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NPF Submissions
Forward Planning Section
Department of Housing, Planning and Local Government
Custom House
Dublin 1
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10th November 2017

Our Ref: SCP170201.2

Re. Draft National Planning Framework and associated SEA Environmental Report

Dear Ms Lyons,

We acknowledge your correspondence, dated 28th September 2017, in relation to the Draft Ireland 2040 – National Planning Framework (the NPF) and the associated Strategic Environmental Assessment (SEA) Environmental Report (ER) currently being prepared by the Department of Housing, Planning and Local Government.

We welcome the preparation of the NPF and the statutory basis which will be afforded to it by the Planning and Development (Amendment) Bill 2016 once published. The Framework sets the vision for how Ireland will progress economically, socially and environmentally up to 2040, including how we as a nation can accommodate an additional one million people and half a million new homes. Given the importance of a clean, well-protected environment for our health, our wellbeing, our economy and our quality of life, it is vital that future planning and development must be carried out in an environmentally sustainable manner.

The scale of the environmental challenges facing Ireland, including the need to address climate change and to protect and improve our water quality and biodiversity, cannot be underestimated. We acknowledge and welcome that the key messages and actions in our most recent State of Environment Report (SoE) *'Ireland's Environment - An Assessment 2016'*¹ (EPA, 2016) have been reflected in the NPF and the SEA ER. The integrated approach adopted is reflected in 6 of the 10 chapters of the NPF being devoted to relevant aspects of the environment. The extensive consultation and engagement with key stakeholders undertaken by the NPF and SEA teams throughout the process has also been clearly reflected in the Framework and SEA ER, which we welcome.

The NPF is well placed to serve as a key driver for addressing the environmental challenges facing Ireland, in partnership with other government departments and state agencies. The four high-level objectives and the eight key components of the Framework Vision have the potential to guide the transformation of our country in an environmentally sustainable manner. The vision that Ireland is *"to be the most successful, advanced competitive and environmentally sustainable society and economy in*

¹ <http://www.epa.ie/irelandsenvironment/stateoftheenvironmentreport/>

Europe” is a welcome and ambitious statement. Its realisation will require a concerted effort and collaborative approach across all sectors of government, business and society and a shift in our behaviour.

The EPA welcomes the opportunity to make a submission at this stage of the NPF and SEA process. This submission is intended to support the preparation and delivery of an effective NPF for the country and builds on our submission at SEA scoping stage. Additional specific comments are provided in Appendix I (NPF-related comments) and Appendix II (SEA-specific comments).

Key Environmental Challenges

In our submission on the NPF ‘Issues and Choices’ scoping document earlier in the process, we highlighted the key environmental actions for Ireland currently, as described in Chapter 13 of *Ireland’s Environment 2016*.

1. *Environment and Health and Wellbeing* - Recognition of the benefits of a good quality environment to health and wellbeing.
2. *Climate Change* - Accelerate mitigation actions to reduce greenhouse gas emissions and implement adaptation measures to increase our resilience in dealing with adverse climate impacts.
3. *Implementation of Legislation* – Improve the tracking of plans and policy and the implementation and enforcement of environmental legislation to protect the environment.
4. *Restore and Protect Water Quality* – Implement measures that achieve ongoing improvement in the environmental status of water bodies from source to the sea.
5. *Sustainable Economic Activities* – Integrating resource efficiency and sustainability ideas and performance accounting across all economic sectors.
6. *Nature and Wild Places* – Protect pristine and wild places that act as biodiversity hubs, contribute to health and wellbeing and provide sustainable tourism opportunities.
7. *Community Engagement* – Inform, engage and support communities in the protection and improvement of the environment.

