

S.E.A

SCOPING



Scoping Strategic Environmental Assessment

Climate Action and Low Carbon Development (Amendment) Bill 2021

April 2021

Version 1.05

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Reference

EnvEcon, (2021), SEA Scope – Climate Action and Low Carbon Development (Amendment) Bill 2021, April 23rd, 2021, Dublin: EnvEcon

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1. Introduction

- 1.1. The Climate Action and Low Carbon Development (Amendment) Bill 2021 would introduce several changes to the current Climate Action and Low Carbon Development Act 2015. Broadly, the Bill seeks to provide for an enhanced statutory framework to enable more effective governance of Ireland's efforts to pursue long-term climate action goals. In this context it has been determined that a Strategic Environmental Assessment report should be prepared in parallel with the development of the Bill.
- 1.2. The Strategic Environmental Assessment (SEA) process is a requirement of the SEA Directive 2001/42/EC where a plan or programme – and in this case a bill – are anticipated to have significant effects on the environment. Details for SEA can be sourced from the European Commission¹ and from the Irish Environmental Protection Agency² (EPA).
- 1.3. Core elements of the SEA process include the following:
 - 1.3.1. **Screening** - Determining if there is a requirement to conduct an SEA.
 - 1.3.2. **Scoping** - Defining the environmental issues, method and focus of the SEA.
 - 1.3.3. **Reporting** - Preparing a draft SEA Environmental Report.
 - 1.3.4. **Consulting** - Engagement and consultation on the draft.
 - 1.3.5. **Integration** - Consideration and incorporation of input. Creation of SEA statement.
 - 1.3.6. **Publication** - Formal release of the SEA and decision into the public domain.
- 1.4. The screening process for the SEA has been concluded. Following consultation with the Attorney General's office in September 2020 the Department of the Environment, Climate and Communications (DECC) proposed to carry out an SEA on the Climate Action and Low Carbon Development (Amendment) Bill 2021³. The Attorney General's office noted that on the basis of current case-law, the Climate Action and Low Carbon Development (Amendment) Bill 2021 would constitute a plan or programme setting the framework for development consent, within the

¹ <https://ec.europa.eu/environment/eia/sea-legalcontext.htm>

² <https://www.epa.ie/monitoringassessment/assessment/sea/>

³ We note that the Bill was initially a 2020 version, but now refer to the Bill throughout with the current year of 2021.



meaning of the SEA Directive. As such it was agreed that the formal SEA process would be undertaken. This document relates to the Scoping stage of that process.

1.5. The overarching objective of the SEA process is defined within Article 1 of the SEA Directive 2001/42/EC as being “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations in the preparation and adoption of plans and programmes with a view to promoting sustainable development”. It is noted that the Climate Action and Low Carbon Development (Amendment) Bill 2021 is focused on delivering positive environmental outcomes.

2. SEA Scope Requirements

2.1. The scope of the SEA is to be determined between the competent authority (DECC) and the defined environmental and statutory authorities. Details on the process are defined in Statutory Instrument 435/2004 – European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004⁴ and the corresponding 2011 update⁵

2.2. The statutory authorities defined in Statutory Instrument 435/2004 in section 9 (5) are:

- The Environmental Protection Agency

2.3. Where expected to have significant effects in relation to relevant architectural or archaeological heritage or to nature conservation, or significant effects on fisheries or the marine environment, additional statutory authorities are to be conducted. However, on the basis that the Bill seeks to provide for an **enhanced statutory framework to enable more effective governance** of Ireland’s efforts to pursue long-term climate action goals (see Introduction and sections 2.7 and 2.8), it is determined that this extension, to the entities noted below, is not required.

- The Department of Housing, Planning and Local Government (DHPLG)
- The Department of Culture, Heritage and the Gaeltacht (DCHG)

⁴ <http://www.irishstatutebook.ie/eli/2004/si/435/made/en/print#article11>

⁵ <http://www.irishstatutebook.ie/eli/2011/si/200/made/en/print>



- The Department Agriculture, Food and the Marine (DAFM)⁶
- 2.4. The scoping report is required to provide information for consideration in respect of the requisite content of the SEA. This includes defining the various sections, and describing the data, methods and processes that will be utilised. It is obligatory to conduct the scoping stage of an SEA such that the content and boundaries for the SEA are agreed prior to commencement of the SEA report.
- 2.5. A draft table of contents for the SEA on the Climate Action and Low Carbon Development (Amendment) Bill 2021 is included in Appendix B. This scoping report also defines the range and boundaries for the SEA. This is discussed in Section 5 and in effect represents the initial proposal and understanding for the proposed SEA.
- 2.6. The methodology for the SEA appraisal is summarised in Section 6 and mirrors the approach taken by the closest contemporary international precedent for an SEA in relation to a climate Bill.
- 2.7. The SEA on the Climate Action and Low Carbon Development (Amendment) Bill 2021 is different to an SEA on a national plan or strategy that comes with explicit actions. This is because specific actions (e.g. defined infrastructure investments or area development plans) have more clearly defined pathways by which they may impact on environmental outcomes. This affords the analysts the potential, in most cases, to quantitatively and qualitatively assess the individual components of the strategy or plan, and to ascertain the expected corresponding impacts on the environmental outcomes covered by the SEA process. In turn this allows for the redesign of elements to mitigate or avoid undesirable outcomes.
- 2.8. In the case of the planned SEA, the changes proposed in the Climate Action and Low Carbon Development (Amendment) Bill 2021, are focused on the establishment of an enhanced framework for managing national activities on Climate Action. These changes are defined in Section 3 of this scoping report and will be similarly conveyed in the full SEA. However, in broad terms the Climate Action and Low Carbon Development (Amendment) Bill 2021 intends to strengthen and add to the existing 2015 Climate Act so that it is better equipped to deliver on Ireland's Climate ambitions as well as fulfil its EU and international climate obligations into the future.

⁶ Included as part of the 2011 update.



2.9. The Bill also establishes a more ambitious long-term target – specifically a climate neutral economy by no later than 2050 – and sets this target in law. Given the nature and level of detail in the Bill, the assessment must be more qualitative and directional in nature. This specific approach to conducting an SEA on a climate related Bill has recent international precedent⁷, that has been carefully considered in proposing a credible approach in this SEA scoping report for the subsequent SEA on the Climate Action and Low Carbon Development (Amendment) Bill 2021.

