

Minister of Housing, Local Government and Heritage

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022 Scoping Report

Final report

Prepared by LUC

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Minister of Housing, Local Government and Heritage

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
Scoping Report

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Chapter 1

Introduction

LUC was commissioned to support the Minister for Housing, Local Government and Heritage (MHLGH) in undertaking a Strategic Environmental Assessment of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022 regarding the placing or erection of solar PV / thermal installations (hereafter collectively referred to as the 'proposed regulations').

1.1 The Strategic Environmental Assessment (SEA) process is a requirement of the SEA [Directive 2001/42/EC](#) which requires that an environmental assessment is carried out of certain plans and programmes – or in this case regulations – which are likely to have significant effects on the environment.

1.2 This Scoping Report forms part of the formal SEA process. The purpose of this Scoping Report is to provide the context for and determine the scope of the SEA, and to set out the assessment framework for undertaking the later stages of the SEA. This Scoping Report was published for consultation with the Environmental Authorities from Thursday 28th April 2022 to Thursday 26th May 2022 and has subsequently been updated to take into account the submissions and/or observations received from the Environmental Authorities.

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022 May 2022

Description of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022

Context for the proposed regulations

1.3 The latest IPCC report, *Climate Change 2022: Impacts, Adaptation and Vulnerability*, published in April 2022, highlights that the window to prevent global temperatures from rising by more than 1.5°C above pre-industrial averages is rapidly closing and the world remains on course to exceed the Paris Agreement's temperature threshold. This highlights the urgency of nations and governments to take action and ensure society's resilience.

1.4 The effects of climate change can be clearly seen in Ireland, the most evident effect is the increased temperature. The last five year (2017-2022) and ten-year (2012-2022) average temperatures are the warmest on record. Since the 1980s, each successive decade has been warmer than any preceding decade since 1850. These increased temperatures have had knock on effects on Ireland's natural environment. An increase in the frequency and impact of storms has also been recorded in the last few decades. Sea surface temperature in Irish waters has increased at a rate of approximately 0.6°C per decade since 1994, which is unprecedented in the 150-year observational record. Ireland has also seen an increase in average annual national rainfall of approximately 6mm or 5% in the period 1981-2010, compared to the 30-year period 1961-1990¹.

1.5 If the rate of global warming and climate change continues, Ireland could experience even more severe adverse effects. As an island nation, Ireland is particularly vulnerable to rising sea level with coastal regions being directly at risk from flooding².

1.6 Ireland's current high fossil fuel dependency is particularly challenging and requires immediate action. Renewable energy development such as solar development may help to ameliorate the worst impacts of climate change.

Implementation will be critical, and the pace of emissions reductions must accelerate beyond 2030. This requires far-reaching transformative change across the economy and society³.

1.7 In addition to the need to plan for a changing climate, international activities, most notably the Russian invasion of Ukraine, has resulted in significant increases in the price of oil and natural gas which has, in turn, led to increased retail prices for petrol, diesel, heating oil, gas and electricity – highlighting the urgency for security of energy supplies, not just in Ireland but across Europe.

1.8 Solar energy is largely underutilised in Ireland, and solar energy production accounts for only a fraction of the renewable energy generated. **Figure 1.1** overleaf illustrates the solar energy generation across Europe in 2021⁴. This figure indicates that this energy sector is significantly underutilised in Ireland in comparison to other European nations with similar latitudes. For example, the UK is the third country in Europe with the highest volume of solar energy generation, following Germany and Italy. The cumulative installed capacity of solar photovoltaics (PV) in the UK during the last decade has substantially increased, rising from 95MW in 2010 to 13,563MW by the end of 2020⁵, primarily driven by the Feed-in Tariff scheme (operational from 2010-2019) which created a financial incentive for individuals and small businesses to install eligible small-scale renewable energy systems such as solar panels.

1.9 In 2020 there was 40MW of grid-connected solar energy capacity in Ireland, an increase of 29% since 2019 and 1,609% since 2015⁶. This accounted for 1% of renewable capacity in 2020. In spite of its small contribution in 2020, growth in the solar power sector is expected to continue, with 63 solar projects securing contracts under the RESS-1 auction in 2020 (1,000MW (796GWh)). RESS-2 auction is currently under way.

1.10 In 2019 the Government published the first Climate Action Plan (CAP) and pledged €3.7 million to support the installation of solar panels in homes. Moreover, the CAP contained provisions that allows citizens to sell privately micro-generated solar power back to the national grid. Support for domestic solar panels uptake has also been offered by

¹ EPA (undated) What impact will climate change have on Ireland? [online] Available at: <https://www.epa.ie/environment-and-you/climate-change/what-impact-will-climate-change-have-for-ireland/#:~:text=and%20storm%20tracks-increased%20likelihood%20of%20river%20and%20coastal%20flooding,on%20human%20health%20and%20wellbeing>

² Geological Survey Ireland (undated) Effects in Ireland. [online] Available at: <https://www.gsi.ie/en-ie/geoscience-topics/climate-change/Pages/Effect-in-Ireland.aspx>

³ Environmental Protection Agency (2020) Ireland's Environment. An Integrated Assessment 2020. [online] Available at: <https://www.epa.ie/publications/monitoring-->

[assessment/assessment/state-of-the-environment/EPA_Irelands_Environment_2020.pdf](https://www.epa.ie/environment-and-you/climate-change/assessment/assessment/state-of-the-environment/EPA_Irelands_Environment_2020.pdf)

⁴ Our World in Data (2022) Solar energy generation [online] Available at: <https://ourworldindata.org/renewable-energy#solar-energy>

⁵ Statista (2021) Solar PV cumulative installed capacity in the United Kingdom (UK) 2009 – 2020. [online] Available at:

<https://www.statista.com/statistics/792406/cumulative-solar-pv-capacity-united-kingdom/>

⁶ International Renewable Energy Agency (2021) Energy Profile Ireland (pdf) Available at:

https://www.irena.org/IRENADocuments/Statistical_Profiles/Europe/Ireland_Europe_RE_SP.pdf

Chapter 1

Introduction

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

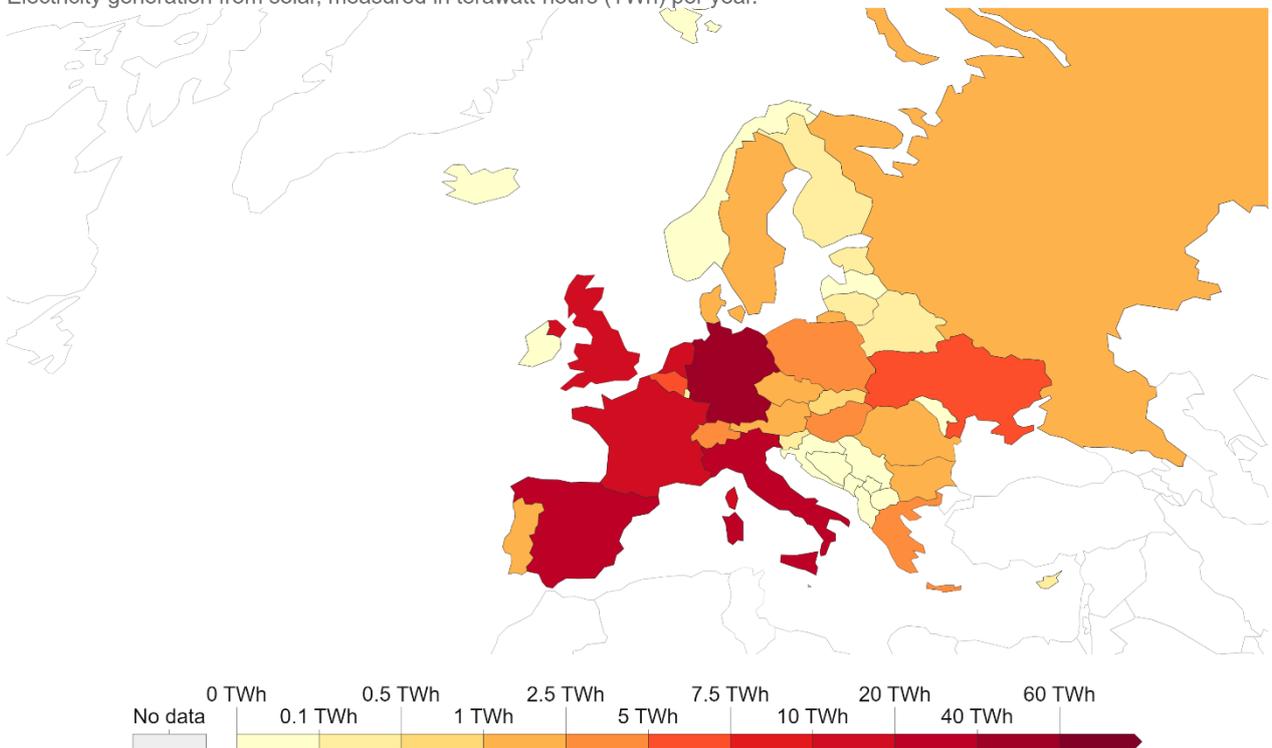
Sustainable Energy Authority of Ireland (SEAI) in the form of a Residential Rooftop Solar PV Scheme. The scheme provides a contribution of up to €2,400 towards total installation costs. Furthermore, the Warmer Home Energy Scheme offers a broad range of measures free to householders in need to energy efficiency upgrades, totalling to an average of €3,000.⁷

1.11 The extension of solar panel exempted development provisions can enable greater uptake of solar panels across the country especially in residential buildings.

Figure 1.1: Solar power generation in Europe in 2021

Solar power generation, 2021

Electricity generation from solar, measured in terawatt-hours (TWh) per year.



Source: Our World in Data based on BP Statistical Review of World Energy & Ember

OurWorldInData.org/renewable-energy • CC BY

⁷https://www.citizensinformation.ie/en/housing/housing_grants_and_schemes/grants_for_solar_panels_and_battery_systems.html

Background to the proposed regulations

1.12 The Climate Action and Low Carbon Development (Amendment) Act 2021 set targets for Ireland to deliver up to 80% of electricity from renewables and to reduce greenhouse gas emissions by 51% by 2030 and reach net-zero no later than 2050. How these targets will be achieved is set out in the Climate Action Plan 2021. The Government will annually update the Climate Action Plan and the roadmap of actions to reflect developments in the previous year to ensure the required emissions reductions are achieved. The 2022 Plan (not yet released) will reflect the legally binding carbon budgets and sectoral ceilings adopted by Government.

Actions in the 2021 Climate Action Plan and Annex of Actions⁸:

Action 103 (Action 105 in the Annex of Actions)

Deliver a Microgeneration Policy Framework

Action 105 (Action 107 in the Annex of Actions)

Conclude the review of the current planning exemptions relating to solar panels, to ensure that households, schools, and communities can be strong champions of climate action.

Action 106 (Action 108 in the Annex of Actions)

Deliver a Solar and Small-Scale Generation Policy Framework

Action 131 (Action 138 in the Annex of Actions)

Publish a standard recommendation for the design, installation and commissioning of solar PV panels in new and existing dwellings.

1.13 In the context of the Climate Action Plan 2021, the Department of Housing, Local Government and Heritage (DHLGH) has undertaken a review of the existing provisions is proposing to significantly extend the solar panel exemptions set out in Schedule 2 'Exempted Development' of the Planning and Development Regulations 2001 (SI No. 600 of 2001), as amended (hereafter referred to as the 'Principal Regulations'), specifically by the Planning and Development Regulations 2007 (SI No. 83 of 2007) and the Planning and Development Regulations 2008 (SI No.235 of 2008).

Scope and content of the proposed regulations

1.14 Under the Planning and Development Act 2000, as amended, (hereafter referred to as 'the Act'), all development, unless specifically exempted under the Act or Principal Regulations, requires planning permission. Section 4 of the

Act and Schedule 2 of the Principal Regulations, set out various exemptions from the requirement to obtain planning permission. Any such exemptions are subject to compliance with any general restrictions on exemptions set out in the Act or the Principal Regulations and to the specific conditions set out in each class of exempted development in Schedule 2 of the Principal Regulations. Included in the current planning exemptions set out in the Principal Regulations are those applying to the installation of solar infrastructure on a variety of building types, including houses, businesses, industrial and agricultural to which specific conditions are attached.

1.15 Solar planning exemptions do not currently apply to apartment buildings, educational buildings, hospitals, healthcare centres, places of worship, sports facilities, community facilities or libraries.

