



3rd Cycle RBMP SEA Scoping Submissions,  
Water Advisory Unit,  
Department of Housing, Local Government, and Heritage  
Newtown Road,  
Wexford  
Y35 AP90

Regional Inspectorate,  
Inniscarra,  
County Cork, Ireland  
Cigireacht Réigiúnach, Inis Cara  
Chontae Chorcaí, Éire  
T: +353 21 487 5540  
F: +353 21 487 5545  
E: info@epa.ie  
W: www.epa.ie  
LoCall: 1890 33 55 99

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Our Ref: SCP210403.1

### **Re. SEA Scoping for 3<sup>rd</sup> Cycle of the River Basin Management Plan 2022-2027**

Dear Ms O'Neill,

We acknowledge your notice, dated the 13<sup>th</sup> April 2021, in relation to the Strategic Environmental Assessment (SEA) Scoping Report for the 3<sup>rd</sup> Cycle of the River Basin Management Plan 2022-2027 (the 'Plan'). Our submission highlights several important environmental issues to consider in preparing the Plan and the SEA environmental report. The EPA may provide additional comments upon receipt of the SEA environmental report and the Plan at the next stage of the SEA process. The appendices to this letter include responses to the questions posed in the scoping report.

The EPA is one of the statutory environmental authorities under the SEA Regulations. In our role as an SEA environmental authority, we focus on promoting the full and transparent integration of the findings of the Environmental Assessment into the Plan and advocating that the key environmental challenges for Ireland are addressed as relevant and appropriate to the plan. Our functions as an SEA environmental authority do not include approving or enforcing SEAs or plans.

Where we provide specific comments on plans and programmes, our comments will focus on the EPA's remit and areas of expertise (in particular, water, air, climate change, waste, resource efficiency, noise, radon and the inter-relationships between these and other relevant topics e.g. biodiversity), as appropriate and relevant to the particular plan or programme.

Appendix I of this submission provides responses to the questions posed in the Scoping Report., while Appendix II includes additional comments to take into account in preparing the SEA.

The EPA set out the key issues to be addressed in the 3<sup>rd</sup> River Basin Management Plan in our earlier submission on the Significant Water Management Issues in Ireland (SWMI) Public Consultation Document, issued on the 8<sup>th</sup> August 2020 and attached for reference purposes.

We are failing to prevent the further deterioration of our waters and we now face significant challenges to achieve good water quality status and meet the necessary water quality targets. Specific actions and increased attention are needed for certain activities impacting significantly on our waters in order to halt and reverse this deterioration. We need to protect our waters



against a range of human activities that cause water pollution and affect the physical integrity of water bodies and habitats. These human activities, together with climate change, continue to threaten the quality and availability of water. Protecting our freshwater resources also protects the marine waters that our rivers flow into. Some of these activities include agricultural nutrient and land management, drainage activities and provision of appropriate wastewater treatment infrastructure. Progressing these actions needs to be supported by the relevant monitoring and reporting mechanisms.

We are continuing to see a persistent decline in the highest quality waters and an increase in the number of most polluted rivers. Many of Ireland's protected water habitats also have unfavourable conservation status as a result of declining water quality.

The most significant pressures, in terms of the number of water bodies at risk of not achieving good status, were agriculture (53% of water bodies at risk), hydromorphology (i.e. change in the shape and flow of water bodies due to physical alterations: 24%), urban wastewater (20%) and forestry (16%).

In terms of high-level recommendations to consider during the 3<sup>rd</sup> cycle of the Plan, the following key elements should be taken into account:

- We need to continue to prioritise addressing water quality in the priority areas for action.
- Coordinated and integrated planning, if implemented correctly, at local, regional and national levels will not only deliver water quality improvements, but better environmental outcomes for other aspects of our environment such as biodiversity, climate, air quality, etc.
- The growing range and increased levels of hazardous chemicals being detected in our waters is a significant concern from both an ecological and a human health perspective.
- Continued and increased public participation and awareness of the need to protect our shared water resources.

### **State of the Environment Report 2020 (SOER2020)**

Our State of Environment Report [Ireland's Environment - An Integrated Assessment 2020](#) (EPA, 2020) identifies thirteen Key Messages for Ireland. Delivering Ireland's long-term sustainable development and environmental protection goals will require a concerted effort by government departments to address these key actions. The report calls for full implementation of existing environmental legislation and a review of governance/coordination on environmental protection across public bodies. Furthermore, it states that the benefits of a clean environment for health and wellbeing should be promoted.