3. The Climate Action and Low Carbon Development (Amendment) Bill 2021

3.1. The Climate Action Plan of 2019 defined several new provisions to be included within an amended Climate Action Bill. These have been summarised by the Climate Governance, Planning and Coordination Division of DECC as follows:

- Establishing a 2050 emissions reduction target in law;
- Making the adoption of carbon budgets a legal requirement;
- Requiring the Government to set a decarbonisation target range for each sector, with the Minister with primary responsibility for the sector being accountable for delivering the relevant actions to meet the sectoral target;
- Establishing the Climate Action Council as a successor organisation to the Climate Change Advisory Council;
- Establishing that the Climate Action Plan shall be updated annually;
- Establishing that a Long-Term Climate Strategy, to match the period covered by three five-year carbon budgets, shall be published – the first Strategy would be published for the period 2021 to 2035, and will also include a longer-term perspective to 2050; it is intended that the Long-Term Strategy will be a statutory successor to the National Mitigation Plan; and
- Ensuring that the proposed governance arrangements retain sufficient flexibility to allow necessary reorientation of policy in light of changing technologies, circumstances, challenges, and opportunities over the period to 2030 and beyond.

⁷ See for example the SEA on the Climate Change (Emissions Reduction Targets) (Scotland) Bill, that was finalised into an Act of the same name in 2019 - <https://www.legislation.gov.uk/asp/2019/15/contents/enacted>



3.2. The Climate Action and Low Carbon Development (Amendment) Bill 2021, therefore, alters the existing Climate Action and Low Carbon Development Act 2015, in line with the provisions made in the Climate Action Plan of 2019. The approach taken in regard to these amendments has been to blend the new provisions into the existing 2015 Act in so far as possible, but also providing for new sections of the Bill where necessary. Overall, the intention for the Climate Action and Low Carbon Development (Amendment) Bill 2021 is to provide a strengthened statutory framework for effective governance of national climate action.

3.3. The amendments in the Climate Action and Low Carbon Development (Amendment) Bill 2021 have been informed by the Report of the Citizens' Assembly on How the State Can Make Ireland a Leader in Tackling Climate Change; the Oireachtas Joint Committee on Climate Action Report 2019; the provisions set out in the 2019 Climate Action Plan; the 2020 Programme for Government and the Joint Committee on Climate Action Pre-Legislative Scrutiny report published in December 2020.

3.4. The key elements of the new framework, include:

- Establishing a commitment for a climate neutral economy by no later than 2050 in law;
- Introducing a legal requirement for Government to adopt a series of three successive, five-year economy-wide carbon budgets and sectoral emission ceilings for each relevant sector, that will require Government, Ministers and public bodies to plan in an effective manner to meet climate targets;
- Expanding the Climate Change Advisory Council from eleven to fourteen members, and providing that future appointments to the Council provide for a greater range of relevant expertise;
- Strengthening the role of the Climate Change Advisory Council, enabling it to propose appropriate carbon budgets to the Minister;
- Providing that the first two five-year carbon budgets proposed by the Climate Change Advisory Council should equate to a total reduction of 51% over the period to 2030, relative to a baseline of 2018;
- Replacing the former process of developing a series of successive National Mitigation Plans by introducing a requirement to conduct and adopt an annual revision of the Climate Action Plan, and prepare a National Long Term Climate Action Strategy at least once every five years;



- Improving accountability arrangements with a greater role for the Oireachtas – Ministers will have to account for their performance towards sectoral targets and actions before an Oireachtas Committee each year;
- Providing that the Minister request, within 18 months of the enactment of the Bill, each Local Authority to prepare a Climate Action Plan to include both mitigation and adaptation measures, and that these plans must be updated not less than once every five years. Local Authority Development Plans must be aligned with their Climate Action Plan; and
- Public Bodies will be obliged to take account of Climate Action Plans in the performance of their functions.

3.5. The Climate Governance, Planning and Coordination Division of DECC have summarised the key changes across the text of the Bill. The summaries in respect of key sections of the text of the Bill (23rd March 2021 release) are presented below.

3.6. Limitation of Liability (Section 4)

Section 4 inserts a new section 2A which provides that there will be no entitlement to remedy or relief by way of damages or compensation for any failure to comply with the Act or any breaches of obligation thereunder.

3.7. National Climate Objective (Section 5):

This section replaces section 3 of the 2015 Act. It revises the previous national transition objective (NTO) and the related 2014 national policy position with a clear long-term climate objective of climate neutrality by no later than the end of the year 2050. The new 'national climate objective' introduces a 'climate neutral economy' commitment into law aimed at balancing emissions and removals within the State by no later than the end of the year 2050 and in subsequent years. The national climate objective aligns with the legislative proposal for a European Climate Law to achieve net-zero greenhouse gas emissions in the EU by 2050. This section also identifies specific mechanisms, plans and strategies that will be used by Government to deliver the national climate objective. These are:

- Carbon Budgets.
- Sectoral emission ceilings.
- Annual revisions to the Climate Action Plan.



- National Long-Term Climate Action Strategies.
- National Adaptation Frameworks.

3.8. Climate Action Plan and National Long Term Climate Action Strategy (Section 6):

This section replaces section 4 of the 2015 Act. It provides for the replacement of the former National Mitigation Plan through the preparation of (i) an annual revision to the Climate Action Plan commencing in 2021; and (ii) a National Long-Term Climate Action Strategy, prepared every 5 years

The Climate Action Plan, updated annually, will focus on the near- and medium-term perspectives, and will provide a roadmap of actions, including sectoral actions, that are needed to comply with the adopted series of three, consecutive, five-year carbon budgets. The roadmap will include specific actions that in the Minister's opinion are required for the next 5 years; it will set out an overview of policies and to the extent feasible, measures (in the Minister's opinion) required over the following 5 year period; and it will outline potential policies that may be required for a further 5 year period. The National Long-Term Climate Action Strategy will outline the range of opportunities and indicative pathways towards achieving the national climate objective and will have a perspective of at least 30 years.