1.16 The proposed regulations aim to increase the amount of solar equipment that can be installed on various classes of development (houses, industrial buildings, agricultural buildings, etc.) as well as providing exemptions for apartment buildings, educational buildings, hospitals, healthcare centres, places of worship, sports facilities, community facilities and libraries without the need to first obtain planning permission.

Appendix C presents a comparison between the Principal Regulations and the proposed regulations, detailing the proposed changes. A brief summary of the proposed changes to the regulations is provided in the subsequent paragraphs.

1.17 The main focus of the revision of the Principal Regulations is on the removal of the 12 square metre-based limit / 50% of the total roof area limit which applies currently to houses and the 50 square metre-based limit / 50% of the total roof area limit which applies currently to business premises, light industrial buildings and agricultural structures, to allow more extensive coverage.

1.18 The proposed regulations seek to add two new classes of development to the exemptions, namely apartments and educational / community / sports / healthcare / religious buildings.

1.19 The proposed regulations seek to reduce, where possible, obstacles to the expansion of rooftop solar development. The revised rooftop exemptions will cover the vast majority of the land area of the country. However, in light of the need to appropriately address aviation safety concerns arising from glint and glare impacts on aircrafts and the easing of the solar panel planning exemption thresholds, the DHLGH, in consultation with the Irish Aviation Authority (IAA), the Department of Defence, and the Health Services Executive (HSE), have identified 43 Solar Safeguarding Zones around airports (5km zone), aerodromes (3km zone) and helipads

⁸ Note that there is a discrepancy between the action numbers in the Action Plan and Annex of Actions.

(3km zone). A 60 square metre area limit (an increase on the current limit of 50 square metres) will apply to rooftop solar installations in respect of all classes of development within these zones, with the exception of houses.

1.20 The proposed regulations also seek to amend existing or propose new criteria for exempted development. For example, the height of any free-standing solar PV or solar thermal collector installations in the curtilage of a house / industrial building / business premises / light industrial building / agricultural structure must not exceed 2.5 metres above ground level (increased from 2 metres in the Principal Regulations) or 25 square metres in area for houses and 60 square metres in area for industrial buildings, business premises, light industrial buildings and agricultural structures. The same height criteria for free-standing solar PV or solar thermal collector installations applies to the newly proposed class of development for educational / community / sports / healthcare / religious buildings i.e. a maximum of 2.5 metres above ground level and 60 square metres in total area. Free-standing solar panel installations are not exempted development for apartment buildings.

1.21 The main condition in the proposed regulations relates to the minimum set-back distances from the plane and edges of roofs, ranging from 15cm to 2 metres depending on the class of development and the roof type (flat or pitched):

- For houses, this continues to be 15cm in the case of a pitched roof and 50cm in the case of a flat roof from the plane of the roof; and 50cm from the edge of a roof.
- For industrial buildings and agricultural buildings, the distance between the plane of the roof must be 1.2 metres for pitched roofs and 2 metres for flat roofs.
- For light industrial buildings, the distance between the plane of the roof must be 50cm for pitched roofs and 2 metres for flat roofs.
- For business premises, apartments, and educational / community / sports / healthcare / religious buildings, the distance between the plane of the roof must be 15cm for pitched roofs and 1.2 meters for flat roofs.

1.22 For all classes of development (with the exception of houses), solar installations must be a minimum of 50cm from the edge of a pitched roof and 2 meters from the edge of a flat roof.

1.23 For all classes of development, installations on pitched roofs facing the road are not exempted development in the case of protected structures, proposed protected structures, or structures located in an Architectural Conservation Area.

1.24 Free-standing installations are not exempted development where they are placed forward of the front wall of the house. . Free-standing solar panel installations are not

exempted development for apartment buildings. For all other classes of development, free-standing solar panel installations are not exempted development where the building or premises is a protected structure, proposed protected structure, or structure located in an Architectural Conservation Area. For agricultural buildings, free-standing installations must not be located forward of the front wall of the nearest agricultural holding to a public road.

1.25 Wall mounted exemptions apply only to industrial and agricultural buildings where the total area of the solar installation does not exceed 60 square meters (increased from 50 square metres for industrial buildings and 25 square meters for agricultural buildings under the Principal Regulations). Wall mounted installations are not exempted development for protected structures, proposed protected structures, or structures located in an Architectural Conservation Area. Wall mounted installations are not exempted development for houses, business premises / light industrial premises, apartment buildings, educational / health care/ sports / community / religious buildings.

1.26 The distance between the plane of a wall and installation must not exceed 15cm (applies to industrial buildings only) and must be a minimum of 50cm from the edge of the wall on which it is mounted (applies to both industrial and agricultural buildings).

1.27 For all classes of development (with the exception of houses), the height of ancillary equipment on a flat roof must not exceed 1.6 metres and must be a minimum of 2 metres from the edge of the flat roof on which it is mounted. Ancillary equipment associated with solar panel installations must not be erected on a wall or pitched roof. Development is only exempted for industrial buildings, business premises / light industrial buildings and agricultural buildings where the solar panel installation does not exceed the highest part of a pitched roof (excluding any chimney).

1.28 For houses, there is a specific criterion which ensures that any free-standing solar installation does not reduce the remaining area of private open space to less than 25sqm.

1.29 The exemptions proposed for all classes (with the exception of houses) only apply where the installation relates primarily to the provision of electricity or heating for:

- the building / premises;
- any ancillary buildings within the curtilage of such buildings / premises; and
- any ancillary uses within the curtilage of such buildings / premises.

1.30 Proposed solar installations that do not meet the criteria for exempted development will require planning permission.

It is assumed that the proposed regulations will result in a significant uptake of solar panel installations (particularly for the new classes of buildings in the proposed regulations) and potentially a greater area of panels installed overall when considered at a national scale. The proposed regulations have direct relevance to increasing the uptake of renewable energy using solar panels, reducing reliance on fossil fuels, and addressing international commitments to reducing carbon emissions, likely resulting in significant positive environmental effects. However, there are also likely to be a range of other environmental effects which the SEA process will identify and assess in consistent and transparent manner, including those associated with production, transport, operation and disposal of solar panels.

Stage of the proposed regulations

1.31 A draft of the proposed regulations has been completed. The DHLGH has engaged with the Department of the Environment, Climate and Communications (DECC) and key stakeholders in the Microgeneration Working Group, as well as the Irish Aviation Authority, the Department of Defence and the Health Services Executive (HSE), to help inform the amendments to the Principal Regulations.

1.32 It is anticipated that the draft regulations will be laid before the Houses of the Oireachtas scrutiny in Q3 2022. The Houses of the Oireachtas must pass a resolution approving the draft before the regulations can be made. It is expected that the Minister for Housing, Local Government and Heritage will sign the regulations into law in Q3/Q4 2022 (assuming no substantial changes to the proposed regulations are made which would require SEA).

Strategic Environmental Assessment

1.33 The SEA Directive - Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment - requires that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment. The purpose of SEA, as defined in Article 1 of the 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...with a view to promoting sustainable development*'.

1.34 In Ireland, the SEA Directive has been transposed into national legislation through:

- S.I. No. 435 of 2004 (European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended by S.I. No.

200 of 2011 (European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011)(i.e. the 'SEA Regulations').

- S.I. No. 436 of 2004 (Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended by S.I. No. 201 of 2011 (Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011).

1.35 The objective of this SEA is to ensure that the environmental effects of the proposed regulations are identified during their development, providing the opportunity for negative environmental effects to be avoided, mitigated or compensated and for positive environmental effects to be enhanced, where opportunities arise. In this way, environmental considerations can be integrated into the preparation of the proposed regulations.

Stages in SEA process

1.36 The SEA of the proposed regulations comprises the following principal stages:

- 1. Screening (completed):** Determine whether the proposed regulations are likely to result in significant environmental effects.
- 2. Scoping (current stage):** Consultation with the Environmental Authorities on the scope and level of detail to be considered in the assessment; and finalisation of the Scoping Report taking into account the submissions and observations received from the Environmental Authorities.
- 3. Environmental Report:** An assessment of the likely significant impacts on the environment as a result of the proposed regulations.
- 4. Consultation** on the draft Environmental Report.
- 5. Evaluation** of the submissions and observations made on the draft Environmental Report prior to finalising the regulations.
- 6. Issuing of an SEA Statement** identifying how environmental considerations and consultation have been integrated into the final regulations.

Stage 1: Screening

1.37 Screening for SEA was undertaken by the Minister of State for Local Government and Planning pursuant to the criteria set out in Schedule 1 of the SEA Regulations. The Screening Report concluded that the proposed regulations have the potential to pose both positive and negative impacts on the environment. The potential positive effects relate to the

presumed increase in uptake of renewable energy from solar panels and reduced reliance on fossil fuel energy sources. The potential adverse effects of the proposed regulations are regarded to be significant if multiple solar panels were erected in sensitive environments, causing significant adverse impacts on the appearance of that landscape. This cumulative impact could have a higher level of significance for free-standing panels which may be erected in less disturbed landscapes. Panels erected on roofs and walls are generally less obtrusive as they are interventions in an already-disturbed environment. Therefore, the Minister of State for Local Government and Planning signed the SEA Screening Determination on 12 April 2022 which determined that the proposed regulations would require SEA.

1.38 As part of the SEA screening process, the Environmental Authorities were notified that submissions and observations in relation to whether the proposed regulations would or would not be likely to have significant effects on the environment, could be made to the DHLGH.

1.39 The Environmental Authorities defined in section 9(5) of the SEA Regulations⁹, as amended, are:

- Environmental Protection Agency;
- Minister for Housing, Local Government and Heritage;
- Minister for Environment, Climate and Communications;
- Minister for Agriculture, Food and the Marine.

1.40 One submission was received in response to the SEA Screening Report from the Environmental Protection Agency. The issues raised in this submission and how they have been taken into account in the finalised Screening Report and this Scoping Report are detailed in **Appendix A**.

Stage 2: Scoping

1.41 The Scoping Report is required to provide information for consideration in respect of the requisite content of the SEA. 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 Environmental Report.

1.42 The main stages in carrying out scoping include:

- Identifying plans, programmes, and environmental objectives of relevance to the proposed regulations.

- Scoping of SEA Topics¹⁰ relevant to the proposed regulations.
- Identifying geographic, temporal and transboundary scope of the proposed regulations.
- Collecting baseline information.
- Identifying sustainability issues and problems.
- Developing the SEA framework comprising environmental objectives, indicators and targets to allow the evaluation of impacts on the environment.
- Identifying reasonable alternatives to the proposed regulations.
- Consulting on the scope of the SEA.

1.43 Article 13 of the SEA Regulations sets out the details of the requirements for consultation with the Environmental Authorities on the scoping of the Environmental Report. In accordance with those requirements, the relevant Environmental Authorities were notified that an SEA will be conducted as part of the proposed Planning and Development Act, 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022, in recognition of the likely significant effects on the environment.

The Scoping Report was issued to the Environmental Authorities for a four-week consultation period from **Thursday 28th April 2022 to Thursday 26th May 2022**.

1.44 In particular, the Environmental Authorities were requested to review the proposed regulations and consider:

- Whether there are any additional plans or programmes that are relevant to the SEA which should be included (**Chapter 2** and **Appendix B**).
- Whether the defined geographic, temporal and environmental scope is appropriate for the SEA (**Chapter 3**).
- Whether the information provided in **Chapter 4** is robust and comprehensive and provides a suitable baseline for the SEA of the proposed regulations.

⁹ A number of government departments have changed name and certain responsibilities have migrated between departments. The SEA legislation has not yet been updated to reflect these changes however, for clarity the current relevant departments are listed. The MHLGH is also a defined statutory consultee under the SEA

Regulations, however, in this case the MHLGH is the competent authority.

¹⁰ Biodiversity, Flora and Fauna; Population and Human Health; Climatic Factors; Air; Soil; Water; Cultural Heritage including Architectural and Archaeological Heritage; Landscape; Material Assets

- Whether there are any additional key environmental problems and issues (**Chapter 4**) that should be included.
- Whether the SEA Framework (**Chapter 5**) is appropriate and includes a suitable range of objectives.

1.45 Five submissions were received in response to the SEA Scoping Report from:

- Environmental Protection Agency;
- Department of Agriculture, Food and the Marine;
- Department of Environment, Climate and Communications;
- EU and International Planning Regulation Unit of the Department of Housing, Local Government and Heritage; and
- National Monuments Service of the Department of Housing, Local Government and Heritage.

1.46 The Scoping Report has been subsequently updated to take account of the submissions received from the Environmental Authorities. The issues raised in these submissions and how they have been taken into account in this finalised Scoping Report are detailed in **Appendix A**.

