

# **Implementation of SEA Directive (2001/42/EC):**

## **Assessment of the Effects of Certain Plans and Programmes on the Environment**

### **Guidelines for Regional Authorities and Planning Authorities**

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# Chapter 1: Introduction

## Purpose of the Guidelines

**1.1** These guidelines are intended to assist regional and planning authorities, and any development agency responsible for preparing a planning scheme in respect of a Strategic Development Zone (SDZ), in implementing 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 “SEA Directive”. The SEA Directive is reproduced at Appendix A.

## Operative Date

**1.2** The Directive applies to plans or programmes for which the first formal preparatory action is taken **on or after 21 July 2004**.

## Status of the Guidelines

**1.3** The guidelines do not purport to be a legal interpretation of EU or national law. They should be read in conjunction with the Directive and the following Regulations which transpose the Directive into Irish law:

- European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435 of 2004), and
- Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436 of 2004)

**1.4** These guidelines are published by the Minister for the Environment, Heritage and Local Government under sections 23(5) and 28(1) of the Planning and Development Act 2000 which respectively require regional authorities and planning authorities to have regard to the guidelines in the performance of their functions under the Act. Under section 28 of the Act, An Bord Pleanála is also required to have regard to the guidelines in the performance of its functions while planning authorities are required to make the guidelines available for inspection by members of the public.

## Objectives of the SEA Directive

1.5 Article 1 of the SEA Directive states:

*“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.”*

## Background to the SEA Directive

1.6 Environmental assessment of individual projects in the EU dates back to 1985 when the first EIA Directive (85/337/EEC) was introduced. Since then, the EIA process has played a positive role in identifying potential environmental impacts of major projects. Experience with EIA has highlighted the need for a higher-level assessment of the environmental impacts of plans, which shape such projects.

## What is Strategic Environmental Assessment (SEA)?

1.7 Strategic environmental assessment (SEA) is 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. The process includes:

- Preparing an Environmental Report where the likely significant environmental effects are identified and evaluated
- Consulting the public, environmental authorities, and any EU Member State affected, on the environmental report and draft plan or programme
- Taking account of the findings of the report and the outcome of these consultations in deciding whether to adopt or modify the draft plan or programme
- Making known the decision on adoption of the plan or programme and how SEA influenced the outcome.

## Benefits of SEA

**1.8** SEA is intended to provide the framework for influencing decision-making at an earlier stage when plans and programmes - which give rise to individual projects - are being developed. It should lead to more sustainable development through the systematic appraisal of policy options.

**1.9** SEA will play an important role in addressing the cumulative impacts of individual projects. Experience with implementation of the EIA Directive has shown that EIA is not always best placed to address cumulative impacts. SEA provides the mechanism whereby this gap can be filled. However, SEA does not obviate the need for project environmental assessment, where such assessment is required under the terms of the EIA Directive.

**1.10** SEA will improve the quality of the plan-making process by:

- Facilitating the identification and appraisal of alternative plan strategies: while consideration of alternatives has been developed in a number of Regional Planning Guidelines, it is less common - at least in an explicit manner - at the Development Plan or Local Area Plan levels.
- Raising awareness of the environmental impacts of plans: while it will not always be possible to eliminate all potentially significant negative effects in balancing policy options, SEA at least helps to clarify the likely consequences of such choices, and makes specific provision for mitigation measures where some negative impacts cannot be avoided.
- Encouraging the inclusion of measurable targets and indicators: which will facilitate effective monitoring of implementation of the plan, and thus make a positive contribution to subsequent reviews.

## Relevant Provisions of the Planning and Development Act 2000

**1.11** Although the SEA Directive was not formally adopted until 2001, its imminent arrival was anticipated by certain provisions of the 2000 Act. The Act required that when Regional Planning Guidelines, Development Plans, Local Area Plans or Strategic Development Zone (SDZ) planning schemes are being made by the relevant authority, they must be accompanied by information about the likely significant effects on the environment of implementing such plans.

### Transposition of the SEA Directive into Planning Law

**1.12** The European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435 of 2004) amended certain provisions of the Planning and Development Act 2000 to provide the statutory basis for the transposition of the Directive in respect of land-use planning. These amendments facilitated the making of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004) which give effect to the SEA Directive in the land-use planning sector. The latter Regulations, which integrate SEA into current plan-making procedures as far as possible,

- require SEA in the case of all Regional Planning Guidelines;
- require SEA in the case of Development Plans, Variations of Development Plans and Local Area Plans likely to give rise to significant environmental effects;
- require SEA in the case of Planning Schemes in respect of a Strategic Development Zone (SDZ)
- set out the procedural requirements for the preparation and consideration of the Environmental Report, including scoping and public consultation, and the integration of these new requirements with existing plan preparation / review processes; and

- designate the Environmental Authorities to be consulted at various stages during the SEA process.

**1.13** The requirement for SEA applies to plans whose preparation or review *commences on or after 21 July 2004*.

**1.14** These guidelines relate to the application of the SEA Directive to certain plans prepared under the Planning and Development Act 2000. The guidelines are addressed to:

- (a) Regional Authorities: in relation to the preparation or review of Regional Planning Guidelines;
- (b) Planning Authorities: in relation to the preparation or review of Development Plans and Local Area Plans
- (c) Relevant Development Agencies: in relation to the preparation of a Planning Scheme in respect of a Strategic Development Zone (SDZ).

**1.15** Where the word “plan” is used throughout these guidelines, it will refer to Regional Planning Guidelines, Development Plans, Local Area Plans and Planning Schemes in respect of SDZs for which SEA will be required. Similarly, “plan-making authorities” includes regional authorities and planning authorities, and in the case of a Planning Scheme in respect of an SDZ, the relevant development agency.

### Structure of the Guidelines

**1.16** The general approach followed in these guidelines is to deal with the various SEA stages in chronological order, i.e. as they correspond to the relevant stages in the plan-making process. The presentation of each chapter follows a similar pattern. The Directive's requirements are dealt with at the beginning of each chapter followed by the provision of guidance on best practice. It will be seen that whilst the Directive sets some specific performance objectives, it allows considerable flexibility in how those objectives are met.

1.17 The following chapters deal chronologically with the various SEA stages, as follows:

SEA stage	Chapter
<ul style="list-style-type: none"> <li>Screen certain plans (such as some Development Plans, Variations of Development Plans and Local Area Plans) to decide if SEA is necessary</li> </ul>	3 - Screening
<ul style="list-style-type: none"> <li>Where SEA is required, scope the Environmental Report</li> </ul>	3 - Scoping
<ul style="list-style-type: none"> <li>Collect baseline environmental data</li> </ul>	4 - Environmental Report
<ul style="list-style-type: none"> <li>Prepare the Environmental Report</li> </ul>	4 - Environmental Report
<ul style="list-style-type: none"> <li>Carry out consultations with designated environmental authorities, the public, and (if necessary) adjacent EU Member States</li> </ul>	5 - Consultations on Plan and Environmental Report
<ul style="list-style-type: none"> <li>Provide specified information to the public, environmental authorities and any transboundary States, following adoption of the plan</li> </ul>	6 - Adoption of Plan
<ul style="list-style-type: none"> <li>Monitor the significant environmental effects of implementing the plan</li> </ul>	7 - Monitoring

## Chapter 2: Integrating SEA into Plan-making

### Overview

**2.1** In many ways, SEA builds on experience already developed within the planning system:

- Considerable experience has been gained in the preparation and assessment of environmental impact statements for major development projects. The range of environmental issues to be addressed in SEA (air, water, flora, etc.) is similar to EIA.
- Plan-making, whether at regional plan, Development Plan, or Local Area Plan level, involves consideration of alternative strategies for achieving the plan's objectives. SEA involves a more systematic and explicit appraisal of such alternatives.
- The statutory plan-making process has always incorporated public consultation, and the 2000 Act has strengthened the role of such consultation, notably at the pre-draft stage and in the consideration given to submissions. SEA will serve to bring environmental issues into sharper focus during the consultative process.

**2.2** Implementation of the SEA Directive will nonetheless face the plan-making process with new challenges. Planners will need to develop new skills in order to describe, evaluate and monitor the likely significant environmental effects of plans, and thus build on the skills already developed in terms of environmental assessment at project level. SEA will need to be integrated into the statutory time-tables for the preparation/review of plans. Appendix B indicates how SEA can be incorporated into the current Development Plan preparation/review process. One of the key objectives of the 2000 Act is to ensure that plans are updated on a regular basis, and within specified timeframes. In order to ensure that SEA is properly integrated within these timeframes, it will be

essential to carry out some initial SEA work in advance of the start of the statutory preparation/ review process.

## Integrating SEA into Plan-making

**2.3** Table 2A sets out, in a simplified and generic way, how SEA can be integrated into various plan-making processes under the 2000 Planning Act. The table is relevant where SEA is required. However, it will be noted that SEA will not always be required - see Chapter 3 re screening of plans.

**Table 2A: SEA and the Plan-making Process (generic)**

STAGE	PLAN	SEA
Pre-review	Preparation of Working Papers on key issues	If SEA is not mandatory, screen for possible significant environmental effects
Initial public consultation	Publication of (a) statutory notice of intention to make or review plan, and (b) Issues Paper	Scoping of the Environmental Report, in consultation with environmental authorities
Preparation of Documentation	Preparation of draft plan	Preparation of Environmental Report
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 any significant environmental effects of such material amendments
Completion of process	Adoption of plan	Making specified information available
Post-plan	Implementation	Monitoring of significant environmental effects

## Who should be Responsible for carrying out SEA?

**2.4** SEA can be carried out by the in-house team preparing the plan, or by external specialists, or by a combination of the two. If it is carried out in-house, the team will obviously be familiar with the planning issues involved, and will be best placed to quickly feed the results of the environmental appraisal back into the plan preparation process. Consultants, on the other hand, will bring a degree of objectivity to SEA, and may well possess environmental or other experience which the in-house team may lack, especially in the early years of implementing the Directive. A combination of the two approaches may well offer the best solution, with specialists being brought in to assist the team as required at different stages in the process, such as:

- scoping the Environmental Report in consultation with the designated environmental authorities
- compilation of the baseline environmental data
- preparation of the Environmental Report
- evaluation of detailed submissions.

Planning authorities are likely to have a range of environmental expertise in other sections within their organisation, which should be utilised to the greatest possible extent. In-house staff are likely to require additional training to familiarise themselves with SEA objectives, practice and methodology (see also paragraph 4.43 regarding the quality of the environmental report).

