



**Chambers
Ireland**
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Chambers Ireland submission to the Department of Housing, Local Government and Heritage on the Draft Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities

November 2021

Chambers Ireland, the voice of business throughout Ireland, is an all-island organisation with a unique geographical reach. Our 40 members are the Chambers of Commerce in the cities and towns throughout the country – active in every constituency. Each of our member Chambers is central to their local business community and all seek to promote thriving local economies that can support sustainable cities and communities.

In September 2019, our Network pledged to advocate for and support the advancement of the Sustainable Development Goals. In doing so, we use the Goals as a framework to identify policy priorities and communicate our recommendations, and we have a particular focus on five of the goals encompassing decent work and economic growth (SDG 8), sustainable cities and communities (SDG 11), advancements in gender equality (SDG 5), viable industries, innovation, and infrastructure (SDG 9) and progress in climate action (SDG 13).¹

The threats posed by climate change and the global decline in biodiversity has meant that we must re-evaluate the Strategic Environmental Assessment Guidelines to ensure that plans and programmes are compliant with the relevant local, regional, and national environmental objectives and targets. Chambers Ireland is delighted to contribute to this nationally important policy review, and we are very grateful to the department and the minister for having the foresight to instigate it.

¹ The Chambers Ireland SDGs. Available at: <https://www.chambers.ie/policy/sustainable-development-goals/chambers-ireland-sdgs/>

Key Points

- Extension of the consultation of relevant environmental authorities, as part of the SEA screening process, to a minimum 8-week period
- Support for the identification of reasonable alternatives when undertaking the SEA as a means to reduce the costs, overall waiting times/backlogs that frequently occur in the planning systems
- Stronger commitment is needed that in-house staff in regional assemblies and/or planning authorities who may have less experience of SEA will be provided with adequate training to ensure that their skills are brought up to standard when assessing the SEA in plans
- Support for the inclusion of Section 4.4: 'Consultation with Environmental Authorities during Scoping' requiring the "additional submission of a concise SEA Scoping Report that focuses on the purpose of the plan and the nature of the receiving environment" to the relevant environmental authorities which will help to generate constructive responses from these authorities
- Regional assemblies and local authority planning departments should be encouraged to promote the identification and evaluation of positive elements of proposed developments and the beneficial impacts it will have for the wider environs under Section 5.2.6: 'Likely significant effects on the environment'
- Coordinate consultation efforts and sharing information on consultation outcomes from the SEA and plan-making processes to improve both
- Encourage planning authorities and regional assemblies to provide adequate timeframes for the public consultations so as to ensure wide engagement
- Provide training to elected members of all local authorities, regardless of their knowledge on the topic, so that they are fully aware of the purpose of the SEA process and the importance of the integration of the findings of the Environmental Report into the plan.

Introduction

The transposition of Directive 2001/42/EC of 27 June 2001 (more commonly known as the “Strategic Environmental Assessment (‘SEA’) Directive”) on the assessment of the effects of certain plans and programmes on the environment has enabled significant progress within the planning system in integrating environmental consideration within local, regional and national plans and programmes over the past 15 years. It is, however, very timely that these be updated as the climate conversation has significantly changed in the intervening period and Chambers Ireland considers these draft Guidelines a very welcome step to replace the previous guidance for regional assemblies and planning authorities published in 2004.

The threats posed by climate change and the global decline in biodiversity, most recently highlighted throughout the COP26 climate summit, depicts the change in environmental conditions that we must react to accordingly. It would not be an overstatement that the original 2004 Guidelines are verging on becoming obsolete. Chambers Ireland are pleased that this review is being pushed by the department to ensure that future Regional Spatial and Economic Strategies, County or City Development Plans, variations of Development Plans, Local Area Plans and Planning Schemes for Strategic Development Zones will be drafted with the most up-to-date environmental guidance to ensure the protection of the habitats, environments and communities impacted by future development.

Chambers Ireland is also pleased that the review of the Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities (hereafter the Guidelines) is being carried out alongside the review of the Development Plan Guidelines for Local Authorities. It is envisaged that this will assist regional assemblies and planning authorities in carrying out efficient and effective SEA during the preparation of land use plans, ultimately contributing towards achieving our combined national and international aims under the Sustainable Development Goals (SDGs) and Paris Agreement.

The SEA aims to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans with a view to promoting sustainable development. This is of strategic importance for our Network of Chambers and their member clients and is why we are engaging in this public consultation. In upholding the SDGs both

the Chamber Network and Chambers Ireland continue to take a proactive approach on driving sustainable development by supporting engagement throughout the business community for the greater benefit of local economies and communities right across the island. In doing so, we seek to create thriving and sustainable cities, towns and villages that benefit all who live, work, visit and do business there. The review of these Guidelines will undoubtedly do much to progress this vision.