Stage 3: Environmental Report

1.47 Following the Scoping Report stage, the process will move onto the next stage where the Environmental Report (ER) on the proposed regulations will be compiled, in line with the completed Scoping Report. The ER will contain the findings of the assessment of the likely significant effects on the environment resulting from implementation of the proposed regulations. It will reflect the requirements of the SEA Directive and the transposed SEA Regulations.

1.48 The ER will be structured as follows:

- An outline of the contents of the proposed regulations and its relationship with other relevant plans and programmes.
- The environmental characteristics of the study area, including any problems and issues identified and their likely evolution without the proposed regulations.
- Key environmental policy objectives set at the international, national and local levels that are relevant to the proposed regulations.
- The SEA Framework and the criteria used to make judgements about the effects of the proposed regulations.
- The likely significant effects of the proposed regulations and reasonable alternative options appraised against

each of the Environmental Protection Objectives (EPOs) in the SEA Framework, taking into account mitigation (which may take the form of policy safeguards in national policy or other regulatory mechanisms).

- Any difficulties encountered during the assessment process, including data limitations.
- How consultation comments have been taken into account, including those obtained on the Screening Report and Scoping Report.
- Proposed monitoring framework for significant effects identified (including uncertain effects where these could become significant).
- Appendices, including the consultation responses tables, and SEA matrices.

1.49 The ER will clearly set out the SEA conclusions for the proposed regulations, highlighting any likely significant effects, and would make any recommendations for mitigating potential negative effects identified. The assessment of significant effects will include likely secondary, cumulative, synergistic, short-medium-long term, permanent, temporary, positive and negative effects, as well as the interrelationships between each SEA topic, as set out in Schedule 2 of the SEA Regulations. The ER will be accompanied by a Non-Technical Summary document.

Stage 4: Consultation

1.50 Public consultation will be carried out on the Environmental Report for a four-week period during Q2 2022.

Stage 5: Evaluation

1.51 The submissions and observations received during the public consultation period will be reviewed and considered during the finalisation of the regulations. If the proposed regulations are further revised, these revisions will be subject to further assessment. If there are no further alterations to the proposed regulations, a Final ER will be prepared and made available on the DHLGH's website.

Stage 6: SEA Statement

1.52 An SEA Statement will be prepared identifying how each of the requirements in Article 16 of the SEA Regulations have been met during the SEA process. The finalised SEA Statement will be published after the MHLGH sign's the regulations into law.

SEA guidance documents

1.53 The following principal sources of guidance will be used during the overall SEA process and during preparation of the Scoping and Environmental Reports:

- [Good Practice Note on SEA for the Energy Sector](#). 2021. Environmental Protection Agency.
- [SEA Spatial Information Sources Inventory](#). 2021. Environmental Protection Agency.
- [Strategic Environmental Assessment \(SEA\) Pack](#). 2020. Environmental Protection Agency.
- [Good Practice Guidance on Cumulative Effect Assessment in SEA](#). 2020. Environmental Protection Agency.
- [Guidance on SEA Statements and Monitoring](#). 2020. Environmental Protection Agency.
- [Second Review of SEA Effectiveness in Ireland](#). 2020. Environmental Protection Agency.
- [Integrating Climate Change into Strategic Environmental Assessment in Ireland - A Guidance Note](#). 2019. Environmental Protection Agency.
- [GISEA Manual – Improving the Evidence Base in SEA](#). 2017. Environmental Protection Agency.
- [Developing and Assessing Alternatives in Strategic Environmental Assessment – Good Practice Guidance](#). 2015. Environmental Protection Agency.
- [Integrating Biodiversity Impact Assessment: Streamlining AA, SEA and EIA Processes – Practitioner's Manual](#). STRIVE Report Series No. 106. 2013. Environmental Protection Agency.
- [SEA Process Checklist - Consultation Draft](#). 2013. Environmental Protection Agency.
- [Implementation of SEA Directive \(2001/42/EC\). Assessment of Certain Plans and Programmes on the Environment. Guidelines for Regional Planning Authorities](#). November 2004. Department of Environment, Heritage and Local Government.
- [Development of Strategic Environmental Assessment \(SEA\) Methodologies for Plans and Programmes in Ireland. Synthesis Report](#). 2003. Environmental Protection Agency.

1.54 The SEA will also have regard to the findings of the EPA's 2012 and 2020 reviews of SEA effectiveness in Ireland^{11,12}.

Links to Appropriate Assessment

1.55 Article 6(3) of the EU [Habitats Directive](#) is transposed for certain plans in Ireland by [S.I. No. 477/2011](#) (European Communities (Birds and Nature Habitats) Regulations, 2011, as amended by [S.I. No. 293 of 2021](#)), and Part XAB of the [Planning and Development Act 2000](#), as amended.

1.56 All plans and projects that either individually or in combination with other plans, are likely to have a significant effect on any site in the Natura 2000 network (i.e., those designated as Special Areas of Conservation or Special Protection Areas, collectively referred to as 'European sites'), require an appropriate assessment (AA) of these effects to determine if they will adversely affect the integrity of these sites. If the effects are deemed to be significant, potentially significant, or uncertain then the plan or project must undergo Stage 2 AA.

1.57 Regulation 42(A) of [S.I. No. 293 of 2021](#) (European Union (Birds and Natural Habitats (Amendment) Regulations, 2021) outlines that:

- (1) *"Where the Minister proposes to undertake or adopt a plan or project which is not directly connected with or necessary to the management of the site as a European Site, the Minister shall request that a screening for Appropriate Assessment be carried out by the Ecological Assessment Unit to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.*
- (2) *The Ecological Assessment Unit shall carry out a screening for Appropriate Assessment under paragraph (1) before the Minister makes a decision to undertake or adopt a plan or project is taken."*

1.58 AA Screening of the proposed regulations was carried out in March 2022 by ARUP on behalf of the MHLGH. The Screening Report concluded that the proposed regulations are not likely to have any significant effects on any European sites. The principal reasons for this conclusion are:

- The proposed regulations will allow development to take place close to existing structures in previously modified environments.
- That any proposals that are considered exempt development under the proposed regulations will be de-

¹¹ EPA (2012) SEA Effectiveness Review in Ireland (online) Available at: <https://www.epa.ie/publications/monitoring--assessment/assessment/sea-effectiveness-review-in-ireland---action-plan-2012-16.php>

¹² EPA (2020) Second Review of SEA Effectiveness in Ireland (online) Available at: <https://www.epa.ie/publications/monitoring--assessment/assessment/second-review-of-sea-effectiveness-in-ireland.php>

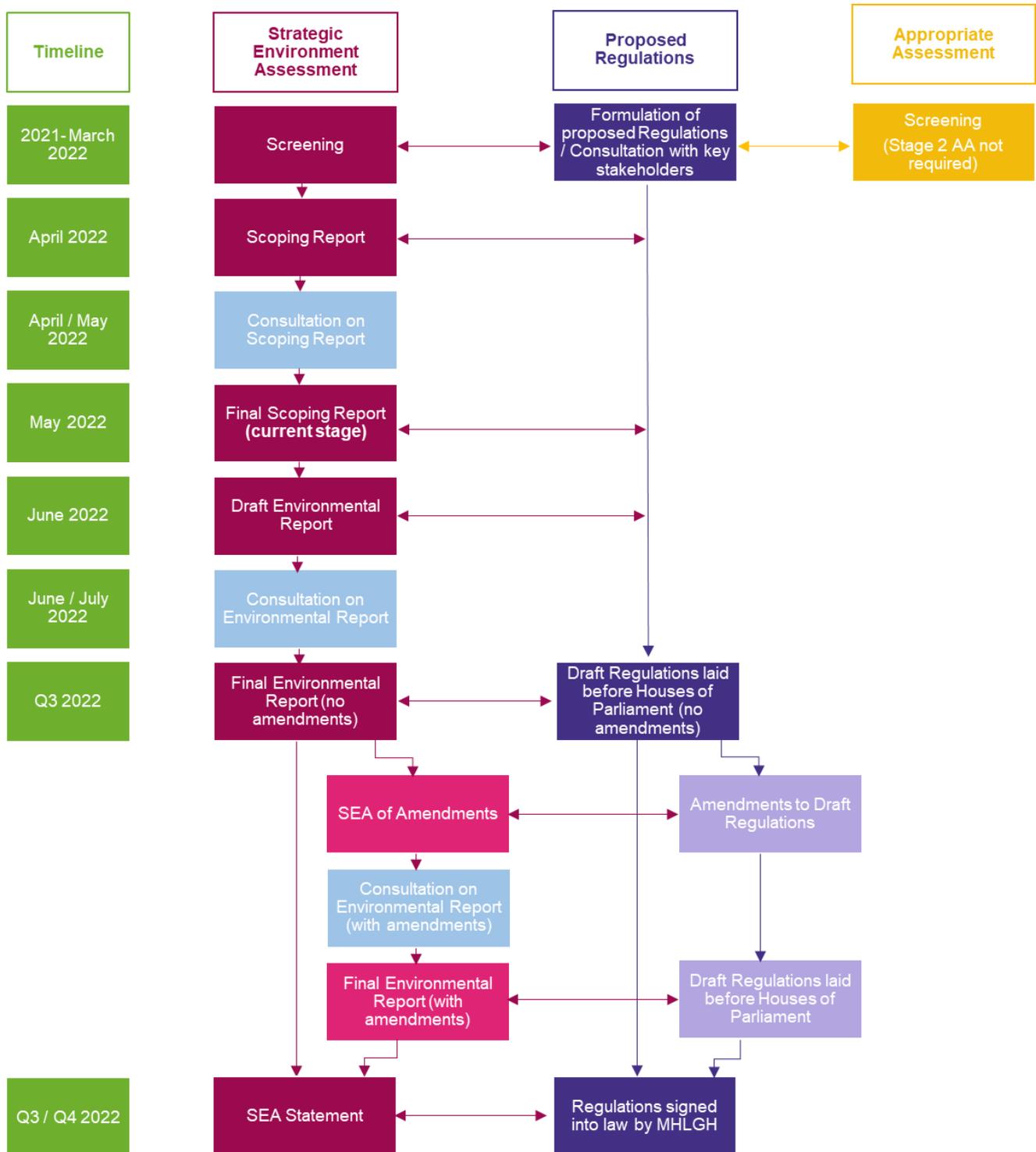
exempted if they were deemed to require a full AA (as prescribed by Article 9 of the Principal Regulations, as amended).

On 11 March 2022, the Ecological Assessment Unit of the DHLGH therefore determined, in accordance with in accordance with Regulation 42A(8) of the 2011 Regulations, that an Appropriate Assessment of the proposed regulations is not required because it can be excluded, on the basis of objective scientific information following a screening AA, that the proposed regulations individually or in combination with other plans or projects will have a significant effect on a European site or sites.

Links between SEA, AA and Regulation-making processes

1.59 The flowchart presented in **Figure 1.2:** overleaf shows how the SEA process links to the regulation-making and AA processes.

Figure 1.2: Links between SEA, AA and Regulation-making processes



Structure of the Scoping Report

1.60 This chapter has described the background, scope and content of the proposed regulations, and the requirement to undertake SEA. The remainder of this report is structured into the following sections:

- **Chapter 2** describes the review of plans, programmes and environmental protection objectives of relevance to the SEA of the proposed regulations (this is supported by more detailed information in **Appendix B**).
- **Chapter 3** describes the scoping of the SEA.
- **Chapter 4** identifies current baseline conditions; key issues / problems currently being faced nationally; and a description of the expected evolution of the environment should the proposed regulations not be amended.
- **Chapter 5** presents the SEA framework that will be used for the appraisal of the proposed regulations and the proposed method for carrying out the SEA.
- **Chapter 6** describes the next steps to be undertaken in the SEA of the proposed regulations.

1.61 The SEA Report is supported by the following appendices:

- **Appendix A** details the consultation responses received on the Screening Report and Scoping Report.
- **Appendix B** details the review of relevant plans, programmes and environmental protection objectives.
- **Appendix C** presents a comparison between the proposed regulations and Principal Regulations, detailing the proposed changes.

Chapter 2

Relationship with other plans and programmes

The proposed regulations are greatly influenced by other plans / programmes and by broader environmental objectives. The proposed regulations must conform to environmental protection legislation and the environmental objectives established at international, European and national levels, as well as contributing to the goals of a wide range of other plans and programmes.

