



# Blessington Local Area Plan Submission - Report

<b>Who are you:</b>	State Body
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<b>Reference:</b>	BLESSLAP-163826
<b>Submission Made</b>	April 3, 2024 4:40 PM

## Topic

Heritage - Biodiversity- Green infrastructure- Climate Action- Energy

## Submission

A Chara,

Please find attached Amended Heritage Related recommendations for the above mentioned DRAFT Local Area Plan.

Regards  
Diarmuid

Diarmuid Buttimer  
Executive Officer

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta  
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## File

FP2024-023 pre-draft Blessington Local Area Plan amended.pdf, 0.7MB



Planning Ref: **FP2024-023**  
(Please quote in all related correspondence)

3 April 2024

Director of Services-Planning  
Wicklow County Council  
County Buildings  
Wicklow Town  
Co Wicklow  
A67 FW96

Via portal

Re: Notification under Section 12 of the Planning and Development Regulations, 2000, as amended.

**Wicklow County Council: Issues paper pre-draft public consultation for the preparation of the new Blessington Local Area Plan**

A Chara,

I refer to correspondence in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

### **Archaeology**

All objectives and development control measures relating to the archaeological heritage included in the current Wicklow County Development Plan 2022-2028 (including Chapter 8, CPO 8.1 – CPO 8.9) shall be reflected in the Blessington Local Area Plan to ensure sustainable development and the continued protection and enhancement of the archaeological heritage.

All references in the Blessington Local Area Plan to the relevant Government Department responsible for the protection of the archaeological heritage in the Local Area Plan jurisdiction should read “Department of Housing, Local Government & Heritage” as the National Monuments Service is currently part of that particular Government Department. The formulation and implementation of policy relating to the protection of Ireland's archaeological heritage is the responsibility of the National Monuments Service.

In addition to the information already referenced in the Wicklow County Development relating to the archaeological heritage, it would be useful to include details of the following additional resources available to ensure the preparation of an informed Local Area Plan and the



continued protection and enhancement of the archaeological heritage within the planning area.

The Department recommends that the content of the Record of Monuments & Places for the planning area covered by the Blessington LAP be included, perhaps as an appendix to the plan - including the link to the legal RMP documents at [www.archaeology.ie](http://www.archaeology.ie). It should also be made clear that additional archaeological sites and monuments have been identified by the Archaeological Survey of Ireland, National Monuments Service, in the Historic Environment Viewer (HEV), which is also available at [www.archaeology.ie](http://www.archaeology.ie). Similar provision within the Blessington Local Area Plan is recommended in relation to historic wrecks that are included in the Historic Wreck Viewer ([www.archaeology.ie](http://www.archaeology.ie)). The HEV is continuously updated by the Department of Housing, Local Government & Heritage.

It should be noted in the Blessington Local Area Plan that in addition to planning permission, development works at National Monuments of which the Minister or local authority is owner of, guardian of or in respect of which a preservation order is in force, may also require Ministerial Consent under Section 14 of the National Monuments Act 1930 (as amended) and this will be determined by the relevant authority (Department of Housing, Local Government & Heritage) on application.

**Development Control:** When drafting the Blessington Local Area Plan, it will be important to take cognisance of the OPR (Office of the Planning Regulator) Practice Note (PN03) which was published in October 2022 and is available to view/download on the OPR website here: <https://www.opr.ie/planning-practice/>

