



An Roinn Forbartha
Tuaithe agus Pobail
Department of Rural and
Community Development

Appendix 1

Strategic Environmental Assessment (SEA) Pre-screening Report

Pre-Screening to inform a determination under Article 9 of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations, 2004 (S.I. 435 of 2004), as amended

**CONCERNING *OUR RURAL FUTURE* – RURAL DEVELOPMENT
POLICY**

2021 – 2025

Prepared by the Department of Rural and Community Development

16 March 2021

Introduction

In accordance with Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (hereafter ‘the SEA Directive’)¹ “[a]n environmental assessment, in accordance with Articles 4 to 9, shall be carried out for plans and programmes referred to in paragraphs 2 to 4 which are likely to have significant environmental effects.”²

The SEA Directive has been transposed into Irish law under the Planning and Development Acts 2000 to 2018 and the Planning and Development Regulations 2001 – 2020 which includes European Communities (Environmental Assessment of Certain Plan and Programmes) Regulations 2004 (S.I. No. 435/2004), as amended by the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations, 2011 (S.I. 200/2011) and S.I. No. 436/2004 - Planning and Development (Strategic Environmental Assessment) Regulations 2004³.

Section 9 (4) of SI No. 435/2004 requires the screening of individual plans or programmes, based on the criteria in Schedule 1 of the SEA Regulations, which will support a determination as to whether or not significant effects on the environment would be likely to arise.

In accordance with the advice of the Environmental Protection Agency (EPA) provided for in the Synthesis Report *Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland*⁴ including the recommended procedural steps,⁵ the Department of Rural and Community Development has carried out this Pre-Screening of the new Rural Development Policy 2021 - 2025, *Our Rural Future*.

¹ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0042>

² *Ibid.*, Article 3.1

³ https://www.housing.gov.ie/sites/default/files/legislations/planning_and_development_regulations_2001-2020_unofficial_consolidationannotated16.09.2020.pdf

⁴ Environmental RTDI Programme 2000–2006, Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland, Synthesis Report, 2001-DS-EEP-2/5, http://www.epa.ie/pubs/advice/ea/EPA_development_methodology_SEA_synthesis_report.pdf

⁵ *Ibid.*, Figures 1 (pg. 6) and 2 (pg. 10), Chapter 3

I. Purpose of *Our Rural Future*

The Action Plan for Rural Development reached the end of its three-year timeframe in December 2019.

In June 2020, the Programme for Government included a commitment to

Publish and implement a new Rural Policy to build on the progress of the Action Plan for Rural Development to promote rural recovery and development in the wake of the COVID-19 crisis.

Following extensive public and stakeholder consultation, the Department of Rural and Community Development (DRCD), on behalf of the Government, has developed a successor Rural Development Policy 2021 – 2025, *Our Rural Future*. The new Policy establishes the Government’s high-level Vision for the development of rural Ireland over the coming years. “Development” in this context primarily relates to the advancement of policy objectives to improve the quality of life and access to opportunities for people living in rural areas.

It articulates 150 commitments, to be elaborated and implemented by lead bodies across Government over the term of the Policy to respond to the issues affecting rural Ireland. A central purpose of the Policy is to improve the vibrancy of rural areas, the quality of life and opportunities for people living in those areas and to ensure development is resilient, inclusive and sustainable. In addition, the Policy also articulates a vision for the longer-term development of our rural areas in order to create sustainable rural economies and communities.

The vision for rural Ireland may serve to guide the development and delivery of initiatives by government, state agencies and others acting on behalf of the state over the next five years.

The vision seeks to establish

“a thriving rural Ireland which is integral to our national economic, social, cultural and environmental wellbeing and development, which is built on the interdependence of urban and rural areas, and which recognises the centrality of people, the importance of vibrant and lived-in rural places, and the potential to create quality jobs and sustain our shared environment.”

The Rural Development Policy is a high-level articulation of broader government policy and establishes the aspirations and principles required to achieve balanced regional development. It is strategic as opposed to programmatic or operational, and whilst it sets out a range of policy

measures to achieve the Vision, it does not prescribe the specific nature or form of delivery, based on a recognition that the authority for execution lies at various levels.

II. Strategic Environmental Assessment Pre-Screening Methodology

According to the Environmental Protection Agency, a Strategic Environmental Assessment (SEA) is the process by which environmental considerations are required to be fully integrated into the preparation of plans and programmes prior to their final adoption. The objectives of SEA are to provide for a high level of protection of the environment and to promote sustainable development.⁶

The SEA Directive applies to public plans and programmes regarding agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use.⁷ Two types of “plans and programmes” are explicitly excluded from the scope of Directive 2001/42/EC namely, “plans and programmes the sole purpose of which is to serve national defence or civil emergency” and “financial or budget plans and programmes.”

The first step in the process, as outlined in is to apply pre-screening check using decision-tree.⁸

III. DRCD’s SEA Pre-Screening Check

The Irish Government is committed to the preservation and enhancement of the environment, protected habitats, climate, water, biodiversity and natural heritage in accordance with its statutory and other responsibilities, both general and specific. To ensure the full execution of these responsibilities, the Department of Rural and Community Development is conducting a Pre-screening process to determine if a Strategic Environmental Assessment (SEA) is applicable to *Our Rural Future* - Rural Development Policy 2021 – 2025.