3.9. Sectoral Adaptation Plan (Section 8):

This section provides that more than one Minister will be able to develop and submit to Government a joint Sectoral Adaptation Plan.

3.10. Carbon Budgets (Section 9):

This section outlines in four proposed new sections of the Act, sections 6A to 6D, the framework for how the system of 5-year economy wide carbon budgets will be proposed, approved and adopted. They also detail the respective roles of the Advisory Council; the Minister for Climate Action; Government and the Houses of the Oireachtas at each stage in the process including opportunities for consultation with Ministers. The first three carbon budgets will cover the period 2021-2035. The development and adoption of carbon budgets should take place over a period of four to six months.



The section also outlines how after a set of carbon budgets has been adopted, a set of sectoral emission ceilings will be developed by the Minister in consultation with other relevant Ministers and then approved by Government.

The section also sets out a limited range of circumstances where adopted carbon budgets can be revised. It also provides that where a carbon budget is exceeded, the excess emissions are carried forward to the next budget period. Where greenhouse gas emissions are less than the carbon budget, the Minister may seek to carry forward any overachievement to the next budget period.

3.11. Climate Change Advisory Council (Sections 10 to 13):

Under Section 10 which amends section 9 of the 2015 Act, the Council membership has been increased to up to 13 ordinary members, and the ex officio membership has also been revised. In addition, it expands the range of expertise its members can draw upon and there is provision to ensure an equitable gender balance in the Council members when appointed. New areas of expertise the Council will be able to draw upon will include climate science; biodiversity and ecosystem services; policy expertise in key emitting sectors (transport; agriculture; energy) and expertise in areas aimed at promoting climate awareness, such as behavioural and communication science and socio-political or ethical expertise in relation to climate.

Section 11 of the Bill broadens the Council's core advisory functions to include providing advice and recommendations to the Minister and Government on the preparation of new policy instruments set out in the Bill – annual revisions to the Climate Action Plan, the development of National Long Term Climate Action Strategies and to propose carbon budgets to the Minister before the Minister recommends carbon budgets to Government and the Houses of the Oireachtas for consideration. In addition, the Council will also provide advice to the Minister where a motion on the Government's proposed carbon budgets is rejected by either House of the Oireachtas, or later if adopted carbon budgets are being revised.

Sections 12 and 13 of the Bill provide that annual and periodic reviews and reports on progress on climate policy, and the achievement of the national climate objective can include new policy instruments set out in the Bill, in addition to compliance with the carbon budget and each sectoral emission ceiling for the period.



3.12. Climate Reporting (Section 14):

This section of the Bill provides for enhanced ministerial accountability to the Oireachtas and replaces the existing Annual Transition Statement process. Relevant Ministers (including M/ECC) will have to account annually to an Oireachtas Committee about how their sectors have performed in pursuing the national climate objective by complying with carbon budgets and sectoral emission ceilings and proposed measures to address failures. The Minister will also have to account for how the Government has pursued the national climate objective.

3.13. Role of Local Authority (Section 15):

This section sets out a new requirement for Local Authorities to prepare climate action plans for their respective administrative areas. Within 18 months of the enactment of the Bill, the Minister will request each Local Authority to prepare within a 12-month period a Local Authority Climate Action Plan, covering both mitigation and adaptation actions. Each plan will take effect for a period of 5 years from the date of approval. The plans will have to be consistent with national plans / strategies and the plans of neighbouring local authorities. Plans will be published no later than 30 days after approval and can be revised at any time. The section also sets out how the plans will be developed and adopted by local authorities.

3.14. Duty of Certain Bodies (Section 16):

- This section amends the requirement on public bodies to take account of Climate Action Plans in the performance of their functions.

3.15. Amendment of the Planning and Development Act 2000

This section amends section 10(2) of the Planning and Development Act 2000 to include consideration of the local authority climate action plan, as outlined in section 14B of the Climate Action and Low Carbon Development Act 2015. Local authorities must include in the making of a Development Plan, relevant climate action plans for the area in question.

3.16. Amendment of the National Oil Reserves Agency Act 2007 (Section 19):



This section amends the National Oil Reserves Agency Act 2007. The amendment broadens the type of projects that the Climate Action Fund can support using funds it receives from the National Oil Reserves Agency. These new projects relate to increasing climate resilience; nature based projects that enhance biodiversity while supporting climate mitigation or increasing climate resilience; and innovative solutions or research in relation to climate resilience, climate mitigation or nature based solutions that enhance biodiversity while supporting climate mitigation or increasing climate resilience.

4. Impact of the Climate Action and Low Carbon Development (Amendment) Bill 2021

- 4.1. The Climate Action and Low Carbon Development (Amendment) Bill 2021, and the specific components detailed in Section 3, are likely to have a substantial and lasting effect on environmental outcomes in Ireland. The Bill sets in law a national climate objective, which commits to pursue and achieve, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. Thus, it advances beyond the prior ambition of an 80% reduction in CO₂ from 1990 emission levels by 2050.
- 4.2. The Climate Action and Low Carbon Development (Amendment) Bill 2021 sets a legal requirement for the new and more ambitious goal for a climate neutral economy by no later than the end of the year 2050, and on this basis alone, it is clear that the Climate Action and Low Carbon Development (Amendment) Bill 2021 has the intention of delivering a significant and positive impact on environmental outcomes in Ireland.
- 4.3. The Climate Action and Low Carbon Development (Amendment) Bill 2021 will support progress on this increased ambition by *inter alia* establishing requirements for carbon budgets and targets at a sectoral level. The Bill specifies that the first two carbon budgets proposed by the Climate Change Advisory Council, 2021 to 2025 and 2026 to 2030, will provide for a reduction of 51% reduction in the total amount of greenhouse gas emissions over the course of the first two budget periods ending on December 31st 2030, from the annual greenhouse gas emissions reported for the year ending on 31 December 2018, as set out in the national greenhouse gas emissions inventory



prepared by the Agency. These mechanisms should serve to stimulate early and sustained action across all sectors of the economy in regard to delivering the overall national objective by 2050.

