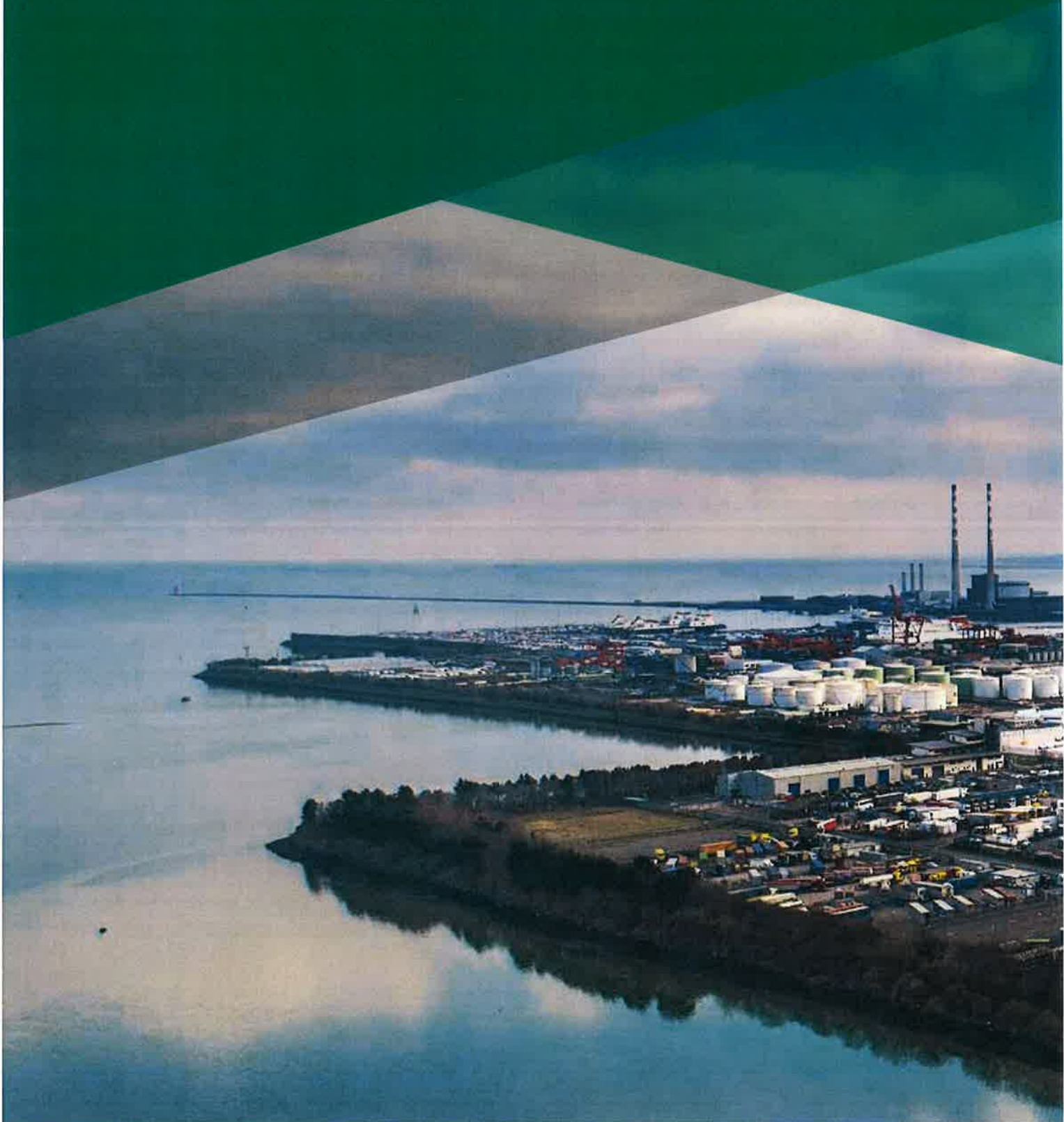
8.4 Documenting Monitoring Results

Monitoring results are typically made available in a publicly accessible report including online access. Under Article 13J(2) of the Planning and Development Regulations 2001, as amended, the Chief Executive's report must include information in relation to progress on, and the results of, monitoring the significant environmental effects of implementation of the Development Plan. This report, which documents the progress of implementing a Development Plan after two years from its commencement, must therefore include the results of SEA monitoring for the Development Plan, as well as variations to the plan and the effects of implementing Local Area Plans. Similarly, it is recommended that SEA monitoring results are also included in reports on the implementation of other land use plans, particularly RSEs and SDZ Planning Schemes. Monitoring should continue throughout the lifetime of the adopted plan and continue to be documented in an appropriate manner so that it can inform the next plan cycle. In order to be comprehensive and useful for the next plan cycle, the documentation should include an evaluation of the degree to which significant environmental impacts have resulted from the implementation of the adopted plan. If it has not been possible to monitor a particular indicator, an explanation should be provided.

Monitoring reports, which may be prepared during the lifetime of the adopted plan, should include recommendations, as appropriate/necessary, on the scope of monitoring going forward. The reports should be made publicly available (including online alongside the plan and the SEA documentation) and written in non-technical language to allow them to be accessible to the public. It is important for such reports which are prepared at the end of the life of the adopted plan, include recommendations on how the next plan may address shortcomings or unforeseen effects on the environment.

9

Appendix



Appendix A: Text of the SEA Directive

Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

Article 1 - Objectives

The objective of this Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

Article 2 - Definitions

For the purposes of this Directive:

- (a) "plans and programmes" shall mean plans and programmes, including those co-financed by the European Community, as well as any modifications to them:
 - which are subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and
 - which are required by legislative, regulatory or administrative provisions;
- (b) "environmental assessment" shall mean the preparation of an Environmental Report, the carrying out of consultations, the taking into account of the Environmental Report and the results of the consultations in decision-making and the provision of information on the decision in accordance with Articles 4 to 9;
- (c) "Environmental Report" shall mean the part of the plan or programme documentation containing the information required in Article 5 and Annex I;
- (d) "The public" shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.

Article 3 - Scope