Schedule 2 of the SEA Regulations requires, among other things:

“an outline of the contents and main objectives of the plan or programme...and relationship with other relevant plans or programmes”; and

the environmental protection objectives, established at international, European Union or national level, which are relevant to the plan or programme...and the way those objectives and any environmental considerations have been taken into account during its preparation”.

2.1 A review of the key international, European and national legislation and plans / programmes of relevance to the proposed regulations is detailed in **Appendix B**.

2.2 It should be noted that this SEA Report has been prepared to be proportionate to the scale and nature of the proposed changes that may result from the implementation of the proposed regulations. It is not intended to be a register of all legislation / plans / programmes, but rather an examination of the key environmental protection objectives relevant to the proposed regulations. A summary of the most relevant plans /

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programmes is provided in the subsequent paragraphs.

Figure 2.1 overleaf illustrates the links and inter-relationships between the proposed regulations and other key relevant international, European and national plans / programmes and legislation.

Key international plans, programmes and environmental protection objectives

2.3 At the international level, Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the 'SEA Directive') and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive') are particularly significant as they require SEA and Appropriate Assessment (AA) to be undertaken in relation to the proposed regulations. These processes should be undertaken iteratively and integrated into the development of the regulations in order to ensure that any potential negative environmental effects (including on European-level nature conservation designations) are identified and can be mitigated.

2.4 A number of international policies set out high-level strategic objectives for addressing climate change and increasing renewable energy generation. The proposed regulations aim to address several UN Sustainable Development Goals including:

- Goal 7: Affordable and Clean Energy; and
- Goal 13: Climate Action.

2.5 The proposed regulations aim to significantly extend the solar panel planning exemptions. This highlights the Government's commitment to the International Convention on Biological Diversity and to the UN Paris Climate Change Agreement which aims to ensure that global temperatures stay below 2°C (based on pre-industrial levels).

2.6 At the European Union (EU) level, there are several important directives that focus on protecting and conserving the natural environment which are relevant to the proposed regulations. These include the Air Quality Directive, the Water Framework Directive, the Birds Directive, and the Habitats Directive.

2.7 The European Climate Law sets the legal basis for the goals set out in the European Green Deal committing the EU to becoming the first climate-neutral continent by 2050. This will be achieved by reducing emissions by 55% by 2030 (compared with 1990 levels). The Fit for 55 Package, published as part of the European Green Deal in 2021, sets out a suite of legislative initiatives across various sectors, including energy, transport and buildings, which are intended to keep Europe on track to delivery on its climate targets. This includes proposals to update the Renewable Energy Directive

(RED II) and Energy Efficiency Directive (EED II) (among other directives) to reflect the revised climate targets of providing 40% of Europe's total energy needs with renewable energy by 2030, to reduce greenhouse gas emissions by 55% by 2030, and for Europe to be climate neutral by 2050.

2.8 The 2030 Climate Action Plan and the EU Eighth Environmental Action Programme set out how these ambitions targets can be achieved. By significantly extending the solar panel planning exemptions, the proposed regulations will contribute towards achieving the European Union's renewable energy and greenhouse gas emissions targets.

Key national plans, programmes and environmental protection objectives

2.9 The Climate Action and Low Carbon Development (Amendment) Act 2021 set targets for Ireland to deliver up to 80% of electricity from renewables and to reduce greenhouse gas emissions by 51% by 2030 and reach net-zero no later than 2050. How these targets will be achieved is set out in the Climate Action Plan 2021. Action 107 of the Climate Action Plan 2021 directly relates to the proposed regulations and requires the Government to conclude the review of current planning exemptions relating to solar panels. A 2030 Key Performance Indicator set out in the Climate Action Plan 2021 is the delivery of 1.5-2.5GW of solar PV energy. The delivery of up to 2.5GW of grid-scale solar energy by 2030 is also reflected in the National Development Plan 2021-2030 as a strategic investment priority.

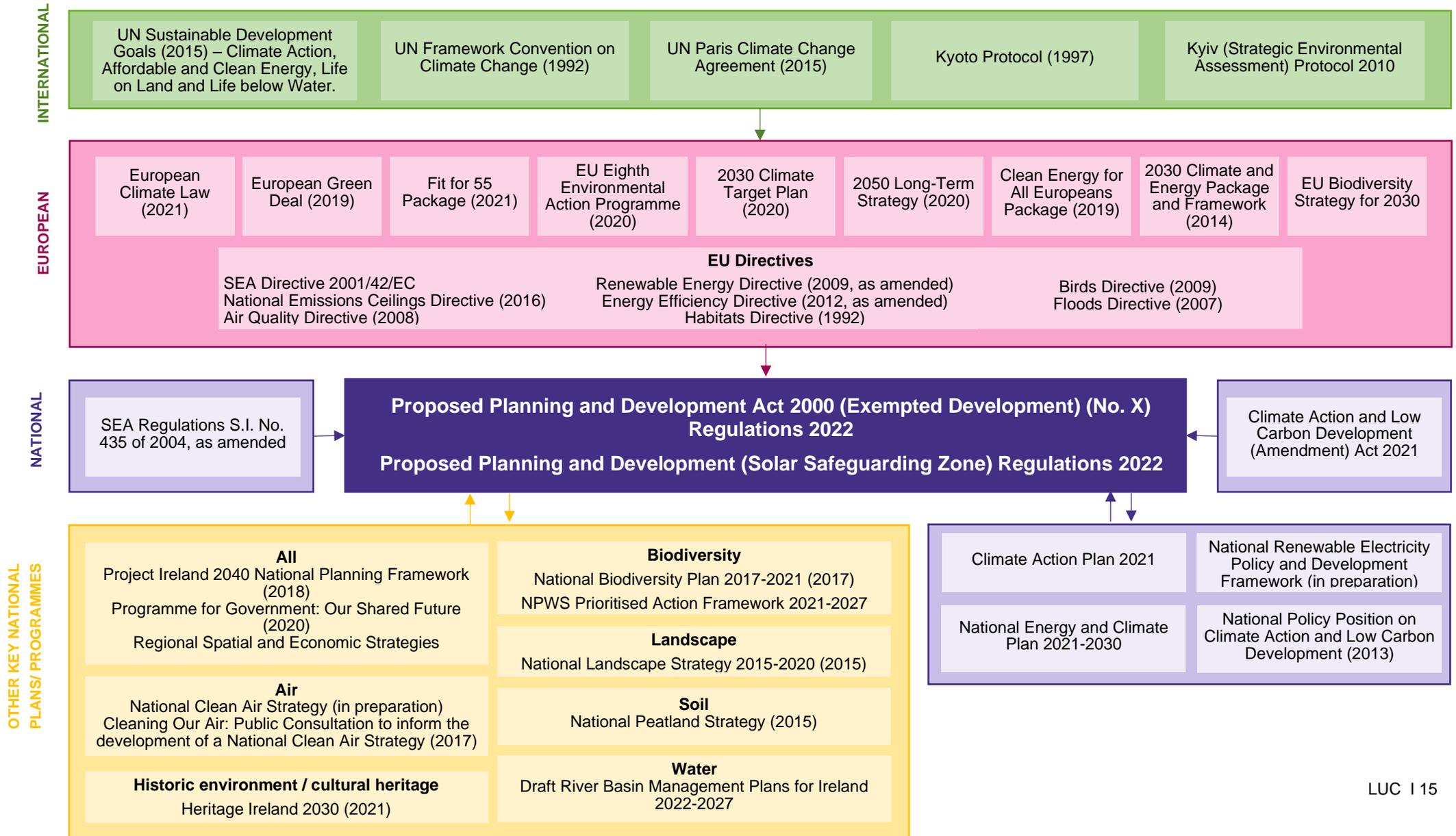
2.10 The proposed regulations support the key objectives of the National Energy and Climate Plan 2021-2030 which include:

- reducing emissions from sectors outside the EU's Emissions Trading System by 30% (relative to 2005 levels by 2030).
- achieving a 34% share of renewable energy in energy consumption by 2030.
- increasing electricity generated from renewable sources to 70% (now 80% under the Climate Action Act 2021).
- up to 1.5GW of grid scale solar energy (between 1.5-2.5GW under the Climate Action Plan 2021).

2.11 The proposed regulations will also relate to the National Renewable Electricity Policy and Development Framework and Clean Air Strategy which are currently in preparation.

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Figure 2.1: Policy context



Chapter 3

Scoping the SEA

Geographical and transboundary scope of SEA

3.1 The proposed regulations cover the whole of Ireland and are national in scale. The proposed regulations do not have any geographic specificity associated with them with the exception of the Solar Safeguarding Zones which apply specific restrictions around airports (5km zone), aerodromes (3km zone) and helipads (3km zone). The nature of this development type would suggest that solar PV or thermal equipment would be located on or in proximity to existing structures. These structures could therefore be located in a variety of urban or rural landscape types.

3.2 The SEA Regulations require the SEA to consider whether the plan / programme is likely to have significant effects on neighbouring European Member States. The departure of the United Kingdom including Northern Ireland from the European Union results in Ireland having no directly neighbouring European Member State. It is believed that the overall impact of increasing renewable energy capacity and reducing carbon emissions in Ireland will contribute to delivering net positive environmental outcomes to Northern Ireland and mainland UK, in terms of a positive contribution to collective efforts for reducing climatic impact.

Temporal scope of SEA

3.3 The proposed regulations are open ended with no fixed end date. In line with the SEA Regulations, short, medium and long-term impacts (including secondary, cumulative, synergistic, permanent and temporary, positive and negative effects) will be considered during the assessment.

3.4 For the purpose of this SEA, the short-term will consider the period up to 2025; the medium term up to 2030 to coincide with Ireland's target for renewable energy generation (80% by 2030) and greenhouse gas emissions target (reduced by 51% by 2030, compared to 1990 levels), and the long-term horizon will consider the period up to 2050 to coincide with the net zero emissions target.

Environmental scope of SEA

3.5 In accordance with the SEA Regulations, consideration has been given to whether the environmental effects, both positive and negative, of the proposed regulations are likely to

be significant. A summary of the issues is presented in **Table 3.1** by environmental topic, as identified in the SEA Directive.

Table 3.1: Potential significant environmental issues

SEA Topic	Potential Environmental Issues for Consideration in the Environmental Report	Scope In / Out
Biodiversity, Flora and Fauna	<p>Disturbance of and blocking access to bat roosts and bird nests in or on roofs during roof mounted installation work, notably in agricultural buildings which may cause disturbance to species such as barn owls, barn swallows, house martins and swifts.</p> <p><i>(Free-standing solar PVs only)</i></p> <p>Disruption and displacement of ground nesting birds.</p> <p>Minimal impacts relate to short-term habitat loss during construction; however, land can be reseeded to provide habitat and forage to pollinators, birds and other small species.</p>	In
Population and Human Health	<p>Health benefits from the reduction in toxic emissions arising from combustion of fossil fuels.</p> <p>Risks to aviation and, to a lesser extent potentially road users, from glint, glare, dazzle and reflections, particularly where there are multiple panels in an area.</p>	In
Climatic Factors	<p>Increase in uptake of renewable energy from solar panels and reduced reliance on fossil fuel energy sources will contribute towards a reduction in greenhouse gas emissions.</p>	In
Air	<p>Positive effect on air quality from reduced reliance and combustion of fossil fuels.</p>	In
Soil	<p>No impacts from roof or wall mounted solar PVs.</p> <p><i>(Free-standing solar PVs only)</i></p> <p>Minor impacts relate to soil disturbance and loss.</p>	In
Water	<p>No impacts from roof or wall mounted solar PVs.</p> <p><i>(Free-standing solar PVs only)</i></p> <p>Vulnerability of electricity infrastructure to flood risk.</p>	In
Cultural Heritage including Architectural Heritage	<p>Impact on the setting and amenity of heritage assets, in particular relating to the intervisibility of heritage assets and views to and from these assets.</p> <p>Direct impacts on buried archaeology from free-standing panels</p> <p>Erosion of the character of historic, archaeological and cultural environments.</p> <p>Cumulative effects from the placing or erection of multiple panels in an area. These cumulative effects could be significant in vulnerable cultural heritage environments.</p> <p>Further deterioration of an already vulnerable heritage asset such as on Listed Buildings.</p> <p>Article 9(1)(a)(vii) of the Principal Regulations includes restrictions relating to “[...] excavation, alteration or demolition (other than peat extraction) of places [...] of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan [...]” while Article 9(1)(a)(viiA) includes restrictions relating that “consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places [...]”.</p> <p>It should be noted that the exemptions do not apply to pitch roofs facing a road, walls and free-standing installations in respect of buildings that are protected structures, proposed protected structures or structures located in Architectural Conservation Areas, as outlined in the conditions and limitations of each class of exemption.</p>	In

SEA Topic	Potential Environmental Issues for Consideration in the Environmental Report	Scope In / Out
Landscape	<p>Landscape and visual impacts, particularly in designated or sensitive landscapes, or where it would affect the character of an area. The cumulative impact could be significant where multiple panels are installed in an area, particularly from installations on roof elevations facing roads.</p> <p>It is noted that Article 9(1)(a)(vi) of the Planning Regulations restricts exempted development as outlined in Article 6 of the Planning Regulations where it would <i>"interfere with the character of a landscape, or a view or prospect of special amenity value or special interest"</i>.</p>	In
Material Assets	<p>Significant uptake of renewable energy generated from solar panels promotes the prudent use of natural resources.</p> <p>Transition from fossil fuels to renewable energy will also have benefits in terms of increasing the domestic energy supply through captured solar energy and reducing reliance on fuel imports.</p> <p>Production of solar panels and thermal equipment is energy intensive. Indirect impacts relate to quantities of scarce and/or toxic materials to produce solar equipment.</p>	In

Chapter 4

Baseline information

Baseline information provides the basis for predicting and monitoring the likely environmental effects of the proposed regulations and helps to identify key environmental problems and means of dealing with them.