- 4.4. The Climate Action and Low Carbon Development (Amendment) Bill 2021 will also facilitate climate action by broadening the scope of projects that may be supported by the Climate Action Fund. Thereby enabling a broader range of national initiatives and actions to be supported in pursuit of the overall national goal.
- 4.5. The major expected impact of the Climate Action and Low Carbon Development (Amendment) Bill 2021 will, therefore, be to reduce national GHG emissions. The specific measures and actions are not defined within the Climate Action and Low Carbon Development (Amendment) Bill 2021 but will rather be delivered through the implementation of related plans and strategies nationally. These are primarily the annually revised Climate Action Plan and the National Long-Term Climate Action Strategy, as well as connected and associated strategies and plans such as the National Energy and Climate Plan, the National Development Plan and National Planning Framework. Whilst these secondary or indirect impacts can be considered in broad terms, those other strategies, plans and their specific actions, must be guided and managed through existing structures, Directives and governance mechanisms which exist to manage environmental impacts in relation to specific actions.
- 4.6. The range and boundaries of the proposed SEA, in light of these practical constraints and relevant international precedent, are discussed in Section 5.

5. Range and Boundaries of the SEA

- 5.1. This section proposes the scope of SEA topics to be considered, along with the temporal and geographic boundaries for the SEA of the Climate Action and Low Carbon Development (Amendment) Bill 2021. On a broad level the Bill is expected to deliver positive outcomes through the increased ambition (Section 3) and the various supporting structures established or enhanced with the other amendments detailed in Section 3.
- 5.2. The baseline data sources for considering each category and the initially identified assessments that will be considered in regard to ascertaining the indirect effect of stronger climate action supported by the Climate Action and Low Carbon Development (Amendment) Bill 2021, are included in Appendix C.

Scope of SEA Topics Considered

- 5.3. There are nine categories of impact that are recommended for consideration. In each case the effects may include direct, secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects.
- 5.4. The Climate Action and Low Carbon Development (Amendment) Bill 2021 lacks the specificity to undertake quantitative effect analysis. This is not a failing, but rather the nature of a Bill amendment that is focused on raising the level of ambition and establishing or enhancing supporting structures for climate action.
- 5.5. The ultimate objectives of the Climate Action and Low Carbon Development (Amendment) Bill 2021 will primarily be given effect to by the key provisions set out in the Bill, as detailed in section 3.4.
- 5.6. The level of ambition, number of commitments and rate of uptake for new policies, behaviours and technologies, necessarily changes positively between the National Mitigation Plan and the Climate Action Plan. Similarly, there are important changes in governance, research and analysis introduced.



However, in national climate policy to date, the substantive elements that underpin emission reductions across all of the sectors in the Irish economy remain largely the same.

- 5.7. There are insights from other relevant national SEAs that have been completed, such as the SEAs for the National Planning Framework, National Mitigation Plan, Offshore Renewable Energy Development Plan, and 2014-20 Forestry Programme. The core measures referenced in these documents - as relevant to climate action - remain very similar.
- 5.8. In the individual topic boxes below, a consideration of the plausible scope for the SEA on the recommended impact topics is presented. The approach aligns closely with the prior referenced international precedent in this context, where similarly, the lack of specificity in the relevant Bill constrained the potential methods and quantitative detail for an SEA in this context.
- 5.9. In broad terms each category item will be reviewed in terms of the expected environmental outcome for that category, which could reasonably be expected given the major climate actions that will be necessary as part of the overall climate neutral economy objective. This work will draw on existing national data, SEAs and higher-level policy impact assessments and literature in considering the direction and scale of environmental outcomes. Considerations will also be flagged in respect of areas of concern that may be noted and tackled as part of the policy/measure specific plans and programs.

Biodiversity, Flora and Fauna

Biodiversity, Flora and Fauna	
Proposal on Scope	Potential Significant Environmental Impacts for SEA Process
Summary Recognition	The Climate Action and Low Carbon Development (Amendment) Bill 2021 does not prescribe specific measures and as such impacts in this category as a direct result of the Bill cannot be credibly determined. Whilst the Climate Action and Low Carbon Development (Amendment) Bill 2021 will support actions in other national plans and strategies that can have impacts in this category, these are subject to their own set of assessments and controls. Broad impacts of major climate actions on this category will be recognised as part of the SEA process by drawing on existing reports and research.
SEA Approach	<i>A summary recognition of the directional and potential significance of impacts based on prior assessments of related Climate Action plans and the corresponding effect of the</i>



	<i>major measures on this category of environmental outcome.</i>
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Air

Air	
Proposal on Scope	Potential Significant Environmental Impacts for SEA Process
Summary Recognition	The Climate Action and Low Carbon Development (Amendment) Bill 2021 will be expected to have mostly positive synergistic impacts on national air pollutant emissions and associated ambient air quality. The increased level of ambition for 2050 can be considered qualitatively with regard to potential impacts on air outcomes, as well as recognition of potential areas for concern and consideration in respect of climate focused policy action.
SEA Approach	<i>A summary recognition of the directional and potential significance of impacts from the increased climate ambition on air outcomes, and the associated considerations and recommendations will be included in the SEA.</i>

Population and Human Health

Population and Human Health	
Proposal on Scope	Potential Significant Environmental Impacts for SEA Process
Summary Recognition	Once again, the Climate Action and Low Carbon Development (Amendment) Bill 2021 does not prescribe specific measures and as such impacts in this category as a direct result of the Bill cannot be credibly determined. Supporting actions in other national plans and strategies can of course have impacts in this category and these are again subject to their own set of assessments. However, impacts on human health as derived from the air impact consideration will be recognised as an additional element as part of the summary recognition.
SEA Approach	<i>A summary recognition of the directional and potential significance of impacts based on prior assessments of related plans that offer detailed actions will be included where available, along with recognition of the qualitative assessment of air outcomes.</i>

Soil

Soil	
Proposal on Scope	Potential Significant Environmental Impacts for SEA Process
Summary Recognition	The Climate Action and Low Carbon Development (Amendment) Bill 2021 does not prescribe specific measures and as such impacts in this category as a direct result of the Bill cannot be credibly determined. Whilst the Climate Action and Low Carbon Development (Amendment) Bill 2021 will support actions in other national plans and strategies that can have impacts in this category, these are subject to their own set of assessments. In this case other SEA assessments and climate action research will be considered to describe the potential environmental impacts on this SEA category. The relevance of agricultural measures and LULUCF actions will be the focus.
SEA Approach	<i>A summary recognition of the directional and potential significance of impacts based on prior assessments of related plans that offer detailed actions will be included where available.</i>