## A Step-by-step Guide to the SEA Process

**2.5** Table 2B sets out the various SEA stages in more detail:

Table 2B: Step-by-Step guide to the SEA Process

<p><b>Step 1:</b> Describe briefly the statutory purpose, geographic area, population, and timeframe of the plan, and its relationship (both vertical and horizontal) with other plans/programmes.</p>
<p><b>Step 2:</b> Summarise the main findings of the survey and analysis stage, e.g. what are the main development issues facing the area over the lifetime of the plan? What is the likely scale of population / households / employment change? In what parts of the area is most change likely to occur?</p>
<p><b>Step 3:</b> Describe in general terms the current state of the physical environment of the area, with particular reference to (a) areas of environmental importance (such as protected sites); and (b) areas experiencing environmental problems (such as waste, or air or water pollution) at present. Describe how that environment would be likely to evolve on the basis of current development trends but no change in current policies.</p>
<p><b>Step 4:</b> Define (a) broad planning policy objectives for the area based on Steps 1 and 2; and (b) relevant environmental policy objectives for the area taking account of national policy and any relevant international legal obligations (e.g. EU Directives).</p>
<p><b>Step 5:</b> Identify a number of reasonable alternative development strategies for the area which are capable of fulfilling the policy objectives established in Step 4.</p>
<p><b>Step 6:</b> Evaluate these alternative strategies against the chosen planning and environmental policy objectives (step 4), with a view to establishing the most sustainable option.</p>
<p><b>Step 7:</b> Select the preferred strategy (which may combine elements of different strategies), stating reasons for the choice, and work it up with detailed policy objectives.</p>

**Step 8:** Carry out an environmental assessment of the preferred strategy to determine whether implementation would be likely to cause any significant effects on the environment (in particular, the aspects listed in Annex I of the SEA Directive, such as biodiversity, air, cultural heritage, etc.)

**Step 9:** Modify the preferred strategy to eliminate, reduce or offset any significant adverse effects, as appropriate

**Step 10:** Propose monitoring measures in relation to any likely significant environmental impacts.

**Step 11:** Prepare a non-technical summary.

### Documenting the SEA Process

2.6 While there will undoubtedly be a high level of overlap between the plan preparation/ review process and the SEA process, it is strongly recommended that a *separate* SEA file be maintained throughout the entire process of preparing or reviewing a plan. Overlap may arise, for example, when submissions are received from the public; such comments may address both land-use and environmental issues and may indeed be inter-linked. The SEA file should include a copy of all documentation relevant to the SEA process. Such a file will be of considerable assistance when, at the adoption of the plan, a statement has to be compiled summarising how environmental considerations have been integrated into the plan.

## Chapter 3: SEA: Screening and Scoping

### Definitions

3.1 The following are relevant definitions -

“*Screening*” is the process for deciding whether a particular plan, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA.

“*Scoping*” is the procedure whereby the range of environmental issues and the level of detail to be included in the Environmental Report are decided upon, in consultation with the prescribed environmental authorities.

### Screening - what the SEA Directive requires

3.2 The SEA Directive requires that:

- An environmental assessment must be carried out for all plans and programmes:
  - (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 EIA Directive; or
  - (b) which, in view of the likely effect on protected sites, have been determined to require an assessment under the Habitats Directive.
- Plans and programmes in these categories which determine the use of small areas, or minor modifications to such plans and programmes, only require an environmental assessment

where the Member State determines that they are likely to have significant environmental effects. Such decisions must be based on case-by-case examination, or by specifying types of plans and programmes, or by combining both approaches.

- 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 new Schedule 2A to the Planning and Development Regulations 2001, as inserted by article 12 of the Planning and Development (Strategic Environmental Assessment) Regulations 2004.
- The prescribed Environmental Authorities must be consulted during screening.

### Mandatory National Requirements

**3.3** The Planning and Development (Strategic Environmental Assessment) Regulations 2004 require that SEA be carried out in respect of the following plans:

- (a) Regional Planning Guidelines;
- (b) City and County Development Plans;
- (c) Development Plans by Town Councils, where the population of the area is 10,000 persons or more;
- (d) Local Area Plans for areas with a population of 10,000 persons or more, and
- (e) Planning Schemes in respect of Strategic Development Zones (SDZs)

## Screening of Plans

3.4 Screening is required in the case of

- (a) Development Plans by Town Councils and Local Area Plans, where the population involved is less than 10,000 persons, and
- (b) Variations of Development Plans.

If the planning authority considers that there is a prima facie case for SEA, it should proceed to the scoping stage (i.e. scoping of the environmental report). If the planning authority is uncertain as to the need for SEA, the designated environmental authorities should be formally consulted during the screening exercise.

3.5 The key to deciding if SEA will apply will be *whether the plan would be likely to have significant effects on the environment*. The decision should not be determined by the size of an area alone. It will also be influenced by nature and extent of the development likely to be proposed in the plan and its location (e.g. close to or within an SAC, SPA or NHA), and its broad environmental effects.

3.6 The Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004) require case-by-case screening of individual plans, based on the criteria in Schedule 2A to the Planning and Development Regulations 2001. These criteria must be taken into account in determining whether or not significant effects on the environment would be likely to arise. The criteria are elaborated upon below.

3.7 For the purpose of consulting environmental authorities, a notice must issue to those authorities (as appropriate) giving them an opportunity to comment on whether or not they consider significant effects on the environment would be likely to arise. It will be noted from the terms of article 13A(4) of the Planning and Development Regulations 2001 (as inserted by article 7 of S.I. No. 436 of 2004) that where consultation with environmental authorities is necessary, the Environmental Protection Agency (EPA) must be consulted in all cases. However, consultation with both the Minister

for the Environment, Heritage and Local Government and the Minister for Communications, Marine and Natural Resources is conditional. In the case of the former, consultation is conditional on it appearing to the planning authority that the plan might have significant effects in relation to the architectural or archaeological heritage or to nature conservation. In the case of the Minister for Communications, Marine and Natural Resources, consultation is conditional on it appearing to the planning authority that the plan might have significant effects on fisheries or the marine environment. The minimum period for response by the environmental authorities is specified in S.I. No. 436 of 2004.

**3.8** If, following case-by-case screening, it is determined that SEA is not required, a statement of likely significant environmental effects of implementing the plan will not be required.

**3.9** In the case of all screening decisions, the planning authority must make a copy of the screening decision available for public inspection and notify its decision to any environmental authority which was consulted. Where appropriate, the reasons for deciding that SEA is not required must be included in the decision. The planning authority's website, or regular local authority newsletters, can be also be utilised to publicise its decision

### **Criteria for Determining the Likely Significance of Environmental Effects**

**3.10** Schedule 2A to the Planning and Development Regulations 2001 sets out two main types of criteria for determining whether a plan would be likely to have significant environmental effects:

- (1) Characteristics of the Plan: for example, the scale of development likely to take place over the life of the plan, or the degree to which it promotes sustainable development. Does the plan set out environmentally-friendly objectives? What environmental problems are of particular relevance to the plan?
- (2) Characteristics of the effects and of the Area likely to be affected: for example, the magnitude, cumulative nature and reversibility of the effects, or the value and vulnerability

of the area likely to be affected by implementation of the plan. How many people are likely to be affected by the plan? Are there areas of conservation sensitivity (such as natural habitats) within or adjacent to the area covered by the plan? Much of the advice contained in the Department's Guidance (*August 2003*) on EIA sub-threshold Development ([www.environ.ie](http://www.environ.ie)) regarding areas of conservation sensitivity is also of relevance for SEA. How intensive is the nature of the proposed landuse? Is there a risk of accidents, e.g. involving Seveso landuses?

**3.11** Each of the criteria in Schedule 2A *must* be considered initially so that the relevant ones (which will vary from case to case) may be examined in greater detail. The criteria are not listed in order of importance. In general, it can be assumed that the more of the criteria that are met, the more likely it is that the environmental effects will be significant. However, each decision must be taken on its own merits and on the basis of a global consideration of all the criteria in Schedule 2A. Cases of doubt about whether SEA is needed are often likely to reflect uncertainty about the significance of environmental effects, and in such cases the plan-making authority must use its best professional judgement as to whether SEA should be undertaken, taking into account the comments from the designated environmental authorities. It is not intended that special studies or expert technical evaluations will be necessary for the purposes of making a decision. Much of the advice contained in the Department's Guidance on EIA Sub-threshold Development (*August 2003*) will be relevant to consideration of the need for SEA and it is recommended that plan-making authorities consult the latter document during screening for SEA.

### Scoping of Environmental Report

**3.12** Where it has been established that SEA is required, either as a result of mandatory SEA requirements or following screening, the contents of the Environmental Report need to be scoped. The purpose of this provision is to ensure that the relevant environmental issues are identified so that they can be addressed appropriately in the Environmental Report. In this way, scoping helps, at the

early stages of plan preparation, to reduce the possibility of relevant issues not being identified.

**3.13** The SEA Directive provides for considerable flexibility concerning the scope and the level of detail to be included in the environmental report. Only the information listed in Annex I that is reasonably required should be included, taking into account:

- current knowledge and methods of assessment
- the contents and level of detail in the plan
- the stage of the plan 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 assessment.

**3.14** Certain strategic issues in City/County Development Plans may already have been determined at national or regional level. Development Plans themselves will set the parameters for local area plans. The hierarchy of land-use plans means that the level of detail will vary considerably as between the different levels in the hierarchy. Quite clearly, this will influence the nature and detail of the assessment and the extent to which environmental issues can be examined at any particular level. To avoid duplication of assessment, a decision needs to be made during the SEA process as to what level of detail is appropriate to different levels of SEA and what level of detail may be appropriate to the EIA of individual projects.

**3.15** Scoping of the Environmental Report should take place 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 the nature of the area and of major development issues. However, formal scoping takes place during the initial public consultation phase required under subsections (1) to (3) of section 11 of the 2000 Act. It is recommended that a “Scoping Issues Paper” be prepared by the plan-making authority to facilitate consultation.

- (b) Variations of Development Plan: where the screening process indicates a need for SEA, the planning authority should consult with the environmental authorities (as appropriate) 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 2000 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 Planning Guidelines: Again, some informal scoping can take place towards the end of the 6-year life of the guidelines, but formal scoping should begin as soon as practicable after the giving of notice by the regional authority under section 24(1) of the 2000 Act of its intention to make new guidelines. The publication of a regional Issues Paper will also facilitate both scoping and public consultation.
- (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 2000 Act.

In the case of (a), (b) and (c) above, planning authorities should consult adjacent planning authorities as appropriate.

**3.16** It is recommended that at the end of the scoping procedure, the plan-making authority should prepare a brief scoping report of its conclusions as to what information is to be included in the environmental report, taking account of any recommendations from the environmental authorities.

### Consultation with Environmental Authorities

**3.17** Article 5(4) of the SEA Directive requires that the prescribed Environmental Authorities be 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 environmental authorities is taken on board in finalising the process.

If scoping is to be meaningful, the plan-making authority must do more than issue a statutory notice to the designated environmental authorities. In order to facilitate the environmental authorities, they should be given 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), and its predicted significant environmental impacts.

### Designation of Environmental Authorities

**3.18** 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.

**3.19** 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 (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 (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)

- 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).

**3.20** As noted in paragraph 3.7 above, environmental authorities have been designated under the terms of article 13A(4) of the Planning and Development Regulations 2001 (as inserted by article 7 of S.I. No. 436 of 2004) as follows:

- the Environmental Protection Agency (EPA);
- the Minister for the Environment, Heritage and Local Government, where the planning authority considers that a plan might have significant effects in relation to the architectural or archaeological heritage or to nature conservation;
- the Minister for Communications, Marine and Natural Resources, where the planning authority considers that a plan might have significant effects on fisheries or the marine environment.

