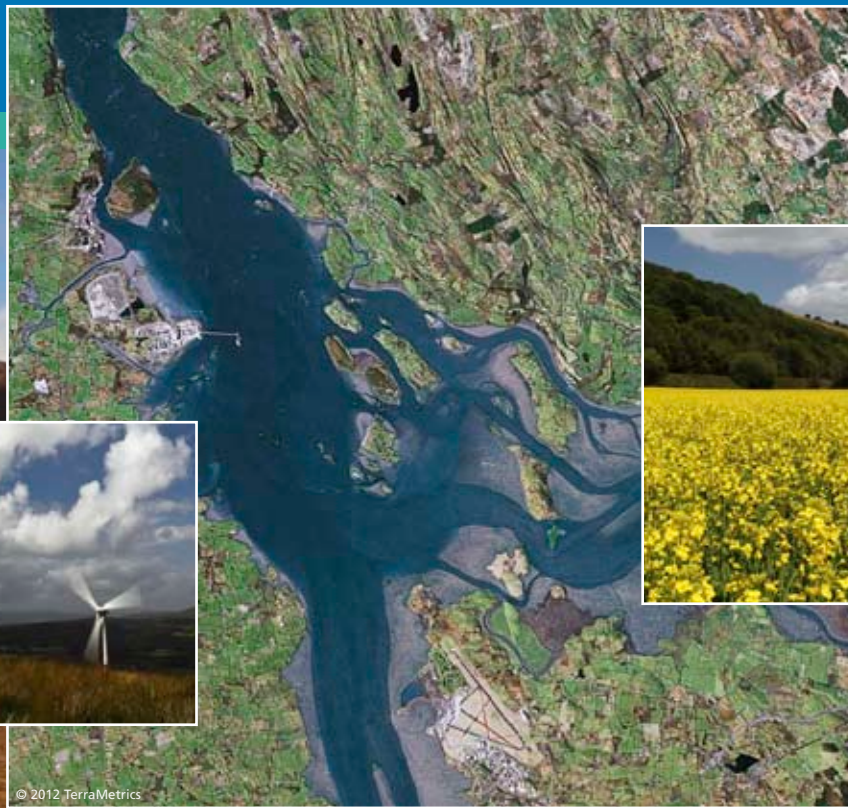


# Review of Effectiveness of SEA in Ireland

## EXECUTIVE SUMMARY



Comhshaoil, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government



Department of  
**Agriculture,  
Food and the Marine**  
An Roinn  
**Talmhaíochta,  
Bia agus Mara**



*An Roinn  
Ealaíon, Oidhreachta agus na Gaeltachta*  
**Department of  
Arts, Heritage and the Gaeltacht**



Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha  
Department of Communications, Energy and Natural Resources



Environmental Protection Agency  
An tAonmhéireacht um Chaomnú Comharsaí

# Environmental Protection Agency

The Environmental Protection Agency (EPA) is a statutory body responsible for protecting the environment in Ireland. We regulate and police activities that might otherwise cause pollution. We ensure there is solid information on environmental trends so that necessary actions are taken. Our priorities are protecting the Irish environment and ensuring that development is sustainable.

The EPA is an independent public body established in July 1993 under the Environmental Protection Agency Act, 1992. Its sponsor in Government is the Department of the Environment, Community and Local Government.

## OUR RESPONSIBILITIES

### LICENSING

We license the following to ensure that their emissions do not endanger human health or harm the environment:

- waste facilities (e.g., landfills, incinerators, waste transfer stations);
- large scale industrial activities (e.g., pharmaceutical manufacturing, cement manufacturing, power plants);
- intensive agriculture;
- the contained use and controlled release of Genetically Modified Organisms (GMOs);
- large petrol storage facilities;
- waste water discharges.

### NATIONAL ENVIRONMENTAL ENFORCEMENT

- Conducting over 2,000 audits and inspections of EPA licensed facilities every year.
- Overseeing local authorities' environmental protection responsibilities in the areas of – air, noise, waste, waste-water and water quality.
- Working with local authorities and the Gardaí to stamp out illegal waste activity by co-ordinating a national enforcement network, targeting offenders, conducting investigations and overseeing remediation.
- Prosecuting those who flout environmental law and damage the environment as a result of their actions.

### MONITORING, ANALYSING AND REPORTING ON THE ENVIRONMENT

- Monitoring air quality and the quality of rivers, lakes, tidal waters and ground waters; measuring water levels and river flows.
- Independent reporting to inform decision making by national and local government.

### REGULATING IRELAND'S GREENHOUSE GAS EMISSIONS

- Quantifying Ireland's emissions of greenhouse gases in the context of our Kyoto commitments.
- Implementing the Emissions Trading Directive, involving over 100 companies who are major generators of carbon dioxide in Ireland.

### ENVIRONMENTAL RESEARCH AND DEVELOPMENT

- Co-ordinating research on environmental issues (including air and water quality, climate change, biodiversity, environmental technologies).

### STRATEGIC ENVIRONMENTAL ASSESSMENT

- Assessing the impact of plans and programmes on the Irish environment (such as waste management and development plans).

### ENVIRONMENTAL PLANNING, EDUCATION AND GUIDANCE

- Providing guidance to the public and to industry on various environmental topics (including licence applications, waste prevention and environmental regulations).
- Generating greater environmental awareness (through environmental television programmes and primary and secondary schools' resource packs).

### PROACTIVE WASTE MANAGEMENT

- Promoting waste prevention and minimisation projects through the co-ordination of the National Waste Prevention Programme, including input into the implementation of Producer Responsibility Initiatives.
- Enforcing Regulations such as Waste Electrical and Electronic Equipment (WEEE) and Restriction of Hazardous Substances (RoHS) and substances that deplete the ozone layer.
- Developing a National Hazardous Waste Management Plan to prevent and manage hazardous waste.