Schedule 2 of the SEA Regulations requires, among other things, information to be provided on:

"The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme, or modification to a plan or programme.

The environmental characteristics of areas likely to be significantly affected.

Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to the Birds Directive or the Habitats Directive."

4.1 To fulfil the requirements of Schedule 2, this chapter sets out a description of the state of the environment at present; a discussion of the key issues / problems currently being faced nationally; and a description of the expected evolution of the environment should the proposed regulations not be amended.

4.2 The baseline will reflect the strategic nature of the proposed regulations. The environmental baseline is presented by SEA topic area. It will be key that the current state of the environment is described using the most up-to-date environmental data, information and reports. Where updates of significant environmental data and associated reports become available during the SEA process, this new information will be incorporated into the baseline.

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Baseline data sources

4.3 The following is not yet considered an exhaustive list of data sources for the SEA process on the proposed regulations. However, **Table 4.1** indicates many of the headline relevant sources for defining the baseline data in each of the SEA categories.

4.4 One of the primary sources of information to identify the current baseline conditions, key issues and challenges will be the State of the Environment Report – Ireland’s Environment An Integrated Assessment 2020 (specific relevant chapters are referenced in **Table 4.1**). The Environmental Sensitivity Mapping (ESM) Web Tool, an SEA decision support tool, will also be used to spatially examine environmental sensitivities.

Table 4.1: Baseline Data Sources

SEA Category	Baseline Data Sources
Biodiversity, Flora and Fauna	<u>State of the Environment Report - Ireland's Environment 2020 – Chapter 6 Nature</u> . 2020. EPA. <u>The Status of EU Protected Habitats and Species in Ireland</u> .2019. National Parks and Wildlife Service.
Population and Human Health	<u>State of the Environment Report - Ireland's Environment 2020 – Chapter 14 Environment, Health and Wellbeing</u> . 2020. EPA. <u>Air Quality in Ireland 2020</u> . 2020. EPA.
Climatic Factors	<u>State of the Environment Report - Ireland's Environment 2020 – Chapter 2 Climate</u> . 2020. EPA. <u>Ireland's Greenhouse Gas Emissions Projections 2020-2040</u> . 2021. EPA. <u>Ireland National Inventory Report 2021 Greenhouse Gas Emissions 1990-2019</u> . 2021. EPA. <u>Ireland's Provisional Greenhouse Gas Emissions 1990-2020</u> . 2021. EPA.
Air	<u>State of the Environment Report - Ireland's Environment 2020 – Chapter 3 Air Quality</u> . 2020. EPA. <u>Air Quality in Ireland 2019</u> . 2020. EPA. <u>National Air Pollution Control Programme Report: Update of the 2019 NAPCP</u> . 2021. Government of Ireland. EPA inventory and forecasting data for air pollutants
Soil	<u>State of the Environment Report - Ireland's Environment 2020 – Chapter 5 Land and Soil</u> . 2020. EPA.
Water	<u>Draft River Basin Management Plan for 2022-2027</u> . 2022. Government of Ireland <u>State of the Environment Report - Ireland's Environment 2020 – Chapter 7 Water Quality</u> . 2020. EPA. <u>Water Quality in 2020: An Indicators Report</u> . 2021. EPA. <u>Water Quality in Ireland 2013-2018</u> . 2019. EPA.
Cultural Heritage including Architectural Heritage	<u>Heritage Ireland 2030: A Framework for Heritage</u> . Government of Ireland. 2022
Landscape	<u>National Landscape Strategy for Ireland 2015-2025</u> . 2015. Government of Ireland. <u>State of the Environment Report - Ireland's Environment 2020 – Chapter 5 Land and Soil</u> . 2020. EPA.
Material Assets	<u>State of the Environment Report - Ireland's Environment 2020 – Chapter 12 Environment and Energy</u> . 2020. EPA.

SEA Category	Baseline Data Sources
	<p><u>State of the Environment Report - Ireland's Environment 2020 – Chapter 10 Environment and Industry</u>. 2020. EPA.</p> <p><u>State of the Environment Report - Ireland's Environment 2020 – Chapter 13 Environment and Agriculture</u>. 2020. EPA.</p> <p><u>State of the Environment Report - Ireland's Environment 2020 – Chapter 11 Environment and Transport</u>. 2020. EPA.</p>

4.5 Chapter 15 of the State of the Environment Report – Ireland's Environment An Integrated Assessment 2020 presents a summary of the current status, the dominant trends over the past 20-25 years, and the outlook / perspective of

Ireland meeting relevant objectives / targets, for the areas of climate, air and nature. The same key (see **Table 4.2**) will be used to summarise the current baseline conditions and the outlook / trends for each SEA topic area.

Table 4.2: Key for identifying current baseline conditions and future outlook / trends

	Very poor / significant environmental and/or compliance challenges to address.
	Poor / environmental and/or compliance challenges to address.
	Moderate / on track generally / local or occasional challenges.
	Good / mainly achieving objectives.
	Very good / fully achieving objectives.
	Largely not on track to meet policy objectives and targets. Significant challenges remain to achieving full compliance.
	Partially on track to achieving full compliance or measures in place or planned that will improve the situation.
	Largely on track to achieving full compliance. Measures in place provide prospect of meeting policy objectives / targets.

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Biodiversity, flora and fauna

Current baseline

4.6 A report by the National Parks and Wildlife Service (NPWS) provided the current status of Ireland's 59 protected natural habitats and 60 protected species naturally occurring in Ireland¹³. This report informed the European Environment Agency's 2021 'State of Nature in Europe: A Health Check'. Most habitats in Ireland are reported to be in a poor conservation status according to European level metrics.

4.7 The overall status of habitats protected by Special Areas of Conservation under the Habitats Directive is depicted in **Figure 4.1**. 85% of habitats are in unfavourable condition (i.e., inadequate or bad status), with 46% of habitats demonstrating ongoing declining trends. Of particular concern are raised bogs, woodlands and species-rich grasslands, whose range has significantly diminished.

4.8 For protected species, the picture is slightly more positive, with 57% in a favourable condition, but many key species are declining: the freshwater pearl mussel, for example, faces a critical shortage of habitat (see **Figure 4.2**).

Figure 4.1: Status of and trends in habitats protected under the EU Habitats Directive in Ireland

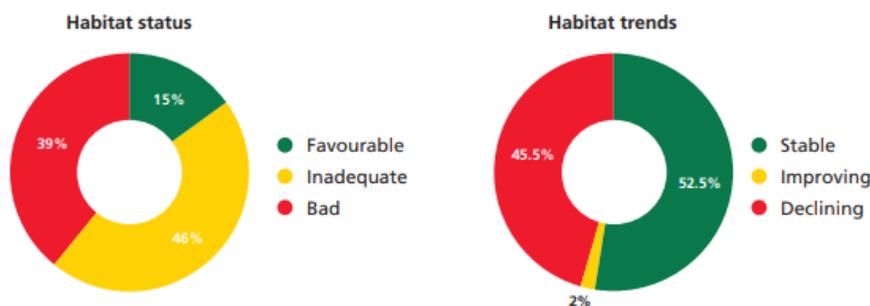
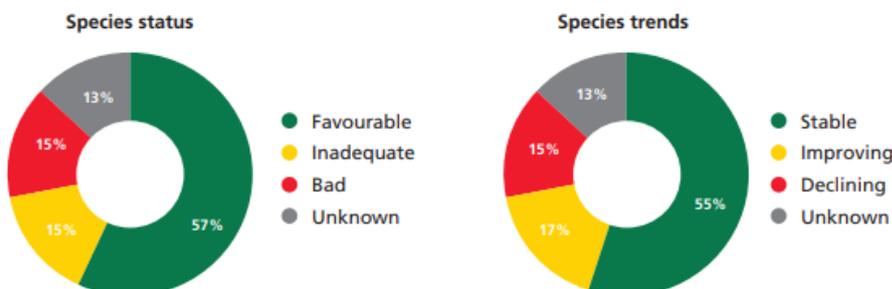


Figure 4.2: Status of and trends in species protected under the EU Habitats Directive in Ireland



¹³ NPWS (2019) The Status of EU Protected Habitats and Species in Ireland: Volume 1: Summary Overview (pdf) Available at:

https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf (accessed 02/07/2021)

Current assessment, outlook / trends, pressures and likely evolution without the proposed regulations

Table 4.3: Biodiversity – current assessment, outlook / trends, main pressures and likely evolution without the proposed regulations

Current Assessment	Outlook / Trends		Pressures	Likely evolution without the proposed regulations
		<p>Current assessment is 'very poor'. Whilst protected species are on a broadly stable trend (15% declining, 17% improving), protected habitats are dramatically declining (46% declining, 2% improving).</p>	<p>The main pressures on Ireland's protected habitats and species are from agriculture and other land uses such as extraction of resources (including minerals and peat) and forestry, urbanisation, recreation, and invasive species. The most vulnerable habitats being at higher risk.</p>	<p>Without the proposed regulations, pressures on biodiversity as a result of climate change including declining populations, reduced food availability and habitat loss, are likely to continue.</p>

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Population and human health

Current baseline

4.9 Air quality is a serious threat to human health in Ireland and it leads to 1,380 premature deaths per year because of the exposure to particulate matter and other pollutants¹⁴. Air pollution is also linked to a range of other illnesses and impacts that can negatively influence on quality of life. In terms of compliance with the National Emissions Ceilings Directive (NECD)¹⁵, Ireland has made substantial progress to date in relation to its annual sulphur dioxide (SO₂), nitrogen oxide (NO_x) and particulate matter (PM_{2.5}) emissions, however

significant challenges remain in relation to emissions of ammonia and non-methane volatile organic compounds (NMVOCs) to achieve the 2030 NECD reduction commitments¹⁶.

4.10 Climate change is likely to have an increasing impact on human health into the future. Whilst cold-related deaths are likely to decrease, heat-related deaths and injuries are likely to increase. Furthermore, the expectation is that there will be greater impacts associated with the increased prevalence of floods and other extreme weather events.

Current assessment, outlook / trends, pressures and likely evolution without the proposed regulations

Table 4.4: Population and human health – current assessment, outlook / trends, main pressures and likely evolution without the proposed regulations

Current Assessment	Outlook / Trends	Pressures	Likely evolution without the proposed regulations
	 Overall air quality in Ireland is good, however, there are localised issues with some pollutants (such as particulates) that have serious potential health impacts. Ireland is generally on track to meet the 2030 emissions targets with the exception of ammonia and NMVOC emissions from agriculture, which breached the National Emission Ceilings Directive in 2019 for the fifth successive year. Reliable time-series indicators for other relevant issues such as noise, odour, energy poverty and green space access are not available.	Factors such as location, age, and level of deprivation can impact an individual's vulnerability to health risks. For example, coastal communities are at risk of rising sea levels, changes in wave heights and increasing extreme weather events. Likewise, densely populated urban areas are at a higher risk of summer heat stress and surface flooding. While new building and housing developments show improvements in energy efficiency, there is a significant stock of old buildings and houses in Ireland that have very poor energy efficiency that can be linked to health issues, particularly in the winter. Additionally, well known issues such as poor air and water quality can also lead to health issues.	Without the proposed regulations, there is likely to be a continued reliance on fossil fuels as sources of energy rather than renewable, solar energy, resulting in negative effects on human health. Without the transition to renewable and low carbon energy, the effects of climate change are likely to be exacerbated. Rising sea levels, more extreme weather events, summer heat waves and flooding will become more frequent and will pose greater risks to health.