As previously stated, we welcome and acknowledge that the key messages and actions in the SoE Report have been incorporated into the NPF. These actions are linked to several of the UN’s Sustainable Development Goals. Addressing and implementing these key actions will be important in delivering environmental protection and promoting sustainable development in Ireland in the years ahead. The plan might be strengthened though by a more explicit reference to the seven key challenges set out above, as set out in *Ireland’s Environment 2016* and also to the relevant UN Sustainable Development Goals. This could be included as part of Chapter 8 – Realising Our Sustainable Future. It could also be reflected in a new section or chapter setting out commitments on Environmental Monitoring and Mitigation as well as associated reporting. This should incorporate the Monitoring and Mitigation in Chapter 9 of the SEA ER.

Need for Critical Service Infrastructural Coordination and Integration

The NPF details an estimated population growth of 1 million people to 2040. Providing the required supporting critical service infrastructure (particularly water and wastewater treatment infrastructure) to meet the population projections will represent a very significant challenge, particularly given the background of decades of underinvestment in both water and wastewater treatment. This will need to be addressed within the three Regional Spatial and Economic Strategies (RSEs) and local authority Development Plans and will also need to be reflected and committed to by way of budget on a priority basis in Irish Water’s Capital Investment Plan.

The role of Irish Water in providing waste water treatment services needs to be fully integrated with planning and economic development to protect water quality. The NPF should recognise and promote the need for sustainable management of waste water in smaller towns, villages and communities, as well as outside the networks served by Irish Water.

With 50% of population growth targeted at ‘*large and smaller towns, villages and rural areas*’ it will be important that unsustainable levels of one-off housing in non-serviced rural areas are avoided, particularly in areas where achieving suitable drainage for domestic waste water treatment systems is difficult. The NPF and subsequent lower level plans (RSEs, local authority development plans, municipal area plans, local area plans) should seek to ensure that unsustainable settlement patterns are deterred, and economic and population growth are appropriately managed.

Consideration should be given to including specific policies for sustainable management of waste water in smaller towns, villages and communities, as well as outside the networks served by Irish Water. The role of Irish Water in providing waste water treatment services for environmental protection needs to be fully integrated with planning and economic development. In the absence of Irish Water investment or willingness to treat additional loads from industry or housing, an unintended increase in private treatment plants that serve industry and housing estates in rural areas could arise. The implications of this for national planning and environmental protection would need to be considered (i.e. additional discharge locations to water, water pollution risks, conflicts with WFD objectives, public health, risk of odours if treatment plants are not maintained, increased land use for treatment plants, additional energy requirements, increased regulatory burden on local authorities etc.).

Brownfield Redevelopment

We welcome the focus in the NPF on brownfield redevelopment over greenfield development, which acknowledges the importance of sustainable development and core-strategy based development. It also recognises the value of greenfield sites to human health, flood relief, amenity/recreation use as well as being an ecological resource and a way of protecting green infrastructure. In implementing the proposed brownfield development, it will be important that these areas, which may have legacy soil contamination issues, are subject to appropriate investigations and environmental assessments.

Relationship with other Plans and Programmes.

We recommend the inclusion of a schematic (akin to Fig. 10.1) showing the links between the NPF and other key relevant national, regional and sectoral plans/programmes/strategies and highlighting which plans/programmes/strategies are (or will be) responsible for progressing particular aspects of the Framework. It could help identify which areas need closer coordination and integration. A similar representation of the links with relevant international, European and national environmental legislation should be included.

It is important that the NPF is fully aligned with the relevant aspects of wider national environmental policy. Key significant plans to be recognised in the NPF include the National Mitigation Plan, National Adaptation Framework, the Draft River Basin Management Plan, National Landscape Strategy, National Biodiversity Plan, National Peatland Strategy and National Clean Air Strategy. Other significant plans currently being prepared or due to commence shortly which should also be reflected in the Framework include the National Bioenergy Plan, the National Broadband Plan Intervention Strategy, EirGrid's GRID Implementation Programme and the revision of the Wind Energy Guidelines. The preparation of the NPF is timely given the challenges facing Ireland but also the opportunities to avail of our considerable natural resources, both in terms of food supply and energy resources for example, which can support the population increases and energy requirements envisaged. With regards to our marine resources, the preparation of the National Maritime Spatial Plan, Our Ocean Wealth and the Offshore Renewable Energy Development Plan are significant.