[Chapter 7](#) of the SOER2020 focus on water quality and the need to improve the water environment and tackle water pollution locally at a water catchment level. The water quality in Ireland's rivers, lakes and estuaries needs to be better protected through evidence-based measures, integrated water catchment-based projects and initiatives and by reducing the amount of nutrients ending up in water courses. It is widely accepted that the first River Basin Management Plan (2009-2015) did not deliver the projected improvements in water quality. It appears that the second River Basin Management Plan (2018-2021) will also not deliver the scale of improvements required. It is therefore essential that the 3<sup>rd</sup> River Basin Management Plan delivers on real and sustained water quality improvements. We look forward to receipt of the draft Plan which we hope will put in place a coordinated framework to address water pollution.

Other chapters of the SOER2020, include relevant issues, challenges and recommendations, that should also be considered, in preparing the Plan and SEA. These include:

- [Chapter 2](#) – Climate, [Chapter 5](#) – Land and Soil, [Chapter 6](#) – Nature, [Chapter 8](#) – The Marine Environment and [Chapter 13](#) – The Environment and Agriculture

The SOER2020 messages are also linked to a number of the UN’s Sustainable Development Goals, in particular Life below Water and Climate Action. Addressing and implementing these actions will be important in delivering environmental protection and promoting sustainable development in Ireland. In finalising the Plan and integrating the findings of the SEA into the Plan, the relevant recommendations, key issues and challenges described in the SOER2020 should be taken into account.

### **Scope of the SEA**

The SEA should clearly set out the scope, remit and implementation related elements of the Plan. These will have implications for the SEA, in terms of guiding the level of assessment applicable at the appropriate level for the Plan. Where it is envisaged that measures proposed in the Plan will be implemented via other plans, which themselves have been, or will be subject to SEA, this should be explained in the SEA and taken into account in the assessment.

Where specific measures will be implemented directly through the Plan, further detail should be provided in the SEA Environmental Report and Plan on the relevant environmental assessments to be carried out at the project stage and relevant mitigation measures to be applied, as appropriate. There may be merit in exploring this issue further with the relevant Environmental Authorities during the Plan preparation and SEA processes.

### **Environmental Authorities**

Under the SEA Regulations, you should consult with:

- Environmental Protection Agency;
- Minister for Environment, Climate and Communications;
- Minister for Agriculture, Food and the Marine; and,
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.

If you have any queries or need further information in relation to this submission, please contact me directly. I would be grateful if you could send an email confirming receipt of this submission to: [sea@epa.ie](mailto:sea@epa.ie).

Yours Sincerely,



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Cian O'Mahony  
*SEA Section*  
*Office of Evidence and Assessment*  
*Environmental Protection Agency*

## Appendix I – Scoping Question Responses

Responses to the questions posed in the scoping report are provided below. These in addition to the recommendations and comments made in the main body of our submission, should be taken into account in preparing the Plan and associated SEA.

### Scoping Question # 1

*Based on the plans, policies and programmes outlined, are there any other key relevant international, national or regional plans, policies or programmes that should be considered in the SEA Environmental Report on the 3<sup>rd</sup> Cycle RBMP?*

We acknowledge the comprehensive list of plans and programmes provided to be considered, as appropriate, in preparing the SEA and Plan. The list of legislation in the scoping report should be given a thorough review to ensure no revoked legislation has been included e.g. IPPC Directive, Dangerous Substances Directive, etc. There may be merit in considering the following additional plans:

- Climate Action Plan 2019 (interim actions)
- National Strategic Plan for Sustainable Aquaculture 2021-2030 (under preparation)
- Draft National Investment Framework in Transport Infrastructure (under preparation)

In *Table 4-1: International & EU Legislation, Plans/Programmes*, the following should be added:

- Regulation (EU) 2017/852 on mercury
- Regulation (EU) 2019/1021 on Persistent Organic Pollutants (POPs)
- The EU chemicals strategy for sustainability towards a toxic-free environment. This is a significant omission from the assessment as the strategy actions (available in the Annex to the strategy) are very relevant to the SEA Report.
- The imminent (due to be published in early May) Zero Pollution Roadmap and Action Plan.
- EIA Directive as 2011/92/EU
- Industrial emissions Directive
- New EU Climate Law

Table 4.2 omits the EPA Act 1992 as amended, Waste Water Discharge (Authorisation) Regs 2007 as amended and the Urban Waste Water Treatment Regulations 2001, as amended.

Additional plans/legislation to include:

- Climate action and low carbon development amendment Bill
- Dumping at Sea Act – this will have implications for hydromorphology in the estuaries.

Additional considerations include promotion / encouragement of Green Public Procurement and support and promote the activities of the [woodland for water scheme](#) to help capture excess nutrients.