¹⁴ European Environment Agency (2021) Air Quality in Europe – 2020 Report (online) Available at: <https://www.eea.europa.eu/publications/air-quality-in-europe-2021>

¹⁵ European Parliament (2016) *National Emissions reduction Commitments Directive* (online) available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.344.01.0001.01.ENG&toc=OJ:L:2016:344:TOC

¹⁶ Government of Ireland (2022) Draft Clean Air Strategy Public Consultation (online) Available at: <https://www.gov.ie/en/consultation/0a7cf-consultation-on-the-clean-air-strategy-for-ireland/#:-:text=This%20Clean%20Air%20Strategy%20will,delivering%20on%20wider%20national%20objectives>

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Climatic factors

Current baseline

4.11 Ireland's greenhouse gas (GHG) emissions in 2020 decreased by 3.6% on 2019 levels to 57.70 million tonnes of CO₂ equivalent. This reduction in total emissions was driven by the COVID-19 impact on transport and less peat used for electricity generation.

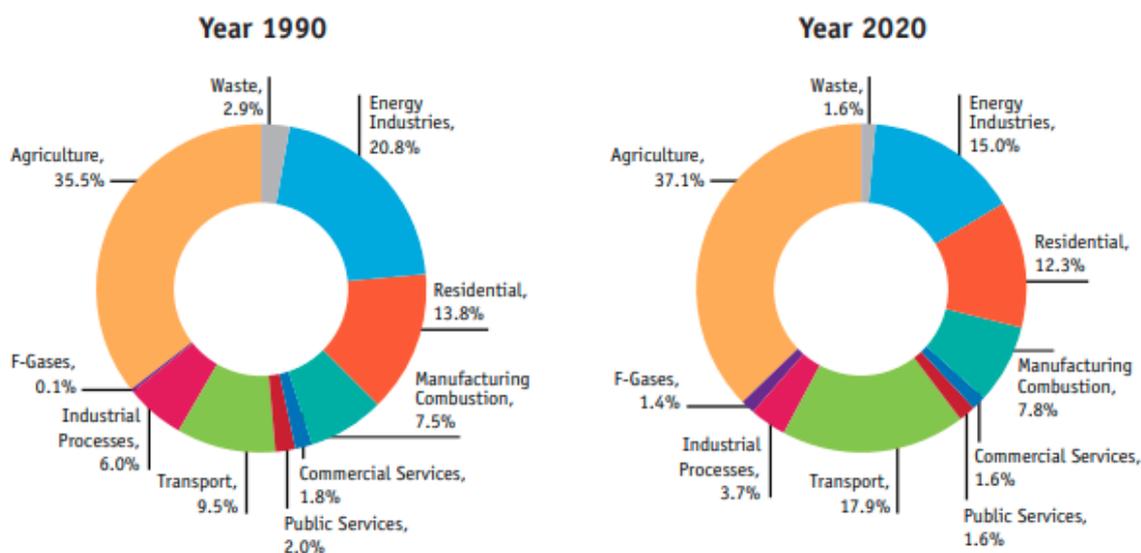
4.12 Agriculture is the single largest contributor to the overall emissions at 37.1% in 2020. Transport, energy industries and the residential sector are the next largest contributors at 17.9%, 15% and 12.3%, respectively (see **Figure 4.3**). GHG emissions from all sectors have decreased since 1990, with

the exception of the transport and manufacturing/combustion sectors, and fluorinated gases (F-gases) (see **Figure 4.4**).

4.13 Ireland has exceeded its 2020 annual limit of GHG emissions set under the EU's Effort Sharing Decision (ESD) by 6.73 million tonnes of CO₂ equivalent, the fifth year in a row that limits have been exceeded (see **Figure 4.5**).

4.14 It is projected that Ireland's emissions will begin to decline once carbon emission measures are implemented as shown in **Figure 4.6**. Implementation of "additional measures" (including those in the 2021 Climate Action Plan) is projected to save 58 million tonnes of CO₂ equivalent over the period 2021-2030 compared "with existing measures". This represents a reduction of 1.8% per annum in emissions over the period¹⁷.

Figure 4.3: Profile of greenhouse gas emissions in 1990 and 2020 by sector¹⁸



¹⁷ EPA (2021) Ireland's Greenhouse Gas Emissions Projections 2020-2040 [pdf] Available at: <https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-Irelands-Greenhouse-Gas-Emissions-Projections-report-2020-2040v2.pdf> (accessed 06/04/2022)

¹⁸ EPA (2021) Ireland's Provisional Greenhouse Gas Emissions 1990-2020 (pdf) Available at: https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/Irelands-Provisional-Greenhouse-Gas-Emissions-report-1990-2020_finalv2.pdf

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Figure 4.4: Trend in greenhouse gas emissions for largest sectors 1990-2020¹⁹

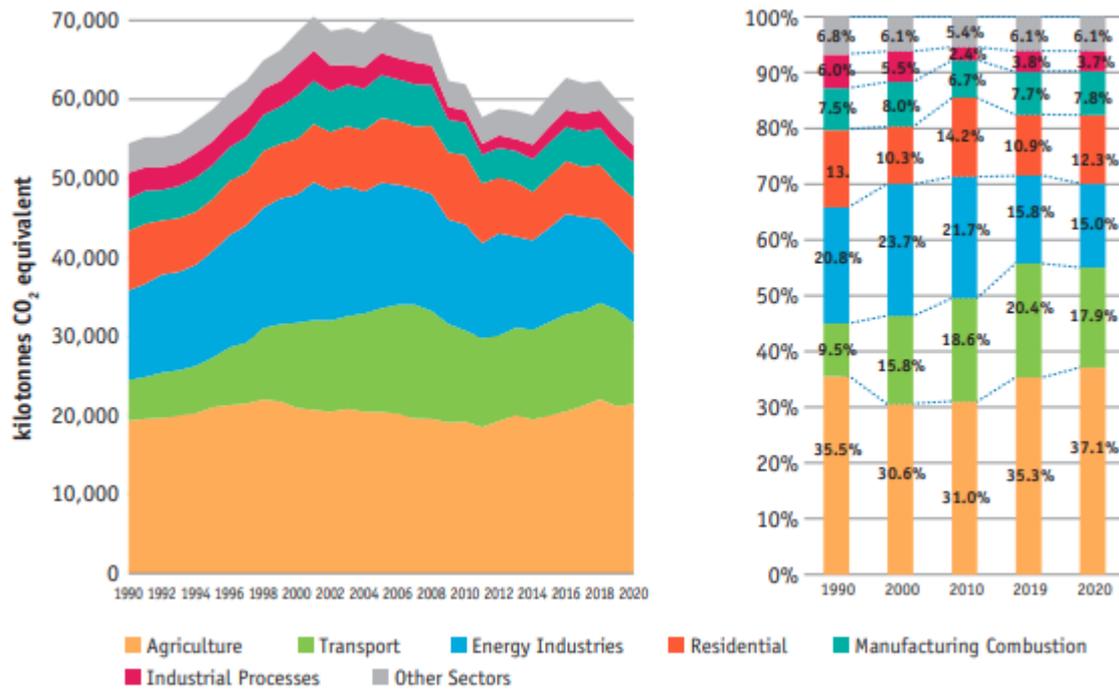
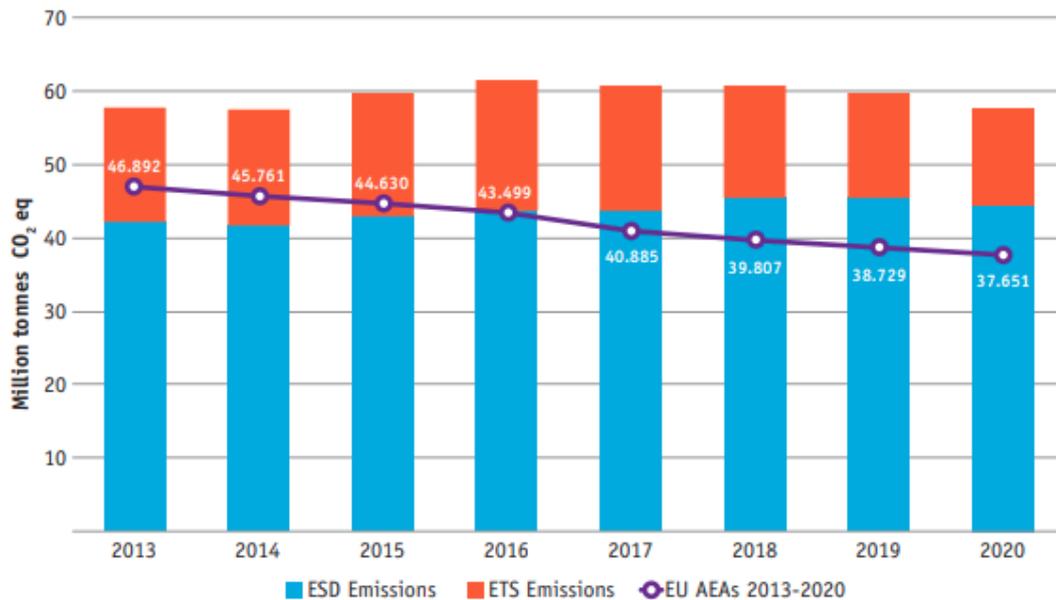


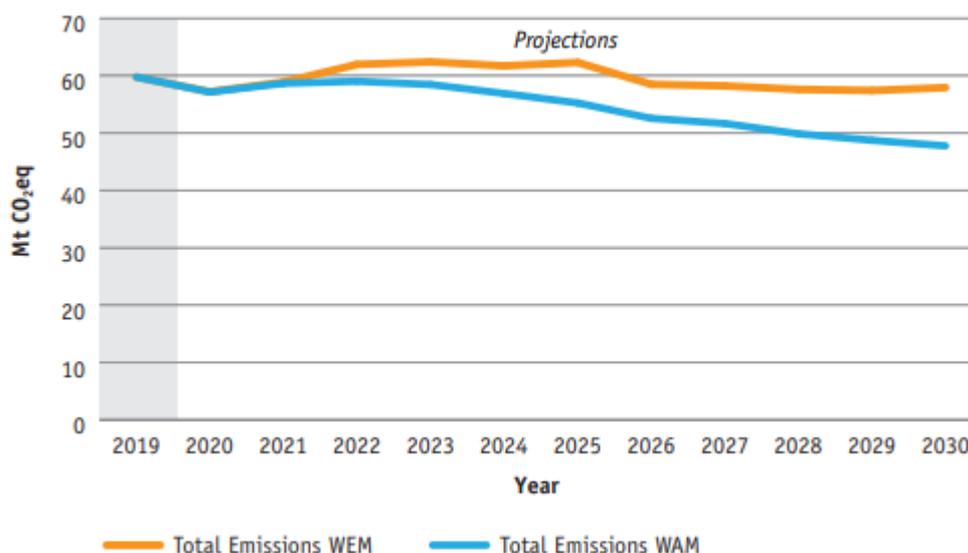
Figure 4.5: Compliance with ESD targets 2013-2020²⁰



¹⁹ EPA (2021) Ireland's Provisional Greenhouse Gas Emissions 1990-2020 (pdf) Available at: https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/Irelands-Provisional-Greenhouse-Gas-Emissions-report-1990-2020_finalv2.pdf

²⁰ EPA (2021) Ireland's Provisional Greenhouse Gas Emissions 1990-2020 (pdf) Available at: https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/Irelands-Provisional-Greenhouse-Gas-Emissions-report-1990-2020_finalv2.pdf

Figure 4.6: Ireland’s GHG emissions projections 2019 – 2030 – With Existing Measures (WEM) and With Additional Measures (WAM)²¹



Current assessment, outlook / trends, pressures and likely evolution without the proposed regulations

Table 4.5: Climatic factors – current assessment, outlook / trends, main pressures and likely evolution without the proposed regulations

Current Assessment	Outlook / Trends	Pressures	Likely evolution without the proposed regulations
●	⊖ Ireland had the third highest per capita GHG emissions in the EU in 2018, at 12.6 tonnes of CO ₂ e, compared with an EU average of 8.2 tonnes CO ₂ e ²² . While some progress has been made to reduce GHG emissions in the energy sector, other sectors have been generally increasing or not decreasing fast enough to achieve Ireland's decarbonisation targets. Agriculture continues to be the largest source of emissions. Since 2014, emissions from the agriculture sector have trended upwards with an overall peak in emissions in 2018. The transport sector has been the fastest growing source of GHG emissions with a 10% increase between 2013-2019. However,	Every major sector of the economy presents emissions pressure, and action will require a comprehensive, cross-sectoral, all of government effort in order to limit the dangerous effects of climate change and improve the overall level of resilience and sustainability within our society. This will involve mitigation measures across all core sectors of the economy – agriculture, transport, built	Without the proposed regulations, there is likely to be a continued reliance on fossil fuels as sources of energy rather than renewable, solar energy, thereby exacerbating the effects of climate change.