Where any new or modifications to existing plans/programmes/strategies are required in order to implement the objectives in the NPF, these should also be highlighted. The requirements of the SEA and Habitats directives should be taken into account where new plans or modifications/ amendments to existing plans are required.

A key recommendation of the EPA is for more integration and better coordinated implementation across related directives such as water, nature and the marine. Given the number of national and

regional plans that are prepared by government departments and state agencies, there is merit in considering establishing a centralised government system for recording and tracking marine, terrestrial, nature, water and climate based sector plans. This would allow coordination between different agencies and departments as well as collaboration on preparation and integration related aspects. Where plans may fall under the remit of particular EU Directives, such as the SEA Directive or Habitats Directive, these could be identified at an early stage.

Governance, Implementation, Monitoring, Reporting and Review

The cross-department endorsement of the NPF is welcome and it will be imperative that this cooperative approach continues during the implementation phase. We suggest extending the Foreword to include other relevant government departments, including the Department of Agriculture, Food and the Marine in the context of the importance of the agriculture and food sector to Ireland's economy.

Implementation Plan & High level Implementation Group

We recommend the preparation and publication of a NPF Implementation Plan alongside the Framework to set a clear pathway for the implementation and tracking of the NPF in achieving its high-level objectives and vision. The NPF Implementation Plan should clearly set out the actions, targets, timeframes and the appropriate body or bodies responsible for implementation of the actions supporting the objectives/commitments in the NPF. . This will significantly strengthen the Framework and reduce the risk of poor implementation. Many bodies are likely to be involved in implementation so it will be important that these bodies be consulted about the preparation of the Implementation Plan.

The Implementation Plan should include provisions for annual reporting on implementation of the NPF commitments. It should also link the SEA-related monitoring obligations required under the SEA legislation. There is potential to link reporting on progress on the NPF's environmental related objectives with the cyclical *Ireland's Environment* reporting and related periodic environmental topic reporting.

To support the delivery of the Implementation Plan, we recommend the establishment of a High Level Implementation Group, across the different government departments and Agencies involved in the preparation of the NPF. Individual focussed sector-specific sub-groups could also be established to oversee and review progress on implementation of relevant sector measures. The arrangements in place for the implementation of Food Wise 2025 (FW2025) and the Offshore Renewable Energy Development Plan (OREDP) provide examples of existing successful approaches. For FW2025, a High Level Implementation Committee overseeing the implementation of the actions is chaired at ministerial level. An Environmental Sustainability Committee addresses the actions dealing specifically with sustainability reporting to the High Level Implementation Committee. A similar model could also be applied for implementation of the NPF.

Office of the Planning Regulator

We welcome the proposed establishment of the Office of the Planning Regulator as a significant positive step in ensuring that sustainable development is promoted at all levels in the planning hierarchy and that the aims of the NPF are fully embedded and realised within the planning system. The independent assessment and monitoring of the implementation of the NPF, through lower level plans, through the Office of the Planning Regulator, will be crucial. The timely establishment, resourcing and statutory underpinning of this new Office is therefore of significant importance given its central proposed role in overseeing and tracking the implementation of the NPF. The aforementioned NPF Implementation Plan would be of significant assistance to the new Office of the Planning Regulator in performing its independent monitoring role.

Integration of SEA and AA into the NPF

We acknowledge that the mitigation measures recommended in the SEA ER have been reflected in the wording of the National Policy Objectives. This clearly shows how the SEA (and AA/FRA) have

influenced the preparation of the NPF. By acknowledging the role, importance and integration of the SEA, Habitats and Floods Directive, and their respective assessment finding in the planning process in *Chapter 10-Assessing Environmental Impact*, the NPF recognises that development and population growth need to be managed, coordinated and planned for in an environmentally sustainable manner.