Water

Water	
Proposal on Scope	Potential Significant Environmental Impacts for SEA Process
Summary Recognition	The Climate Action and Low Carbon Development (Amendment) Bill 2021 does not prescribe specific measures and as such impacts in this SEA category as a direct result of the Bill cannot be credibly determined. The Climate Action and Low Carbon Development (Amendment) Bill 2021 will support actions in other national plans and strategies that can have impacts on water, and these are subject to their own set of assessments. As such the category will be considered through assessment of prior climate action assessments in regard to water outcomes. Examples of impacts on water from climate actions could include aspects related to pollution or flood risk.
SEA Approach	<i>A summary recognition of the directional and potential significance of impacts based on prior assessments of related plans that offer detailed actions will be included where available. The connection to climatic factors can be recognised.</i>

Climatic Factors

Climatic Factors	
Proposal on Scope	Potential Significant Environmental Impacts for SEA Process
Qualitative Assessment	<p>The Climate Action and Low Carbon Development (Amendment) Bill 2021 introduces a direct and legally binding step-up in ambition for climate action, in the form of a climate neutral economy by 2050. Whilst specific measures are not identified, a broad consideration of the impact of this shift in ambition on climatic factors is recommended for the SEA. Whilst climatic change is most strongly influenced by global actions and outcomes, this qualitative assessment will recognise the areas where the increased ambition of the Climate Action and Low Carbon Development (Amendment) Bill 2021 can make a positive contribution, and the corresponding outcomes that arise from broader international action and progress on global climate change objectives.</p>
SEA Approach	<p><i>An expanded recognition of the directional and potential significance of impacts of climatic factors on the other SEA categories will be included. Given the focus of the Bill is climate action, this section of the SEA will recognise how enhanced climate action can contribute, as part of broader international efforts, to delivering mitigated climatic effects.</i></p>

Cultural heritage and the historic environment

Cultural heritage and the historic environment	
Proposal on Scope	Potential Significant Environmental Impacts for SEA Process
Summary Recognition	<p>The Climate Action and Low Carbon Development (Amendment) Bill 2021 does not prescribe specific measures and as such impacts in this category as a direct result of the Bill cannot be credibly determined. Whilst the Climate Action and Low Carbon Development (Amendment) Bill 2021 will support actions in other national plans and strategies that can have impacts in this category, these are subject to their own set of assessments. Examples of impacts could include shifts in development plans or forestry affecting the cultural or historic environment e.g. old buildings, archaeological sites.</p>
SEA Approach	<p><i>A summary recognition of the directional and potential significance of impacts based on prior assessments of related plans that offer detailed actions will be included where available.</i></p>

Material Assets

Material Assets	
Proposal on Scope	Potential Significant Environmental Impacts for SEA Process
Summary Recognition	<p>The Climate Action and Low Carbon Development (Amendment) Bill 2021 does not prescribe specific measures and as such impacts in this category as a direct result of the Bill cannot be credibly determined. Whilst the Climate Action and Low Carbon Development (Amendment) Bill 2021 will support actions in other national plans and strategies that can have impacts in this category, these are subject to their own set of assessments. Examples of indirectly supported climate actions relevant to material assets could include changes in travel infrastructure and use of natural resources for energy.</p>
SEA Approach	<p><i>A summary recognition of the directional and potential significance of impacts based on prior assessments of related plans that offer detailed actions will be included where available. Note that material assets as an SEA impact category have been interpreted differently in various cases. The Directive does not offer a definition; however, we will interpret it as natural resources, built environment and infrastructure.</i></p>

Landscape, seascape and visual amenity

Landscape, seascape and visual amenity	
Proposal on Scope	Potential Significant Environmental Impacts for SEA Process
Summary Recognition	<p>The Climate Action and Low Carbon Development (Amendment) Bill 2021 does not prescribe specific measures and as such impacts in this category as a direct result of the Bill cannot be credibly determined. Whilst the Climate Action and Low Carbon Development (Amendment) Bill 2021 will support actions in other national plans and strategies that can have impacts in this category, these are subject to their own set of assessments.</p> <p>Nonetheless, this category can be considered in relation to changes in regard to certain aspects that will certainly be a feature of a climate neutral economy, for example, new energy infrastructure, wind and solar farms, changes in forestry and land-use. Whilst the specific actions are not defined in the Climate Action and Low Carbon Development (Amendment) Bill 2021, recognition will be given to prior consideration of relevant climate actions on this SEA category.</p>



SEA Approach

A summary recognition of the directional and potential significance of impacts based on prior assessments of related plans that offer detailed actions and impacts for this category will be included where available.

Temporal Scope of SEA

5.10. The Climate Action and Low Carbon Development (Amendment) Bill 2021 is focused on a long-term vision to 2050 and beyond. As such the temporal scope on which the SEA is considered will extend to that same time horizon. However, it must be remembered that the Climate Action and Low Carbon Development (Amendment) Bill 2021 is a supporting framework, that enhances the existing act, and formalises and advances the level of national ambition. Thus, appraisal on a temporal scale is limited to consideration of the appropriateness of the defined ambition on that time horizon.

Geographical Scope of SEA and Transboundary Consultation

5.11. The geographical scope of the SEA on the Climate Action and Low Carbon Development (Amendment) Bill 2021 is national as the Bill will support actions with far reaching effects across all sectors of the Irish economy.

5.12. There are no significant effects perceived in regard to neighbouring Member States. The departure of the United Kingdom from the European Union results in Ireland having no directly neighbouring European Member State. Nonetheless it is believed that the overall impact of the enhancement of climate action governance and ambition in Ireland will contribute to delivering net positive environmental outcomes to Northern Ireland and the mainland UK, in terms of a positive contribution to collective efforts for reduced climatic impact.