1. An environmental assessment, in accordance with Articles 4 to 9, shall be carried out for plans and programmes referred to in paragraphs 2 to 4 which are likely to have significant environmental effects.
2. Subject to paragraph 3, an environmental assessment shall be carried out for all plans and programmes,
 - i. which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC, or
 - ii. which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC.
3. Plans and programmes referred to in paragraph 2 which determine the use of small areas at local level and minor modifications to plans and programmes referred to in paragraph 2 shall require an environmental assessment only where the Member States determine that they are likely to have significant environmental effects.
4. Member States shall determine whether plans and programmes, other than those referred to in paragraph 2, which set the framework for future development consent of projects, are likely to have significant environmental effects.

5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.
6. In the case-by-case examination and in specifying types of plans and programmes in accordance with paragraph 5, the authorities referred to in Article 6(3) shall be consulted.
7. Member States shall ensure that their conclusions pursuant to paragraph 5, including the reasons for not requiring an environmental assessment pursuant to Articles 4 to 9, are made available to the public.
8. The following plans and programmes are not subject to this Directive:
 - plans and programmes the sole purpose of which is to serve national defence or civil emergency,
 - financial or budget plans and programmes.
9. This Directive does not apply to plans and programmes co-financed under the current respective programming periods for Council Regulations (EC) No 1260/1999 and (EC) No 1257/1999.

Article 4 - General Obligations

1. The environmental assessment referred to in Article 3 shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure.
2. The requirements of this Directive shall either be integrated into existing procedures in Member States for the adoption of plans and programmes or incorporated in procedures established to comply with this Directive.
3. Where plans and programmes form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy. For the purpose of, inter alia, avoiding duplication of assessment, Member States shall apply Article 5(2) and (3).

Article 5 - Environmental Report

1. Where an environmental assessment is required under Article 3(1), an Environmental Report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Annex I.
2. The Environmental Report prepared pursuant to paragraph 1 shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.
3. Relevant information available on environmental effects of the plans and programmes and obtained at other levels of decision-making or through other Community legislation may be used for providing the information referred to in Annex I.
4. The authorities referred to in Article 6(3) shall be consulted when deciding on the scope and level of detail of the information which must be included in the environmental report.