We welcome in particular the inclusion of National Policy Objective 70 (*ensuring that all plans, projects and activities requiring consent from the National Planning Framework are subject to the relevant environmental assessment requirements including SEA, EIA and AA as appropriate*). Additional specific comments are provided in Appendix II.

There is merit in advocating that sectoral plans/programmes/strategies (coming under SI435/2004) consider applicability of the SEA Directive early in the plan preparation process. Consideration should be given to developing a national SEA guidance document for sectors falling under the scope of SI 435/2004, to ensure the relevant government departments and state agencies are supported and made aware of obligations in this regard.

Future Modifications to the Draft NPF

Where modifications to the NPF are proposed, these should be screened for potential for likely significant effects in accordance with the criteria set out in Schedule 1 of the SEA Regulations (S.I. No. 435 of 2004) and should be subject to the same method of assessment applied in the “environmental assessment” of the Draft NPF.

SEA Statement

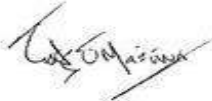
Following adoption of the NPF, an SEA Statement, should be prepared which summarises the following:

- How environmental considerations have been integrated into the NPF;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the NPF;
- The reasons for choosing the NPF adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the NPF.

A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process.

Should you have any queries or require further information in relation to the above please contact the undersigned. I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: sea@epa.ie.

Yours sincerely



Tadhg O'Mahony

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Appendix I - Specific Comments on the Plan

In Section 3.9 Enabling Growth in Ireland's Cities

We acknowledge the key “growth enablers” envisaged for the five cities. To ensure their implementation, there is merit in considering including an additional national policy objective that these “growth enablers” are to be progressed at the regional level.

Agriculture

While some reference is made to the role of Agriculture within the NPF, as a vision document, it would be useful to include in the vision, an Ireland with more responsible land use management practices and an integrated catchment management approach to the protection of our national water resource.

Landscape

A separate National Policy should be included related to the National Landscape Strategy and the relevant actions, the support for the preparation of a Landscape Character Assessment/Map and the update of the LCA Guidelines would be important

National Policy Objective 21 – consider rewording “natural landscape and built heritage” to “natural and built heritage”.

Climate Change

Section 6.4 – Coastal Environment and Planning for Climate Change – might be worth including separate headings for climate mitigation and adaptation. (or under climate action and planning)

The NPF could place more emphasis on the role of the National Mitigation Plan and National Adaptation Framework under the Climate Act 2015, in terms of the national effort to address climate change.

Sustainability

It is useful to consider including a reference to the UN Sustainable Development Goals and its relationship to the NPF. This could be achieved by way of a graphic showing how the UN sustainability goals align with the NPF.

Marine Environment

Plastic pollution is a key issue now for marine environments across the globe. The issue is also included in the EPA State of the Environment Report. Recognition of the need to target and promote reductions in marine plastic and litter in the NPF, by including a specific objective would be welcome.

Water

The NPF should acknowledge the need for increased focus on continued pressures on the Water Framework Directive in relation to the provision of appropriate drinking water and wastewater treatment in terms of increase population and urban sprawl.

We welcome the recognition of the role and value of Blueways and Greenways in the NPF. We also recommend that in relation to protection of High Status Waters/Sites, the NPF should highlight the need that these are afforded significant protection. Planning authorities need to ensure that in considering applications for developments or activities within areas of High Status waters, they are aware of their obligations to protect these sites from activities that can potentially significantly affect the water quality.

We also recommend stronger controls in relation to

- 1. Abstraction licences
- 2. Felling licences and

- 3. Intensive agricultural activity adjacent to surface waters. We note that there has been an increase in permissions sought for intensive agriculture industries that are just under the EPA thresholds.