### MANAGEMENT AND STRUCTURE OF THE EPA

The organisation is managed by a full time Board, consisting of a Director General and four Directors.

The work of the EPA is carried out across four offices:

- Office of Climate, Licensing and Resource Use
- Office of Environmental Enforcement
- Office of Environmental Assessment
- Office of Communications and Corporate Services

The EPA is assisted by an Advisory Committee of twelve members who meet several times a year to discuss issues of concern and offer advice to the Board.

# Review of Effectiveness of SEA in Ireland

## Executive Summary

### ENVIRONMENTAL PROTECTION AGENCY

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Comhshaol, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government



Department of  
**Agriculture,  
Food and the Marine**  
An Roinn  
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Department of Communications, Energy and Natural Resources



Environmental Protection Agency  
*An Ghníomhaireacht um Chaomhnú Comhshaoil*

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## Review of Effectiveness of SEA in Ireland Executive Summary

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## Executive Summary

### 1 Introduction

The Strategic Environmental Assessment (SEA) Directive came into force in 2001 and was transposed into Irish law in 2004. It aims to provide for a high level of protection of the environment, and contribute to the integration of environmental considerations into plan preparation and adoption, with a view to promoting sustainable development. Ten years after the coming into force of the Directive, the Environmental Protection Agency (EPA) has commissioned RPS to review how effective SEA in Ireland has been to date.

SEA effectiveness can be direct: it can lead to changes in a plan that reduce the plan's negative effects and increase its benefits. It can also be indirect, for instance by increasing planners' understanding of the environment and improving public participation in plan-making. The review investigated both direct and indirect effectiveness by asking:

- Is the SEA process identifying significant effects of implementing plans?
- Is the SEA process informing and supporting effective integration?
- What opportunities exist to improve the SEA process?
- How effective is SEA governance?

The research was informed by the following.

- A **stakeholder workshop** of nearly 40 practitioners and an **online survey** that was completed by 95 SEA practitioners gave detailed information about stakeholder and practitioners' views of what constitutes effective SEA and whether they considered that SEA in Ireland is effective.
- A detailed review of 26 Irish SEA **case studies** (including seven Regional Planning Guidelines, six of which were reviewed by the RPA) provided information about the quality of SEA documentation, strengths and weaknesses of the various stages of SEA and the underlying SEA process.
- **Interviews** with 20 SEA practitioners involved with the selected case studies and with experts in SEA in Ireland shed further light on how the Environmental Reports were used to inform plan-making, and SEA activities after plan adoption.
- A **review of other countries' SEA effectiveness studies** allowed Irish SEA practice to be compared to Scottish, English and wider European practice.

This work led to key findings on the effectiveness of the SEA process and its direct and indirect outcomes in Ireland, and recommendations on how SEA effectiveness could be improved.

## 2 Effectiveness of the SEA Process

This section discusses how effectively the various stages of the SEA process, from screening to monitoring, are carried out in Ireland. **Table 1** summarises the findings of the case study review, but the remainder of this section is also based on the workshop, survey and interviews. Throughout this report, SEA effectiveness is categorised using the following colour coded rating system:



Table 1: Summary Findings of the Case Study Review

	1. Screening	2. Scoping	3. Consultation	4. Plan Description	5. Existing Environment	6. Objectives, Targets, Indicators	7. Alternatives	8. Likely Significant Effects	9. Mitigation	10. ER and Non-Technical Summary	11. Amendment	12. SEA Statement	13. Monitoring	14. Post-Adoption	15. Appropriate Assessment
Killarney TDP	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
Dublin City DP	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
Fingal DP	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
Grangegorman SP	Dark Green	Dark Green	Light Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Orange	Yellow	Dark Green	Dark Green	Dark Green
National Haz Waste Mgmt Plan	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
Ulster Canal Restoration Plan	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
Aquaculture & Shellfish Mgmt Strategy	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
IOSEA4	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Light Blue	Light Blue	Light Blue	Dark Green
Transport Plan 2030 Vision	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Light Blue	Dark Green	Dark Green	Dark Green
Water Supply Project	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
Shannon IRBD	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
West Shannon PRP	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Light Blue	Dark Green	Dark Green	Dark Green
Offshore Renewable Energy	Dark Green	Dark Green	Yellow	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Light Blue	Light Blue	Dark Green	Dark Green
Clare WES	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
Lee CFRAMS	Dark Green	Dark Green	Light Blue	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Light Blue	Light Blue	Dark Green	Dark Green
FWPM Cloon Plan	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Light Blue	Dark Green	Dark Green	Dark Green
Limerick County Dev Plan	Dark Green	Yellow	Yellow	Yellow	Dark Green	Yellow	Dark Green	Orange	Dark Green	Yellow	Orange	Yellow	Dark Green	Yellow	Dark Green
Limerick City Plan	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
EirGrid Grid25 IP	Dark Green	Dark Green	Light Blue	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Light Blue	Light Blue	Light Blue	Dark Green
Midwest RPG	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Orange
Border RPG	Light Blue	Dark Green	Dark Green	Dark Green	Dark Green	Light Green	Dark Green	Light Green	Dark Green	Dark Green	Dark Green	Light Blue	Yellow	Dark Green	Dark Green
Midlands RPG	Light Blue	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
West RPG	Light Blue	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green
Greater Dublin RPG	Light Blue	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Orange	Dark Green	Dark Green	Dark Green
South East RPG	Light Blue	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Light Green	Dark Green	Dark Green	Dark Green	Dark Green	Orange	Dark Green	Dark Green	Dark Green
South West RPG	Light Blue	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green	Dark Green