Discussion

Chapter 2 – Integrating SEA into the Plan-Making Process

- The section on ‘Preparatory Steps to see if SEA is required’ under Table 2.1: Stages in the SEA Process describes that if a plan by a regional assembly or a planning authority is not one of those listed in S.I. 436 of 2004, as amended, then the requirement for SEA may still exist if the plan fits the requirements of the SEA Directive or clarifications on the scope of the Directive resulting from case law, which Chambers Ireland is pleased to see. However, the Guidelines go on to state that if the regional assembly or local authority does not determine that the plan is within the list of those that require mandatory SEA, then as part of the SEA screening process the SEA planning regulations requires consultation of relevant environmental authorities over a minimum 4-week period. We suggest that this timeframe is pushed out to a minimum 8-week period to allow adequate time for relevant environmental authorities to fully assess the plans. It must be ensured that as much mitigation of environmental degradation is avoided as early as possible, and this is one easy way in which to do this.
- The section on ‘Undertaking the SEA’ under Table 2.1 contains a category on considering alternatives when undertaking the SEA which is a very welcome step. By identifying reasonable alternatives approaches for the plan, which are capable of fulfilling its overall objectives and can be evaluated against the Strategic Environmental Objectives, this will provide additional approaches which may combine different elements of the various options available and make the plan-making process much smoother and more efficient. Supplying planning authorities and/or regional assemblies with such alternatives will also likely increase the success of the planning application as well as reduce costs and overall waiting times/backlogs that frequently occur in the planning systems across local authorities.²

² Chambers Ireland are keen supporters fast-tracking elements of the planning process to mitigate disruptions. For example, its most recent [Budget 2022 submission](#) called for funding to be provided to reform the planning system to ensure efficient decision-making, in combination with the upskilling of local authority planning departments to allow for consistent and integrated decision-making across the regions.

- Section 2.2: ‘Who is responsible for carrying out SEA?’ provides a sufficient explanation of who in the plan-making authority is responsible for the SEA process. However, there needs to be a stronger commitment that the in-house staff who may have less experience of SEA will be provided with adequate training to ensure that their skills are brought up to standard. It must be the responsibility of the plan-making authority to ensure that its in-house SEA team possesses the necessary skills and experience to conduct SEA in all planning applications.

Chapter 4 – Scoping

- Section 4.4: ‘Consultation with Environmental Authorities during Scoping’ is a worthy addition to these draft Guidelines. Article 6(3) of the SEA Directive and the SEA Planning Regulations require that the relevant environmental authorities are consulted when deciding on the scope and level of detail to be included in the Environmental Report. Chambers Ireland is pleased that the draft Guidelines also require the “additional submission of a concise SEA Scoping Report that focuses on the purpose of the plan and the nature of the receiving environment” to the relevant environmental authorities so as to help to generate constructive responses from these authorities. It is important that as many environmental authorities, and skilled persons in SEA, are consulted with as possible to avoid delays later on in the planning and/or development process.

Chapter 5 – The Environmental Report

- Section 5.2.6: ‘Likely significant effects on the environment’ – While the negative effects of a planned development are usually the main concern of the planning authorities and regional assemblies, it is nonetheless just as important for the plans to highlight the potential positive environmental impact that it will also have on an area, its biodiversity, water, sewage treatment infrastructure and integrated transport solutions. Chambers Ireland wishes to highlight its strong support for this in the draft Guidelines under the ‘Assessment Approach’ section. Regional assemblies and local authority planning departments should be encouraged to promote the identification and evaluation of positive elements of proposed developments and the beneficial impacts it will have for the wider environs.

Chapter 6 – Consultations on Plan and Environmental Report

- Section 6.2: ‘Consultation with Environmental Authorities and the Public’ highlights the important role of public participation in the planning consultation process, which both the SEA Directive and Irish planning legislation encourage. Chambers Ireland strongly supports this too. With that, although SEA and plan-making are separate processes, covered by different legislative requirements, coordinating consultation efforts and sharing information on consultation outcomes can improve both processes. In particular, the SEA team need to be mindful of the issues raised by consultees, whether directed at the draft plan or the SEA; feedback on the shortcomings in the draft plan may also inform the SEA. Chambers Ireland urges that this be more strongly underlined in the draft Guidelines, so that planning authorities and regional assemblies alike are strongly encouraged to coordinate both and share information to improve both processes.
- Under the same section (Section 6.2), Chambers Ireland urges the department to encourage planning authorities and regional assemblies to provide adequate timeframes for the public consultations so as to ensure wide engagement. Interested parties and stakeholders should be afforded adequate time to assess the plans and provide feedback without being under tight timelines. Similarly, the process should be as administratively straightforward and concise as possible to encourage participation. A variety of methods to submit to the consultation (survey format, online and/or paper format, etc) would too be beneficial.

Chapter 7 – Amendments to the Draft Plan, Adoption of Plan and Preparation of the SEA Statement

- Section 7.1: ‘Amendments to the Draft Plan and Environmental Report’ highlights the stages of plan-making after the period of public consultation and tackles the scenario whereby the draft plan may be required to undergo amendments prior to its final adoption. This stage will also notably involve elected members of local government. Chambers Ireland urges that training be provided to the elected members of all local authorities, regardless of their knowledge on the topic, so that they are fully aware of the purpose of the SEA process and the importance of the integration of the findings of the Environmental Report into the plan. Training programmes should

also make the implications of proposing changes to the draft plan late in the plan-making process explicitly known, as these changes may also be subject to further assessment as part of the SEA of the plan and be costly for those seeking the planning in question.