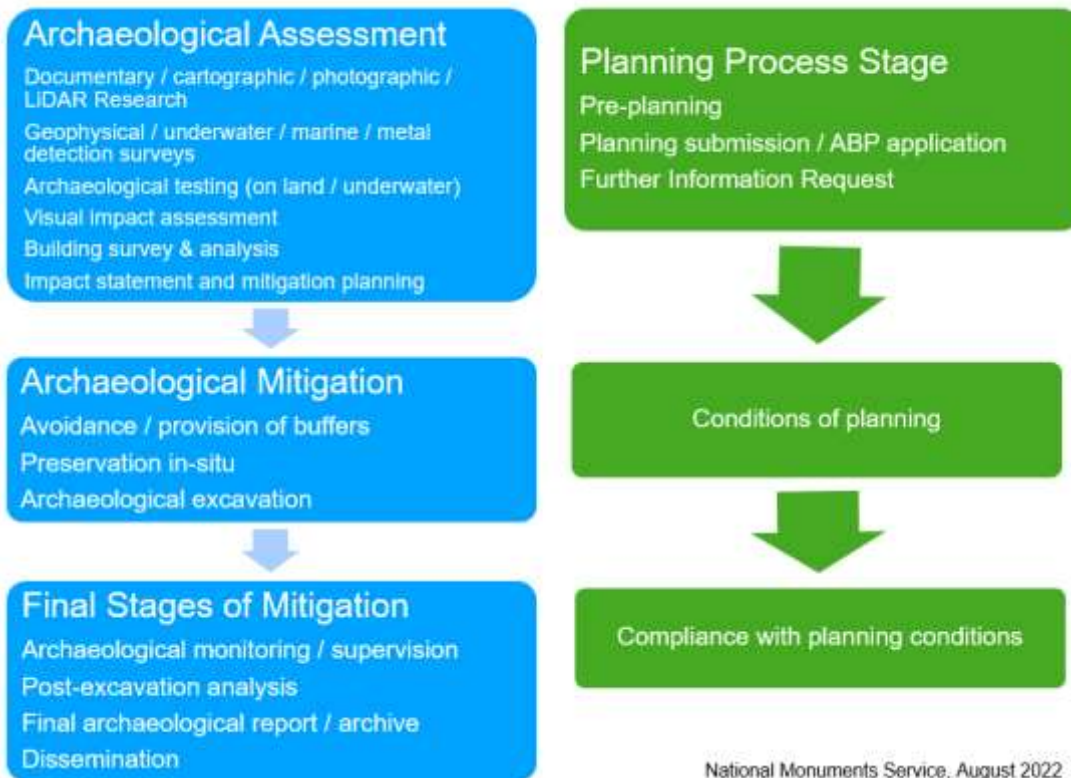
The overall purpose of this practice note is to promote greater consistency, insofar as is practical, in the use of standard planning conditions, and to support planning authorities in devising their own manual of sample conditions. The Practice Note contains information and guidance for planning authorities on the drafting of standard planning conditions and the reasons for the attachment of conditions to a grant of planning permission. It also includes Sample Archaeology Conditions and a National Monuments Service Explanatory Note and Glossary of Terms to accompany the Sample Archaeology Conditions.

It is considered best practice by the Department for archaeological assessment, where applicable, to be completed at the earliest possible stage in the planning process. Adhering to this approach will ensure that an appropriate archaeological strategy can be formulated in advance of a planning decision, so resulting in an informed planning decision and the attachment to any grant of permission of archaeological conditions which secure both sustainable development and the protection of the archaeological heritage.

The Department's preferred and recommended approach for the completion of archaeological impact assessment and implementation of agreed mitigation measures, where applicable, within the planning process is illustrated in the following flow-chart.



### Stages of Archaeological Mitigation in Planning Process



**Community Archaeology:** It would be useful and informative to include reference in the Blessington Local Area Plan to the potential for obtaining funding for community-based archaeological projects from the recently established 'Community Monuments Fund' which is currently administered by the National Monuments Service, Department of Housing, Local Government & Heritage. See link for further details:  
<https://www.gov.ie/en/publication/bd7d6-community-monuments-fund-2023-call-for-projects/>

### **Architectural Heritage**

In preparation of a response, this department has reviewed and had regard to the following plans:

1. Wicklow County Development Plan 2022-2028
2. Blessington Local Area Plan 2013-2016.
3. Blessington Architectural Conservation Appraisal.

This department acknowledges the policies and objectives most notably; CPO 8.10-8.28, outlined in Chapter 8 *Built Heritage* and development standards 9.2.1 – 9.2.3, *Built Heritage*



in Appendix 1 *Development and Design Standards* of Wicklow County Development Plan (CPD) 2022-2028.

It is further noted that built heritage is referenced and incorporated within other relevant areas of the CPD, including Chapter 5 *Town & Village Centres – Placemaking and Regeneration* as well as development and design standards concerning urban design, shopfronts, and the reuse of vernacular rural buildings.