## Scoping Question # 2

*Based on the likely significant impacts outlined above, are there any other effects or impacts that should be considered in the SEA Environmental Report on the 3<sup>rd</sup> Cycle RBMP?*

We acknowledge the comprehensive nature of the likely significant effects identified in the Scoping Report. Some additional aspects are included below.

In *Table 5.1 Potential Environmental Issues for Population and Human Health*, there is merit in considering the [NEAR health project](#) and the associated tool kit. This project identifies the health benefits of blue spaces and how flood mitigation measures can be used for recreational purposes and the health benefits to be gained from those.

In relation to Population considerations, reference could also be made to the inter-relationship with other environmental criteria; increases in population need to be supported by regeneration of settlements and the adequacy (or not) of existing waste water and drinking water infrastructure also needs to take account of impacts on receiving waters.

In *Table 5.2 Potential Environmental Issues for Biodiversity, Flora and Fauna*, it may be useful to also consider marine, coastal and estuarine related habitats and species, where linkages exist with the RBMP. Particularly where additional coastal and marine designated sites may be proposed over the lifetime of the Plan.

There is also merit in taking into account the European Environment Agency guidance document '[Floodplains: a natural system to preserve and restore](#)'.

Additionally the Inland Fisheries Ireland updated guidance on '[Planning for Watercourses in the Urban Environment](#)' (November, 2020).

In *Table 5-3: Potential Significant Environmental Issues for Land and Soils*, the spreading of sludge from wastewater treatment plants on agricultural land should be included here. Currently, nearly all WWTP sludges are spread on agricultural land, based on criteria defined in the Sewage Sludge Directive (now 30 years old).

Other EU Member States have chosen to apply more rigorous requirements and criteria for WWTP sludge spreading, including a broader range of pollutants (which are not assessed in Ireland). Studies have found municipal sludges, in addition to containing useful nutrients, also contain other man-made chemicals some of which are persistent and likely to accumulate in the soil. EPA research (Healy et al., 2017) has highlighted a number of concerns in relation to the use of 'biosolids' on agricultural land. The effects of many of these substances, e.g. nanomaterials and chemicals, both individually and in combination with other chemicals, on both human health and the environment are not yet fully understood.

The SEA should consider the current use of municipal sludge on soils, taking into consideration approaches to sludge management and reuse in other EU Member States. It is also very timely to review the reuse of sewage sludge on farmland given the recently commenced review process for the EU Directive on the use of sewage sludge in agriculture, see <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12328-Evaluation-of-the-Sewage-Sludge-Directive-86-278-EEC>



The SEA could also consider the issue of the rate of delivery of the required wastewater infrastructure and how it may be improved, taking into account the most recent EPA Wastewater reports.

*Table 5-4: Potential Significant Environmental Issues for Water*, there is merit in considering the impact of landfill leachate treatment in urban wastewater treatment plants in this table. Leachate from landfill is generally sent to waste water treatment plants which are not equipped to remove hazardous substances which are present in the leachate, such as PFAS. These substances can settle into sludges. With regards air quality, there may be merit in considering the potential impacts of odour/air quality on aquatic dependant species such as otters.

### **Scoping Question # 3**

*Do you have any comments regarding the draft SEA Objectives presented?*

We note the Draft Objectives as set out in section 7.1 of the Scoping Report.

The Population and Human Health Objective could be updated “To support sustainable use of water resources and to protect human health”.

With regards Biodiversity, Flora and Fauna, consider amending Objective 2 to incorporate the need to protect associated ecological corridors and linkages adjacent to designated habitats.

Additional objectives to consider for biodiversity include ‘Support the delivery of green and blue infrastructure and sustainable urban development schemes’. The implementation of such an objective would have multiple benefits, including for population and human health.

With regards water quality objectives, there is merit in also considering an aim to improve the efficacy of existing legislation and ensure its implementation in full, to regulate point source discharges, abstractions and activities impacting on hydromorphology.

Regarding Climate Factors, consider amending the text of Objective 6 as follows: “Contribute to a climate resilient water sector”.

Additionally, an additional objective related to ‘Support and promote water conservation’ would also be welcomed.

### **Scoping Question # 4**

*Do you have any suggestions or comments in relation to the overall approach to alternatives?*

We note the proposed methodology to consideration of alternatives and welcome that the EPA’s guidance on assessment of alternatives is being taken into account.