- Relevant plans and programmes in Ireland are generally being **screened** and subject to SEA where appropriate. However, some sectoral plans that fall outside the Planning and Development Act (e.g. forestry, agriculture) are not screened systematically.
- **Scoping** is identifying key environmental issues at an early stage, but is generally better at identifying what should be addressed in the SEA Environmental Report than at justifying what can be excluded. Most plan-making authorities publish scoping documents on their websites, which is considered useful. Scoping workshops are very useful, albeit sometimes resource-intensive. Scoping responses by the statutory consultees and the public, and how those responses have been addressed, need to be better documented. Some SEA topics may be scoped out before the full extent of likely significant effects has been determined. There is wide discretion with regard to scoping: different methods are used in organising the scoping phase including different methods of consultation (workshops, letters, meetings, etc.), and different forms of scoping reports (reports, papers, notifications) are produced.
- The **plan and its policy context** (including environmental protection objectives, indicators and targets) are generally described well. However, not all relevant other plans/programmes are readily accessible to review, and the lack of a centralised database of plans makes it difficult to determine what other plans exist. Many SEA frameworks do not use plan-specific indicators, quantitative indicators, or thresholds for intervention, and they often include indicators that the plan-makers do not have authority over. In some cases there is no standard set of objectives, indicators and targets that can be linked from plans at the top of the planning hierarchy to the lower level plans.
- Descriptions of the **environmental baseline** are generally well done, with manageable and relevant indicators linked to existing data sources. Many Environmental Reports contain high-quality constraints/sensitivity maps, though their usage could be more extensive. Data gaps are sometimes identified and addressed through policies and objectives in the plan. However, some significant data gaps can only reasonably be addressed at a national level via relevant statutory monitoring programmes. The information from this stage sometimes leads to significant changes in plans. The influence of this stage is sometimes limited by a lack of relevant data, for instance on non-designated sites, protected species and habitats, and air quality. The lack of a centralised environmental database increases the costs and time needed to obtain relevant data. Many Environmental Reports do not address the evolution of the environment in the absence of the plan for each SEA topic. An upward creep of data expectations is resulting in some very long Environmental Reports. In some cases there are problems in identifying the right scale of data for the baseline description, and so the assessment may not be at the right level of detail.
- The identification and consideration of reasonable **alternatives** is one of the biggest challenges in SEA and plan-making. SEA widens the scope of alternatives considered, and the process of developing alternatives allows consultees to become involved in plan-making. However, the consideration of alternatives is often limited by political agendas and a lack of integration between the SEA and planning teams. Planners often believe that there are no other reasonable options for their plan, and that consultants' alternatives are not 'reasonable'.

There appears to be difficulty in identifying reasonable alternatives, and in some cases an adequate number of alternative solutions are not put forward in the assessment process. In some cases alternatives are developed retrospectively and put forward only to satisfy the requirements of the SEA Directive. The do-nothing scenario is often the only alternative considered.



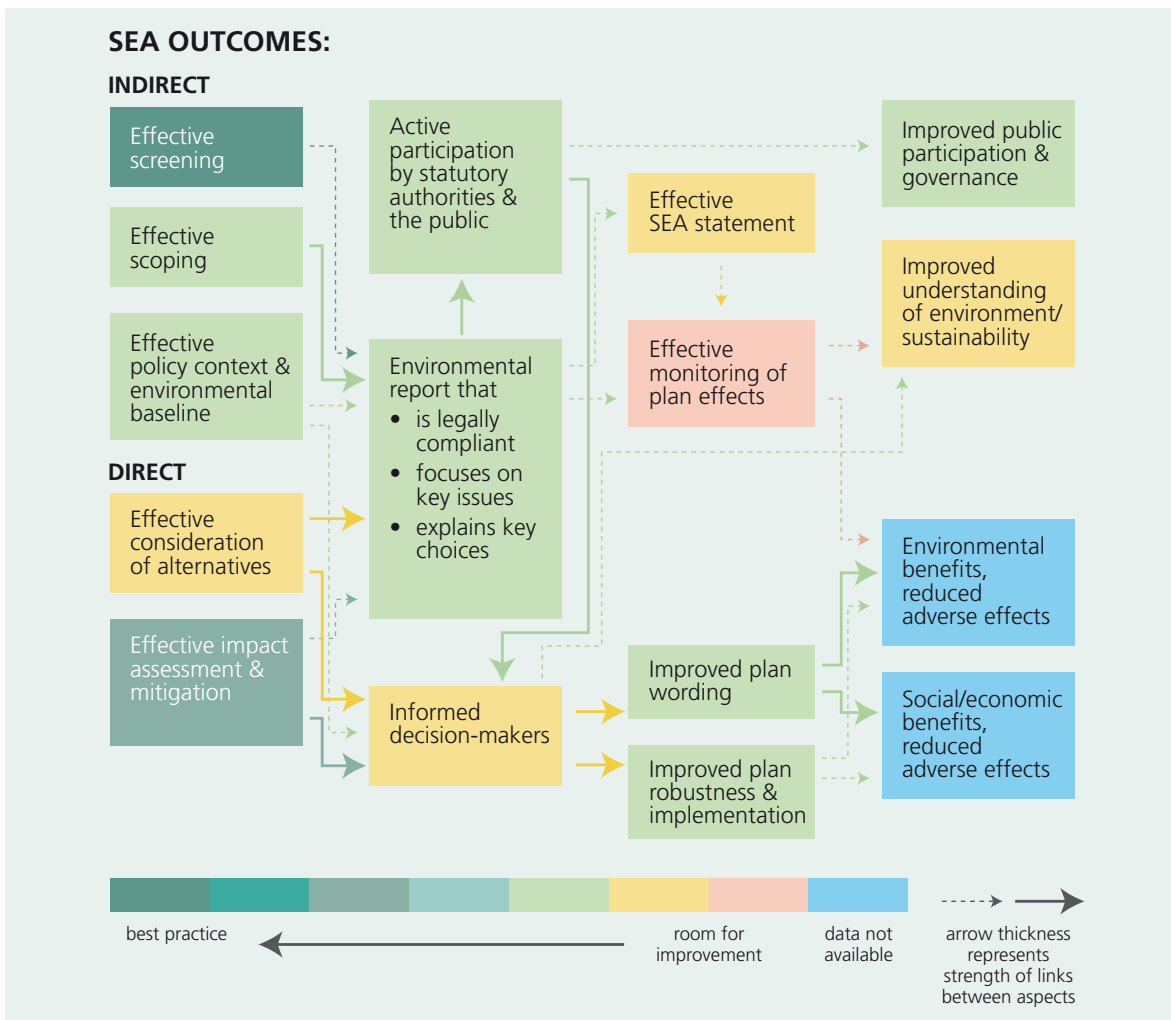
The legislation does not provide a definition of what is considered a 'reasonable alternative' or specify how many alternatives must be assessed. The choice of reasonable alternatives is determined on a case-by-case basis, resulting in a mixed/ad hoc approach. In some cases reasonable alternatives are not put forward and in other cases reasonable and sustainable alternatives are put forward. While changes to the legislation are not recommended, as they might constrain the types of alternatives considered, it is acknowledged that there is clearly a need for guidance to ensure that reasonable alternatives are identified and considered robustly and with greater flexibility, depending on the plan type.