Notably, neither the SEA Directive nor the legislation or regulations transposing it refer to policies. Rather, the Planning and Development Regulations define a “‘plan’ for the purposes

⁶ <https://www.epa.ie/monitoringassessment/assessment/sea/>

⁷ *Ibid.* Article 3.2 (a)

⁸ Environmental RTDI Programme 2000–2006, Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland, Synthesis Report, 2001-DS-EEP-2/5, http://www.epa.ie/pubs/advice/ea/EPA_development_methodology_SEA_synthesis_report.pdf Figures 1 (pg. 6) and 2 (pg. 10), Chapter 3

of Schedules 2A and 2B, means, where the context requires, a development plan, a variation of a development plan, a local area plan (or an amendment thereto), regional planning guidelines or a planning scheme.”⁹ Based on the spirit of the Directive, DRCD has adopted the precautionary principle of assuming applicability of the framework and so proceeded to Pre-screen in accordance with EPA Recommendations.

The EPA Guidance provides for five-step SEA decision tree to be followed as part of the pre-screening checks in order to determine if a substantive SEA process is required.¹⁰ The determination of DRCD in relation to each of the steps provided follows:

Step 1

Is the Plan / Programme (P/P) subject to preparation and/or adoption by a national, regional or local authority?

DRCD Response: Yes

OR

Prepared by an authority for adoption through a legislative procedure by Parliament or Government?

DRCD Response: No

Step 2

Is the P/P required by legislative, regulatory or administrative provisions?

DRCD Response: No  SEA not applicable

Note: As the Policy is not required by legislative, regulatory or administrative provisions, *Our Rural Future* screens out of the SEA Process at this point.

⁹ Article 5(c) of S.I. No. 436/2004

¹⁰ As per Figure 2, pg. 10 of Environmental RTDI Programme 2000–2006, Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland, Synthesis Report, 2001-DS-EEP-2/5, http://www.epa.ie/pubs/advice/ea/EPA_development_methodology_SEA_synthesis_report.pdf

Step 3

Is the sole purpose of the P/P to serve national defence or civil emergency or is it a financial / budget P/P or is it co-financed by the current SF/RDF programme?

DRCD Response: No

Step 4

Is the P/P prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecoms, tourism, town and country planning or land use?

DRCD Response: Yes

Note: While the policy is not exclusively prepared for these specific sectors, it acknowledges the role of these sectors to supporting the potential development of opportunities and improved quality of life for people in rural areas.

Step 5

Does the P/P provide a framework for development consent for projects listed in the EIA Directive?

DRCD Response: No  **SEA not applicable**

Note: EPA guidance notes that a framework for development consent “may be observed as the demarcation of areas zoned for specific types of development, measures that identify circumstances under which development will be encouraged or allowed, criteria which may be applied to decisions on development consent or forward programmes that identify certain types of development to be pursued in a particular sector (e.g. wind energy within an Energy P/P).”

DRCD is satisfied *Our Rural Future* does not provide a framework for development consent of projects listed in the EIA Directive, hence again here it would screen-out of the process had it not already screened-out at Step 2.

Conclusion

Given that *Our Rural Future* is not required by legislative, regulatory or administrative provisions **it screens-out of the SEA Process at Step 2.**

IV. Final Observations regarding the Applicability of the Framework

The purpose of this Report is to present the results of the SEA pre-screening process carried out by the Department of Rural and Community Development in relation to *Our Rural Future - Rural Development Policy 2021 – 2025*.

The Department notes that SEA is primarily relevant to plans or programmes of a structural or infrastructural nature rather than those visionary in nature or characterising a high-level articulation of government policy, such as *Our Rural Future* as proposed. The Rural Development Policy is neither a substitute nor a replacement for the National Planning Framework, it does not create a framework for development consent and does not come within the scope of Ireland's planning hierarchy. **DRCD is satisfied, in light of its detailed consideration of the matter that SEA is not applicable to *Our Rural Future* and no further consideration of its possible impacts is required.**

DRCD recognises the relevance of SEA to the delivery of some Policy Measures depending on future decisions by Responsible Departments or Lead Delivery Bodies. In many cases, Measures or their frameworks for delivery have already been subject to Strategic Environmental Assessment for instance the [National Broadband Plan](#), or such assessments are foreseen or underway, as is currently the case with the CAP Strategic Plan.

Where SEA has not already been carried out, it will be a matter for the relevant Departments or bodies to consider the requirements for an SEA where a decision is made to transform any particular policy measure into concrete actions through detailed operational plans and programmes. This requirement is emphasised by the Environmental Commitment Statement in Chapter 11 of *Our Rural Future*.

Individual policies, strategies and plans for, or related to, the implementation of any Measure must be considered on their own merits, in the context of the prevailing conditions, requirements and circumstances for their delivery under the SEA and, where appropriate, the Appropriate Assessment or Flood Risk Assessment processes at the appropriate level of governance control.

V. Contact

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