

Appendix 6

'Environmental Management for Local Authorities and Others'

The objective of the Strategic Environmental Assessment (SEA) Directive is 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 and programmes with a view to promoting sustainable development.

The SEA which has been undertaken for the Operational Programme, the findings of which have been informed by the Appropriate Assessment (AA) and are presented in an SEA Environmental Report which accompanies Operational Programme, has resulted in the integration of this Appendix into the Operational Programme in order to facilitate environmental protection and sustainable development at lower levels of decision making.

This appendix includes various provisions with which local authorities and others will demonstrate compliance at lower levels of decision making in order to get funding. These decision making processes will include project level Environmental Impact Assessment (EIA) and AA as appropriate.

Proposals for development must be screened for the need to undertake AA as per the European Communities (Birds and Natural Habitats) Regulations 2011 (Part 5, Section 42).

A local authority is unlikely to carry out an AA of their own development as the competent authority in such instances is likely to be An Bord Pleanála. A local authority must screen proposed developments for AA to determine whether a Section 177AE application to An Bord Pleanála is required.

If proposals are screened out then planning exemptions are not lost. If a Stage 2 AA is required then planning exemptions are lost and planning permission must be sought¹. If a local authority is applying for the permission and Stage 2 AA is required, then the application must go to An Bord Pleanála.

Developments or works by other groups or individuals may require planning permission or, if not, may require Ministerial consent in European sites. Local authorities are likely to be responsible for deciding whether there are restrictions on exemptions in the case of exempted development by a group or individual.

¹ As per Part I, Section 4 (4) of the Planning Act 2000 as amended states that [Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2)]: development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Topic ²	Requirement ³
All	<p>Regulatory framework for environmental protection and management</p> <p>Local authorities and others shall cumulatively contribute towards – in combination with other users and bodies – the achievement of the objectives of the regulatory framework for environmental protection and management. Local authorities and others will demonstrate, as appropriate, that plans, programmes and projects comply with EU Directives - including the Habitats Directive (92/43/EEC, as amended), the Birds Directive (2009/147/EC), the Environmental Impact Assessment Directive (85/337/EEC, as amended) and the Strategic Environmental Assessment Directive (2001/42/EC) – and relevant transposing Regulations.</p>
All	<p>Information to be considered by local authorities and others at lower levels of decision making and environmental assessment</p> <p>Lower levels of decision making and environmental assessment by local authorities and others, as relevant, should consider the sensitivities identified in Section 4 of the SEA Environmental Report, including the following:</p> <ul style="list-style-type: none"> • Candidate Special Areas of Conservation and Special Protection Areas; • Features of the landscape that provide linkages/connectivity to designated sites (e.g. watercourses, areas of semi-natural habitat such as linear woodlands etc) • Salmonid Waters; • Shellfish Waters; • Freshwater Pearl Mussel catchments; • Nature Reserves; • Natural Heritage Areas and proposed Natural Heritage Areas; • Areas likely to contain a habitat listed in annex 1 of the Habitats Directive; • Entries to the Record of Monuments and Places and Zones of Archaeological Potential; • Entries to the Record of Protected Structures; • Un-designated sites of importance to wintering or breeding bird species of conservation concern; • Architectural Conservation Areas; and • Relevant landscape designations.
All	<p>Construction and Environmental Management Plan</p> <p>Construction Environment Management Plans (CEMPs) shall be prepared in advance of the construction of larger projects and implemented throughout. Such plans shall incorporate relevant mitigation measures indicated in this Appendix to the Operational Programme and any lower tier Environmental Impact Statement or Appropriate Assessment. CEMPs typically provide details of intended construction practice for the proposed development, including:</p> <ol style="list-style-type: none"> a. location of the sites and materials compound(s) including area(s) identified for the storage of construction refuse, b. location of areas for construction site offices and staff facilities, c. details of site security fencing and hoardings, d. details of on-site car parking facilities for site workers during the course of construction, e. details of the timing and routing of construction traffic to and from the construction site and associated directional signage, f. measures to obviate queuing of construction traffic on the adjoining road network, g. measures to prevent the spillage or deposit of clay, rubble or other debris, h. alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public right of way during the course of site development works, i. details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels, j. containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater, k. disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, l. a water and sediment management plan, providing for means to ensure that surface water runoff is controlled such that no silt or other pollutants enter local water courses or drains, m. details of a water quality monitoring and sampling plan. n. if peat is encountered - a peat storage, handling and reinstatement management plan. o. measures adopted during construction to prevent the spread of invasive species (such as Japanese Knotweed). p. appointment of an ecological clerk of works at site investigation, preparation and construction phases.
All	<p>Maintenance Plan</p> <p>Lower tier assessments should examine the need for Maintenance Plans informed by environmental considerations to be prepared and implemented.</p>
Biodiversity and flora and fauna	<p>Protection of Biodiversity including Natura 2000 Network</p> <p>Local authorities and others shall contribute, as appropriate, towards the protection of designated ecological sites including candidate Special Areas of Conservation (cSACs) and Special Protection Areas (SPAs); UNESCO World Heritage and UNESCO Biosphere sites; Ramsar Sites; Salmonid Waters; Shellfish Waters; Freshwater Pearl Mussel catchments; Flora Protection Order sites; Wildlife Sites (including Nature Reserves); Certain entries to the Water Framework Directive Register of Protected Areas; Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs); Wildfowl Sanctuaries (see S.I. 192 of 1979) ; and Tree Preservation Orders (TPOs).</p>