- **Impact assessment** and associated **mitigation** are generally done well. Constraints mapping is very useful in identifying significant effects, and proposed mitigation measures are generally specific to the plan's likely effects. Cumulative and transboundary effects, and the interrelationship of effects, are less well identified and assessed than direct effects. In addition, the SEAs do not always address all categories of effects (short, medium, long term, etc.) as set out in the SEA Directive. Clearer explanations could also be given of how effects are predicted. Mitigation measures are in some cases not taken into account in the plan or poorly documented. Where significant changes to the plan are recommended late in the plan-making process, this can be costly and time-consuming.
- SEA provides new opportunities for **consultation**. Public involvement in SEA tends to be limited, although SEA is sometimes used as a way of challenging the lack of environmental considerations in a plan. Most SEAs allow for consultation periods of at least four weeks. The statutory authorities often provide very helpful input on the draft plan and Environmental Report, and their submissions are leading to changes in plans. There is, however, some confusion regarding the role and requirements of statutory environmental authorities. The level of input varies widely between statutory authorities and is resource-dependent. Transboundary consultation is limited. Documentation of consultation responses and how they were responded to is also limited, and may overlap with other documents (e.g. manager's reports, post-consultation reports).
- The **quality of Environmental Reports** and their Non-Technical Summaries is generally high, with good use of GIS graphics. However, the reports often do not focus on key issues and as a result can be unnecessarily long. There are difficulties in deciding the level of detail to be included in the Environmental Reports for the purpose of strategic decision-making. They do not always clearly explain and justify why choices have been made and how mitigation measures have been incorporated into the plan. Non-Technical Summaries are typically concise and to the point. They are a key means of informing decision-makers and non-environmental stakeholders of key SEA findings.
- The **environmental effects of amendments to plans** are typically poorly considered. Although some plan amendments are being screened for SEA and appropriate assessment (with a new round of consultation taking place where appropriate), most are not. Generally the amendment stage is poorly documented and not transparent.
- Where, post-plan adoption '**SEA Statements**' are prepared correctly, they provide useful information on the influence of the SEA process. However, a lack of guidance on SEA Statements, and lack of a formal requirement for statutory authorities to follow up on their preparation and to review their quality, means that some SEA Statements are not produced and others are of poor quality. Documentation of consultation responses and how they were responded to is not always evident in the SEA Statements produced; however, where they are documented it provides a useful mechanism of ascertaining how the SEA process influences the plan.

- Proposed SEA **monitoring** programmes make good links between potential effects, mitigation and proposed monitoring. It would appear that specific SEA-related monitoring of plans' environmental effects is seldom carried out, but SEA monitoring is sometimes undertaken as part of other monitoring programmes. The required frequency of monitoring, responsibility for carrying out monitoring, monitoring of 'unforeseen effects', setting of trigger levels for intervention based on monitoring, and responsibility for checking that mitigation measures have been implemented are often unclear.
- Screening for **appropriate assessment** (AA, under the Habitats Directive) is mostly carried out as part of SEA, but otherwise the two processes could be more effectively integrated.

Figure 1 shows how these aspects of the SEA process interrelate, and how they affect direct and indirect SEA outcomes.

Figure 1: Effectiveness of the SEA Process and Wider Outcomes



### 3 Wider Effectiveness of SEA

SEA practice in Ireland has similar benefits and limitations as in other European countries.

In order for SEA to be effective, it should achieve the following criteria.