For what pertains specifically to the '*Blessington Local Area Plan- Pre-Draft Consultation*', this department has the following high level observations and remains available for further and more detailed consultation as the statutory process continues;

### **Statutory Guidelines & National Advice Series**

'*Architectural Heritage Protection: Guidelines for Planning Authorities*' have been issued under Section 28 and 52 of the Planning and Development Act 2000 (as amended), and are available here<sup>1</sup> for consultation. These guidelines are a practical guide for planning authorities and for all others who must comply with Part IV of the Planning and Development Act 2000 (as amended) on the protection of the architectural heritage.

The Department of Housing, Local Government and Heritage have also produced a user-friendly National Advice Series. These publications address a variety of technical topics relating to the built heritage. Topics of particular relevance to planning authorities may include energy efficiency, universal access and the conservation of historic ground surfaces. A full schedule of the publication titles and a link are available in Appendix 1 of this document.

### **Appropriate Title/Headings/Use of Phrases:**

In general, it is important to ensure a consistent set of terms and phrases are adopted, explained and applied throughout the relevant plan/s. The interchangeable use of terms and phrases such as architectural heritage, built heritage, cultural heritage and built historic environment can cause confusion for the end user.

In the current Blessington Local Area Plan 2013-2019, built heritage is dealt with under the section/chapter heading of 'Natural Heritage', it is noted that archaeological heritage is not included in the plan. It is therefore recommended that the section/chapter title is changed to **Natural, Built and Archaeological Heritage**. This will ensure clear visibility of the relevant topics within the plan and ease of navigation for all users.

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<sup>1</sup> <https://www.gov.ie/en/publication/0937a-architectural-heritage-protection-guidelines-for-planning-authorities/>



### **Policies, Objectives and Development Standards Consistency:**

In the current Blessington Local Area Plan 2013-2019, natural and built heritage objectives are inter-mixed together. The policies and objectives for built heritage are not as well developed as those contained within the current Wicklow County Development Plan 2022-2028. To address this issue, the following is recommended;

1. Natural, built and archaeological heritage are dealt with as individual subject areas within the section/chapter on Natural, Built and Archaeological Heritage.
2. Built heritage will have its own specific policies, objectives and development management standards that align with those in Wicklow County Development Plan.

It is recommended that the following two general objectives are inserted into the plan for protected structures and architectural conservation areas. These can be further supported by the insertion of relevant existing policies and objectives contained with Section 8 of Wicklow County Development Plan 2022-2028.

1. **Protected Structures;** It is an objective of the council to ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures, including their curtilage and attendant grounds. This will be achieved by ensuring restoration and/or development proposals are appropriate in terms of architectural design, treatment, materiality, character, scale and form to the existing protected structure, and carried out in line with best conservation practice.
2. **Architectural Conservation Area/s;** It is an objective of the plan to protect all buildings, structures, groups of structures, sites, landscapes and all features that are considered to be intrinsic elements to the special character of Architectural Conservation Area/s. This will be achieved by promoting the sensitive and appropriate reuse and rehabilitation of buildings and sites located within Architectural Conservation Areas and by prohibiting alterations or demolition of structures and features that contribute to the character of the Architectural Conservation Area or any relevant protected structure or monument included in the Record of Monuments and Places.

Built heritage while a specific subject matter will have relevance either directly or indirectly on other policy areas, including regeneration, town and village renewal, place-making, climate, renewables, utilities and infrastructure delivery. It is therefore pertinent to ensure that it is appropriately referenced and detailed throughout the plan where relevant to other policy areas.

### **Policy and Objective Cohesion:**

It is vital to ensure that policies and objectives relating to the architectural/built heritage align with and support overlapping land use policies and objectives. This is of particular importance in regeneration areas/individual regeneration sites/opportunity sites/action plans or similar. Conflicting or unclear policies and objectives introduces varying levels of uncertainty which may disrupt the successful delivery of necessary and well-intended projects.



It is therefore recommended that an assessment is undertaken to ensure cohesion within overlapping policies and objectives relating to architectural/built heritage and specified land uses, both within the urban area of the town but also on the outlying areas where historic and/or archaeological landscapes associated with protected structures and/or archaeological sites included in the Record of Monuments and Places are present (for example Blessington Demesne associated with the former Downshire House).

It is recommended zoning and land use descriptions, objectives or text, make reference to the presence and/or proximity of protected structures and/or architectural conservation area designations, as well as referencing corresponding built heritage policies, objectives and development management standards. This will assist in the ensuring appropriate design responses at an early stage in any development proposal relating to the specific site.