### Contact Points in Environmental Authorities

**3.21** All communications with environmental authorities should be addressed to the following contact points:

*Environmental Protection Agency:*

Mr. Tadhg O'Mahony  
Regional Inspectorate  
Environmental Protection Agency  
Inniscarra  
County Cork.  
Tel: 021 4860818  
E-mail: t.omahony@epa.ie

*Department of the Environment, Heritage and Local Government:*

The Manager,  
Development Applications Unit,  
Department of the Environment, Heritage and Local Government,  
Dún Scéine,  
Harcourt Lane,  
Dublin 2.  
Tel: (01) 4117194 or (01) 4117113

*Department of Communications, Marine and Natural Resources:*

Mr. John Wynne  
Assistant Principal  
Co-ordination Unit  
Department of Communications, Marine and Natural Resources  
Leeson Lane  
Dublin 2.  
Tel: (01) 6782900  
E-mail: [john.wynne@dcmnr.gov.ie](mailto:john.wynne@dcmnr.gov.ie).

## Chapter 4: The Environmental Report

### Introduction

**4.1** “Environmental Report” means the part of the plan's documentation which contains the information required by article 5 and Annex I of the SEA Directive. The likely significant effects on the environment of implementing the plan shall be identified, described and evaluated in the report.

**4.2** The Environmental Report is at the heart of the SEA process. It 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 to do so. The preparation of, and consultation on, the report, during the initial years of implementation of the SEA Directive, will be a learning curve for all concerned; despite the resources and time which will be required, it has the potential to bring considerable added value to the plan-making process.

**4.3** There should be complete integration between the preparation of the environmental report and of the draft plan, so that the draft plan is informed by environmental considerations from the outset. The report must be available when the draft plan is put on public display.

**4.4** It is clear from the definition of “environmental report” in article 2 of the Directive that the environmental report forms part of the plan documentation. In terms of the practical presentation of the environmental report, it is entirely a matter for the plan-making authority as to whether it is included in the actual plan or presented as a separate document. Where it is included in the plan, it should be clearly identifiable as the “environmental report”. However, if the report is too long to be included in the plan, a summary chapter should be included in the plan - with the full report included as an appendix or as a separate document.

4.5 Apart from the compilation of background material, which can be done before the start of the statutory plan preparation/review process, work on 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 report must influence the choice of the preferred plan strategy, and of any mitigation measures needed to offset potential adverse effects of implementing that strategy.

### Scope of Information to be included in Environmental Report

4.6 The Environmental Report must contain the information required by [Article 5](#) and [Annex I](#) of the Directive.

4.7 [Article 5](#) states that the report shall include the information that may *reasonably* be required. As stated in the previous chapter on scoping, the plan-making authority is required to take account of:

- current knowledge and methods of assessment
- the contents and level of detail in the plan
- the stage of the plan 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 assessment.

4.8 What this means in practice is firstly that SEA involves collating currently available, relevant environmental data; *it does not require major new research*. Where data deficiencies or gaps exist, this should be acknowledged in the report. Secondly, taking the review of a Development Plan as an example, certain strategic planning issues may already have been determined at national or regional level, whereas other more detailed issues will more appropriately be left for consideration at local area plan level. Indeed, implementation of the Development Plan may in time result in major development projects, whether in the public or private sectors, which themselves will warrant EIA. In preparing an Environmental Report on a draft Development Plan, therefore, it is important at the outset to identify those issues which are best

dealt with at the level of that plan and which should be examined in the report.

4.9 Article 5 makes it clear that relevant information obtained at other levels of decision-making or through other EU legislation may be used. For example,

- certain information available from existing environmental impact statements may be relevant
- information collected on foot of the requirements of other EU Directives (such as in relation to air or water quality), may also be relevant.

### **Mandatory Contents of Environmental Report**

4.10 The type of information to be provided in the Environmental Report is set out in Annex I of the SEA Directive - reproduced in Schedule 2B to the Planning and Development Regulations 2001 (as inserted by article 12 of the Planning and Development (Strategic Environmental Assessment) Regulations 2004), and summarised in Table 4 A below. In general, it mirrors the type of information required in relation to EIA, albeit with some important additions, such as the need to include information on monitoring measures.

**Table 4A CHECKLIST of information to be included in the Environmental Report (see Schedule 2B to the Planning and Development Regulations 2001)**

A	Outline of the contents and main objectives of the plan, and of its relationship with other relevant plans and programmes
B	Description of relevant aspects of the current state of the environment and the evolution of that environment without implementation of the plan
C	Description of the environmental characteristics of areas likely to be significantly affected
D	Identification of any existing environmental problems which are relevant to the plan, particularly those relating to European protected sites
E	List environmental protection objectives, established at international, EU or national level, which are relevant to the plan and describe how those objectives and any environmental considerations have been taken into account when preparing the plan
F	Describe the likely significant effects <sup>(1)</sup> on the environment (biodiversity, human health, fauna, etc.)
G	Describe any measures envisaged to prevent, reduce and as fully as possible offset any significant adverse environmental effects of implementing the plan
H	Give an outline of the reasons for selecting the alternatives considered, and a description of how the assessment was undertaken (including any difficulties)
I	A description of proposed monitoring measures
J	A non-technical summary of the above information

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

Each of the above headings is discussed in more detail below.

### **Contents and Main Objectives of the Plan, and its Relationship with other relevant Plans (See item A in Table 4A above)**

4.11 This section of the report should succinctly state:

- the legal status of the plan, its period of validity, and the geographic area covered
- the extent to which it incorporates strategic objectives from higher level plans
- its main objectives
- the scale, type and location of significant development envisaged in the area during the life of the plan
- its relationship with other plans in the area (such as a waste management plan), and the extent to which the plan sets the strategic context for lower-tier plans, such as Local Area Plans.

### **Description of the Current State of the Environment, Environmental Characteristics of the Area likely to be affected, and Identification of any Existing Environmental Problems (See items B, C and D in Table 4A above)**

4.12 The first of these headings (item B in Table 4A above) creates two main requirements:

- a baseline description of the current physical environment in the area: with particular reference to those aspects of the environment which are experiencing plan-related problems (such as development pressures) at present, or are likely to be significantly affected by implementation of the plan.
- a “do-nothing” scenario: an estimate of how current environmental conditions would change over time without implementation of the plan, i.e. as if there were no plan.

**4.13** The purpose of the baseline description is to identify the current state of the environment, against which the likely effects of implementing the plan can be assessed. The plan's impacts can be estimated as the difference in environmental conditions with and without implementation of the plan. It is clearly desirable, therefore, to use relevant quantitative data as far as possible to measure such changes, i.e. environmental indicators which can be used during the implementation monitoring phase. Where appropriate, time-series data may indicate certain trends which should be identified as part of a "do nothing" or "do minimum" scenario, e.g. what might happen if current development trends in a certain area were to continue into the future. Qualitative indicators may also be appropriate for some types of environmental impacts. Sources of environmental data are given in [Appendix D](#).

**4.14** It is accepted that the compilation of environmental data, particularly at a scale relevant to the area of the plan, may be problematic. Authorities should identify and tap 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.

**4.15** Depending on the nature and scale of the plan, some or all of the following baseline data may be relevant:

- A statistical overview of the area: its physical size, its 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, mineral resources, etc.), with particular reference to scarce or non-renewable resources
- Location and type of protected areas (Special Areas of Conservation, Architectural Conservation Areas, etc.) and Protected Species: and the extent to which they are

experiencing, or are likely to experience, development-related pressures

- Types or patterns of development: which may be linked to environmental problems or which are environmentally-friendly developments (such as compact mixed-use developments, or sources of renewable energy).

**4.16** The presentation of spatial baseline data in map or graphic form will help those involved in plan preparation to understand the distribution of environmental characteristics or problems within their area, and may also facilitate better communication of the issues to the public. The use of Geographical Information Systems (GIS) by many plan-making authorities will be helpful in this regard.

**4.17** 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 - it is important to note that much of this compilation can and should be done in advance of the statutory plan preparation/review process.

An example of a baseline environmental description is to be found in chapter 4 of the "Strategic Environmental Assessment of the Master Plan 2003" published by the Dublin Docklands Development Authority ([www.dublindocklands.ie](http://www.dublindocklands.ie))

**4.18** The "do-nothing" scenario represents a continuation of present trends, without any policy changes or infrastructural improvements - which may be proposed in the draft plan. It forms the basis of comparison against which the environmental effects of the plan will be measured. It is important to note that the "do-nothing" scenario is not one of the "reasonable alternatives" which are required to be considered under the SEA Directive. Nor would it necessarily be in keeping with the principle of sustainable development which is fundamental to the 2000 Act.

**4.19** In relation to those parts of the area likely to be significantly affected by implementation of the plan (item C in Table 4A above):

- where is significant (scale and/or type) development likely to take place during the life of the plan? What kind of development will it be, and what impacts is it likely to have on the environment?
- are there 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? How are such areas likely to be affected by the plan?

**4.20** The requirement to identify environmental problems (item D in Table 4A above) should focus on identification of the nature, location and scale of development-related environmental problems in the area, such as water or air pollution, or problems that may arise from car-dependent land use patterns.

**Environmental Protection Objectives relevant to the Plan and Description of how those Objectives and any Environmental Considerations have been taken into account in preparing the Plan (See item E in Table 4A above)**

**4.21** An indicative list of environmental protection objectives is given in Table 4B. This list has been compiled having regard to the checklist of national, European and international policy documents, strategies, guidelines, Directives, Conventions, etc, which are summarised in Appendix C. It is important to understand that the SEA Directive only requires the identification of such objectives which are relevant to the plan, so a process of selection is required. Objectives should be adapted to local circumstances as necessary (e.g. coastal erosion may be relevant to only parts of a county's coastline).

**Table 4B: Indicative list of Environmental Protection Objectives (Based on the headings in Schedule 2B(f) of the Planning and Development Regulations 2001)**

**Biodiversity, fauna and flora:**

- Conserve the diversity of habitats and protected species
- Protect the marine environment, and promote integrated coastal zone management strategies

**Population:**

- Improve people's quality of life based on high-quality residential, working and recreational environments and on sustainable travel patterns

**Human health:**

- Minimise noise, vibration and emissions from traffic, industrial processes and extractive industry

**Soil (including minerals):**

- Maintain the quality of soils
- Give preference to the re-use of brownfield lands, rather than developing greenfield lands
- Minimise the consumption of non-renewable sand, gravel and rock deposits
- Minimise the amount of waste to landfill

**Water:**

- Protect and enhance the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands directly depending on the aquatic ecosystems
- Promote sustainable water use based on a long-term protection of available water resources
- Reduce progressively discharges of polluting substances to waters
- Mitigate the effects of floods and droughts.

**Air/climatic factors:**

- Reduce all forms of air pollution
- Minimise emissions of greenhouse gases to contribute to a reduction and avoidance of human-induced global climate change
- Reduce waste of energy, and maximise use of renewable energy sources
- Assess, plan and manage adaptation to climate change impacts

**Material assets:**

- Maximise use of the existing built environment
- Avoid flood risk and/or coastal erosion in selecting sites for development

**Cultural heritage:**

- Promote the protection and conservation of the cultural, including architectural and archaeological, heritage

**Landscape:**

- Conserve and enhance valued natural and historic landscapes and features within them

**Likely Significant Effects on the Environment (See item F in Table 4A above)**

4.22 The preferred plan strategy will set out specific development/implementation objectives. Examples of such objectives are given in Table 4C. For the purposes of SEA, these objectives should be subjected to assessment in the context of each of the environmental protection objectives selected in accordance with paragraph 4.21 above.