In relation to point 3, there is merit in the NPF supporting options for Local Authorities to play a role in the approval of nutrient management plans process. This would ensure that these industries are looked at from cradle to grave (with the appropriate mitigation measures established etc.). This approach works well with Nutrient Management Plans from bio-solids from WWTP's and would be a positive step in advancing the protection of water resources into the future.

Air Quality and Health

We acknowledge that the link between air quality and health is referred to, the benefit and role of other environmental aspects in relation to health include aspects such as urban green spaces etc.

Additional Policy on Minerals

Consideration should be given to including a specific policy relating to minerals and quarrying. This should include historical, existing operational and likely future development and related activities. Where relevant a commitment should be considered for National Guidelines/ Guidance to be prepared in relation to mineral planning.

Border Region / Transboundary

The NPF should provide support for addressing the challenges facing the development of the border region, in terms of population increase and economic growth. The potential implications of Brexit, in particular, may be felt to maximum effect in this region, the NPF should provide more support to cater for this.

Appendix II - Specific Comments on the SEA

Chapter 1 - Introduction

Similar to the schematic of the NPF showing its relationship to other spatial land use plan (Figure 1.1), it would be useful if could have a similar one for the top level sectoral plans (at Government Department level) showing alignment required between the relevant top level plans with the respective hierarchies.

Baseline data

The data, figures and commentary in the SEA ER should be updated to reflect the latest environmental baseline, such as 2016 greenhouse gas inventory and projections that are now available.

While the NPF notes that there is no single national baseline of land use in Ireland with the exception of CORINE analysis, the OSI Prime 2 model does include full coverage (skin of the earth) of every feature (i.e. road, field, rail line etc. etc.) <https://www.osi.ie/about/future-developments/prime2/> and may be useful to consider in implementing the NPF.

Whilst there are numerous references to the National Emissions Ceilings Directive, there is no mention of the specific targets within it or where the pinch points are likely to be in terms of compliance.

Reference is made to 2014 national greenhouse gas emissions data. The 2015 dataset is available at www.epa.ie/pubs/reports/air/airemissions/ghgmissions/ and <http://erc.epa.ie/ghg/#.WdzhGeWy70>

Reference is made to 2013 national air pollutant data on page 88. 2015 data is available at the following www.ceip.at/ms/ceip_home1/ceip_home/status_reporting/2017_submissions/

There is no reference to important pieces of regulation in this space which are Decision 529/2013/EU <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013D0529&from=EN>

- and the proposed LULUCF Regulations http://eur-lex.europa.eu/resource.html?uri=cellar:9901f171-5017-11e6-89bd-01aa75ed71a1.0001.02/DOC_1&format=PDF
- and http://eur-lex.europa.eu/resource.html?uri=cellar:9901f171-5017-11e6-89bd-01aa75ed71a1.0001.02/DOC_2&format=PDF

Air / Noise

Devising a National Noise Policy or Strategy will be an essential component if Ireland is to adequately address transport-related noise. The focus should not be just on an engineering solution for the road/traffic problem, but on creating a preventative and management strategy through the provision of alternative, more environmentally friendly, and a more attractive means of transport in our major urban locations, and for better routing and design of roads in our more rural locations. Support for achieving this objective in the NPF would be welcome.

Chapter 5 - Relevant aspects of the current state of the environment (baseline)

We welcome the inclusion of *Table 5.1 – EPA Key Challenges and Relevance to the draft NPF*. It shows how they key environmental challenges facing Ireland have been reflected in the NPF, as well as *Table 5.2 – Summary of Current State of the Environment in Ireland (2016)*.

Consideration could be given to amending the title of ‘*Section 5.2.2.4*’ as follows: “*Human health and Wellbeing*”.

In section 5.2.4.1 *Surface Waters*, the reference to *Water Quality in Ireland 2010-2012* (EPA, 2015) is noted. We refer you to the latest published report covering the periods from 2010-2015 (EPA, 2017).