5.13. Similarly, the climate action ambitions across all sectors of the economy are expected to deliver a net reduction in transboundary air pollutants. With recognition that consideration can be given to management of biomass combustion over time into the future. However, official national outlooks from the EPA do not anticipate growth in emissions to air of transboundary air pollutants out to



2035, and there is no perceived cause for concern in regard to the impact of the Bill in that regard. For this reason, no special transboundary consultation is deemed necessary for the proposed SEA.

6. Methodology

- 6.1. The Climate Action and Low Carbon Development (Amendment) Bill 2021 delivers a legally bound level of ambition for climate action by 2050. However, whilst the Bill includes important changes in governance, management and financial mechanisms, it does not define explicit measures that may be evaluated in a direct manner.
- 6.2. The specific and substantive impacts of the Bill are, therefore, expected to be indirect – and to include those impacts defined as part of the assessment of more policy and measure focused plans (e.g. the Climate Action Plan 2019 and subsequent iterations). The Bill is broadly intended to support greater action and further progress, albeit along the same lines of investments and interventions as have been defined in those explicit and dynamic national plans.
- 6.3. There are various existing plans and programmes of particular relevance to the Climate Action and Low Carbon Development (Amendment) Bill 2021, including the National Mitigation Plan⁸, Climate Action Plan 2019, National Planning Framework, the National Development Plan (Project Ireland 2040), and the National Energy and Climate Plan⁹. Considerable work has already gone into assessing the impacts of these programmes.
- 6.4. Stage One of our methodology will involve a review of the main environmental impacts identified to date in completed Strategic Environmental Assessments for major related plans and programmes – particularly, but not limited to, those of the National Mitigation Plan and National Planning Framework. In short, we will seek to identify the major measures and actions that we expect will comprise the main thrust of climate ambition in Ireland, as these are the measures and actions that the Climate Action and Low Carbon Development (Amendment) Bill 2021 will work to support. This

⁸ As part of the Climate Action and Low Carbon Development (Amendment) Bill, the National Mitigation Plan will be replaced by the Climate Action Plan 2019 and subsequent iterations, alongside the National Long-Term Climate Action Strategy reports that are also provided for within the Bill.

⁹ It is noted that the 2019 National Energy and Climate Plan is due to be updated again in line with increased national ambition. See the Appendix on relevant plans and programs for additional detail.



will provide a comprehensive overview of those indirect environmental effects associated with current climate action policy in Ireland.

- 4.1.1 Stage two of our methodology is focused on the provisions of the Bill itself as released on the 23rd March 2021. Informed by the findings of Stage one, it gives a high-level overview of how the substantive changes to climate policy governance contained in the Bill may indirectly impact the environment. This looks specifically at:
- i. The more ambitious national climate objective. Based on the assumption that the new objective will strengthen and accelerate climate action, the assessment will seek to show what the environmental impacts of such action might be. This will draw on the international evidence base and literature on the impacts of achieving 'climate neutrality'.
 - ii. Carbon budgeting. The assessment will seek to assess the potential environmental impacts of carbon budgeting, drawing again on the international policy literature on carbon budgeting as a policy tool.
 - iii. Governance arrangements. The assessment will seek to group together the changes to governance as described in the Bill and give a broad assessment of their likely impact on environmental outcomes, if any.

6.5. The Climate Action and Low Carbon Development (Amendment) Bill 2021 is faithful to the recommendations of the Citizen's Assembly on Climate Change, the Joint Oireachtas Committee on Climate Change, and the Climate Change Advisory Council. The most useful reasonable alternative to consider, therefore, is the status quo of the existing provisions in the Climate Action and Low Carbon Development Act 2015, as is. No proposals have been made for the reduction of climate ambition beyond that in the 2015 Act, nor have they been made for a more ambitious target than that in the 2021 Bill – these are therefore be assumed to represent the reasonable ends of the spectrum of policy options.

6.6. This approach broadly follows that taken by the Scottish Government in the SEA process for a new Climate Change Bill in 2017, which is the most analogous precedent available nationally or



internationally in the context of the Climate Action and Low Carbon Development (Amendment) Bill 2021.

7. Next Steps in the SEA Process

- 7.1. This SEA Scoping draft will be shared with the statutory consultees as determined by the competent authority in this case – the DECC.

- 7.2. The statutory consultees will have four weeks from the date of notice to respond in writing to this SEA scoping draft. Guidance for the feedback is provided in Section 8 and this section will be updated when finalising the scoping document. Specifically, this section will recognise any relevant feedback and acknowledge the submission and corresponding action as necessary.

- 7.3. Once all statutory consultees have responded, the process will move onto the next stage where the draft SEA (or ‘environmental report’) on the Climate Action and Low Carbon Development (Amendment) Bill 2021 will be compiled, in line with the completed scoping document.

- 7.4. The draft SEA will be made available for open consultation for a period of four weeks. After this process has been completed the SEA will be finalised and will be updated to include an SEA statement that defines how the consultative process has been accounted for within the final SEA and Climate Action and Low Carbon Development (Amendment) Bill 2021. This will be followed by final publication and completion of the SEA aspect of the process.

8. Feedback on Draft SEA Scoping Report

8.1. A draft version of this SEA scoping report has been circulated to the required stakeholders for feedback. In addition to DECC, the statutory consultee is the following:

- The Environmental Protection Agency.

8.2. In line with S.I. No. 435/2004 - European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, the consultees are hereby notified that an SEA is to be conducted as part of the Climate Action and Low Carbon Development (Amendment) Bill 2021, in recognition of the likely significant indirect effects on the environment.

8.3. A four-week window from the date of notice of the SEA process and delivery of this draft scoping report will be afforded to the statutory consultees for a response. Should all of the statutory consultee submissions be received at an earlier point within that four-week window, then process will advance to the next stage.

8.4. The consultees are informed of the change proposed (Section 2), the anticipated impacts (Section 3), the scope of the SEA in terms of topics, and both temporal and geographic range (Section 5), and the proposed methodology for the SEA (Section 6).

8.5. Guidance for the statutory consultation is given as follows:

- i. The consultees are requested to review the changes in the Climate Action and Low Carbon Development (Amendment) Bill 2021.
- ii. The consultees are invited to consider the scope of topics to be covered in the SEA as per Section 5 of this scoping report. This can include a recommendation for inclusion or exclusion of a topic but must be supported with a rationale for inclusion/exclusion and a plausible method for evaluation, with regard to the available detail in the Climate Action and Low Carbon Development (Amendment)



Bill 2021 through which an impact may be defined, and the available data and evidence on which to consider that impact.