Article 6 - Consultations

1. The draft plan or programme and the Environmental Report prepared in accordance with Article 5 shall be made available to the authorities referred to in paragraph 3 of this Article and the public.
2. The authorities referred to in paragraph 3 and the public referred to in paragraph 4 shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying Environmental Report before the adoption of the plan or programme or its submission to the legislative procedure.
3. Member States shall designate the authorities to be consulted which, by reason of their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programmes.
4. Member States shall identify the public for the purposes of paragraph 2, including the public affected or likely to be affected by, or having an interest in, the decision-making subject to this Directive, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned.
5. The detailed arrangements for the information and consultation of the authorities and the public shall be determined by the Member States.

Article 7 - Transboundary Consultations

1. Where a Member State considers that the implementation of a plan or programme being prepared in relation to its territory is likely to have significant effects on the environment in another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the plan or programme is being prepared shall, before its adoption or submission to the legislative procedure, forward a copy of the draft plan or programme and the relevant Environmental Report to the other Member State.
2. Where a Member State is sent a copy of a draft plan or programme and an Environmental Report under paragraph 1, it shall indicate to the other Member State whether it wishes to enter into consultations before the adoption of the plan or programme or its submission to the legislative procedure and, if it so indicates, the Member States concerned shall enter into consultations concerning the likely transboundary environmental effects of implementing the plan or programme and the measures envisaged to reduce or eliminate such effects.

Where such consultations take place, the Member States concerned shall agree on detailed arrangements to ensure that the authorities referred to in Article 6(3) and the public referred to in Article 6(4) in the Member State likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time-frame.

3. Where Member States are required under this Article to enter into consultations, they shall agree, at the beginning of such consultations, on a reasonable timeframe for the duration of the consultations.

Article 8- Decision Making

The Environmental Report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of any transboundary consultations entered into pursuant to Article 7 shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.

Article 9 - Information on the Decision

1. Member States shall ensure that, when a plan or programme is adopted, the authorities referred to in Article 6(3), the public and any Member State consulted under Article 7 are informed and the following items are made available to those so informed:
 - (a) the plan or programme as adopted;
 - (b) a statement summarising how environmental considerations have been integrated into the plan or programme and how the Environmental Report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8 and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with, and
 - (c) the measures decided concerning monitoring in accordance with Article 10.
2. The detailed arrangements concerning the information referred to in paragraph 1 shall be determined by the Member States.

Article 10 - Monitoring

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.

Article 11 - Relationship with other Community Legislation

1. An environmental assessment carried out under this Directive shall be without prejudice to any requirements under Directive 85/337/EEC and to any other Community law requirements.
2. For plans and programmes for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, Member States may provide for co-ordinated or joint procedures fulfilling the requirements of the relevant Community legislation in order, inter alia, to avoid duplication of assessment.
3. For plans and programmes co-financed by the European Community, the environmental assessment in accordance with this Directive shall be carried out in conformity with the specific provisions in relevant Community legislation.

Article 12 - Information, Reporting and Review

1. Member States and the Commission shall exchange information on the experience gained in applying this Directive.
2. Member States shall ensure that Environmental Reports are of a sufficient quality to meet the requirements of this Directive and shall communicate to the Commission any measures they take concerning the quality of these reports.
3. Before 21 July 2006 the Commission shall send a first report on the application and effectiveness of this Directive to the European Parliament and to the Council. With a view further to integrating environmental protection requirements, in accordance with Article 6 of the Treaty, and taking into account the experience acquired in the application of this Directive in the Member States, such a report will be accompanied by proposals for amendment of this Directive, if appropriate. In particular, the Commission will consider the possibility of extending the scope of this Directive to other areas/sectors and other types of plans and programmes. A new evaluation report shall follow at seven-year intervals.
4. The Commission shall report on the relationship between this Directive and Regulations (EC) No 1260/1999 and (EC) No 1257/1999 well ahead of the expiry of the programming periods provided for in those Regulations, with a view to ensuring a coherent approach with regard to this Directive and subsequent Community Regulations.