Table 4C Indicative List of Development Objectives

Development objectives might include:

- To provide sufficient housing lands to meet identified needs in the area over the life of the plan
- To promote higher densities of high quality housing in suitable locations
- To promote a sustainable settlement pattern of towns and villages
- To promote sustainable rural communities
- To promote the use of public transport
- To provide sufficient zoned and serviced land for employment generation
- To protect and conserve the natural and built heritage of the area
- To promote the development of wind energy in suitable locations
- To promote the provision of community facilities in new residential areas
- To promote urban renewal
- To encourage vibrant city / town centres
- To promote a well-balanced economic structure in the area
- To provide sufficient new water supply and waste water treatment and disposal infrastructure to support ongoing sustainable development
- To implement the regional waste management plan.

**4.23** An assessment should also be carried out on the detailed policies which flow from the strategic objectives. These policies will normally be grouped under various topics (housing, transport, etc.) in the draft plan. It is not envisaged, however, that the assessment would extend to specific development control standards. Thus, for example, the assessment would cover a policy objective to regulate parking in city/town centres, but not to the actual parking standards.

### Assessment/Matrix Approach

**4.24** The assessments referred to at paragraph 4.22 and 4.23 above of likely significant effects should be carried out by the plan team as a whole, preferably involving some external specialist advice. The most common approach to demonstrating the results of the assessment is to create a matrix, whereby the plan's development objectives are listed on one axis and the various environmental protection objectives (e.g. biodiversity, etc.) on the other. Potential effects within each box may be categorised as follows:

√	Significant beneficial impact
?	Uncertain impact
X	Significant adverse impact
O	No relationship, or insignificant impact

**4.25** The matrix should also include a column headed "Comments". This could indicate, for example:

- that mitigation measures, or a change in the wording of the development objective, is required; or
- the reasons why precise impacts may be difficult to identify.

Care is needed to ensure that long pages of complex matrices do not dominate the environmental report. The key to the use of matrices is what conclusions are drawn from them.

**4.26** While clearly SEA needs to identify possible significant adverse effects on the environment at an early stage in the plan-making process, the Directive calls for positive effects to be identified as well. Many types of plan include objectives for improving the

environment, such as sewage treatment improvements, the creation of new open spaces and planting, the removal of dereliction, and traffic calming. The beneficial impacts of such objectives should also be identified.

### Significant Effects

**4.27** Significance may be assessed in terms of the type/scale of development envisaged by the plan and the sensitivity/importance of the receiving environment. Such assessment calls for careful judgement, which may best be achieved through a collaborative team effort, involving expert advice where appropriate. An indicative list of indicators of possible environmental impacts is given in Table 7A.

**4.28** The Environmental Report should explain why certain impacts have been considered to be “significant”, or “insignificant”, as the case may be.

**4.29** Where significant (positive or negative) impacts are identified, it may be helpful to indicate whether these effects are likely to occur at the national, regional, or local scale. These different scales are likely to be relevant in the context of devising monitoring measures.

### Cumulative Effects

**4.30** SEA has the potential to assess cumulative effects which the case-by-case approach of project EIA may not be fully equipped to do. For example, the presence of sand-and-gravel deposits within a particular area may result in numerous small-scale quarries, which cumulatively may have potential significant environmental effects on transport, air quality and availability of development land.

Current examples of plans which incorporate an SEA-type assessment include:

- Cork Area Strategic Plan 2002 - 2020 (*sub-regional plan*)
- Cork County Development Plan 2003-2009 (*predominantly rural*)
- Dun Laoghaire-Rathdown Development Plan 2004 - 2010 (*predominantly urban*)

### Measures envisaged to Prevent, Reduce and as fully as possible Offset any Significant Adverse Environmental Effects (See item G in Table 4A)

**4.31** As stated above, environmental considerations should inform all stages of plan preparation, so that by the time the preferred strategy is chosen, the potential for significant adverse effects arising from plan implementation should be minimised. Nonetheless, it is possible that some individual plan objectives will create such effects. For example, new development may create additional demand for water supply in an area where such supply is already scarce. Where the environmental assessment identifies significant adverse effects, consideration should be given in the first instance to preventing such impacts or, where this is not possible for stated reasons, to lessening or offsetting those effects. The environmental authorities may be able to advise on mitigation measures in certain cases.

**4.32** Where the SEA process identifies the potential for significant adverse impacts (even with mitigation measures), consideration needs to be given to future monitoring.

An example of recommended mitigation measures arising from an SEA exercise is to be found in chapter 8 of the SEA of the Dublin Docklands Master Plan, 2003

### Outline of reasons for Selecting Alternatives and Description of how the Assessment was undertaken, including any Difficulties (See item H in Table 4A above)

4.33 There are two separate issues here: (i) selection of alternatives, and (ii) how the assessment was undertaken, including technical problems in compiling the necessary information for the report.

#### Alternatives

4.34 Article 5 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” and the significant environmental effects of the alternatives selected. The higher the level of the plan (such as Regional Planning Guidelines), the more strategic are the options which are likely to be available<sup>1</sup>. Conversely, lower tier plans, such as Local Area Plans, will be framed in a policy context set by the level(s) above them, and strategic options may be limited. However, rational choices need to be made - and demonstrated - at the level of each particular plan. Very often, such choices will focus on location of new development. In relation to location of new residential development, for example, issues to be considered may include:

- How much can be located on brownfield sites?
- 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 (e.g. due to risk of flooding)?
- Does the site selection minimise adverse impacts on heritage?

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<sup>1</sup> See, for example, the treatment of strategic options in the Cork Area Strategic Plan 2002-2020

**4.35** Alternatives must be realistic and capable of implementation, and should represent a range of different approaches within the statutory and operational requirements of the particular plan. Sometimes the preferred strategy will combine elements from the various alternatives considered.

**4.36** Where the particular circumstances of the plan suggest that strategic options are limited (e.g. because of the need to comply with strategic policy established in a higher-level plan), a possible approach is to consider the likely significant environmental impacts of different scenarios around the preferred strategic option. An example might be:

- suppose a city or county Development Plan assumed 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 growth were to be significantly higher or lower than forecast?

### Assessment Methods (including Difficulties)

**4.37** The Environmental Report should include a summary of how the assessment was carried out. Where appropriate, this should include an account of any difficulties encountered in compiling the required information. The latter will be helpful when judging the quality of information, the findings of the assessment and the degree to which they can be relied upon.

**4.38** Data may not be available at the level which is appropriate to the plan, or there may be 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. The SEA Directive requires that such difficulties be acknowledged in the report, so that decision-makers, the environmental authorities and the general public are made aware of such difficulties. However, 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. It should also

be remembered that precise measurements are not always necessary or appropriate: there is a role for qualitative judgements based on experience and expertise.

### **Proposed Monitoring Measures (See item I in Table 4A above)**

**4.39** Article 10 of the SEA Directive requires Member States to monitor the significant environmental effects of the implementation of plans and programmes in order to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action.

**4.40** Schedule 2B(i) of the Planning and Development Regulations 2001 refers to the monitoring measures “envisaged”. The Environmental Report puts forward proposals for monitoring, but these can only be finalised when the plan is being adopted. In selecting such measures, attention should be focused on likely significant effects identified during the environmental assessment under F in Table 4A above. Monitoring is dealt with in more detail in Chapter 7.

### **Non-Technical Summary (See item J in Table 4A above)**

**4.41** The purpose of the non-technical summary is to ensure that the key issues and findings of the Environmental Report will be readily understood by decision-makers and by the general public. Technical jargon should be avoided, as far as possible. The summary should form part of the report, but it might also be published separately with a view to wider dissemination. An overall summary table may be helpful in simplifying the main findings, but care will be needed to ensure that the presentation of any complex issues is not distorted through over-simplification. The non-technical summary should accurately reflect the findings of the Environmental Report.

## Layout of Environmental Report

4.42 The Directive is not prescriptive regarding the layout of the report. However, the following layout of contents is recommended for consideration:

- 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 environmental authorities consulted, etc.)
- Summary of the key objectives of the plan
- Relationship of the plan with other relevant plans and programmes
- Summary of the baseline environment
- SEA objectives and indicators
- Assessment of alternatives, and selection of preferred alternative
- Incorporation of mitigation measures and assessment results into the plan
- Monitoring proposals.

## Quality of Environmental Report

4.43 Article 12(2) of the Directive puts an onus on Member States to ensure that Environmental Reports are of sufficient quality to meet the requirements of the Directive. These guidelines are designed to assist plan-making authorities in meeting that obligation. Authorities could take into account a checklist in a recent EPA Report on SEA methodology\* for reviewing the adequacy of the SEA process in general and the Environmental Report in particular. Where consultants are employed, the consultants should ideally (i) have undergone a qualification in SEA recognised by a Member State of the European Economic Area (EEA) and (ii) have a track record in SEA relating to land use planning.

\* *Environmental Protection Agency/ERM Environmental Resources Management Ireland Ltd. "Development of Strategic Environmental Assessment Methodologies for Plans and Programmes in Ireland: Synthesis Report" (2003) - see Appendix B, SEA Checklist [The fuller Final Report can be downloaded from the EPA website: [www.epa.ie](http://www.epa.ie)]*

## Chapter 5: Consultations on Plan and Environmental Report

**5.1** The SEA Directive makes provision for three main types of consultation on the plan and environmental report

- with the general public (Article 6),
- with prescribed environmental authorities (Article 6), and
- transboundary consultation (Article 7).

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

### Public Participation

**5.2** Public participation has been an important feature of the Irish planning system since the enactment of 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 involvement 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.

### Consultations with Environmental Authorities and the Public

**5.3** Article 6 of the Directive requires that both 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 public” includes organisations and individuals). The Planning and Development (Strategic Environmental Assessment) Regulations 2004 give effect to these consultation requirements by providing that:

- the Environmental Report must be put on public display along with the draft plan, and
- in addition to the draft plan, the Environmental Report must be sent to the prescribed authorities and the environmental authorities; and
- written submissions are invited on the Environmental Report as well as the draft plan.

**5.4** Regional and planning authorities can take a pro-active approach to engaging the public in the SEA process, for example by dedicating part of their websites to SEA information.

### Transboundary Consultations

**5.5** Article 7 of the SEA Directive provides that where a Member State 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 Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the plan is being prepared shall, before its adoption, forward a copy of the draft plan and the associated Environmental Report to the other Member State.

**5.6** Where a Member State is sent a copy of a draft plan and the associated 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 also be discussed.

**5.7** 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*. In addition, they must agree on detailed arrangements to ensure that the prescribed 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.

### Practical Application of Transboundary Requirements

**5.8** The most likely requirement for transboundary consultations will be with the Northern Ireland authorities in the context of the preparation of plans which are likely to have significant cross-border environmental effects. The Department of the Environment, Heritage and Local Government is engaged in consultations with the Northern Ireland authorities on the possible formulation of agreed cross-border consultation procedures. The guidance set out below concerning transboundary consultations will be subject to review in the light of ongoing discussions with the Northern Ireland authorities and practical experience.

### 5.9 Plans in the Republic of Ireland

- **Regional Planning Guidelines (RPGs):** RPGs were adopted for all regions in April/May 2004, are valid for 12 years but will fall due for review in 6 years time. It is anticipated that transboundary consultation should take place with the Northern Ireland authorities on the future reviews of the Border Regional Planning Guidelines and perhaps the Regional Planning Guidelines for the Greater Dublin Area (in the context of the ongoing development of the Dublin-Belfast Corridor).