- iii. The consultees are invited to consider the defined temporal and geographic scope of the SEA. Where an alternative is suggested this is again to be supported with a rationale for the change, and an indication of how the revised scope may be credibly assessed in terms of the detail within the Climate Action and Low Carbon Development (Amendment) Bill 2021, and the corresponding data and evidence.
- iv. The consultees are also invited to comment generally on the proposed Climate Action and Low Carbon Development (Amendment) Bill 2021.

8.6. The feedback received has/will been/be summarised in the following tables with a corresponding note on the actions taken, where necessary and appropriate to account for the issue raised. Once updated, this will complete the SEA Scoping report stage of the process.



SEA Climate Action and Low Carbon Development (Amendment) Bill 2021 - Scoping Feedback

Stakeholder: Department of the Environment, Climate and Communications

Corresponding Action

9. Appendix A – Relevant Plans and Programs

- 9.1. The relevant plans and programs in an Irish context have been detailed. The most relevant national plan to the Climate Action and Low Carbon Development (Amendment) Bill 2021 would be the Climate Action Plan of 2019 and subsequent revisions into the future. Also, the precursor plan, the National Mitigation Plan, where an SEA, with an associated list of relevant plans and programs has been developed as part of the SEA.
- 9.2. The National Mitigation Plan SEA was delivered in March 2017 and is available directly from DECC at <https://www.dccae.gov.ie/documents/Draft-National-Mitigation-Plan-SEA.compressed.pdf>. The assessment within on relevant plans and programs is deemed most relevant as whilst the National Mitigation Plan did not have the same governance provisions or level of ambition as called for in the Climate Action Plan, the core measures e.g. renewables penetration, built environment energy efficiency measures, electric vehicles and so on remain similar.
- 9.3. In the intervening years since the national mitigation plan SEA, the additional relevant plans and strategies, to be considered in addition to those in that list, are as follows:

Additional Relevant Plans and Programs	
Title	Summary of Objectives and Relevance
Ag-Climatise	The Ag-Climatise report has completed a public consultation ¹⁰ - and has been released. The plan represents an important development for the agriculture sector in Ireland. Agriculture is a major contributor to Ireland’s GHG emissions profile at both non-emissions trading sector and national scales. The Ag-Climatise report will define a roadmap for tackling both climate and air ¹¹ emissions on a time horizon to 2030. The plan takes a broad base approach to the sector and will encompass primary producers through to final processors in the value chain of agriculture.

¹⁰ Available at - <https://www.agriculture.gov.ie/ruralenvironmentsustainability/climatechangebioenergybiodiversity/ag-climatiseadraftnationalclimateairroadmapfortheagriculturesectorto2030andbeyondpublicconsultation/>

¹¹ In particular ammonia (NH₃) where Ireland remains off course for compliance in the context of the National Emissions Ceiling Directive (2016/2284).



	<p>The Climate Action and Low Carbon Development (Amendment) Bill 2021 should in principle support the strong ambitions articulated in the consultation for Ag-Climatise by formally establishing a long-range national goal to 2050 for climate action and establishing enhanced governance structures that can further incentivise sectoral action on climate goals.</p>
<p>National Energy and Climate Plan (Update from 2019 Version)</p>	<p>Under the Governance of the Energy Union and Climate Action Regulation, Ireland was required to submit a draft National Energy & Climate Plan (NECP) for the period 2021-2030 to the European Commission by the end of December 2018. This draft version recognised relevant policy introduced to that point such as the National Planning Framework – Project 2040, and the National Development Plan – 2018-2027. Building from this draft the NECP was drafted in 2019 with all policies and measures deemed necessary to achieve the 30% reduction (from 2005 levels) in non-emissions trading sector emissions in Ireland.</p> <p>However, as part of the 2020 Programme for Government – Our Shared Future, Ireland is committing to a stronger level of climate action, with a 7% annual average reduction in greenhouse gas emissions between 2021 and 2030. As such the 2019 NECP will be further updated to incorporate those altered policies and measures deemed necessary to achieve the 7% trajectory.</p> <p>The Climate Action and Low Carbon Development (Amendment) Bill 2021 is expected to directly support the implementation of the updated NECP through enhanced governance structures and supporting mechanisms for action.</p>
<p>National Air Pollution Control Plan 2021 (Update)</p>	<p>In a similar manner as the NECP, the national air pollution control plan is designed to chart a pathway to compliance with defined environmental goals. Ireland submitted the NAPCP in 2018, however, this submission was unable to define an agreed pathway to compliance for all of the air pollutants covered under the scope of the Clean Air for Europe Directive.</p> <p>In 2021 Ireland expects to submit an updated NAPCP that defines a pathway to compliance under the updated national outlooks for air pollutants. It is expected</p>



	<p>that the increased ambition of the NECP and Ag-Climatise, alongside the supporting structures of the Climate Action and Low Carbon Development (Amendment) Bill 2021 will deliver positive outcomes in regard to overall net emissions through increased energy efficiency, increased electrification of key air pollution sources (e.g., road transport, residential heating), and the suite of ammonia measures in Ag-Climatise. As such a beneficial impact is expected in this regard from the Climate Action and Low Carbon Development (Amendment) Bill 2021.</p>
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10. Appendix B – Draft Table of Contents for SEA

10.1. This is a draft table of contents for the final SEA report, showing the expected structure and thereby indicating how the report would satisfy the requirements under the SEA Directive.

Non-technical Executive Summary.....	
1.	Introduction.....
1.1	Context - Climate Change in Ireland
1.2	Context - Policy Developments in Ireland.....
1.3	Context - Proposals for an Amendment to the Climate Action Act.....
1.4	The Strategic Environment Assessment Approach.....
1.5	Requirement for a Strategic Environment Assessment.....
1.6	Scope of this Strategic Environment Assessment.....
1.7	Structure of this report
2.	Relationship with other Relevant Plans, Programmes and Strategies.....
defined.	
2.2	Climate
2.3	Infrastructure and Planning
2.4.	Agriculture, Land Use and Forestry
2.5	Energy generation and Built environment.....
2.6	Transport.....
2.7	Waste
2.8	Biodiversity
2.9	Air Quality
2.10	Water Quality.....
2.11	Landscape and cultural heritage.....