In 5.3 *Environmental Sensitivity Mapping*, we welcome the extent to which the Environmental Sensitivity Mapping has been incorporated into the SEA. It provides a consistent approach to examine the potential vulnerabilities of key settlements in a consistent manner. Recommending this approach be considered in the preparation of the RSES would also be welcome.

Chapter 6 Environmental Protection Objectives and SEA Framework

Table 6.1 – SEA Objectives, Targets and Indicators

Objective 2 – Biodiversity, Flora and Fauna. The reference to ‘have regard to’ in the target could be strengthened. A possible stronger target to consider could be that LAs at a minimum integrate the conservation objectives of nationally and EU designated sites (and protected species) into land use planning decision making.

Objective 4 – Water: The inclusion (and use at Regional and Local Authority level) of the EPA’s WFD Application as a data source should also be encouraged, and as use as an Indicator for Water Quality monitoring as this will ensure updated information is available during the lifetime of the NPF.

Objective 5 Air Quality, the associated target could be improved by adding ‘Implementation’ to the wording of the reference to the National Air Quality Strategy.

There is also merit in separating Objective 6 Climatic Factors into ones for Climate Mitigation and Climate Adaptation.

Chapter 7 – Alternatives

The approach taken to considering alternatives for the NPF is welcomed. It clearly considers key challenges including regional disparity, role of settlements, implications for settlements based on spatial planning / settlement patterns/decision making and infrastructure requirements/challenges.

We acknowledge the key pillars against which the alternatives have been developed (Regional Distribution Scenarios, Concentration vs Dispersal settlement scenarios, Compact-Sprawl Scenarios and Temporal Infrastructure Scenarios).

It may be useful to consider taking ‘climate change resilience’ into account in terms of the assessing the preferred scenario(s) within each Pillar. This would assist in identifying which aspects are more vulnerable to climate change, that need to be considered/addressed/resourced by Departments/State Agencies in their respective sectoral plan-making and budgets.

Chapter 8 – Assessment of Preferred Scenario

We note the preferred overall approach for the NPF (*Regional Effectiveness and Settlement Diversity*) across the 4 pillars.

The approach in separating out each chapter of the NPF and discussing within the Chapter is welcomed. Identifying the objectives in the NPO and recommending suitable mitigation measures is acknowledged.

As a general comment in relation to the text of many proposed recommendation measures where “*Identification of sites for regeneration and development should be supported by a quality site selection process that addresses environmental concerns such as landscape cultural heritage and biodiversity at a minimum*”. Acknowledging the need to ensure protection of water quality and consideration of flood risk aspects also should be considered.

In relation to *Table 8.8 Governance*, we note the intention to strengthen SEA/AA related legislation so that it also specifically applies to newly formed City Metropolitan Area Spatial Plans. This is a welcome measure which provides greater certainty in relation to these plans and the need for the relevant environmental assessment requirements.

In *Table 8.14 – National Strategic Outcome: Empowered Rural Communities* – we note the proposed SEA mitigation measure for NSO6. We note the recommendation in relation to considering that any review the Action Plan for Rural Development should consider applicability of the SEA and Habitats Directives requirements.

Chapter 9 – Mitigation and Monitoring

9.3 Mitigation Measures and Recommendations

In *Table 9.1 – Proposed SEA Mitigation Measures Relating to the Assessment of Policies*, the reference to *Chapter 2 – A New Way Forward*, could include an additional general mitigation measure relating to the establishment of the Office of the Planning Regulator.

Table 9.4 – Environmental Monitoring Programme, in relation to *Objective 6 Climate Factors*, reference could be made DCCA's proposed Policies and Measures (PAMS) portal for implementation of the National Mitigation Plan and coordinating/implementing, at a national and sectoral level, achievement of the necessary mitigation measures to fulfil our national and international greenhouse gas emissions reduction commitments.