Benefits of SEA
1.10-1.11 It might be useful if fuller reference was made to the role of SEA in assessing the cumulative impact of potential development and to the potential benefits arising from the requirement to consider alternatives.

Chapter 1 Introduction
Transposition of the SEA Directive into Planning Law
The regulations will:
1.13 require SEA in the case of Development Plans and Local Area Plans likely to give rise to significant environmental effects:

All development plans and local areas plans are likely to give rise to significant environmental effects. Therefore SEA should be obligatory for all such plans. Experience with NDP has illustrated difficulty of screening to determine in advance whether or not a plan or programme is likely to give rise to significant environmental effects (see also 3.2 below).

Scope of the Guidelines
These guidelines relate to the application of the SEA Directive to certain plans prepared under the Planning and Development Act 2000. Consideration should be given to broadening the scope to include CDB strategic plans.

Chapter 2: Integrating SEA into Plan-making

2.2 Planners will need to develop new skills. This raises questions as to how will this be put into practice.

A Step-by-Step guide to the SEA Process
2.5 Table 2B
Step 3 Consideration should be given to extending the range and scope of examples of environmental issues included here in order to make clearer what environment means in this context (an obvious omission is water). Step 3 should probably incorporate the DPSR framework used by the EPA as well as internationally (Driving forces, pressure, state, response framework – see 7.12). It is particularly important that the scope of Step 3 is not seen as limited to particular areas.
Chapter 3 SEA: Screening and Scoping

3.2 The Directive gives member states discretion in the case of plans or programmes which determine the use of small areas.

According to the proposed guidelines, SEA will only be mandatory for RPGs, City and County Development Plans and certain categories of other Development Plans and Local Area Plans.

It can be argued that SEA should be mandatory for all Development Plans and Local Area Plans including those for towns or areas with a population of fewer than 10,000. In many parts of the country, smaller settlements are subject to development pressures, for example as a consequence of demand for residential development in the peri-urban zone or due to demand for tourism related infrastructure in coastal areas or other potentially sensitive environments. In addition, all such plans are clearly relevant to the integration of environmental considerations having regard to sustainable development and thus should be subject to SEA.

There is a risk that if it is not mandatory, in cases of doubt SEA will not be undertaken for cost reasons.

No mention is made of the process to be followed for referral to environmental authorities for the screening process.

Annex 11 criteria for determining the likely significance of environmental effects

According to the draft Guidelines, cases of doubt about whether SEA is needed are often likely to reflect uncertainty about the significance of environmental effects. The draft goes on to suggest that in such cases the plan-making authority must make its best professional judgement as to whether SEA should be undertaken.

However it can be argued that in cases of doubt the regulations should state that SEA should be undertaken, in compliance with the precautionary principle.

Scoping of the Environmental Report

3.13 Assessment at different levels – while some matters may be more appropriately assessed at national level, there is no guarantee that this will have taken place. Such matters may therefore need to be included at regional and/or local level.

Designation of Environmental Authorities

3.17 The proposed environmental authorities – the role of the Minister for the Environment, Heritage and Local Government is limited to matters concerned with the architectural or archaeological heritage and nature conservation. No account is taken of the role of the Minister in respect of environmental policy including matters such as the Climate Change Strategy, the role of the Minister in respect of the national sustainable development strategy or in respect of landscape conservation. The designated authority
in this case should simply be the Minister for the Environment, Heritage and Local Government.

Chapter 4 The Environmental Report

Introduction

4.3 The report must be compiled during the preparation of the plan and before its adoption. In practise it must be displayed when the draft plan is put on display.

Greater emphasis should be placed on the need to ensure complete integration between the plan under preparation and the environmental report (a parallel approach would seem to contradict the purpose of SEA, that is, to integrate environmental considerations into the plan-making process.) The environmental report should not be seen as a separate exercise but rather an integral part of plan preparation. Thus it is imperative that the plan is fully informed by the environmental report. It appears from the guidelines that there is some discretion in respect of timing for the preparation of the environmental report and in respect of the extent to which the report is integrated with the plan itself, which would seem to defeat the purpose of SEA.

While it is stated in 4.5 that if the SEA process is to add value to plan-making, the preparation of the report should influence the choice of the preferred plan strategy, and of any mitigation measures needed to offset potential adverse effects of implementing that strategy, this is not laid down as a requirement.

4.9 The Guidelines state that the issues best dealt with at the level of the plan under preparation should be identified at the outset and that other issues should be left to other plans in the hierarchy – above or below.

The validity of this approach, while strictly speaking is in compliance with the Directive, is open to question: as already mentioned above there is no guarantee that issues pertaining to the national and /or regional level will have been previously assessed. In making a decision to leave more detailed issues to be dealt with through plans at a lower level in the plan hierarchy it is imperative that sufficient data is gathered to enable the plan-making authority to be assured that the principle of proceeding is environmentally sustainable.

4.16 Under the 4th and 5th bullet points – environmental problems and types or patterns of development – it would be useful to make specific reference to pollution from transport sources and the problems that arise from car-dependent land-use patterns.

4.17 2nd bullet – reference should be made to water courses under the general heading of parts of an area more sensitive than others.

Table 4B (Cross-check with SD principles)
Water: should include reference to ground water.
Appendix C
Comhar welcomes the reference to its *Principles for Sustainable Development* in Appendix E (Further Reading) of the draft guidelines; website details should also be included [www.comhar-nsdp.ie](http://www.comhar-nsdp.ie). Reference to Comhar’s Principles should also be made in Appendix C (Checklist of Policy Documents, etc). These Principles are aimed at providing a framework for developing or refining a sustainability bench-marking tool for policies and programmes. Comhar believes that these Principles can provide the basis for an over-arching assessment mechanism for the programmes which would be consistent with the move to sustainability impact assessment at European level in the light of the outcome of the Gothenburg European Council.