²¹ EPA (2021) Ireland's Greenhouse Gas Emissions Projections 2020-2040 [pdf] Available at: <https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-Irelands-Greenhouse-Gas-Emissions-Projections-report-2020-2040v2.pdf> (accessed 06/04/2022)

²² Central Statistics Office (2021) Environmental Indicators Ireland 2020 (online) Available at: <https://www.cso.ie/en/releasesandpublications/ep/p-eii/environmentalindicatorsireland2020/greenhousegasesandclimatechange/#:~:text=In%202018%2C%20Ireland%20had%20the,EU28%20average%20of%208.2%20tonnes.>

Current Assessment	Outlook / Trends	Pressures	Likely evolution without the proposed regulations
	<p>transport emissions decreased significantly by 15.7% in 2020 due to the impact of COVID-19 restrictions on passenger car and public transport journeys.</p> <p>Despite considerable expansion in recent years, Ireland's renewable energy share in 2020 (at 13.5%) remained well below the EU average (17.5%), and Ireland missed the 2020 renewable energy target of 16%. In 2020, fossil energy made up 87% of Ireland's energy needs²³.</p> <p>There was 40MW of grid-connected solar energy capacity in Ireland in 2020, an increase of 29% since 2019 and 1,609% since 2015²⁴. This accounted for 1% of renewable capacity in 2020. Growth in the solar power sector is expected to continue, with 63 solar projects securing contracts under the RESS-1 auction in 2020 (1,000MW (796GWh)). RESS-2 auction is currently under way.</p> <p>Growth is largely linked to the renewables requirement in the building regulations for new dwellings, reduced prices, and also due to the introduction of a capital grant for domestic solar PV in existing dwellings (SEAI Grant). With an increasing population, it is likely that the development new build houses, and requirements for renewables, will continue in the future.</p> <p>Meeting 2030 targets and the 2050 transition objective will require the full implementation of current policies and significant national investments.</p>	<p>environment, industry, waste, and energy generation.</p>	

²³ Sustainable Energy Authority of Ireland (2021) Energy in Ireland 2021 Report (pdf) Available at: https://www.seai.ie/publications/Energy-in-Ireland-2021_Final.pdf

²⁴ International Renewable Energy Agency (2021) Energy Profile Ireland (pdf) Available at: https://www.irena.org/IRENADocuments/Statistical_Profiles/Europe/Ireland_Europe_RE_SP.pdf

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Air

Current baseline

4.15 By European standards, Ireland’s ambient air quality is relatively good and ambient air quality limit values are respected. The EPA Air Quality in Ireland 2020 report²⁵ found that there were no exceedances of air pollutants above the EU annual limit values. In fact, there are no safe levels of air pollution, and under the stricter criteria of the World Health Organisation (WHO) level, air quality was found to have breached WHO ambient guidelines at 38 of the 67 monitoring sites across the country, often because of the burning of solid fuels within the built environment. Key air pollutants of particular concern in Ireland include nitrogen dioxide, particularly from vehicle exhausts in urban settings, and the burning of solid fuel in cities, towns, and villages, which contributes to fine particulate matter and other toxic air pollutants. Monitored nitrogen dioxide levels were much reduced in 2020 when compared to previous years, with a 50% reduction compared to 2019, predominately as a result of restrictions imposed to reduce transmission of COVID-19²⁶.

4.16 Research has estimated 1,380 premature deaths per year because of the exposure to particulate matter and other pollutants²⁷. These figures also exclude air pollution related morbidity and the broad range of conditions linked with poor air quality that reduce productivity and quality of life. There are ongoing efforts to deliver sustained cleaner air for all citizens.

4.17 In terms of compliance with the National Emissions Ceilings Directive (NECD), Ireland has made substantial progress to date in relation to its annual sulphur dioxide (SO₂), nitrogen oxide (NO_x) and particulate matter (PM_{2.5}) emissions, however significant challenges remain in relation to emissions of ammonia and non-methane volatile organic compounds (NMVOCs) to achieve the 2030 NECD reduction commitments²⁸. Agriculture is the dominant source of national ammonia emissions. Livestock herd size, spreading techniques and fertilizer use are other important drivers of emissions. In terms of NO_x, internal combustion engine vehicle use remains a key source of the pollutant. Finally, solid fuel combustion is the dominant source of fine particulate matter in Ireland.

Current assessment, outlook / trends, pressures and likely evolution without the proposed regulations

Table 4.6: Air – current assessment, outlook / trends, main pressures and likely evolution without the proposed regulations

Current Assessment	Outlook / Trends	Pressures	Likely evolution without the proposed regulations
	 Between 1990 and 2019, substantial reductions were achieved for many pollutants: sulphur dioxide by 94.1%; particulate matter by 80.7%; nitrogen oxides by 41.4%; and NMVOC by 21.2%. Shifts to less polluting domestic heating methods should support improved air quality.	The main pressures on air quality in Ireland are from transport, solid fuel burning and agricultural practices.	Without the proposed regulations, there is likely to be a continued reliance on fossil fuels as sources of energy rather than renewable, solar energy, resulting in adverse effects on air quality and consequently on human health and the environment.

²⁵ EPA (2021) Air Quality in Ireland 2020. [online] Available at: <https://www.epa.ie/publications/monitoring--assessment/air/Air-Quality-in-Ireland-2020.pdf> (accessed 06/04/2022)

²⁶ EPA (2021) Air Quality in Ireland 2020. [online] Available at: <https://www.epa.ie/publications/monitoring--assessment/air/Air-Quality-in-Ireland-2020.pdf> (accessed 06/04/2022)

²⁷ European Environment Agency (2021) Air Quality in Europe – 2020 Report (online) Available at: <https://www.eea.europa.eu/publications/air-quality-in-europe-2021>

²⁸ Government of Ireland (2022) Draft Clean Air Strategy Public Consultation (online) Available at: <https://www.gov.ie/en/consultation/0a7cf-consultation-on-the-clean-air-strategy-for-ireland/#:~:text=This%20Clean%20Air%20Strategy%20will,delivering%20on%20wider%20national%20objectives>

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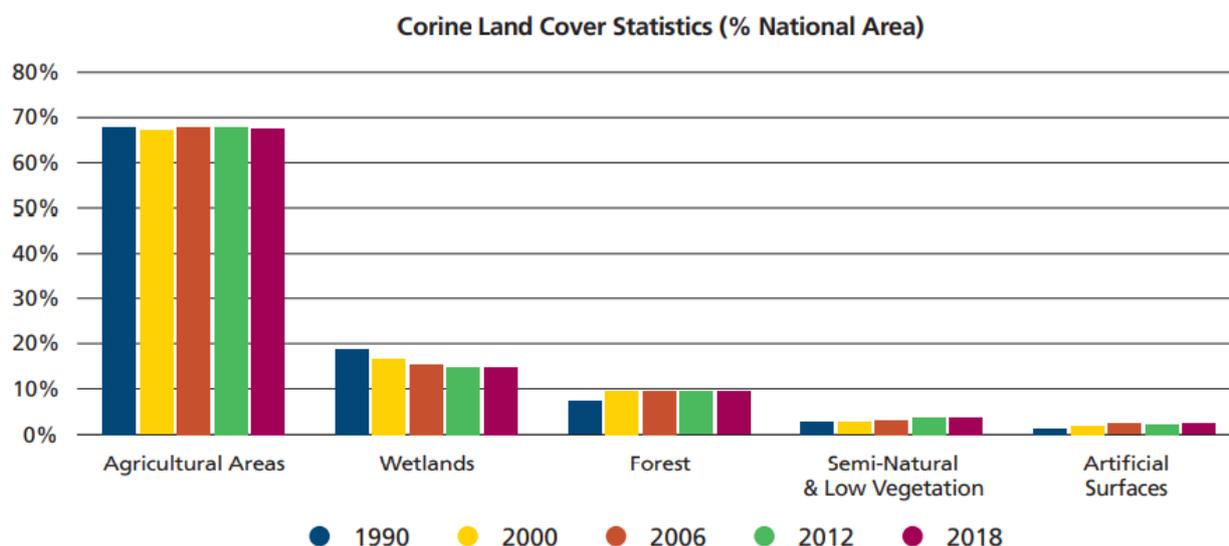
Soil

Current baseline

4.18 Ireland’s agricultural soils are in a reasonably good condition by European standards, with relatively little evidence of soil erosion or compaction. Research by the EPA found that an average level of erosion is <1 t/ha/year which is low by international standards. The relatively mild climate, flat landscape, and the prevalence of livestock agriculture rather than tillage all contribute to this outcome²⁹.

4.19 Agriculture is the dominant national land cover type, representing 67% of the national area in 2018. There is an overall downward trend, with a reduction of 8,230 hectares of agricultural land since 1990 (see **Figure 4.7**). In 2018, wetlands represented 14.9% of the national area, a moderate decrease since 2012. However, in 1990, wetlands represented 18.6% of the national area. There has therefore been a 20% reduction in this important land cover type since 1990, with a loss of 258,800 hectares. The primary change was from peat bogs to transitional woodland scrub and coniferous planting in the 1990s.

Figure 4.7: Corine Land Cover Statistics



4.20 Peatland soils remain a major concern as many peatlands are critically degraded, and only 10% of the original extent of raised bogs and 28% of blanket bog in Ireland have been deemed suitable for conservation³⁰. In the future, further intensification of agriculture (including greater use of inputs and higher stocking rates) may further increase the pressure

on soils. Climate change is also likely to increase the pressures on peatland soils, as well as soils in general through increased intensity of rainfall³¹. The rate of urbanisation also presents a threat to soils through ‘soil-sealing’, or the covering of land with impermeable material surfaces such as concrete.

²⁹ Kiely, G. et al., 2014. Interactions of Soil Hydrology, Land Use and Climate Change and their Impact on Soil Quality (SoilH), Ireland: Environmental Protection Agency. [online] Available at: [https://www.epa.ie/publications/research/land-use-soils-and-transport/STRIVE-118---Interactions-of-Soil-Hydrology,-Land-Use-and-Climate-Change-and-their-Impact-on-Soil-Quality-\(SoilH\).pdf](https://www.epa.ie/publications/research/land-use-soils-and-transport/STRIVE-118---Interactions-of-Soil-Hydrology,-Land-Use-and-Climate-Change-and-their-Impact-on-Soil-Quality-(SoilH).pdf) (accessed 02/07/2021)

³⁰ NPWS, 2015. National Peatland Strategy. [online] Available at: <https://www.npws.ie/sites/default/files/publications/pdf/NationalPeatlandsStrategy2015EnglishVers.pdf> (accessed 02/07/2021)

³¹ EPA (2020) Ireland’s Environment 2020 - An Assessment, Ireland. [online] Available at: <https://epawebapp.epa.ie/ebooks/soe2020/419/> (access 02/07/2021)

Current assessment, outlook / trends, pressures and likely evolution without the proposed regulations

Table 4.7: Soil – current assessment, outlook / trends, main pressures and likely evolution without the proposed regulations

Current Assessment	Outlook / Trends	Pressures	Likely evolution without the proposed regulations
	 <p>Ireland’s agricultural soils are in a reasonably good condition by European standards, with relatively little evidence of soil erosion or compaction. However, active raised bogs continue to have an overall ‘bad’ conservation status, with a continuing deteriorating trend; similarly, the overall conservation status of blanket bogs is described as ‘unfavourable to bad’, with a continuing deteriorating trend. This trend may improve in the future as the Department of Housing, Local Government and Heritage is restoring active raised bogs at 12 Special Areas of Conservation and plans to restore over 1800 hectares of raised bogs.</p>	<p>Changes in soil water content and temperature increase probability of drought or flooding. This can increase the likelihood of soil carbon loss (particularly for carbon-rich peat soils), threaten soil viability, and increase greenhouse gas emissions.</p>	<p>Without the proposed regulations, there is likely to be a continued reliance on fossil fuels such as peat as sources of energy rather than renewable, solar energy, resulting in adverse effects on soil quality and quantity.</p>