² The SEA Directive identifies a number of environmental topics which must be considered in the assessments being undertaken for plans and programmes. These topics are listed in this column and comprise biodiversity and flora and fauna, population and human health, soil, water, air and climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape.

³ The provisions listed under this column are the requirements which the local authorities and others will have to comply with in order to get funding.

	<p>Local authorities and others shall demonstrate compliance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines, including the following and any updated/superseding documents):</p> <ul style="list-style-type: none"> • EU Directives, including the Habitats Directive (92/43/EEC, as amended)⁴, the Birds Directive (2009/147/EC)⁵, the Environmental Liability Directive (2004/35/EC)⁶, the Environmental Impact Assessment Directive (85/337/EEC, as amended), the Water Framework Directive (2000/60/EC) and the Strategic Environmental Assessment Directive (2001/42/EC). • National legislation, including the Wildlife Act 1976⁷, the European Communities (Environmental Impact Assessment) Regulations 1989 (SI No. 349 of 1989) (as amended), the Wildlife (Amendment) Act 2000, the European Union (Water Policy) Regulations 2003 (as amended), the Planning and Development Act 2000 (as amended), the European Communities (Birds and Natural Habitats) Regulations 2011 (SI No. 477 of 2011), the European Communities (Environmental Liability) Regulations 2008⁸ and the Flora Protection Order 1999. • National policy guidelines (including any clarifying Circulars or superseding versions of same), including the Landscape and Landscape Assessment Draft Guidelines 2000, the Environmental Impact Assessment Sub-Threshold Development Guidelines 2003, Strategic Environmental Assessment Guidelines 2004 and the Appropriate Assessment Guidance 2010. • Catchment and water resource management Plans, including River Basin District Management Plans 2009-2015 (including any superseding versions of same). • Biodiversity Plans and guidelines, including Actions for Biodiversity 2011-2016: Ireland's 2nd National Biodiversity Plan (including any superseding version of same). • Ireland's Environment 2014 (EPA, 2014, including any superseding versions of same), and to make provision where appropriate to address the report's goals and challenges.
	<p>Appropriate Assessment</p> <p>All projects and plans arising from this programme will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive. A plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and a Stage 2 Appropriate Assessment where necessary, that:</p> <ol style="list-style-type: none"> 1. The Plan or project will not give rise to significant adverse direct, indirect or secondary effects on the integrity of any European site (either individually or in combination with other plans or projects); or 2. The Plan or project will have significant adverse effects on the integrity of any European site (that does not host a priority natural habitat type/and or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000; or 3. The Plan or project will have a significant adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.
	<p>Protection of Natura 2000 Sites</p> <p>No projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this programme (either individually or in combination with other plans or projects⁹).</p>
	<p>NPWS & Integrated Management Plans</p> <p>Regarding, integrated management plans, Article 6(1) of the Habitats Directive requires that Member States establish the necessary conservation measures for Special Area of Conservation involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans. The NPWS's current priority is to identify site specific conservation objectives; management plans may be considered after this is done.</p> <p>Where Integrated Management Plans are being prepared for all Natura sites (or parts thereof), Fáilte Ireland and local authorities shall engage with the National Parks and Wildlife Service in order to ensure that plans are fully integrated with the Operational Programme and other plans and programmes, with the intention that such plans are practical, achievable and sustainable and have regard to all relevant ecological, cultural, social and economic considerations and with special regard to local communities.</p>

⁴ Including Annex I habitats, Annex II species and their habitats and Annex IV species and their breeding sites and resting places (wherever they occur). Note that the NPWS provide sensitive areas mapping for Freshwater Pearl Mussels which are listed under Annex II of the Directive.