- SEA should **start as early as possible** in the plan preparation process;
- SEA should be effective in ensuring that **environmental aspects** are given due consideration in plan-making;
- SEA should be **integrated** and sustainability-led, supporting a pro-active planning process that is driven by clear goals and objectives;
- SEA should **document and justify** how environmental and sustainability objectives are considered in the plan in a transparent and simple manner;
- SEA should be **stakeholder-driven**, with active involvement from key statutory and interested parties;
- SEA should consider and address the **environmental issues** raised by the **public** and therefore effective public consultation is critical to ensuring effectiveness;
- SEA should **provide sufficient, applicable, up-to-date and reliable** information in a cost- and time-efficient manner;
- The measures to address **potential effects should be clearly identified** and a programme for their implementation set out;
- SEA should identify and assess **new** and **environmentally sustainable alternatives** and should also justify the selection of the preferred alternative on environmental grounds;
- SEA should be **iterative**, being part of an ongoing decision cycle. It should inspire future planning through the potential amendment of strategic decisions. SEA needs to be **applied in a tiered manner** taking into account other relevant plans in the hierarchy, and should also inform project environmental impact assessment (EIA); and,
- SEA should be **flexible and adaptive** to the plan-making process.

#### Effectiveness and Wider Benefits of SEA in Ireland

Where SEA is undertaken well, and in particular where there is good integration between the plan-maker, SEA team and statutory authorities, ideally SEAs should have a **significant influence** on the plan preparation process and the level of environmental considerations within a plan, resulting in more **environmentally sound** plans.

Environmental considerations are now being integrated and addressed in plan-making in greater detail than before the SEA Directive, and SEAs often lead to changes in plan wording including policies and objectives. Mitigation measures identified as a result of SEAs are mostly reflected in the final plans, and SEA is beginning to influence project-level EIA. However, it is not always clear whether plans are being changed in response to the SEA, AA or the overall plan-making process. Where plans are already perceived as being sustainable, fewer changes are made.

SEA influence can differ for different environmental topics: for example, in Ireland the level of detail included in plans for assessing effects on water quality and biodiversity was greater than information addressed for protecting cultural heritage and landscape. This is often related to the expertise of the SEA team, whether guidance is available on that topic, and how available and up to date the baseline data are.

As most plans for which SEA has been undertaken have only recently been implemented and SEA-related monitoring has not taken place for a sufficient timeframe, if at all, it remains **unclear whether SEA is leading to widespread positive environmental outcomes and sustainable development and preventing adverse environmental effects** on the ground.

SEA leads to **clearer, more robust plans**, and **more transparent plan-making**. It also encourages planners to **consider other environmental Directives** such as the Water Framework and Habitats Directives, resulting in plans that are compliant with environmental policy and legislation. SEA **highlights data gaps** and can lead to collection of additional relevant baseline data. SEA also allows plan-makers to consider how their plans are contributing to national policy objectives and targets such as sustainable development, climate change and biodiversity.

SEA **raises planners' awareness of environmental sustainability issues and helps to develop organisational knowledge**. This is most effectively achieved through early and continuous links between the SEA/AA and planning teams. The SEA process also provides a forum for information sharing and training within and between departments, and between plan-makers and statutory authorities. SEAs that use GIS/constraints mapping tend to improve planners' understanding of the existing environment more than those that don't.

The **statutory environmental authorities' inputs to the SEA process are valued** and help to improve plans. The EPA's input is particularly valued. Consultation early in the process with key stakeholders and the public is very useful in identifying likely significant effects. Involvement of the EPA in particular at workshops facilitates and strengthens cooperation between different (planning and environmental) authorities.

SEA also provides a mechanism for other stakeholders, key agencies and the public to become more involved in public sector plan-making, allowing key environmental issues to be identified and addressed at an earlier stage in the process.

### Limits to SEA Effectiveness in Ireland

To improve SEA effectiveness in Ireland, SEA and plan-making need to be better integrated and documented. The main reason for poor integration appears to be **poor buy-in to the SEA process from senior managers and decision-makers**. Many decision-makers treat SEA as a separate exercise, not integrated with the plan-making process. They perceive SEA as being time- and resource-intensive, and a simple checklist to be completed in order to advance a plan. Getting buy-in from decision-makers is crucial, and significant improvements are needed. This is gradually changing, however, as more SEAs are carried out and planners are becoming increasingly aware of their legal obligations and the benefits of SEA. Integration should improve in second and subsequent cycles of SEAs of plans.

In some cases SEA **scoping is ineffective**: SEAs cover too many issues, do not focus sufficiently on the critical issues and are unnecessarily detailed.

**SEA input often commences too late in the process.** SEA is most influential when it commences early in plan-making; SEAs that start later are less effective.

These problems are exacerbated by a **lack of documentation of how the SEA and plan-making processes are integrated**. The reasons for this are twofold. Where SEA is ineffective or leads to few changes, documentation of changes is not possible. Alternatively, where SEA is fully integrated in the plan-making process, changes arising from the SEA process may not be obvious in the plan even though they have clearly occurred. This is particularly the case for land use plans, where numerous changes to plan wording may take place during the course of the plan development.

SEA is perceived as having fewer ‘teeth’ than other instruments such as AA. Although the Environmental Report and consultation opinions must be ‘taken into account’ in plan-making, **the legal requirement of ‘take into account’ is unclear**. Decision-makers perceive it to be not necessarily legally binding/obligatory.