- 3. Baseline – the State of the Environment in Ireland**
- 3.1 Biodiversity
- 3.1.1 Baseline
- 3.1.2 Environmental protection objective
- 3.2 Population & human health.....
- 3.2.1 Baseline
- 3.2.2 Environmental protection objectives
- 3.3 Soil.....
- 3.3.1 Baseline
- 3.3.3 Environmental Protection Objectives.....
- 3.4 Water
- 3.4.1 Baseline.....
- 3.4.2 Environmental protection objectives
- 3.5 Air.....
- 3.5.1 Baseline.....
- 3.5.2 Environmental Protection Objectives.....
- 3.6 Climate
- 3.6.1 Baseline.....
- 3.6.2 Environmental Protection Objectives.....
- 3.7 Cultural heritage including architectural and archaeological heritage & landscape.....
- 3.7.1 Baseline.....
- 3.7.2 Environmental Protection Objectives.....
- 3.8 Material Assets
- 3.8.1 Baseline.....
- 4. Assessment Approach in this Case**
- 4.1 Approach to this Assessment.....



4.2	Scope of the Assessment
4.3	Consideration of Reasonable Alternative
5.	Assessment Findings
5.1	Overview of impacts and Review of Previous SEAs
5.1.1	Biodiversity
5.1.2	Population and Human Health.....
5.1.3	Soil.....
5.1.4	Air
5.1.5	Water
5.1.6	Climatic factors
5.1.7	Material Assets
5.1.8	Landscape, Culture and Heritage.....
5.2	Review of proposals in the 2021 Bill
5.2.1	The new National Climate Action Objective
5.2.2	Carbon Budgets.....
5.2.3	Governance and Process changes.....
5.3	Consideration of Reasonable Alternatives.....
6.	Mitigation Measures and Enhancement Opportunities
7.	Monitoring and Governance.....
8.	Conclusions and Recommendations (SEA Statement)
10.	Next Steps
	Appendix A – List of relevant plans, programmes, legislation and policy



11. Appendix C – Baseline Data Sources and Assessments

11.1. The following is not yet considered an exhaustive list for the SEA process on the Climate Action and Low Carbon Development (Amendment) Bill 2021. However, it indicates many of the headline relevant sources for defining the baseline data in each of the SEA categories, as well as highlighting the impact assessment reports and literature that may be relevant in regard to defining the scale and direction of impact associated with the type of climate action related measures that the Climate Action and Low Carbon Development (Amendment) Bill 2021 is expected to support.

SEA SCOPING – DATA SOURCES AND ASSESSMENTS		
SEA CATEGORY	BASELINE DATA SOURCES	IMPACT ASSESSMENT SOURCES
Biodiversity, Flora and Fauna	<ul style="list-style-type: none"> The State of EU Protected Habitats and Species in Ireland (NPWS, 2019) 	<ul style="list-style-type: none"> SEA on National Mitigation Plan 2017 SEA on National Planning Framework SEA on Offshore Renewable Energy Development Plan SEA on Forestry Strategy 2014-2020 SEA on Wind Energy Development Guidelines 2019
Air	<ul style="list-style-type: none"> EPA inventory and forecasting data for air pollutants Air Quality in Ireland (EPA, 2019) 	<ul style="list-style-type: none"> SEA on National Mitigation Plan 2017 SEA on National Planning Framework National Air Pollution Control Plan Clean Air Strategy (draft)



<p>Population and Human Health</p>	<ul style="list-style-type: none"> • Air Quality in Ireland (EPA, 2019) • State of the Environment Report Chapter 8 – Environment, Health and Wellbeing (EPA, 2016) 	<ul style="list-style-type: none"> • SEA on National Mitigation Plan 2017 • SEA on National Planning Framework • National Air Pollution Control Plan • Clean Air Strategy (draft) • SEA on Wind Energy Development Guidelines 2019
<p>Soils</p>	<ul style="list-style-type: none"> • State of the Environment Report Chapter 7 – Land and Soil (EPA, 2016) 	<ul style="list-style-type: none"> • SEA on National Mitigation Plan 2017 • SEA on National Planning Framework • SEA on Forestry Strategy 2014-2020 • SEA on Offshore Renewable Energy Development Plan • SEA on Wind Energy Development Guidelines 2019
<p>Water</p>	<ul style="list-style-type: none"> • Water Quality in Ireland 2013-2018 (EPA, 2019) 	<ul style="list-style-type: none"> • SEA on National Mitigation Plan 2017 • SEA on National Planning Framework • SEA on Offshore Renewable Energy Development Plan • SEA on Forestry Strategy 2014-2020 <p>SEA on Wind Energy Development Guidelines 2019</p>



<p>Climatic Factors</p>	<ul style="list-style-type: none"> • Ireland’s Final Greenhouse Gas Emissions 1990-2018 (EPA, 2020) • Ireland's Greenhouse Gas Emissions Projections 2019-2040 (EPA, 2020) 	<ul style="list-style-type: none"> • SEA on National Mitigation Plan 2017 • SEA on National Planning Framework • Reports of Climate Advisory Council • Policy impact literature on carbon neutrality, governance and budgeting
<p>Material Assets</p>	<ul style="list-style-type: none"> • National Planning Framework 	<ul style="list-style-type: none"> • SEA on National Mitigation Plan 2017 • SEA on National Planning Framework • SEA on Offshore Renewable Energy Development Plan • SEA on Forestry Strategy 2014-2020 • SEA on Wind Energy Development Guidelines 2019
<p>Landscape, Seascape, Visual Amenity</p>	<ul style="list-style-type: none"> • National Landscape Strategy • National Park data 	<ul style="list-style-type: none"> • SEA on National Mitigation Plan 2017 • SEA on National Planning Framework • SEA on Offshore Renewable Energy Development Plan • SEA on Forestry Strategy 2014-2020 • SEA on Wind Energy Development Guidelines 2019



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