⁵ Including Annex I species and other regularly occurring migratory species, and their habitats (wherever they occur).

⁶ Including protected species and natural habitats.

⁷ Including species of flora and fauna and their key habitats.

⁸ Including protected species and natural habitats.

⁹ Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be:

a) no alternative solution available,

b) imperative reasons of overriding public interest for the project to proceed; and

c) Adequate compensatory measures in place.

	<p>Coastal Zone Management Local authorities and others shall demonstrate that works will be undertaken in accordance with best practice and local authorities and others shall, as appropriate: support measures to protect the coast, the coastal edge and coastal habitats; and facilitate an Integrated Coastal Zone Management approach to ensure the conservation, management and projection of man-made and natural resources of the coastal zone.</p> <p>Biodiversity and Ecological Networks Local authorities and others shall demonstrate, as appropriate, protection and enhancement of biodiversity and ecological connectivity, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, geological and geo-morphological systems, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones in the context of Article 10 of the Habitats Directive.</p> <p>Protection of Riparian Zone and Waterbodies and Watercourses Local authorities and others shall demonstrate that waterbodies and watercourses are protected from inappropriate development, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains. This will include protection buffers in riverine, wetland and coastal areas, as appropriate.</p> <p>Non-Designated Sites Local authorities and others shall demonstrate the appropriate protection of non-designated habitats and landscapes and to conserve the biological diversity.</p> <p>Non-native invasive species Local authorities and others shall support, as appropriate, the National Parks and Wildlife Service's efforts to seek to control the spread of non-native invasive species on land and water.</p>
Population and human health	<p>Human Health Local authorities and others shall assess proposals for development in terms of, inter alia, potential impact on existing adjacent developments, existing land uses and/or the surrounding landscape. Where proposed developments would be likely to have a significant adverse effect on the amenities of the area through pollution by noise, fumes, odours, dust, grit or vibration, or cause pollution of air, water and/or soil, local authorities and others shall ensure the introduction of mitigation measures in order to eliminate adverse environmental impacts or reduce them to an acceptable operating level.</p>
Soil	<p>Soil Protection and Contamination Local authorities and others shall ensure that adequate soil protection measures are undertaken where appropriate. Adequate and appropriate investigations shall be carried out into the nature and extent of any soil and groundwater contamination and the risks associated with site development work, where brownfield development is proposed.</p> <p>Areas of geological interest Local authorities and others shall demonstrate protection and maintenance of the character, integrity and conservation value of features or areas of geological interest.</p>
Water	<p>Water Framework Directive and associated legislation Local authorities and others shall contribute towards, as appropriate, the protection of existing and potential water resources, and their use by humans and wildlife, including rivers, streams, wetlands, groundwater, coastal waters and associated habitats and species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended), the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (SI No. 272 of 2009), the Groundwater Directive 2006/118/EC and the European Communities Environmental Objectives (groundwater) Regulations, 2010 (S.I. No. 9 of 2010) and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding versions of same). Local authorities and others shall support the application and implementation of a catchment planning and management approach to development and conservation, including the implementation of Sustainable Drainage System techniques for new development.</p> <p>River Basin Management Plan Local authorities and others shall support the implementation of the relevant recommendations and measures as outlined in the various River Basin Management Plans 2009 – 2015, and associated Programmes of Measures, or any such plans that may supersede same during the lifetime of the Operational Programme, as well as relevant recommendations contained in the Water Quality in Ireland 2007 – 2009 (EPA, 2011, and any updated/superseding document). Local authorities and others shall demonstrate that proposals for development would not have an unacceptable impact on the water environment, including surface waters, groundwater quality and quantity, river corridors and associated woodlands and coastal waters. Also local authorities and others shall have cognisance of, where relevant, the EU's Common Implementation Strategy Guidance Document No. 20 which provides guidance on exemptions to the environmental objectives of the Water Framework Directive.</p> <p>Bathing Water Local authorities and others shall contribute towards the achievement of the requirements of the EU Bathing Water Directive and transposing Bathing Water Quality Regulations (SI No. 79 of 2008) and EU Mandatory Values, as a minimum, and EU Guide Values, where possible.</p> <p>Flood Risk Management Guidelines Local authorities and others shall support, as appropriate, in co-operation with the OPW, the implementation of the EU Flood Risk Directive (2007/60/EC), the Flood Risk Regulations (SI No. 122 of 2010), the DEHLG/OPW publication <i>The Planning System and Flood Risk Management Guidelines</i> (2009) (including any clarifying Circulars or superseding versions of same) and relevant outputs of the Catchment and Flood Risk Assessment and Management Studies (CFRAMS).</p> <p>Surface Water Drainage and Sustainable Drainage Systems (SuDs) Local authorities and others shall ensure that new development is adequately serviced with surface water drainage infrastructure and promote the use of Sustainable Drainage Systems as appropriate.</p>
Air and Climatic	<p>Infrastructure for Walking, Cycling and Water-based activities Local Authorities and others shall work with Fáilte Ireland, the National Trails Office, Coillte, the</p>