#### **Architectural Conservation Area Statement of Character:**

The forthcoming Blessington Local Area Plan should include a Statement of Character for the Architectural Conservation Area, supported by relevant policies and objectives. This can be informed by the baseline survey information and historical background contained within the 2006 Blessington Architectural Conservation Appraisal combined with onsite review of the ACA boundary.

#### **Resources;**

There are a number of architectural heritage resources and grants available to local authorities which are in Appendix 1 of this correspondence.

#### **Nature Conservation**

The Department welcomes the invitation to make a submission in relation to the pre-draft consultation stage of the **Blessington Local Area Plan 2023-2029**, hereafter referred to as the LAP. The following observations are made by the Department in its role as a statutory authority with overarching responsibility for nature conservation and the nature directives (i.e. the Bird Directive (2009/147/EC) and Habitats Directive (92/43/EEC)). The observations are not exhaustive but are intended to assist the Local Authority in meeting its obligations in relation to nature conservation, European sites, biodiversity and environmental protection in the process of reviewing the existing Blessington LAP and drafting the new plan. This submission is intended to cover the pre-draft stage of plan-making and therefore comments should be reviewed by the LAP team as well as the SEA and AA teams. The Department will not be making any further nature conservation comments at pre-draft stage.



The Department's Nature Conservation submission is divided into two sections;

- Observations in relation to the SEA and the preparation of the associated Environmental Report.
- Observations in relation to Appropriate Assessment.

There will, however, be cross-over of comment and observations between the two sections so that each section is understood in its own right.

## **1. Observations in relation to the SEA and the preparation of the associated Environmental Report**

### **1.1 Context of submission**

This section of the submission is made in the context of this Department's role as an environmental authority under SEA legislation.

### **1.2 Integration into the Plan**

The LAP should be developed to integrate biodiversity considerations in a positive, proactive and precautionary way, and this should be reflected in its text and content, including its aims, objectives and policies, as well as in maps, e.g. land use zonings, and suitability categorisations or preferential areas or routes for infrastructural components and interconnections, and for certain developments or land use types.

In general, no areas should be identified or targeted for future development or changes in land use without the availability of basic information on the ecological sensitivities of the lands in question, such as a habitat and/ or ecological constraints map, *i.e.* the precautionary principle should apply. This will serve to ensure that plan-making is robust, informed and evidence-based, and that the expectations or concerns of various parties are better managed, particularly in relation to the likely or realistic development potential of certain areas.

### **1.3 The LAP**

The LAP should include objectives to conserve and maintain key elements of biodiversity within the Plan area and its zone of influence, and to ensure it does not contribute to biodiversity losses or deterioration.

If the LAP contains measures that involve the use of new technologies, the implications of which for biodiversity are unclear or unknown, authorities are advised to include commitments to undertake scientific research to improve and expand understanding of the significant effects that may arise.

Regulation 27 of the European Communities (Birds and Natural Habitats) Regulations, 2011-2021 (referred to as the 2011 Regulations), places particular duties on all public authorities in relation to European sites that should be reflected in the LAP commitments and the associated assessments. Among other things, this includes a duty to exercise all





functions, including consent functions, in compliance with, and so as to secure compliance with, the requirements of the Habitats and Birds Directives and the 2011 Regulations. Public authorities are obliged, when exercising their functions, to take appropriate steps to avoid in European sites the deterioration of natural habitats and the habitats of species, as well as disturbance of species for which a site has been designated insofar as this disturbance could be significant in relation to the objectives of the Habitats Directive (see also Section 177S of the Planning and Development Act, 2000 as amended).

#### **1.4 Implications of the LAP for Biodiversity, Flora and Fauna**

The LAP may significantly affect nature conservation, biodiversity, flora and fauna in a number of ways, depending on the measures to be included within it and the methods of implementation. It should be considered whether the LAP will give rise to some or all of the impacts and effects listed below. This is not an exhaustive list and additional effects may arise that will need to be considered in the assessments required.