Article 13 - Implementation of the Directive

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 21 July 2004. They shall forthwith inform the Commission thereof.
2. When Member States adopt the measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
3. The obligation referred to in Article 4(1) shall apply to the plans and programmes of which the first formal preparatory act is subsequent to the date referred to in paragraph 1.

Plans and programmes of which the first formal preparatory act is before that date and which are adopted or submitted to the legislative procedure more than 24 months thereafter, shall be made subject to the obligation referred to in Article 4(1) unless Member States decide on a case by case basis that this is not feasible and inform the public of their decision.

4. Before 21 July 2004, Member States shall communicate to the Commission, in addition to the measures referred to in paragraph 1, separate information on the types of plans and programmes which, in accordance with Article 3, would be subject to an environmental assessment pursuant to this Directive. The Commission shall make this information available to the Member States. The information will be updated on a regular basis.

Article 14 - Entry into Force

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

Article 15 - Addressees

This Directive is addressed to the Member States.

Done at Luxembourg, 27 June 2001.

Annex I

Information Referred to in Article 5(1)

The information to be provided under Article 5(1), subject to Article 5(2) and (3), is the following:

- (a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;
- (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
- (c) the environmental characteristics of areas likely to be significantly affected;
- (d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;
- (e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
- (f) the likely significant effects⁽¹⁾ on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;
- (g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;
- (h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;
 - (i) a description of the measures envisaged concerning monitoring in accordance with Article 10;
 - (j) a non-technical summary of the information provided under the above headings.

⁽¹⁾ These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.

Annex II

Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to
 - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (for example, due to accidents),
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

Appendix B: Guidance on applying criteria for determining whether a Draft Plan is likely to have significant effects on the environment (as per Schedule 2 of the Planning and Development Regulations 2001, as amended).

Criteria	Guidance
1. The characteristics of the plan having regard, in particular to:	
The degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<p>Plans that establish criteria, rules or other type of framework that could determine what type of development may be permitted, or where certain development may occur are likely to receive greater weight.</p> <p>Higher-level plans that set overall policies that may not be relevant to the permitting of projects or may not lead to tangible interventions in the environment would receive lower weight.</p>
The degree to which the plan influences other plans, including those in a hierarchy	A plan may take a stance that forces other plans below it in a hierarchy to have an influence on a project consent process.
The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	If plans intend to promote certain developments or may make choices that result in environmental benefits, such as choosing renewable energy over fossil fuels or increasing uptake of public transport, these positive effects should be taken into account.
Environmental problems relevant to the plan	Certain plans may have aspects that address specific environmental problems (for example, flooding, air quality). Plans may also have the potential to interact with existing problems (for example, creating additional noise, lighting, traffic etc.). Plans in areas where there are already significant environmental problems may be more likely to be screened in than plans in areas with few existing environmental problems.
The relevance of the plan for the implementation of European Union legislation on the environment (for example, plans linked to waste-management or water protection)	Some plans may have obvious relevance to European environmental legislation but most land-use plans may have less evident interactions.