Factors	Department of the Environment, Heritage and Local Government and the Department of Transport, Tourism and Sport, and other relevant stakeholders, to improve on the existing level of infrastructure and facilities for walking, cycling and water-based activities along the Wild Atlantic Way.
Material Assets	Construction Waste Local authorities and others shall demonstrate that all waste arising during construction phase will be managed and disposed of in a way that ensures the provisions of the Waste Management Acts and regulations and Regional Waste Management Plans. Construction Waste Management Plans will be implemented by local authorities and others to minimise waste and ensure correct handling and disposal of construction waste streams in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects, Department of the Environment, July 2006.
	Waste Creation Local authorities and others shall support the minimisation of waste creation and promote a practice of reduce, reuse and recycle where possible.
	Waste Disposal Local authorities and others shall safeguard the environment by seeking to ensure that residual waste is disposed of appropriately.
	Irish Water Local authorities and others shall co-operate with and support, as relevant and appropriate, Irish Water in its new role as the lead authority for water services.
Cultural Heritage	Archaeological Heritage Local authorities and others shall contribute, as appropriate, towards the protection and sympathetic enhancement of archaeological heritage, in particular by implementing the relevant provisions of the Planning and Development Act 2000 (as amended) and the National Monuments Act, 1930 (as amended).
	Protection of Archaeological Sites Local authorities and others shall contribute, as appropriate, towards the protection of archaeological sites and monuments and their settings, archaeological objects and underwater archaeological sites that are listed in the Record of Monuments and Places, in the ownership/guardianship of the State, or that are subject of Preservation Orders or have been registered in the Register of Historic Monuments. Contribute, as appropriate, towards the protection and preservation of archaeological sites, which have been identified subsequent to the publication of the Record of Monuments and Places.
	Consultation Local authorities and others shall consult with the National Monuments Service of the Department of Arts Heritage and the Gaeltacht in relation to proposed developments adjoining archaeological sites.
	Underwater Archaeological Sites Local authorities and others shall contribute, as appropriate, towards the protection and preservation of underwater archaeological sites in riverine, intertidal and sub-tidal locations.
	Architectural Heritage Local authorities and others shall help to ensure the appropriate protection of architectural heritage by complying, as appropriate, with the legislative provisions of the Planning and Development Act 2000 (as amended) in relation to architectural heritage and the policy guidance contained in the Architectural Heritage Protection Guidelines 2011 (and any updated/superseding document).
Landscape	Landscape Designations Local authorities and others shall contribute, as appropriate, towards the protection of county and local level landscape designations from incompatible developments. Proposals for development that have the potential to significantly adversely impact upon these designations shall be accompanied by an assessment of the potential landscape character and visual impacts of the proposed development - demonstrating that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation. Such assessments should be prepared having regard to the relevant aspects of the Guidelines for Landscape and Visual Impact Assessment (2013 Landscape Institute).
	Coastal Areas and Seascapes Local authorities and others shall protect the character and visual potential of the coast and conserve the character and quality of seascapes.