- **Development Plans**: It is recommended that all Development Plans, which are subject to SEA, in counties contiguous to the border with Northern Ireland should, as a matter of best practice, be subject to transboundary consultation with the Northern Ireland authorities.
- **Variations of Development Plans**: the question as to whether variations of development plans are likely to give rise to significant transboundary environmental effects will be a matter for consideration by the relevant planning authority in the context of case-by-case screening of the need for SEA. It is recommended that, as appropriate, informal consultations in relation to transboundary environmental effects should take place with the Northern Ireland authorities at the screening stage.
- **Local Area Plans (LAPs)**: the question as to whether LAPs are likely to give rise to significant transboundary environmental effects will be a matter for judgement by the relevant planning authority, on a case-by-case basis.
- **Planning Schemes in SDZs**: the question as to whether planning schemes are likely to give rise to significant transboundary environmental effects will be a matter for judgement by the relevant planning authority, on a case-by-case basis.

### Contact Point in Northern Ireland

**5.10** Where consultation is required with the Northern Ireland authorities, all communication/correspondence should be addressed to The Director, Plans and Policy Directorate, Planning Service Headquarters, Millennium House, 19-25 Great Victoria Street, Belfast BT2 7BN; Tel. 04890540540; e-mail pat.quinn@doeni.gov.uk. The Northern Ireland Planning Service, which is an agency of the Department of the Environment, is responsible for preparing Development Plans and for carrying out Strategic Environmental Assessments on these Plans. The Planning Service is currently refining guidance on the implementation of the SEA Directive for Plans and, in liaison with the Department of the Environment, Heritage and Local Government (Dublin), on the procedures for transboundary consultation.

## Timing of Transboundary Consultations

**5.11** With regard to the timing of transboundary consultations, the formal requirement in the Directive and Regulations is that such 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 transboundary consultations should begin as early as possible in the process of plan preparation.

## Consulting the Minister for the Environment, Heritage and Local Government

**5.12** The Planning and Development (Strategic Environmental Assessment) Regulations 2004 provide that, before forwarding a copy of a draft plan and associated environmental report to another Member State, the planning authority must consult with the Minister for the Environment, Heritage and Local Government. Such consultation should be done in the form of a written communication to the Spatial Policy Section, Department of the Environment, Heritage and Local Government, Custom House, Dublin 1. A copy of the draft plan and associated environmental report should accompany the written communication. The primary purpose of this consultation is to provide information to the Department on activity levels in transboundary consultations.

## Timeframe for Completing Consultations

**5.13** Where an authority in another Member State indicates to a plan-making authority that it wishes to enter into consultations on a draft plan, it will be necessary for the plan-making authority to ensure that such consultations are carried out and completed within the statutory timeframes set out in the 2000 Planning Act. For this purpose, 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.

**5.14** In the case of the preparation of a Development Plan for example, section 12(2) of the 2000 Planning Act specifies a minimum period of 10 weeks for public inspection and written submissions or observations. The period selected by the planning authority must be such as to allow the Manager 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 2000 Planning Act). Where transboundary consultations are involved, it will be necessary for the planning authority to seek the co-operation of any transboundary State in ensuring that such consultations, including consultation with environmental authorities and the public in any such State, are completed within the framework of the above-mentioned 22 week period.

**5.15** In the case of transboundary consultations involving a draft plan from another Member State, it will be necessary for a planning or regional authority in receipt of such a plan to co-operate with any such 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.

**5.16** 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 or comment) to the other Member State. It is open to the planning or regional authority to also transmit any independent comments which the authority itself may wish to offer.

## Chapter 6: Adoption of Plan

### Overview

**6.1** 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 and before its adoption.

**6.2** The attention of elected members of the regional or planning authority should be drawn to the fact that the SEA Directive creates this new statutory responsibility.

**6.3** Article 9 of the Directive provides that when a plan is adopted, the environmental authorities, the public, and any relevant transboundary State must be informed, and the following items made available to those so informed:

- the plan as adopted;
- a 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
- monitoring measures.

### SEA Statement

**6.4** The first point to note in relation to the SEA statement required under article 9(1)(b) of the Directive is that it must *summarise* the issues referred to in that provision of the Directive. The SEA statement should therefore *concisely* address these issues. It will be noted that the Directive lists the requirement to provide information on monitoring measures (required under article 9(1)(c)) separate from the requirement to provide the SEA statement.

However, the Planning and Development (Strategic Environmental Assessment) Regulations 2004 require that information on monitoring measures be included in the SEA statement.

### Recommended Format for SEA Statement

6.5 The following format for the SEA statement is recommended:

1. **Summary of how environmental considerations and the Environmental Report were factored into the plan:** This should highlight the main changes to the plan which resulted from consideration of environmental issues and the Environmental Report.
2. **Summary of how submissions/consultations were taken into account:** In the case of SEA of a development plan for example, the Manager's report under section 12(4) or (8) of the 2000 Planning Act should provide the basis for this part of the SEA statement, which should indicate what action (if any) was taken in response to the submissions/consultations.
3. **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 option was selected.
4. **Monitoring measures:** The Environmental Report which will have been made available for public consultation will have included proposals in relation to monitoring of the draft plan. Once monitoring measures have been finalised with the adoption of the plan, and having regard to any relevant submissions/consultation, the statement should include a summary of the measures which will be put in place to monitor the significant environmental effects of implementing the plan.

There may be overlap between some of the headings above, in particular items 1 and 2. For example, consideration of environmental issues may be linked to submissions received as

part of the consultation process, so that the distinction between items 1 and 2 above may not always be appropriate.

### Consideration of Submissions

**6.6** Provision is already made in the 2000 Planning Act for the consideration of submissions made in relation to draft plans e.g. the Manager's report for the elected members under section 12(4) or (8) of the 2000 Act must list the persons or bodies who made submissions, summarise the issues raised, and give the Manager's 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, individual submissions should be identified, e.g. by reference number. Once the SEA-related submissions have been reviewed, a decision has to be made as to whether any of the predictions regarding likely significant environmental effects need to be revised, and, if so, whether any of the proposed policies and objectives in the draft plan should be amended.

**6.7** If changes to the draft plan are needed, the changes should be screened as quickly as possible to see if they themselves would cause any significant environmental effects not previously identified or addressed in the Environmental Report. The screening process should be recorded, including assessment of any likely significant environmental effects. This recording can be done by way of amendment to or separately from the Environmental Report. If there are material changes to the draft plan, this screening documentation should be made available for inspection during the public display of the proposed amendments to the draft plan.

## Chapter 7: Monitoring

### Requirements of the SEA Directive

**7.1** Article 10 of the Directive 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.” Existing monitoring arrangements may be used if appropriate, to avoid duplication of monitoring.

### Purpose of Monitoring

**7.2** The primary purpose of monitoring is to cross-check significant environmental effects which arise during the implementation stage against those predicted during the plan preparation stage.

### Monitoring Arrangements and Methods

**7.3** The SEA Directive leaves considerable flexibility to Member States in deciding how monitoring shall be arranged. Such flexibility is essential because the scope, depth and method of monitoring will depend very much on the type of plan; the likely significant environmental effects of implementing Regional Planning Guidelines, for instance, will be very different from those of Local Area Plans. It is recommended that the arrangements and methods chosen should be those which are best fitted in each case to checking whether the assumptions made in the Environmental Report correspond with the environmental effects arising from implementation of the plan, and to identifying at an early stage unforeseen adverse effects.

**7.4** The Directive acknowledges that monitoring does not necessarily require new research activity; existing sources of information can be used. Nor does the Directive require that each plan be monitored individually; one monitoring arrangement may cover several plans (e.g. a Development Plan and related Local

Area Plans). Where gaps in environmental information are identified during the preparation of the environmental report, monitoring measures over the period of the plan can be geared towards addressing such gaps, where this is practicable.

### Scope of Monitoring

**7.5** Monitoring must be linked to earlier stages in the SEA process, in particular to the environmental objectives and issues identified during the preparation of the Environmental Report. Monitoring should concentrate on the likely *significant* environmental effects, which have been identified in the Environmental Report and the measures identified as necessary to prevent, reduce and offset any significant adverse effects. This enables the plan-making authority to evaluate emerging data with a view to considering the need for appropriate remedial action if monitoring reveals unforeseen adverse effects on the environment. In most cases, it is envisaged that any modifications to a plan will be incorporated in the subsequent periodic review of the plan; only in the most exceptional circumstances would a variation during the lifetime of the plan be warranted.

**7.6** “Unforeseen adverse effects” is taken to refer to shortcomings of forecasts in the Environmental Report (e.g. regarding the predicted intensity of an environmental effect) or unforeseen effects resulting from changes of circumstances, which may affect the validity of certain assumptions in the report.

### Who is Responsible for Monitoring?

**7.7** Plan-making authorities should take responsibility (i) for devising monitoring programmes, (ii) for ensuring that arrangements are in place for the timely collection of monitoring data from all relevant agencies and (iii) for evaluating the results of monitoring or ensuring that any necessary evaluations are carried out.

**7.8** Local authorities already undertake a range of environmental monitoring (see Appendix D - Sources of Environmental Data), some of which may be suitable for SEA purposes. For example,

specific plan-related data is often collected as part of the review of a Development Plan. As is clear from Appendix D, relevant data is also collected by other bodies such as the Environmental Protection Agency (EPA); for example, the EPA carries out biological surveys at some 3,000 sites in rivers, lakes and estuaries on a 3-year cycle to monitor water quality throughout Ireland.

**7.9** However the data is collected, it is essential that arrangements are put in place to ensure that it is given to the team responsible for preparing or reviewing the plan. It will be a matter for the plan-making authority to ensure that, where monitoring data is supplied by other agencies, that data is up-to-date and reliable.

### When does Monitoring take place?

**7.10** The process of monitoring should begin when the plan is adopted and should, in general, continue over the period of the plan. In the case of a development plan for example, sufficient data may be available to enable a preliminary report to be prepared to coincide with the Manager's report to the elected members on the progress achieved in securing Development Plan objectives, within two years of the making of the plan (section 15 of the 2000 Planning Act refers). Otherwise, the results of monitoring can be integrated with the normal review of the plan. For example, the monitoring results could help in the compilation of a revised baseline study, or in the drafting of revised objectives, for the new plan.

### Indicators

**7.11** Monitoring is often based on indicators which measure changes in the environment, especially changes which 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 is relatively easy to understand. Given the disparity in scale between (say) Regional Planning Guidelines and a Local Area Plan for a small town, it is not possible to prescribe a universal set of indicators. An indicative list of

environmental indicators of relevance to planning (both adverse and beneficial impacts) is given in Table 7A below.

**7.12** In selecting appropriate indicators, the plan-making authority might ask the following questions:

1. What do we want to monitor?
2. Why do we want to monitor this topic?
3. How can it be measured?
4. Where can the necessary information be obtained? (e.g. is it already being measured?)
5. At which value of the environmental indicator is intervention needed to avoid significant adverse impacts?

**7.13** The European Environmental Agency has developed a framework which explains the relationship between environmental monitoring and indicators. According to this framework, social and economic development can exert pressure on the environment, which leads to a change in the state of the environment. As a result, impacts on human health and the environment can occur. In order to mitigate or reduce negative impacts, a response is needed. Thus,

**Indicators for driving forces** describe the social, demographic and economic developments in societies and the corresponding changes in lifestyles, etc. Examples include population growth and higher car ownership.