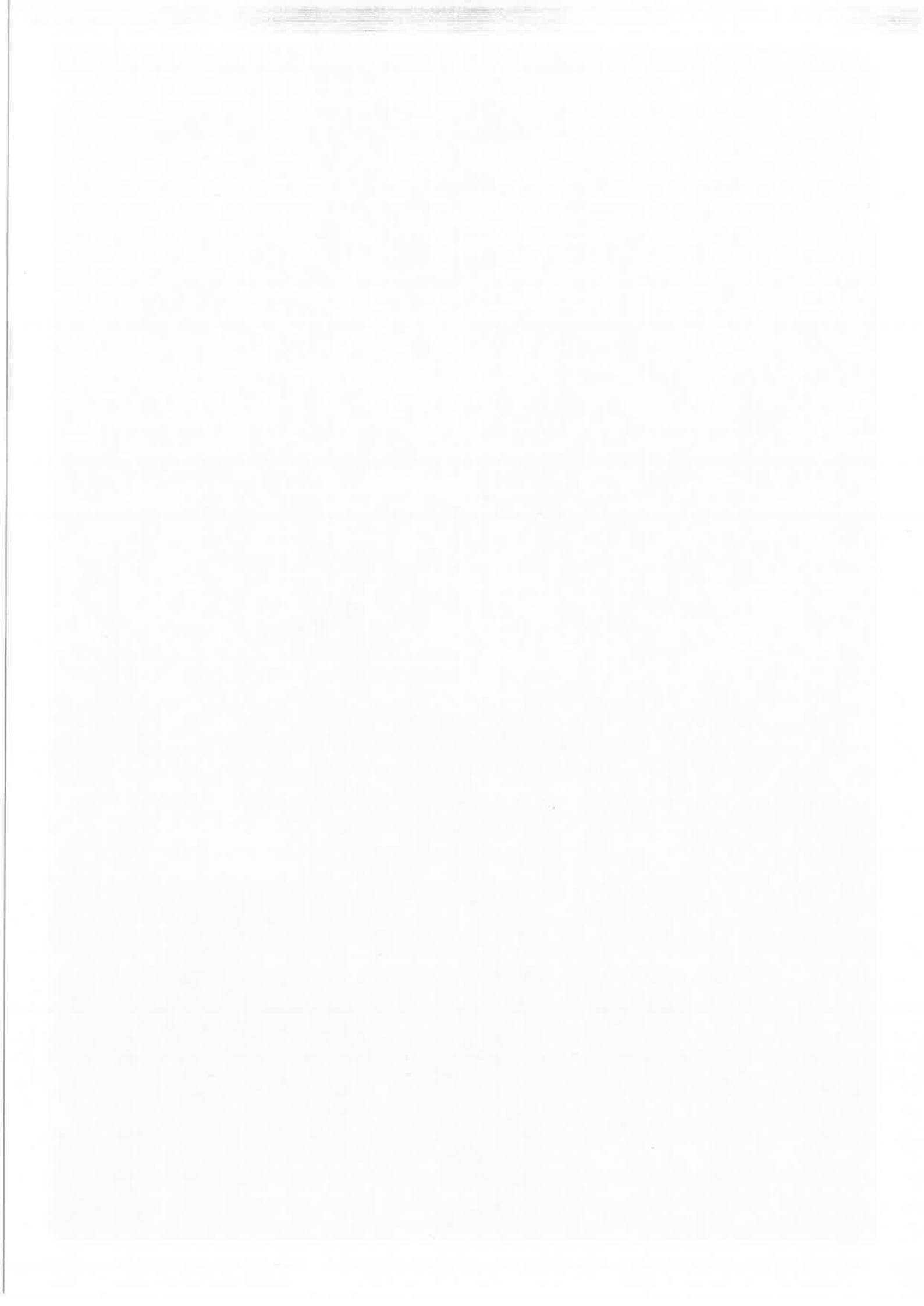
Criteria	Guidance
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
The probability, duration, frequency and reversibility of the effects,	Plans with greater probability of effects, longer-term, more frequent and irreversible effects will be more likely to require SEA than those without such effects. There are no thresholds that generally apply in this context and each plan should be screened in the context of the potential receiving environment.
The cumulative nature of the effects,	Cumulative effects may arise when several plans may impact on the same impact receptor (for example, air quality, biodiversity), where elements of a plan affect multiple sensitive receptors, or where elements of a plan may interact to produce a synergistic ¹⁹ effect on one or more sensitive receptors.
The transboundary nature of the effects,	Some plans may affect neighbouring counties and countries. These are likely to include Development Plans near the border with Northern Ireland or those that could affect the rest of the UK or EU member states (for example, via air emissions or by interacting with marine issues).
The risks to human health or the environment (for example, due to accidents)	Plans that directly interact with issues likely to affect human health (for example, air quality, noise, waste) are more likely to have significant environmental effects. Indirect effects on "quality of life" indicators should also be taken into account.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	Where a plan affects a large area and/or population, it is more likely to have significant environmental effects. However this also needs to be set in the context of site-specific environmental sensitivities. Small-scale plans can result in significant effects in certain sensitive environments.
The value and vulnerability of the area likely to be affected due to: (a) special natural characteristics or cultural heritage, (b) exceeded environmental quality standards or limit values, (c) intensive land-use,	At the screening stage, a preliminary examination of the receiving environment will highlight specific constraints relating to areas of natural and cultural sensitivity and environmental quality criteria that might be affected by the proposed plan. If the plan affects a site with an international designation (for example, Special Area of Conservation), this will be more significant than if it affects a locally important site (for example, open space, public park).
The effects on areas or landscapes which have a recognised national, European Union or international protection status.	Any plan that may have a likely significant effect on 'European sites' (Special Protection Areas for birds, Special Areas of Conservation for habitats and species, Ramsar wetland sites or European marine sites) or international status (for example, UNESCO world heritage sites) may require SEA as well as an appropriate assessment under the Habitats Directive. A plan can have an effect on such areas even when they are at a distance from the plan area itself. Proximity or distance should not be used as a de facto reason for screening "in" or "out" for SEA without further justification.