- Permanent and/or temporary habitat loss
- Permanent and/or temporary habitat fragmentation
- Habitat deterioration
- Vegetation or community changes (*e.g.* from land use change as well as direct changes to the environment, *e.g.* through emissions, fertilisation, lighting *etc.*)
- Changes to soil nutrient status
- Changes to physical structure of habitats (*e.g.* creeks and pans in salt meadows)
- Disturbance or damage to breeding, roosting, feeding areas
- Changes to distribution of species
- Introduction or expansion of barriers to movement, dispersal, migration
- Introduction or increase of collision risk
- Other impacts that may affect productivity and breeding success such as recreational disturbance
- Changes to water quality, such as eutrophication, sedimentation *etc.*
- Changes to natural processes of sedimentation and erosion
- Changes to drainage, hydrology, hydromorphology, sub-surface flows, flooding regimes *etc.*
- Changes to ecosystem services and functions, such as pollination, water attenuation and flood mitigation, and climate change mitigation and adaptation (such as carbon storage and sinks *etc.*)
- Introduction or spread of invasive species.

Competent authorities and consultants acting on their behalf are also advised to undertake reviews of peer-reviewed and grey literature to enhance their understanding of the implications for nature conservation of the LAP and to ensure that they have identified the full range of potential effects that should be considered in the assessment. They are also advised to review the publications on the NPWS website for this purpose (details are provided below).



### 1.5 Scope of the Strategic Environmental Assessment

The Biodiversity, Flora and Fauna section and related sections (such as water, soil *etc.*) of the Environmental Report should be undertaken by or in conjunction with a suitably qualified ecologist(s) and other specialists as necessary, and in conjunction with the Natura Impact Report. This will facilitate full integration of biodiversity issues and concerns, particularly in relation to nature conservation sites, protected species, and ecological corridors and stepping stones. The EPA's *Integrated Biodiversity Impact Assessment Practitioner's Manual* is of particular relevance in this regard.

The Environmental Report is required by the SEA Directive (2001/42/EC) to contain information on the environmental characteristics of the areas likely to be significantly affected by the plan or programme, or modification thereof.

### 1.6 Strategic Environmental Objectives

The Environmental Report is required to contain environmental protection objectives. For biodiversity, flora and fauna, these should integrate with the objectives and obligations of other Directives, legislation, plans and policies such as, but not only, the following:

- Habitats Directives 92/43/EEC,
- the Birds Directive (2009/147/EC)
- the Water Framework Directive (2000/60/EC),
- Environmental Liabilities Directive (2004/35/EC)
- Strategic Environmental Assessment Directive (2001/42/EC)
- The Wildlife Acts, 1976-2021
- European Communities (Birds and Natural Habitats) Regulations 2011 - 2021 (S.I. 477/2011) and amendments (S.I. 290 of 2013, S.I. 499 of 2013, S.I. 355 of 2015 and S.I. 293 of 2021)
- Flora Protection Order 2022 (S.I. No 235 of 2022)
- European Union Biodiversity Strategy 2030
- European Union Green Infrastructure Strategy
- National Biodiversity Plan 2017-2021
- National Peatlands Strategy
- All-Ireland Pollinator Plan 2021-2025
- Biodiversity Climate Change Sectoral Adaptation Plan
- Heritage Ireland 2030
- National River Basin Management Plan 2018-2021 (including any superseding versions of same)
- Wicklow Biodiversity Action Plan 2015
- County Wicklow Heritage Plan 2017 – 2022
- Wicklow County Development Plan 2022 – 2028
- Wicklow County Council Climate Change Adaptation Strategy 2019
- Wicklow Local Authority Climate Action Plan (in prep)

Strategic Environmental Objectives should be included for **all nature conservation sites, both designated and undesignated (not only European sites), local biodiversity features, protected species, Annex I habitats outside of designated sites and ecological corridors and stepping stones** to address key threats arising from the LAP.



Such threats may include recreational pressure due to population increase, particularly at Poulaphuca Reservoir SPA. Loss of undesignated calcareous grassland and tufa spring features should also be considered.

The LAP should also promote the provision of buffer zones between developments and areas of significant biodiversity and ensuring appropriate control and management measures for invasive species. Provision of alternative robust recreational areas, including for dog walking, should also be considered.

### **1.6 Scope of Environmental Report**

The scope of the SEA should include data gathering, analysis and assessment of the implications for each of the elements listed, paying particular attention to the likely and realistic effects of the LAP.