It may be useful to indicate whether the alternatives to be considered for this iteration of the Plan are similar to those from previous iterations. Additionally, it would be useful to indicate where environmental baseline and knowledge have increased to inform further refinement of alternatives. The EPA guidance on developing and assessing alternatives might be useful to consult and can be accessed at: [http://www.epa.ie/pubs/advice/ea/SEA-Alternatives-157-Published\\_web.pdf](http://www.epa.ie/pubs/advice/ea/SEA-Alternatives-157-Published_web.pdf)

## Appendix II – Additional SEA Comments

### ***Integration of SEA and Plan***

All recommendations from the SEA and appropriate assessment (AA) processes, including mitigation measures, should be integrated in the Plan. We recommend that the Plan includes summary tables outlining the key findings of the SEA and linking the significant environmental effects identified to the proposed mitigation measures, monitoring programme and Plan policies/measures.

### ***Integration with other key Plans and Programmes***

We recommend including schematics in the Plan and SEA Environmental Report, showing the links and key inter-relationships with other key relevant national, regional, sectoral and environmental plans.

### ***SEA related Monitoring, Review & Reporting***

We note the information provided in *Section 7.4 – Monitoring*, relating to SEA monitoring considerations. It would be useful to provide information on the monitoring programme from the previous iteration of the Plan. This may provide an indication of areas needing further or more refined monitoring during the lifetime of this iteration of the Plan/SEA, related to any mitigation measures or environmental challenges identified.

Article 10 of the SEA Directive (2001/42/EC) states that the significant environmental effects of implementing a plan shall be monitored in order, inter alia, to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action. The Plan should include a commitment to implement the SEA environmental monitoring requirements and associated reporting. We suggest including a separate section on '*Monitoring, Review and Reporting*' in the Plan, that sets out the provisions for monitoring and reporting on the implementation of the Plan and periodic reviews. There may be merits in aligning the periodic reviews of the Plan with existing cyclical reporting e.g. Ireland's Environment, National Planning Framework, Water Framework Directive, Marine Strategy Framework Directive, etc.

In between review periods for the Plan, we recommend that Plan-related implementation reports are published annually, or biennially, as appropriate. We recommend aligning the Plan implementation monitoring/reporting with the environmental monitoring required under the SEA legislation. This would enable the environmental performance of the Plan to be evaluated and would also provide for increased transparency during implementation.

The SEA-related monitoring should address positive, negative and cumulative effects where they are likely to occur and should include provision for on-going review to facilitate an early response to any environmental issues that may arise. We refer you to [Guidance on SEA Statements and Monitoring](#) and would draw your attention to the useful high-level monitoring indicators proposed in Table 1 of the guidance. The SEA should specify the monitoring frequency and responsibilities and include provisions for reporting on the monitoring. To avoid duplication in data collection, the same indicators should be used for the plan-related and SEA-related monitoring where possible.

### ***Data & Knowledge Gaps***

The Plan should identify any significant data and knowledge gaps, include commitments to help address these on a priority basis during the implementation phase of the Plan. This is with a view to strengthening the evidence base for future reviews and iterations of the Plan.



### **Available Guidance & Resources**

Our website contains various SEA resources and guidance, including:

- SEA process guidance and checklists
- Inventory of spatial datasets relevant to SEA
- Topic specific SEA guidance (including *Good practice note on Cumulative Effects Assessment* (EPA, 2020), *Guidance on SEA Statements and Monitoring* (EPA, 2020), *Integrating climatic factors into SEA* (EPA, 2019), *Developing and Assessing Alternatives in SEA* (EPA, 2015), and *Integrated Biodiversity Impact Assessment* (EPA, 2012))

You can access our SEA resources at: <http://www.epa.ie/pubs/advice/ea/>

### ***Environmental Sensitivity Mapping (ESM) Webtool***

The ESM Webtool is a decision support tool to assist SEA and planning processes in Ireland. The tool brings together over 100 datasets and allows users to explore environmental considerations within a particular area and create plan-specific environmental sensitivity maps. These maps can help planners anticipate potential land-use conflicts and help identify suitable development locations, while also protecting the environment. The ESM Webtool is available at [www.enviromap.ie](http://www.enviromap.ie).

### ***EPA SEA WebGIS Tool***

Our SEA WebGIS Tool has been updated recently and is now publicly available at <https://gis.epa.ie/EPAMaps/SEA>. It allows public authorities to produce an indicative report on key aspects of the environment in a specific geographic area. It is intended to assist public authorities in SEA screening and scoping exercises.

### ***EPA WFD Application***

Our WFD Application provides a single point of access to water quality and catchment data from the national WFD monitoring programme. The Application is accessed via [www.Catchments.ie](http://www.Catchments.ie).

### ***EPA AA GeoTool***

Our AA GeoTool application has been developed in partnership with the NPWS. It allows users to select a location, specify a search area and gather available information for each European Site within the area. It is available at: <https://gis.epa.ie/EPAMaps/AAGeoTool>