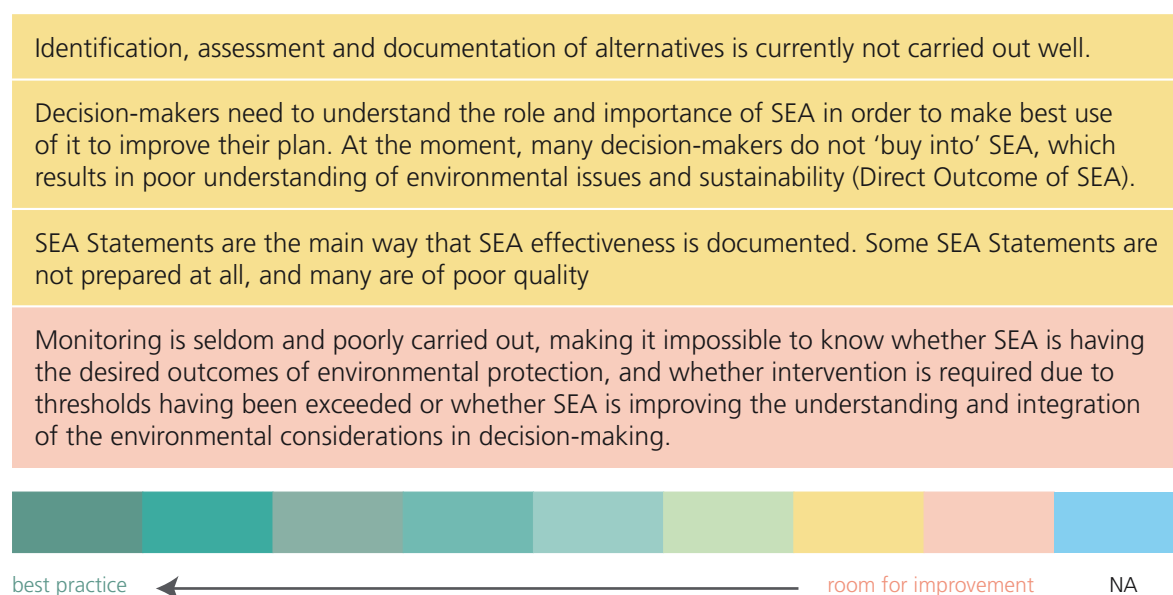
Although SEA governance in Ireland is generally good, it could be strengthened by giving statutory authorities a role in ‘signing off’ and/or following up on plans/SEAs and in ensuring that SEA Statements are prepared and SEA monitoring is carried out. Use of SEA consultants can help to keep the assessment unbiased and convince decision-makers of certain issues.

**Some sectors in Ireland are lagging behind in implementation of the SEA regulations**, for instance telecommunications, agriculture, forestry and tourism. While the EPA is perceived as being the primary environmental authority for SEA in Ireland, **no one body is responsible for overall SEA governance**.

## 4 Improving SEA in Ireland

While minor modifications to the legislation may help to address the key issues, no major changes to the legislation are required. Experience in applying the SEA Directive is still in the early stages, and stability in the legislative requirements is needed to allow SEA methodologies and processes to settle down and further experience to develop. Prescribed methods of integration can be too restrictive and may not take into account differences between different types of plans. Updates to guidance, provision of best practice notes, and training and awareness are recommended instead, as these provide 'how to' rather than 'how not to' approaches.

**Figure 1** above highlights SEA areas where changes could particularly improve SEA effectiveness. These are areas that are currently under-performing, and that have particularly clear links to improving the outcomes. They are as follows.



Taking into account variations in how well various components of the SEA process are carried out, and the influence that they have on environmental and planning outcomes, improvements to the components in orange and pink (which are linked to **Figure 1 above**) should be prioritised.

Stronger governance is also needed to ensure that:

- All relevant sectors engage in SEA, particularly those sectors not currently undertaking screening;
- SEA mitigation measures are fully implemented in plans;
- Statutory authorities review post-adoption SEA Statements and SEA-related monitoring results/ reports; and,
- SEA monitoring is being undertaken and reported on.



## 5 Key Recommendations

Based on the key areas requiring improvement identified in **Section 4** above and in **Figure 1**, the key recommendations that have emerged are listed below, with priority recommendations highlighted. Full details of the recommendations are provided in **Chapter 9** of this Report.

### Guidance

The European Commission Review of 2009 recommended that Member States should identify what further SEA guidance is needed and who should develop it. In Ireland, there is a need for updates to existing guidance, new guidance notes and sector-specific guidance:

<b>A1/A2</b>	<b>Increase awareness of existing guidance and update existing SEA guidance to reflect current best practice.</b>
<b>A3</b>	<b>Prepare a series of best practice guidance notes (see A3 in Chapter 9 for the full list of guidance notes recommended including Best Practice notes on alternatives, SEA Statements, monitoring).</b>
<b>A4</b>	Prepare sector-specific SEA guidance notes for priority sectors.
<b>A5</b>	<b>Prepare guidance for plan-makers on integration of SEA, AA and plan-making, and how to document changes to the plan as a consequence of SEA/AA.</b>
<b>A6</b>	<b>Prepare detailed guidance on cumulative effect assessment, in combination effects assessment and how to link SEA and AA in the assessment process.</b>

### Training and Awareness

There is a need to raise the profile of SEA in Ireland to ensure that senior planning authority personnel and decision-makers are fully aware of the requirements and benefits of SEA. The following training and awareness initiatives are therefore recommended:

<b>B1</b>	<b>Develop and provide SEA and AA training modules to promote integration between SEA and AA.</b>
<b>B2</b>	Develop and provide targeted SEA training for decision-makers, planners, engineers and public to raise SEA awareness and responsibilities.
<b>B3</b>	Develop and provide training on the assessment of effects (short, medium and long term, cumulative, synergistic, permanent, temporary, direct, indirect, interrelationships, etc.), including use of GIS.
<b>B4</b>	<b>Convene a national SEA/AA conference every 2–3 years to exchange and promote best practice.</b>
<b>B5</b>	<b>Convene regional/national SEA/AA Fora in association with Regional Planning Authorities (RPAs) for land use plans.</b>

## Data Collation, Provision and Sharing

One of the key issues facing SEA practitioners is the lack of coordinated and up-to-date relevant baseline data, therefore the following is recommended with regard to data collection, provision and sharing:

<b>C1</b>	<p>Develop a central database with access to all legislation, circulars, guidance and data from the statutory authorities, to include the development of a web-based SEA Portal that includes:</p> <ol style="list-style-type: none"> <li>a. All SEAs ongoing and completed (including SEA Statements);</li> <li>b. All plans and programmes;</li> <li>c. Legislation, circulars and guidance;</li> <li>d. Best practice examples;</li> <li>e. National standardised set of objectives, targets and indicators;</li> <li>f. SEA-related monitoring;</li> <li>g. Appropriate Assessments; and,</li> <li>h. Baseline information, including GIS data.</li> </ol>
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## Governance and Legislation

No major changes to the legislation are required, but the governance of SEA could be strengthened through the following mechanisms:

<b>D1</b>	<p>Establish a national SEA/AA Technical Forum comprising members of the statutory authorities to:</p> <ol style="list-style-type: none"> <li>A. Promote overall compliance with the requirements of the SEA Directive and Regulations;</li> <li>B. Promote consistency in responses from the statutory authorities;</li> <li>C. Seek to ensure that: <ul style="list-style-type: none"> <li>■ Data gaps are addressed on a priority basis;</li> <li>■ SEA Statements are prepared;</li> <li>■ SEA mitigation measures are implemented;</li> <li>■ A set of standardised key national environmental objectives, targets and indicators are developed and agreed; and,</li> <li>■ SEA monitoring is undertaken.</li> </ul> </li> <li>D. Review SEA Statements; and,</li> <li>E. Review SEA monitoring reports and related targets.</li> </ol>
<b>D2</b>	Establish SEA/AA Regional Technical Fora comprising planning authorities, statutory authorities, SEA/AA practitioners and regional planning authorities.
<b>D3</b>	Issue a Circular Note on Article 8 of the SEA Directive, i.e. 'take into account'.
<b>D4</b>	Identify sectors where SEA has not yet commenced and promote awareness and engagement through guidance and training.
<b>D5</b>	Develop and agree National SEA/AA Key Performance Indicators (KPIs) to evaluate SEA and AA effectiveness.
<b>D6</b>	Resource statutory authorities so that they can engage more effectively at key stages in the SEA process.

## 6 Conclusions

This Review has considered how SEA has been implemented in Ireland since its introduction in 2004. It is clear from the Review that SEA is fulfilling its role and is providing a vital tool for environmental protection in Ireland. SEA ensures that environmental considerations are taken into account in policy development and implementation, and is raising the profile of environmental issues in decision-making at plan level among those sectors applying SEA. It is also clear that the EPA has built a framework of support to improve SEA effectiveness and implementation, and this framework is appreciated by plan-makers and practitioners alike. Furthermore, the Review indicates that the implementing legislation in Ireland is broadly appropriate and no significant difficulties have arisen with interpretation to date that would warrant substantial changes.

However, while considerable progress has been demonstrated in applying SEA in Ireland over the past eight years, a number of challenges have been identified which are acting as barriers to ensuring effective implementation across the board. These challenges are similar to those experienced in other EU Member States.

Recommendations and actions have been developed as part of this Review which range from changes to governance through to provision of new guidance in key areas, training and awareness raising and data management. These recommendations are detailed in Chapter 9 of the Report. Successful implementation of the recommendations/actions will improve SEA effectiveness through better integration, more effective governance and more focused assessments.

How SEA progresses into the future will very much depend on the political support given to the process. SEA must be seen to be a serious piece of legislation with as much influence as Appropriate Assessment. For that, the designated Statutory Authorities (including those newly appointed under the 2011 amended Regulations) must be given the resources to deal specifically with the statutory consultation required under the legislation. To date the EPA has offered the most consistent and comprehensive support and this model is something that could be adopted and expanded by the other statutory authorities into the future. Without adequate resourcing those statutory authorities charged with steering SEA forward and with implementing the recommendations that have emerged from this Review will not be in a position to offer genuine support and mentoring. The outcome will be plan-makers that see SEA as a luxury they cannot afford to deal with in any real or meaningful way.

As a direct response to the recommendations of the SEA Review a National SEA Technical Forum comprising the five statutory authorities has now been established. The forum has met in February, April and July 2012 to set about implementing the key priority recommendations of this Review. The key recommendations will be implemented through an SEA Action Plan which has been formulated and agreed by the 5 statutory environmental authorities\*. The SEA Action Plan is published alongside this SEA Review and can be accessed on [www.epa.ie](http://www.epa.ie).

Overall, SEA provides an opportunity to really influence decision-making early in the planning process. Achieving this can happen if plan-makers, SEA practitioners, the statutory authorities and other interested stakeholders come together and act on the recommendations and actions in this Review to work towards best practice in SEA in Ireland.

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\* DECLG, DAHG, DAFM, DCENR and EPA.



# An Gníomhaireacht um Chaomhnú Comhshaoil

Is í an Gníomhaireacht um Chaomhnú Comhshaoil (EPA) comhlachta reachtúil a chosnaíonn an comhshaoil do mhuintir na tíre go léir. Rialaímid agus déanaimid maoirsiú ar ghníomhaíochtaí a d'fhéadfadh truailliú a chruthú murach sin. Cinntímid go bhfuil eolas cruinn ann ar threochtaí comhshaoil ionas go nglactar aon chéim is gá. Is iad na príomhnihe a bhfuilimid gníomhach leo ná comhshaoil na hÉireann a chosaint agus cinntiú go bhfuil forbairt inbhuanaithe.

Is comhlacht poiblí neamhspleách í an Gníomhaireacht um Chaomhnú Comhshaoil (EPA) a bunaíodh i mí Iúil 1993 faoin Acht fán nGníomhaireacht um Chaomhnú Comhshaoil 1992. Ó thaobh an Rialtais, is í an Roinn Comhshaoil, Pobal agus Rialtais Áitiúil.