### **1.7 Data/Information Sources**

*NPWS website:*

The National Parks and Wildlife Service's website ([www.npws.ie](http://www.npws.ie)) is a key source of data, information and publications, including GIS datasets, on nature conservation sites and biodiversity issues of relevant to the LAP and its associated environmental assessments.

*European sites:*

With respect to European sites<sup>2</sup>, the website presents amongst other things:

- Maps of site boundaries,
- Site synopses,
- Standard Data Forms,
- The qualifying interests (for SACs) and special conservation interests (for SPAs),
- The conservation objectives for the European sites.

*Conservation Objectives for European Sites:*

Site Specific Conservation Objectives have been published now for all SACs in the country. These objectives define favourable conservation condition at site-level of the Annex I habitats and Annex II species for which the sites have been selected. The documents themselves are available for download from the NPWS website. The associated spatial data is also available for download. The limitations of the data should be taken into account in the assessment, as outlined under the "Notes/Guidelines".

*Flora Protection Order – Bryophytes:*

The Flora (Protection) Order, 2022 (S.I. No. 235 of 2022) gives legal protection to 65 species of bryophytes in the Republic of Ireland (25 liverworts and 40 mosses). Information packs are now available for each of the known FPO bryophyte populations, downloadable as PDF documents from [www.NPWS.ie](http://www.NPWS.ie). A bryophyte map viewer is also available.

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<sup>2</sup> The term "European Sites" is defined in the European Communities (Birds and Natural Habitats) Regulations 2011, Part 1: Interpretation as an SAC, candidate SAC, SPA, candidate SPA, a site of Community importance or a candidate site of Community Importance.



#### *Natural Heritage Areas:*

For NHAs, features of interest and dates of site designation are listed on the website; site boundaries, site synopses, and Statutory Instruments are also available.

#### *Site Boundaries:*

Site boundaries of nature conservation sites may be subject to change, and additional information about sites, habitats and species will become available over time. The most up-to-date data and information available from the website should be accessed and used at each successive stage of the plan-making process.

#### *NPWS Datasets and Data Requests:*

GIS datasets are available for download for certain habitats and species arising from various sources, including national surveys<sup>3</sup>. Other NPWS-held data and reports on habitats, species and specific sites may be requested by submitting a “Data Request Form”<sup>4</sup>.

#### *Other Data Sources:*

Data and information on ecological interests and features in or near the LAP area are or may be available from other sources, including:

- The National Biodiversity Data Centre ([www.biodiversityireland.ie](http://www.biodiversityireland.ie))
- Non-governmental organisations such as Birdwatch Ireland, Bat Conservation Ireland, Botanical Society of Britain and Ireland, Irish Whale and Dolphin Group *etc.*
- Barn Owls of Wicklow/ Wicklow Barn Owl Group - In 2022 the Heritage Office of Wicklow County Council in partnership with local National Parks and Wildlife Service (NPWS) staff initiated the Wicklow Barn Owl project with the aim of gathering baseline data on this species in County Wicklow and providing suitable supplementary habitat through the installation of Barn Owl nesting boxes where appropriate.
- Local Authority (e.g. county or sub-county habitat maps, wetland surveys, hedgerow surveys, Environmental Impact Statements and other assessments of plans and projects within the plan area including habitat mapping, Environmental Monitoring Reports required as condition of some consented projects e.g. windfarms)
- Wilson, F., Crushell, P. Curtis, T. & Foss, P.J. (2010) Title: The County Wicklow Wetland Survey I Report prepared for Wicklow County Council and The Heritage Council.
- Wilson, F., Crushell, P. Curtis, T. & Foss, P.J. (2012) Title: The County Wicklow Wetland Survey II. Report prepared for Wicklow County Council and The Heritage Council.
- Curtis, T. and Wilson, F. (2008) Field survey of rare, threatened and scarce plants in County Wicklow. 3 Vols. Unpublished report to NPWS
- Whelan, R. and O’Sullivan, O. (2019) Wicklow Swift Survey Report
- Environmental Protection Agency (e.g. data and information on water quality and SEA Spatial Information Sources 2016).