¹⁹ Greater than the simple addition of effects

Appendix C: Example of integration of SEA process with preparation or review of a Development Plan

Stage	Period	Development Plan Process	SEA Process
A	Between 6 – 12 months before the start of the statutory review period	<p>Data collection</p> <p>Preparation of the Baseline Report, other Working Papers/ Strategic Issues Paper for Planning and Development Strategic Policy Committee and the general public</p>	<p>Identification of relevant national and international environmental protection objectives/SEOs</p> <p>Review of SEA monitoring data relating to previous plans.</p> <p>Consideration of future environmental conditions in the absence of a new plan</p> <p>Identification of existing environmental problems</p>
B	Weeks 1 – 16 of the statutory period	<p>Notification of intention to prepare / review Development Plan</p> <p>Initial public consultation process</p>	<p>Scoping of Environmental Report with prescribed environmental authorities</p> <p>Further data collection</p>
C	Weeks 16 – 38	<p>Chief Executive prepares report on the outcome of the initial consultations</p> <p>Members may issue directions re draft plan</p> <p>Preparation of draft plan</p>	<p>Identification and assessment of strategic development alternatives</p> <p>Assessment and comparison of alternatives, explanation of choice of preferred alternatives</p> <p>Detailed environmental assessment of preferred alternatives: the proposed plan objectives and policies</p> <p>Modification of preferred alternative (if needed) to avoid / reduce significant adverse effects</p> <p>Preparation of Environmental Report</p>
D	Weeks 38 – 48	<p>Chief Executive submits draft plan to Council</p> <p>Members decide if any amendments to draft should be made</p>	<p>Members consider Environmental Report</p> <p>Report may have to be modified if there are any major changes to the draft plan</p>

Stage	Period	Development Plan Process	SFA Process
E	Weeks 48 – 58	Public and statutory consultees may make written submissions on draft plan during the 10-week display period	Public and environmental authorities may make written submissions on the report / draft plan Transboundary consultations [if needed]
F	Weeks 58 - 85	Chief Executive reports to Council on submissions Members consider report and decide whether to adopt draft plan [Stage J, below] or to amend it	Chief Executive reports to Council on submissions Members consider report and decide whether to adopt the draft plan or to amend it Addendum to Environmental Report may have to be prepared if material amendments to the draft plan are proposed.
G	Weeks 85 – 89	Public and statutory consultees may make written submissions on material amendment(s) to draft plan during 4-week display period	Public and environmental authorities may make written submissions on Environmental Report / material amendment(s) Further transboundary consultation [if needed]
H	Weeks 89 – 99	Chief Executive reports to Council on submissions Members consider report and decide whether to adopt or omit material amendment(s)	Chief Executive reports to Council on submissions received
J	Weeks 99 – 104	Members adopt draft plan	SEA Statement is published after adoption of the draft plan
K	Weeks 104 – 108	New plan comes into operation	Commencement of monitoring of the environmental effects of the plan Monitoring continued for duration of the adopted plan and results to inform next plan cycle



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