**Pressure indicators** describe developments in the release of substances, physical and biological agents, the use of resources, and the use of land.

**State indicators** give a description of the quantity and quality of physical, biological or chemical phenomena in a certain area (e.g. wildlife resources). In Ireland, the Environmental Protection

Agency regularly publishes “state of the environment” reports, using such indicators.

**Impact indicators** describe the impacts resulting from the driving forces. The use of such indicators is well established in the environmental assessment of projects (EIA).

**Response indicators** refer to responses by government, groups and individuals in society to prevent, compensate, ameliorate or adapt changes in the state of the environment.

As far as possible, both quantitative and qualitative indicators should relate to the environmental baseline study which is the starting point for the preparation of the Environmental Report.

Table 7A: Indicative List of Planning-related Indicators

	Environmental category	Nature of potential impact	Possible indicators
1	Biodiversity, fauna and flora	Loss of, flora, fauna, habitats or biodiversity	<ul style="list-style-type: none"> <li>• Known Loss</li> </ul>
2	Population and human health	<ul style="list-style-type: none"> <li>• Risk of serious accident</li> <li>• Air pollution</li> <li>• Water (especially drinking water) pollution</li> <li>• Noise</li> </ul>	<ul style="list-style-type: none"> <li>• Estimated reduction in road accidents arising from safer road design/ works</li> <li>• No./severity of recorded water or air pollution incidents</li> <li>• Recorded traffic or industrial process noise levels</li> </ul>
3	Soil	<ul style="list-style-type: none"> <li>• Consumption of non-renewable mineral resources</li> </ul>	<ul style="list-style-type: none"> <li>• Increase in reuse/recycling of construction and demolition (C&amp;D) waste</li> </ul>
4	Water	<ul style="list-style-type: none"> <li>• Pollution of ground waters, surface waters, estuary and sea waters</li> <li>• Consumption or loss of water supplies</li> </ul>	<ul style="list-style-type: none"> <li>• Water pollution measurements</li> <li>• Estimated levels of water supply and waste water infrastructure required to serve new development</li> <li>• Reduction in estimated loss of water supply by repair/renewal of old pipe networks</li> </ul>
5	Air and climatic Factors	<ul style="list-style-type: none"> <li>• Air pollution (local)</li> <li>• Greenhouse gas emissions (national)</li> </ul>	<ul style="list-style-type: none"> <li>• Traffic volumes/modal split</li> <li>• % of new development within public transport corridors</li> <li>• Amount of national/local energy generated from renewable sources</li> </ul>
6	Material Assets	<ul style="list-style-type: none"> <li>• Flood risk</li> </ul>	<ul style="list-style-type: none"> <li>• Recorded flooding episodes</li> </ul>
7	Cultural heritage	<ul style="list-style-type: none"> <li>• Damage to or loss of protected sites or structures</li> </ul>	<ul style="list-style-type: none"> <li>• Known loss of such sites or structures</li> </ul>
8	Landscape	<ul style="list-style-type: none"> <li>• Developments in sensitive landscapes</li> </ul>	<ul style="list-style-type: none"> <li>• Scale of such development</li> </ul>

### Possible Additional Guidance

**7.14** It will take a number of years of implementation of the SEA Directive by EU Member States before experience is built up in monitoring the environmental effects resulting from the implementation of plans. The Directive allows for considerable flexibility in tailoring monitoring arrangements to the nature of different types of plans, and it is to be expected that there will be a degree of experimentation in the early years of implementing the Directive. While there is a substantial amount of environmental data available at national level, it will not always be possible to link changes in the environment to the implementation of particular plans. The Department will liaise with regional and planning authorities with regard to monitoring, and may issue additional guidance at a later date based on emerging best practice and experience.

## Appendix A

### 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

THE EUROPEAN PARLIAMENT AND THE COUNCIL  
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the Opinion of the Economic and Social Committee<sup>2</sup>,

Having regard to the opinion of the Committee of the Regions<sup>3</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>4</sup>, in the light of the joint text approved by the Conciliation Committee on 21 March 2001,

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<sup>1</sup> OJ C 129, 25.4.1997, p. 14 and OJ C 83, 25.3.1999, p. 13.

<sup>2</sup> OJ C 287, 22.9.1997, p. 101.

<sup>3</sup> OJ C 64, 27.2.1998, p. 63 and OJ C 374, 23.12.1999, p. 9.

<sup>4</sup> Opinion of the European Parliament of 20 October 1998 (OJ C 341, 9.11.1998, p. 18), confirmed on 16 September 1999 (OJ C 54, 25.2.2000, p. 76), Council Common Position of 30 March 2000 (OJ C 137, 16.5.2000, p. 11) and Decision of the European Parliament of 6 September 2000 (OJ C 135, 7.5.2001, p. 155). Decision of the European Parliament of 31 May 2001 and Decision of the Council of 5 June 2001.

Whereas:

- (1) Article 174 of the Treaty provides that Community policy on the environment is to contribute to, inter alia, the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilisation of natural resources and that it is to be based on the precautionary principle. Article 6 of the Treaty provides that environmental protection requirements are to be integrated into the definition of Community policies and activities, in particular with a view to promoting sustainable development.
- (2) The Fifth Environment Action Programme: Towards sustainability – A European Community programme of policy and action in relation to the environment and sustainable development<sup>1</sup>, supplemented by Council Decision No. 2179/98/EC<sup>2</sup> on its review, affirms the importance of assessing the likely environmental effects of plans and programmes.
- (3) The Convention on Biological Diversity requires Parties to integrate as far as possible and as appropriate the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans and programmes.
- (4) Environmental assessment is an important tool for integrating environmental considerations into the preparation and adoption of certain plans and programmes which are likely to have significant effects on the environment in the Member States, because it ensures that such effects of implementing plans and programmes are taken into account during their preparation and before their adoption.

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<sup>1</sup> OJ C 138, 17. 5.1993, p. 5.

<sup>2</sup> OJ L 275, 10.10.1998, p. 1.

- (5) The adoption of environmental assessment procedures at the planning and programming level should benefit undertakings by providing a more consistent framework in which to operate by the inclusion of the relevant environmental information into decision-making. The inclusion of a wider set of factors in decision-making should contribute to more sustainable and effective solutions.
- (6) The different environmental assessment systems operating within Member States should contain a set of common procedural requirements necessary to contribute to a high level of protection of the environment.
- (7) The United Nations/Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991, which applies to both Member States and other States, encourages the parties to the Convention to apply its principles to plans and programmes as well; at the second meeting of the Parties to the Convention in Sofia on 26 and 27 February 2001, it was decided to prepare a legally binding protocol on strategic environmental assessment which would supplement the existing provisions on environmental impact assessment in a transboundary context, with a view to its possible adoption on the occasion of the 5th Ministerial Conference "Environment for Europe" at an extraordinary meeting of the Parties to the Convention, scheduled for May 2003 in Kiev, Ukraine. The systems operating within the Community for environmental assessment of plans and programmes should ensure that there are adequate transboundary consultations where the implementation of a plan or programme being prepared in one Member State is likely to have significant effects on the environment of another Member State. The information on plans and programmes having significant effects on the environment of other States should be forwarded on a reciprocal and equivalent basis within an appropriate legal framework between Member States and these other States.

- (8) Action is therefore required at Community level to lay down a minimum environmental assessment framework, which would set out the broad principles of the environmental assessment system and leave the details to the Member States, having regard to the principle of subsidiarity. Action by the Community should not go beyond what is necessary to achieve the objectives set out in the Treaty.
- (9) This Directive is of a procedural nature, and its requirements should either be integrated into existing procedures in Member States or incorporated in specifically established procedures. With a view to avoiding duplication of the assessment, Member States should take account, where appropriate, of the fact that assessments will be carried out at different levels of a hierarchy of plans and programmes.
- (10) All plans and programmes which are prepared for a number of sectors and which set a framework for future development consent of projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment<sup>1</sup>, and all plans and programmes which have been determined to require assessment pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna<sup>2</sup>, are likely to have significant effects on the environment, and should as a rule be made subject to systematic environmental assessment. When they determine the use of small areas at local level or are minor modifications to the above plans or programmes, they should be assessed only where Member States determine that they are likely to have significant effects on the environment.

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<sup>1</sup> OJ L 175, 5.7.1985, p. 40. Directive as amended by Directive 97/11/EC (OJ L 73, 14.3.1997, p. 5).

<sup>2</sup> OJ L 206, 22.7.1992, p. 7. Directive as last amended by Directive 97/62/EC (OJ L 305, 8.11.1997, p. 42).

- (11) Other plans and programmes which set the framework for future development consent of projects may not have significant effects on the environment in all cases and should be assessed only where Member States determine that they are likely to have such effects.
- (12) When Member States make such determinations, they should take into account the relevant criteria set out in this Directive.
- (13) Some plans or programmes are not subject to this Directive because of their particular characteristics.
- (14) Where an assessment is required by this Directive, an environmental report should be prepared containing relevant information as set out in this Directive, identifying, describing and evaluating the likely significant environmental effects of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme; Member States should communicate to the Commission any measures they take concerning the quality of environmental reports.
- (15) In order to contribute to more transparent decision-making and with the aim of ensuring that the information supplied for the assessment is comprehensive and reliable, it is necessary to provide that authorities with relevant environmental responsibilities and the public are to be consulted during the assessment of plans and programmes, and that appropriate time frames are set, allowing sufficient time for consultations, including the expression of opinion.
- (16) Where the implementation of a plan or programme prepared in one Member State is likely to have a significant effect on the environment of other Member States, provision should be made for the Member States concerned to enter into consultations and for the relevant authorities and the public to be informed and enabled to express their opinion.

- (17) The environmental report and the opinions expressed by the relevant authorities and the public, as well as the results of any transboundary consultation, should be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.
- (18) Member States should ensure that, when a plan or programme is adopted, the relevant authorities and the public are informed and relevant information is made available to them.
- (19) Where the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, such as Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds<sup>1</sup>, Directive 92/43/EEC, or Directive 2000/60/EC of the European Parliament and the Council of 23 October 2000 establishing a framework for Community action in the field of water policy<sup>2</sup>, in order to avoid duplication of the assessment, Member States may provide for coordinated or joint procedures fulfilling the requirements of the relevant Community legislation.
- (20) A first report on the application and effectiveness of this Directive should be carried out by the Commission five years after its entry into force, and at seven-year intervals thereafter. With a view to further integrating environmental protection requirements, and taking into account the experience acquired, the first report should, if appropriate, be accompanied by proposals for amendment of this Directive, in particular as regards the possibility of extending its scope to other areas/sectors and other types of plans and programmes,

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<sup>1</sup> OJ L 103, 25.4.1979, p. 1. Directive as last amended by Directive 97/49/EC (OJ L 223, 13.8.1997, p. 9).

<sup>2</sup> OJ L 327, 22.12.2000, p. 1.

**HAVE ADOPTED THIS DIRECTIVE:****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,
  - (a) 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
  - (b) 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<sup>1</sup> for Council Regulations (EC) No 1260/1999<sup>2</sup> and (EC) No 1257/1999<sup>3</sup>.

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<sup>1</sup> The 2000-2006 programming period for Council Regulation (EC) No 1260/99 and the 2000-2006 and 2000-2007 programming periods for Council Regulation (EC) No 1257/99

<sup>2</sup> Council Regulation (EC) No 1260/99 of 21 June 1999 laying down general provisions on the Structural Funds (OJ L 161, 26.6.1999, p. 1.)