## ÁR bhFREAGRACHTAÍ

### CEADÚNÚ

Bíonn ceadúnais á n-eisiúint againn i gcomhair na nithe seo a leanas chun a chinntiú nach mbíonn astuithe uathu ag cur sláinte an phobail ná an comhshaoil i mbaol:

- áiseanna dramhaíola (m.sh., líonadh talún, loisceoirí, stáisiúin aistrithe dramhaíola);
- gníomhaíochtaí tionsclaíocha ar scála mór (m.sh., déantúsaíocht cógaisíochta, déantúsaíocht stroighne, stáisiúin chumhachta);
- diantalmhaíocht;
- úsáid faoi shrian agus scaoileadh smachtaithe Orgánach Géinathraithe (GMO);
- mór-áiseanna stórais peitreal;
- scardadh dramhuisce.

### FEIDHMIÚ COMHSHAOIL NÁISIÚNTA

- Stiúradh os cionn 2,000 iniúchadh agus cigireacht de áiseanna a fuair ceadúnas ón nGníomhaireacht gach bliain.
- Maoirsiú freagrachtaí cosanta comhshaoil údarás áitiúla thar sé earnáil – aer, fuaim, dramhaíl, dramhuisce agus caighdeán uisce.
- Obair le húdarás áitiúla agus leis na Gardaí chun stop a chur le gníomhaíocht mhídhleathach dramhaíola trí chomhordú a dhéanamh ar líonra forfheidhmithe náisiúnta, díriú isteach ar chiontóirí, stiúradh fiosrúcháin agus maoirsiú leigheas na bhfadhbanna.
- An dlí a chur orthu siúd a bhriseann dlí comhshaoil agus a dhéanann dochar don chomhshaoil mar thoradh ar a gníomhaíochtaí.

### MONATÓIREACTH, ANAILÍS AGUS TUAIRISCIÚ AR AN GCOMHSHAOIL

- Monatóireacht ar chaighdeán aeir agus caighdeán aibhneacha, locha, uiscí taoide agus uiscí talaimh; leibhéil agus sruth aibhneacha a thomhas.
- Tuairisciú neamhspleách chun cabhrú le rialtais náisiúnta agus áitiúla cinntiú a dhéanamh.

### RIALÚ ASTUITHE GÁIS CEAPTHA TEASA NA HÉIREANN

- Cainníochtú astuithe gáis ceaptha teasa na hÉireann i gcomhthéacs ár dtiomantas Kyoto.
- Cur i bhfeidhm na Treorach um Thrádáil Astuithe, a bhfuil baint aige le hos cionn 100 cuideachta atá ina mór-ghineadóirí dé-ocsaíd charbóin in Éirinn.

### TAIGHDE AGUS FORBAIRT COMHSHAOIL

- Taighde ar shaincheisteanna comhshaoil a chomhordú (cosúil le caighdeán aeir agus uisce, athrú aeráide, bithéagsúlacht, teicneolaíochtaí comhshaoil).

### MEASÚNÚ STRAITÉISEACH COMHSHAOIL

- Ag déanamh measúnú ar thionchar phleananna agus chláracha ar chomhshaoil na hÉireann (cosúil le pleananna bainistíochta dramhaíola agus forbartha).

### PLEANÁIL, OIDEACHAS AGUS TREOIR CHOMHSHAOIL

- Treoir a thabhairt don phobal agus do thionscal ar cheisteanna comhshaoil éagsúla (m.sh., iarratais ar cheadúnais, seachaint dramhaíola agus rialacháin chomhshaoil).
- Eolas níos fearr ar an gcomhshaoil a scaipeadh (trí cláracha teilifíse comhshaoil agus pacáistí acmhainne do bhunscoileanna agus do mheánscoileanna).

### BAINISTÍOCHT DRAMHAÍOLA FHORGHNÍOMHACH

- Cur chun cinn seachaint agus laghdú dramhaíola trí chomhordú An Chláir Náisiúnta um Chosc Dramhaíola, lena n-áirítear cur i bhfeidhm na dTionscnamh Freagrachta Táirgeoirí.
- Cur i bhfeidhm Rialachán ar nós na treoracha maidir le Trealamh Leictreach agus Leictreonach Caite agus le Srianadh Substaintí Guaiseacha agus substaintí a dhéanann ídiú ar an gcrios ózóin.
- Plean Náisiúnta Bainistíochta um Dramhaíl Ghuaiseach a fhorbairt chun dramhaíl ghuaiseach a sheachaint agus a bhainistiú.

### STRUCHTÚR NA GNÍOMHAIREACHTA

Bunaíodh an Gníomhaireacht i 1993 chun comhshaoil na hÉireann a chosaint. Tá an eagraíocht á bhainistiú ag Bord Iánaimeartha, ar a bhfuil Príomhstíúrthóir agus ceithre Stíúrthóir.

Tá obair na Gníomhaireachta ar siúl trí ceithre Oifig:

- An Oifig Aeráide, Ceadúnaithe agus Úsáide Acmhainní
- An Oifig um Fhorfheidhmiúchán Comhshaoil
- An Oifig um Measúnacht Comhshaoil
- An Oifig Cumarsáide agus Seirbhísí Corparáide

Tá Coiste Comhairleach ag an nGníomhaireacht le cabhrú léi. Tá dáréag ball air agus tagann siad le chéile cúpla uair in aghaidh na bliana le plé a dhéanamh ar cheisteanna ar ábhar inní iad agus le comhairle a thabhairt don Bhord.



Front cover windfarm and oil-seed rape images © Cian O'Mahony

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