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<sup>3</sup> <http://www.npws.ie/maps-and-data/habitat-and-species-data>

<sup>4</sup> <http://www.npws.ie/maps-and-data/request-data>



- Environmental Sensitivity Mapping (ESM) Web tool ([enviromap.ie](http://enviromap.ie)). This is a novel decision-support tool for Strategic Environmental Assessment and planning processes in Ireland. It allows users to create area-specific environmental sensitivity maps.
- National Landcover Map - The new National Land Cover Map was produced by the National Mapping Division of Tailte Éireann (formerly Ordnance Survey of Ireland) in partnership with the Environmental Protection Agency (EPA). The map includes very detailed information on land cover types in Ireland and marks a significant improvement in land evidence. It will have many uses in environmental assessments on water, climate, air, noise, and biodiversity and will be an important resource into the future.
- Botanical Society of the Britain and Ireland – records of rare and protected plants

#### *Important NPWS Publications*

NPWS publishes documents and reports on an ongoing basis and these are made available on the website. The Publications Section of the website should be used to identify key publications that are particularly relevant to the LAP and the impacts that may arise from it, and will assist in identifying and understanding current environmental condition and problems in the receiving environment. These include conservation assessments, national species survey reports, monitoring reports for various habitats and species, threat response plans for species, national Red Lists and wildlife manuals relating to the conservation management of habitats and species in Ireland.

Particularly significant publications in this regard include the following:

- 2007, 2013 and 2019 Report on the Status of EU Protected Habitats and Species (also known as the Article 17 Report).
- 2013 Article 12 (Birds Directive) Reports: Summary Report for the period 2008-2012 and Ireland's bird species' status and trends for the period 2008-2012.
- Ireland's Prioritised Action Framework (PAF) for Natura 2000 in Ireland 2021 -2027. Prioritised Action Frameworks (PAFs) are strategic multiannual planning tools, aimed at providing a comprehensive overview of the measures that are needed to implement the EU-wide Natura 2000 network and its associated green infrastructure, specifying the financing needs for these measures and linking them to the corresponding EU funding programmes

#### **1.10 SEA Guidance**

Competent authorities and agents/consultants acting on their behalf are advised to have regard to the following Guidance. It is also advisable to take account of any European or national jurisprudence that supersedes any guidance within these documents. Please refer to the EPA's website for a more complete and up-to-date list of relevant SEA guidance <https://www.epa.ie/our-services/monitoring--assessment/assessment/strategic-environmental-assessment/>.



- [González, A. \(2013\). Integrated Biodiversity Impact Assessment Streamlining AA, SEA and EIA Processes: Practitioner's Manual.](#)
- [Government of Ireland \(2022\). Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities](#)
- Department of Housing, Heritage and Local Government (2021) Best Practice Interim Guidance Document 'Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design'
- [SEA of Local Authority Land-Use Plans - EPA Recommendations and Resources 2023 Version 1.19](#)
- [EPA \(2023\). Guidance on Strategic Environmental Assessment \(SEA\) Statements and Monitoring](#)
- [EPA \(2016\). Green Infrastructure: A 'How To' Guide for Disseminating and Integrating the Concept into Spatial Planning Practice](#)
- [Department of Housing, Heritage and Local Government \(2022\) 'Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design'](#)
- [Inland Fisheries Ireland 'Planning for Watercourses in the Urban Environment'](#)
- [Marnell, F., Kelleher, C. & Mullen, E. \(2022\) Bat mitigation guidelines for Ireland v2. Irish Wildlife Manuals, No. 134. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland](#)
- [Department of Housing, Heritage and Local Government \(2021\) Strict Protection of Animal Species Guidance for Public authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public authority](#)

### 1.11 SEA Mitigation and Monitoring

SEA is a stepped process that involves collating baseline data, setting strategic environmental objectives, as well as the monitoring of the effects of the LAP on the environment. This final step is essential to the process and should underpin subsequent LAPs. Monitoring is a learning process that identifies issues and impacts. It follows that the results of monitoring from the current LAP should inform the scoping for SEA of the proposed LAP. Without effective monitoring and follow up, each new plan operates from a **shifted reference baseline for biodiversity** and environment and as a result it is more likely that issues will perpetuate beyond each plan. The Department recommends that the description and assessment of the baseline environment incorporates the SEA monitoring from the current LAP.