<sup>3</sup> Council Regulation (EC) No 1257/99 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain regulations (OJ L 160, 26.6.1999, p. 80.)

## 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.

*For the European Parliament*  
*The President*  
N. FONTAINE

*For the Council*  
*The President*  
B. ROSENGREN

## 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<sup>1</sup> 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.

## 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

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<sup>1</sup> These effects should include secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects.

- 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 (e.g. 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 (e.g. 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

## INTEGRATION OF SEA WITH THE 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	<ul style="list-style-type: none"> <li>Data collection</li> <li>Preparation of Working Papers/Issues Paper for Planning and Development Strategic Policy Committee</li> </ul>	<ul style="list-style-type: none"> <li>Identification of relevant national and international environmental protection objectives</li> <li>Baseline environmental study</li> <li>Estimate of future environmental conditions in the absence of a new plan</li> </ul>
B	Weeks 1-16 of the statutory period	<ul style="list-style-type: none"> <li>Notification of intention to prepare / review Development Plan</li> <li>Initial public consultation process</li> </ul>	<ul style="list-style-type: none"> <li>Scoping of Environmental Report with prescribed environmental authorities</li> <li>Further data collection</li> </ul>
C	Weeks 16-38	<ul style="list-style-type: none"> <li>Manager prepares report on the outcome of the initial consultations</li> <li>Members may issue directions re draft plan</li> <li>Preparation of draft plan</li> </ul>	<ul style="list-style-type: none"> <li>Identification and environmental appraisal of strategic development options</li> <li>Detailed environmental assessment of preferred alternative</li> <li>Modification of preferred strategy (if needed) to avoid / reduce significant adverse effects</li> <li>Preparation of Environmental Report</li> </ul>
D	Weeks 38-48	<ul style="list-style-type: none"> <li>Manager submits draft plan to Council</li> <li>Members decide if any amendments to draft should be made</li> </ul>	<ul style="list-style-type: none"> <li>Members consider Environmental Report</li> <li>Report may have to be modified if there are any major changes to the draft plan</li> </ul>

# Planning Guidelines

# Planning Guidelines

Stage Period	Development Plan process	SEA process
E Weeks 48-58	<ul style="list-style-type: none"> <li>Public and statutory consultees may make written submissions on draft plan during the 10-week display period</li> </ul>	<ul style="list-style-type: none"> <li>Public and environmental authorities may make written submissions on the Environmental Report / draft plan</li> <li>Transboundary consultations [if needed]</li> </ul>
F Weeks 58-85	<ul style="list-style-type: none"> <li>Manager reports to Council on submissions</li> <li>Members consider report and decide whether to adopt draft plan [Stage J, below] or to amend it</li> </ul>	<ul style="list-style-type: none"> <li>Manager reports to Council on submissions</li> <li>Members consider report and decide whether to adopt the draft plan or to amend it</li> <li>Environmental Report may have to be modified if material amendments are proposed</li> </ul>
G Weeks 85-89	<ul style="list-style-type: none"> <li>Public and statutory consultees may make written submissions on material amendment(s) to draft plan during 4-week display period</li> </ul>	<ul style="list-style-type: none"> <li>Public and environmental authorities may make written submissions on any likely significant environmental effects of material amendment(s)</li> <li>Further transboundary consultation [if needed]</li> </ul>
H Weeks 89-99	<ul style="list-style-type: none"> <li>Manager reports to Council on submissions</li> <li>Members consider report and decide whether to adopt or omit material amendment(s)</li> </ul>	<ul style="list-style-type: none"> <li>Manager reports to Council on submissions received</li> </ul>
I Weeks 99-104	<ul style="list-style-type: none"> <li>Members adopt draft plan</li> </ul>	<ul style="list-style-type: none"> <li>Public is informed of the decision, of the reasons why the preferred strategy was adopted, and of how consultations were taken into account</li> <li>Details of proposed monitoring measures published</li> </ul>
J Weeks 104-108	<ul style="list-style-type: none"> <li>New plan comes into operation</li> </ul>	<ul style="list-style-type: none"> <li>Commencement of monitoring</li> </ul>

## Appendix C

**Checklist of Policy Documents, Strategies, Guidelines, Directives, Conventions, etc which are relevant to the Setting of Environmental Protection Objectives [Schedule 2B(e) of the Planning and Development Regulations 2001 refers]**

### **National:**

- **The National Spatial Strategy (2002)** ([www.irishspatialplanning.ie](http://www.irishspatialplanning.ie)) is based on the principles of sustainable development, and includes policies on environmental quality (e.g. chapter 5.5).
- **Sustainable Development: A Strategy for Ireland (1997)** ([www.environ.ie](http://www.environ.ie)) is a useful compilation of sectoral objectives, many of which are of potential relevance to land-use planning.
- **Making Ireland's Development Sustainable: Review, assessment and future action (2002)** ([www.environ.ie](http://www.environ.ie)) contained a review of Ireland's 1997 Strategy for Sustainable Development and was published in advance of the World Summit on Sustainable Development in Johannesburg in 2002. It also included details of *Principles for Sustainable Development (2002)* ([www.comhar-nsdp.ie](http://www.comhar-nsdp.ie)) prepared by Comhar - the National Sustainable Development Partnership - which seeks to make sustainable development more relevant and practical in an Irish context.
- **National Climate Change Strategy (2000)** ([www.environ.ie](http://www.environ.ie)): Under the Kyoto Protocol, the overall EU target is to reduce greenhouse gas emissions by 8% (from 1990 levels) by 2012. Within this target, an EU burden-sharing agreement in 1998 recognised differing circumstances in Member States. This agreement allows Ireland an emissions target of +13% on 1990 levels. The Strategy provides an integrated, co-ordinated framework for achieving the national target.

- **Discussion Paper - Strategy to Reduce Emissions of Transboundary Air Pollution by 2010 (2003)** (www.environ.ie): This paper sets out the background to national emission ceilings for certain air pollutants to be achieved by 2010, and current, planned and potential measures to achieve these ceilings.
- **National Biodiversity Plan (2002)** (www.environ.ie): This Plan, prepared in response to the UN Convention on Biological Diversity (see below), covers the three levels at which biodiversity may be considered, namely ecosystem diversity, species diversity and genetic diversity. The overall objective is to secure the conservation, including where possible the enhancement, and sustainable use of biological diversity in Ireland and to contribute to conservation and sustainable use of biodiversity globally.
- **National Heritage Plan (2002)** (www.npws.ie): In relation to heritage generally, this Plan forms the basis of a co-ordinated strategic approach to the protection and management of heritage up to 2007.
- **Framework and Principles for the Protection of the Archaeological Heritage (1999)** (www.environ.ie): This policy document seeks to ensure compliance with the 1992 European Convention on the Protection of the Archaeological Heritage (see below) by setting out the archaeological policies and principles which all public bodies should apply when undertaking or authorising development.
- **Changing Our Ways (1998)** (www.environ.ie): This policy statement provides a national policy framework for the adoption and implementation of strategic waste management plans, under which specific national objectives and targets would be attained.
- **Preventing and Recycling Waste: Delivering Change (2002)** (www.environ.ie): Building on “Changing Our Ways”, this policy statement provides for a range of actions to be taken

in order to achieve the Government's policy objectives for the prevention of waste and for the re-use and recycling of waste that is produced.

- **Taking Stock and Moving Forward (2004)** (www.environ.ie): The objective of this policy statement is two-fold: firstly it reviews progress that has been made in implementing the regional Waste Management Plans and secondly, it outlines a programme of “key points” to drive future implementation of those plans.
- **National Development Plan (NDP) 2000-2006 (1999)** (www.ndp.ie): The NDP is designed to strengthen and improve on Ireland’s international competitiveness in order to support continued, but more balanced, economic and social development. Its specific objectives are continuing sustainable national economic and employment growth; consolidating and improving Ireland's international competitiveness; fostering balanced regional development; and promoting social inclusion. The Plan is delivered through six operational programmes (OPs) - the Economic and Social Infrastructure OP; the Productive Sector OP; the Investment in Employment and Human Resources Development OP; two Regional OPs; and the PEACE Programme.
- **Managing Ireland's Rivers and Lakes: A Catchment-Based Strategy Against Pollution (1997)**: This document sets out a strategy to protect water quality against pollution by phosphorus from all sources.
- **Guidelines for Planning Authorities:**
  - **Wind Farm Developments (revised consultation draft - August 2004)** (www.environ.ie): Under the Kyoto Protocol, the EU is committed to reducing greenhouse gas emissions. By replacing carbon-based fuels in electricity generation, wind power can help limit CO<sub>2</sub> and other emissions associated with the generation of electricity. Ireland has one of the richest wind energy resources in Europe. Development Plans should

include acceptance of the importance of wind energy as a renewable energy source when carried out in an environmentally acceptable manner.

- **Residential Density (1999)** ([www.environ.ie](http://www.environ.ie)): In general, increased densities should be encouraged, particularly in town and city centres, “brownfield” sites, inner suburban/infill sites, outer suburban/ “greenfield” sites, institutional lands, and in towns and villages, subject to appropriate design criteria.
- **Retail Planning (2000)** ([www.environ.ie](http://www.environ.ie)): Policy objectives include:
  - promoting forms of development which are easily accessible, particularly by public transport
  - supporting the continuing role of town and district centres.
- **Sustainable Rural Housing (consultation draft - March 2004)** ([www.environ.ie](http://www.environ.ie)): Subject to good planning practice, people with rural links are to be favoured for planning, as will any applicant applying for permission in an area suffering from population decline. Applicants for housing in rural areas must meet normal planning requirements in relation to matters such as the proper disposal of waste water and road safety. The guidelines also include recommendations concerning site selection and design of rural houses.
- **Telecommunications Antennae and Support Structures (1996)**. The Guidelines set out a locational hierarchy in relation to the siting of radio masts; only as a last resort, and if all the alternatives are either unavailable or unsuitable, should free-standing masts be located in a residential area or beside schools. Furthermore, only as a last resort should masts be located within or near small towns and villages; in the vicinity of large towns or city suburbs, developers

should strive to locate masts in industrial estates or industrial zoned land. The Guidelines are available by e-mail ([planning@environ.ie](mailto:planning@environ.ie)).

- **Quarries and Ancillary Activities (2004)**

([www.environ.ie](http://www.environ.ie)): The guidelines were published at the same time as the commencement of section 261 of the Planning and Development Act 2000, which introduces a once-off system of registration for quarries, except those for which planning permission was granted in the last 5 years. Under the registration system, quarry operators must supply full details of their operations to the relevant planning authority, by 27 April 2005. The guidelines offer guidance to planning authorities on making provision for the aggregates industry through the development plan and on applying the highest planning and environmental standards to applications for planning permission for quarrying activities. They are also intended as a practical guide to the implementation of section 261 of the Planning and Development Act 2000.

**European:**

- **EU Habitats Directive (92/43/EEC)** transposed into Irish law by the EU (Natural Habitats) Regulations 1997 (S.I. No. 94 of 1997). The Directive lists certain habitats and species that must be given protection in Special Areas of Conservation (SACs). Irish habitats include raised bogs, active blanket bogs, turloughs, sand dunes, machair (flat sandy plains on the north and west coasts), heaths, lakes, rivers, woodlands, estuaries and sea inlets.
- **EU Birds Directive (79/409/EEC)** The Directive, transposed into Irish law through the EU (Natural Habitats) Regulations 1997 (S.I. No. 94 of 1997), requires the designation of Special Protection Areas (SPAs) for:

- (a) listed rare and vulnerable species (such as whooper swan)
- (b) regularly occurring migratory species (such as ducks and geese)
- (c) wetlands, especially those of international importance, which attract large numbers of migratory birds each year.

SACs and SPAs collectively form part of “Natura 2000,” a network of protected areas throughout the EU.

- **EU Water Framework Directive (2000/60/EC)**  
([www.wfdireland.ie](http://www.wfdireland.ie)) aims to prevent any deterioration in the status of any waters and to achieve at least “good status” in all waters by 2015. The Directive is transposed into Irish law mainly by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003). These Regulations require in respect of each River Basin District (at Article 12) the establishment, by 22 June 2009, by the relevant local authorities of environmental objectives and a programme of measures to meet those objectives and (at Article 13) the making of a River Basin Management Plan. The environmental objectives and the programme of measures must, *inter alia*, include appropriate measures to give effect to, and achieve the objectives of, Directives such as the Bathing Water Directive (76/160/EEC), the Birds Directive (79/409/EEC), the Groundwater Directive (80/68/EEC), the Drinking Water Directives (80/778/EEC and 98/82/EC), the Sewage Sludge in Agriculture Directive (86/278/EEC), the Nitrates Directive (91/676/EEC), the Major Accident (Seveso) Directive (96/82/EC) [see Annex VI of Water Framework Directive for the full list].
- **EU Urban Waste Water Treatment Directive (91/271/EEC)**  
sets target dates for the provision of specified levels of waste water collection and treatment facilities to specified sizes of agglomeration.

- **EU Nitrates Directive (91/676/EEC)** requires an action programme with binding measures to protect waters against pollution by nitrates.
- **European Convention on the Protection of the Archaeological Heritage (1992)**: This establishes standards for the protection of the archaeological heritage. The Convention, which was ratified by Ireland in 1997, requires that appropriate consideration be given to archaeological issues at all stages of the planning and development process.
- **Granada Convention for the protection of the Architectural Heritage of Europe (1985)**: The Convention, which was ratified by Ireland in 1997, established common principles and obligations regarding identification of properties and the implementation of statutory protection procedures (such as those in Part IV of the 2000 Planning Act).
- **European Landscape Convention (2000)**: The Convention, which was ratified by Ireland in 2002, encourages public authorities to adopt policies at local, national and international level to protect and manage landscapes throughout Europe.

#### **International:**

- **Agenda 21 (1992)**: This was the main product of the UN Conference on Environment and Development held in Rio de Janeiro in 1992, which endorsed the concept of sustainable development. This required, inter alia, that environmental protection should constitute an integral part of the development process; the precautionary approach should be applied; that public access to environmental information and participation in decision-making should be facilitated; and that EIA should be undertaken for activities likely to have a significant environmental impact. **Local Agenda 21** aims to promote sustainable development at local and regional level.
- **Kyoto Protocol (1997)**: The Protocol commits the developed world to begin taking real action to combat climate change.

Industrialised countries have agreed legally binding targets to reduce their combined greenhouse gas emissions by at least 5% (compared to 1990 levels) by 2012. See **National Climate Change Strategy** above for Ireland's target.

- **Johannesburg Plan of Implementation (2002)** contains programmes of actions adopted at the World Summit on Sustainable Development in 2002.
- **UN Convention on Biological Diversity (1992)**: Ireland ratified the Convention in 1996, and has prepared a National Biodiversity Plan (see above) to reflect its requirements.
- **OSPAR Convention (1992)**: The Convention (which was ratified by Ireland in 1997) for the protection of the marine environment of the north-east Atlantic provides a comprehensive environmental protection regime, including all Irish coastal waters. All possible steps must be taken to prevent and eliminate pollution of the marine environment, including pollution from land-based activities.
- **ESPOO Convention (1991)**: The Convention (which was ratified by Ireland in 2002) aims to improve international co-operation in assessing the environmental impact of proposed major developments, where these developments are likely to have environmental effects in more than one State.
- **Protocol on Strategic Environmental Assessment (SEA) (2003)**: This Protocol to the Espoo Convention was signed by Ireland at the 5th Ministerial "Environment for Europe" Conference in Kiev in May 2003. It aims to provide for a high level of protection of the environment by ensuring that environmental considerations are taken into account in the development of plans and programmes.

## Appendix D

### Sources of Environmental Data

#### 1. General

EPA, "Ireland's Environment, 2004" ([www.epa.ie](http://www.epa.ie))

EPA, "Environment in focus 2002: Key environmental indicators for Ireland" (2002) ([www.epa.ie](http://www.epa.ie));

OECD, "Environmental Performance Review: Ireland" (2000)([www.oecd.org](http://www.oecd.org))

#### 2. Biodiversity, fauna and flora

Data	Sources
<ul style="list-style-type: none"> <li>Special Areas of Conservation; Natural Heritage Areas; Special Protection Areas; Nature Reserves; National Parks</li> <li>Research on threatened birds and their habitats</li> </ul>	<ul style="list-style-type: none"> <li>Department of the Environment, Heritage and Local Government (<a href="http://www.environ.ie">www.environ.ie</a>)</li> </ul>
<ul style="list-style-type: none"> <li>RAMSAR sites (internationally important wetlands)</li> </ul>	<ul style="list-style-type: none"> <li><a href="http://www.ramsar.org">www.ramsar.org</a></li> </ul>
<ul style="list-style-type: none"> <li>UNESCO Biosphere Reserves</li> </ul>	<ul style="list-style-type: none"> <li>Ireland's two Reserves are Killarney National Park and North Bull Island, County Dublin (<a href="http://www.unesco.org">www.unesco.org</a>)</li> </ul>
<ul style="list-style-type: none"> <li>Forest cover</li> </ul>	<ul style="list-style-type: none"> <li>Forest Service (<a href="http://www.agriculture.gov.ie">www.agriculture.gov.ie</a>)</li> </ul>
<ul style="list-style-type: none"> <li>General</li> </ul>	<ul style="list-style-type: none"> <li>Environmental Impact Statements (ENFO: e-mail: <a href="mailto:info@enfo.ie">info@enfo.ie</a>)</li> </ul>

## 3. Population and human health

Data	Sources
Demographic Data	Census of Population ( <a href="http://www.cso.ie">www.cso.ie</a> )
Seveso II sites	Development Plan maps; Health and Safety Authority ( <a href="http://www.hsa.ie">www.hsa.ie</a> )
Traffic counts	National Roads Authority ( <a href="http://www.nra.ie">www.nra.ie</a> ); local authorities

**Note:** For health, see also under soil, water and air/climate factors

## 4. Soil

Data	Sources
Classification of soils	National Soil Survey of Ireland ( <a href="http://www.teagasc.ie">www.teagasc.ie</a> )
Contaminated soils	Environmental Impact Statements (ENFO: e-mail: <a href="mailto:info@enfo.ie">info@enfo.ie</a> )/site investigation data

## 5. Water

Data	Sources
River water quality; lake water quality; drinking water quality; groundwater quality; bathing water quality	Environmental Protection Agency ( <a href="http://www.epa.ie">www.epa.ie</a> ); The EPA publishes regular reports on water quality monitoring and publishes regular reports on urban waste water discharges and on drinking water quality.  Local authorities with “Blue Flag” beaches;  ENFO Briefing Sheets ( <a href="http://www.enfo.ie">www.enfo.ie</a> )
Urban waste water treatment	Local authorities
Aquifer/groundwater protection schemes	Geological Survey of Ireland ( <a href="http://www.gsi.ie">www.gsi.ie</a> )

## 6. Air and climate factors

Data	Sources
<ul style="list-style-type: none"> <li>Emissions of greenhouse gases; sulphur dioxide; nitrogen oxides; carbon monoxide; volatile organic compounds; airborne particulate matter (PM10); smoke concentrations in urban areas.</li> </ul>	<ul style="list-style-type: none"> <li>Environmental Protection Agency (<a href="http://www.epa.ie">www.epa.ie</a>). The EPA publishes annual air quality monitoring reports. Certain urban local authorities carry out air quality monitoring.</li> </ul>

## 7. Material assets and cultural heritage

Data	Sources
<ul style="list-style-type: none"> <li>Record of protected structures (RPS) and Architectural Conservation Areas</li> <li>Heritage Plans</li> <li>Heritage Appraisals of Development Plans</li> <li>National Inventory of Architectural Heritage (NIAH): <ul style="list-style-type: none"> <li>(a) Town Surveys</li> <li>(b) Interim County Surveys</li> </ul> </li> <li>Record of Monuments and Places (RMP): sites protected under the National Monuments (Amendment) Act, 1994</li> <li>Archaeological County Inventory Series and survey of megalithic tombs</li> <li>Data on residential / commercial / industrial development</li> <li>Specific heritage data</li> </ul>	<ul style="list-style-type: none"> <li>Development Plans</li> <li>City/County Councils</li> <li>Planning authorities/Heritage Council</li> <li>Local authority offices and public libraries</li> <li>Local authority offices, public libraries and Teagasc offices. RMP data is also available on: <a href="http://www.heritagedata.ie">www.heritagedata.ie</a></li> <li>Available for consultation in public libraries or for purchase from the Government Publications Sales Office, Molesworth Street, Dublin 2</li> <li>Planning authorities / Environmental Impact Statements (ENFO: e-mail: <a href="mailto:info@enfo.ie">info@enfo.ie</a>)</li> <li>Local amenity/local history groups</li> </ul>

**Note:**

*Databases on the "heritage data" website require users to have a database of their own to access the data. In addition, the map information contained in the Arcinfo export files requires Geographical Information System software to operate.*

## 8. Landscape

Data	Sources
<ul style="list-style-type: none"> <li>• Landscape character assessments</li> <li>• Landscape Conservation Areas</li> <li>• Tree Preservation Orders</li> <li>• Forest cover/ Indicative Forest Strategies</li> </ul>	<ul style="list-style-type: none"> <li>• Development Plans</li> <li>• Planning authorities</li> <li>• Planning authorities</li> <li>• Forest Service (<a href="http://www.agriculture.gov.ie">www.agriculture.gov.ie</a>)</li> </ul>

**Note:**

*The Department of the Environment, Heritage and Local Government is not responsible for the contents of any of the websites listed above, other than its own (including ENFO).*

## Appendix E

### Further Reading

“Development of Strategic Environmental Assessment Methodologies for Plans and Programmes in Ireland: Synthesis Report” (2003) Environmental Protection Agency/ERM Ireland Ltd. [The fuller Final Report can be downloaded from the EPA website: [www.epa.ie](http://www.epa.ie)]

“Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment” (September 2003) European Commission. [www.europa.eu.int/comm/environment](http://www.europa.eu.int/comm/environment)

“Heritage appraisal of Development Plans: A methodology for planning authorities” (2000) Heritage Council. [www.heritagecouncil.ie](http://www.heritagecouncil.ie)

“A Draft Practical Guide to the Strategic Environmental Assessment Directive” (July 2004) Office of the Deputy Prime Minister (UK). [www.odpm.gov.uk](http://www.odpm.gov.uk)