Looking to the LAP for 2024, the SEA should establish definitive measurable indicators for environmental and particularly Biodiversity impacts. A key driver of Biodiversity loss is habitat loss and the SEA process is particularly important for assessing the cumulative impact and wider trends of habitat loss that arise from sub-threshold EIA projects and indirect effects of the LAP. Consequently, monitoring should be embedded into the plan and given clear quantifiable targets. Specifically, the SEA should establish effective and implementable monitoring of habitat loss, e.g. quantify and monitor the area of hedgerow, scrub and woodland, shingle beach and coastal grassland within the lifetime of the LAP. Such



quantifiable data can be gained from stipulations within the LAP requiring all new development applications to quantify and state the predicted habitat or biodiversity loss associated with the project. Furthermore, all losses and gains of important biodiversity features should be quantified with regard to development over the lifetime of the plan and the SEA process should report on them at the beginning of the next draft plan.

The Department recommends that mitigation measures should be fully integrated into the LAP itself and the final LAP should fully reflect the findings of SEA and AA because they are integrated processes that mutually complement each other. Additionally, it is important to align the SEA and AA. Notwithstanding that, it must be noted that they are separate independent processes that serve to ensure compliance with separate legislative requirements, and cross referencing in these documents is to be avoided.

The monitoring programme should be clearly set out and developed in such a manner as to ensure it will identify the effects (both positive and negative) on the environment that are likely to arise, or will arise, and to monitor the effectiveness of any mitigation, if required, on which the assessment relies. While it may be considered efficient to use monitoring programmes that are already in place and run by other authorities, it is important to establish that the monitoring programmes are designed in such a way that they will identify the effects anticipated from the particular plan in question. As such, it is important to understand the objectives, methodologies, parameters, and assumptions *etc.* of any existing monitoring programme that is proposed to be used in such a way.

Monitoring of local-level plans should focus on both local issues (e.g. habitat loss) and particular aspects of larger scale problems that are relevant to the LAP area. Monitoring methods and frequency must be defined and provisions for carrying out remedial action, as appropriate and aligned to the scope of the plan.

The Department advises that monitoring should focus on measures to monitor the identified potential significant environmental effects and the implementation of mitigation measures (and their effectiveness), not the full range of environmental criteria used to assess the plan/programme<sup>5</sup>. In this regard, the Department recommends that indicators should be linked back to environmental effects and proposed mitigation measures.

It is advisable to clearly set out where responsibilities for monitoring programmes lie, their frequency, their reporting/publication arrangements, as well as the procedures that will be put in place to ensure that there is a response mechanism to any unforeseen or undesirable negative effects/results and an undertaking of remedial action, if necessary.

## **2. Observations in relation to Appropriate Assessment**

### **2.1 Cumulative Impacts**

The Department advises that cumulative impacts with other plans or projects must be considered in the AA. These can result from the successive, incremental, and/or combined effects of a project when added to other existing or planned developments.

### **2.2 Appropriate Assessment Guidance**

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<sup>5</sup><https://www.epa.ie/publications/monitoring--assessment/assessment/strategic-environmental-assessment/06695-EPA-SEA-Statements-and-Monitoring-Report.pdf>



The Department advises that the following EU and National guidance documents should be consulted;

- European Commission (2022) Directorate-General for Environment, Guidance document on assessment of plans and projects in relation to Natura 2000 sites – A summary, Publications Office of the European Union. <https://data.europa.eu/doi/10.2779/086397>
- European Commission (2018) Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC [https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/EN\\_art\\_6\\_guide\\_jun\\_2019.pdf](https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/EN_art_6_guide_jun_2019.pdf)
- European Commission (2021) Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC [https://ec.europa.eu/environment/nature/natura2000/management/pdf/methodological-guidance\\_2021-10/EN.pdf](https://ec.europa.eu/environment/nature/natura2000/management/pdf/methodological-guidance_2021-10/EN.pdf)
- Office of the Planning Regulator (OPR) (2021) Practice Note PN01 Appropriate Assessment Screening for Development Management
- Department of Environment, Heritage and Local Government (2010) (rev.) Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities.
- NPWS (2010) Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPWS 1/10 & PSSP 2/10.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at [manager.dau@npws.gov.ie](mailto:manager.dau@npws.gov.ie), or to the following address:

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Is mise le meas,

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