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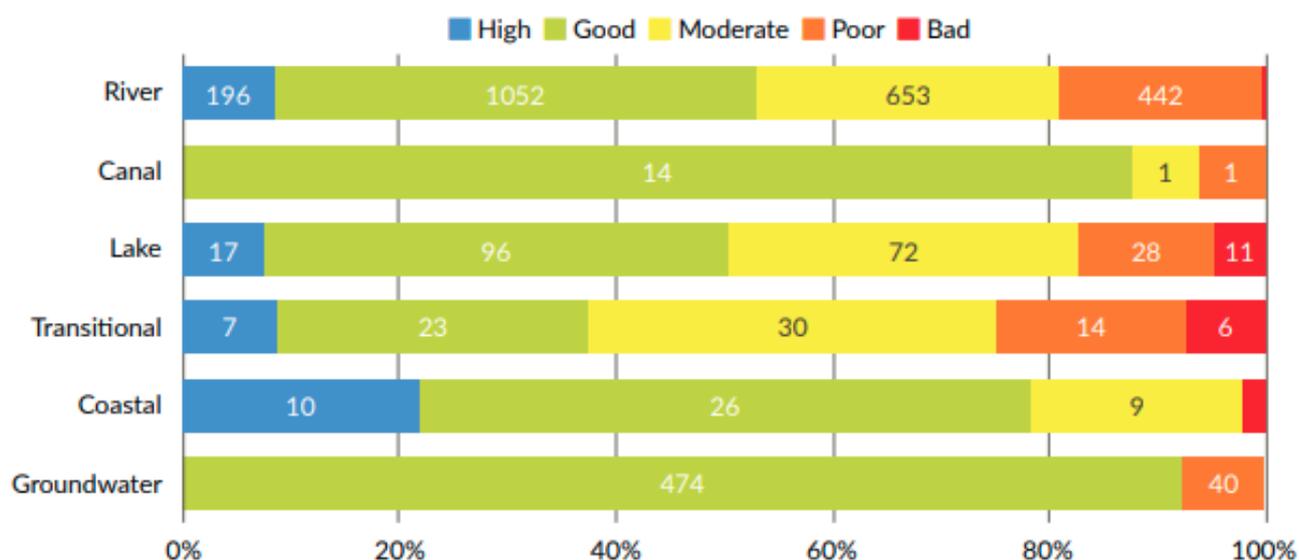
Water

Current baseline

4.21 In spring 2022, the Draft River Basin Management Plan for 2022-2027 was published for consultation which provides an overview of the status and characterisation of waterbodies, the significant pressures impacting our waters and the key measures required to mitigate these impacts.

4.22 The quality of bathing water is improving with 96% of waterbodies achieving an excellent or good status in 2020, compared to 89% in 2019. The status of the range of waterbodies in Ireland is shown in **Figure 4.8**. 92% of

Figure 4.8: Status of waterbodies in Ireland³²



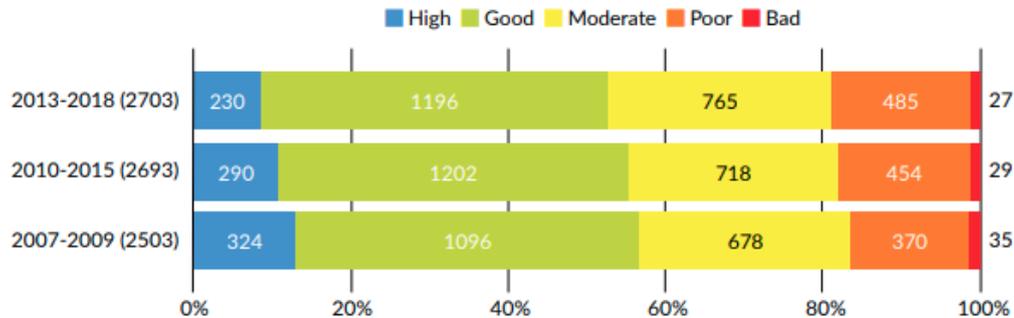
4.23 75% of waterbodies in Ireland are in good chemical status. However, as shown in **Figure 4.9** overleaf, when comparing the change in surface water status based on monitoring results during the first and second cycles, 68.4% of waterbodies did not change status (i.e., 'stable'), 18% declined and 13.6% improved. This results in an overall 4.4% net

groundwater bodies have a good or high status with this trend improving. Coastal and canal water quality are also very good, with 78% of coastal waterbodies having a good or high status and 87% of canals having good status. Only 53% of rivers are of high or good status, and the remaining 47% of rivers are in moderate, poor or bad ecological status. This means that nearly half of the rivers in Ireland are failing to meet the objectives set by the EU Water Framework Directive (2000/60/EC) because of pollution and other human disturbance. Only 50% of lake waterbodies and 38% of transitional waterbodies have good or high status.

decline in water quality which was mostly driven by the decline in the status of river waterbodies (18% of river water bodies declined in their chemical status).

³² Government of Ireland (2022) Draft River Basin Management Plan for Ireland 2022-2027 (online) Available at: <https://www.gov.ie/en/consultation/2bda0-public-consultation-on-the-draft-river-basin-management-plan-for-ireland-2022-2027/#documents>

Figure 4.9: Changes in waterbodies chemical status³³

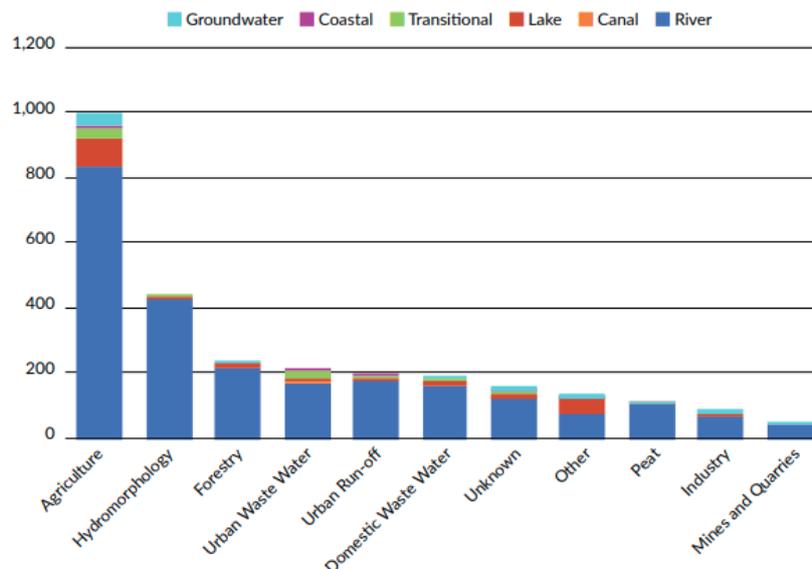


4.24 41% of waterbodies in Ireland are within the 'Not at Risk' category, i.e., they are meeting their environmental objective of good or high status. 33% are 'At Risk' of not meeting their environmental objective of good or high status while 26% are currently in 'Review'. The principal cause of decline in quality comes from the discharge of excess nutrients (nitrogen and phosphorous) in the waterbodies, leading to eutrophication and a subsequent loss of biological diversity. Some of the key pressures on Ireland's waterbodies are shown in **Figure 4.10**. The largest single source of nutrient pollution (runoff and leaching) is from agriculture (1,000 waterbodies affected). The overall number of waterbodies impacted by agriculture has increased by 223 since the second cycle assessment. This is

followed by hydromorphological pressures (physical changes to habitat conditions) (442 waterbodies affected), which have also increased since the previous cycle. Pressures from forestry and urban waste water are also significant pressures with 233 and 208 waterbodies affected respectively, however the number of waterbodies affected by these pressures have decreased since the previous cycle assessment.

4.25 With increased agricultural intensification, this decline in water quality may be expected to continue, although policy measures such as the River Basin Management Plan, and related actions on sources of relevant air pollutants are in place to attempt to reduce the pressures on water quality.

Figure 4.10: Significant pressures on Ireland's aquatic environment³⁴



³³ Government of Ireland (2022) Draft River Basin Management Plan for Ireland 2022-2027 (online) Available at: <https://www.gov.ie/en/consultation/2bda0-public-consultation-on-the-draft-river-basin-management-plan-for-ireland-2022-2027/#documents>

³⁴ Government of Ireland (2022) Draft River Basin Management Plan for Ireland 2022-2027 (online) Available at: <https://www.gov.ie/en/consultation/2bda0-public-consultation-on-the-draft-river-basin-management-plan-for-ireland-2022-2027/#documents>

Current assessment, outlook / trends, pressures and likely evolution without the proposed regulations

Table 4.8: Water – current assessment, outlook / trends, main pressures and likely evolution without the proposed regulations

Current Assessment	Outlook / Trends	Pressures	Likely evolution without the proposed regulations
	 Overall, current assessment is 'poor'. Trends are mixed, with serious declines in pristine river sites. Only 53% of rivers, 50% of lakes and 38% of transitional waterbodies have good or high status. 75% of waterbodies in Ireland are in good chemical status, however there has been a 4.4% net decline in water quality since the previous cycle.	Agriculture is the main pressure on water quality in Ireland, followed by hydromorphology, forestry and urban waste water. Urban waste water is the greatest pressure affecting bathing water.	Without the proposed regulations, there is likely to be a continued reliance on fossil fuels as sources of energy rather than renewable, solar energy, resulting in adverse effects on water quality and quantity.

Cultural heritage including architectural and archaeological heritage

Current baseline

4.26 Archaeology is the study of past societies through their material remains and the evidence of their environment. It is not restricted solely to ancient periods; it includes the study of relatively recent societies through, for example, industrial and military sites. Archaeological heritage comprises all material remains of past societies and includes the remains of features such as settlements, monuments, burials, ships and boats and portable objects of all kinds. It also includes evidence of the environment in which those societies lived. Archaeological heritage may exist in the form of upstanding or visible remains, or as subsurface features with no surface/visible presentation. Built heritage may form part of the fabric of a medieval urban setting and may incorporate within their structure elements of an earlier building of late medieval provenance

4.27 Ireland's historic, archaeological and cultural heritage occurs in all environments including urban and rural, upland and lowland, grassland, tillage and forestry, inland and

coastal, dryland, wetland (including peatlands) and underwater (including watercourses, lakes and the sea). Ireland contains many sites of historical, cultural, and aesthetic value, including two UNESCO world heritage sites (Skellig Michael and Brú na Boinne). Ireland's cultural and archaeological heritage is recognised as a key asset for promoting tourism, particularly in major strategic branding initiatives such as the 'Wild Atlantic Way' or the 'Ancient East'.

4.28 To a large extent, built heritage and areas of cultural or architectural protection are determined at the local, rather than the national level. Under the Planning and Development Act 2000, planning authorities have a responsibility to create a list of protected structures, which then enjoy protection under law from inappropriate development. Archaeological sites are listed under the Record of Monuments and Places, which is administered by the National Monuments Service. Around 1,000 particularly significant sites under the direct ownership and management of the Government are classified as 'Monuments in State Care'.

4.29 Architectural and built heritage can suffer negative impacts from inappropriate development – either deliberate or accidental – or neglect.

Current assessment, outlook / trends, pressures and likely evolution without the proposed regulations

Table 4.9: Cultural heritage – current assessment, outlook / trends, main pressures and likely evolution without the proposed regulations

Current Assessment	Outlook / Trends		Pressures	Likely evolution without the proposed regulations
Uncertain	Uncertain	There is limited data that offers a quantitative sense of heritage status over time in Ireland. However, Ireland is generally recognised as having a strong endowment in the context of heritage and visual amenity.	Pressures from development, economic activity, and increasing extreme weather events may present challenges for cultural heritage. Pressure as a result of climate change include the potential degradation of buildings and historical monuments. Additionally, there may be impacts to archaeology due to the planting / harvesting of energy crops and retrofitting of old buildings.	Without the proposed regulations, there is likely to be a continued reliance on fossil fuels as sources of energy rather than renewable, solar energy, thereby exacerbating the effects of climate change which causes degradation of buildings and historical monuments.

Landscape

Current baseline

4.30 Ireland contains many landscapes including six National Parks such as those in Killarney, the Burren and Connemara. Ireland’s distinctive landscape is recognised as a key asset for promoting tourism, particularly in major strategic branding initiatives such as the ‘Wild Atlantic Way’. The 2015-2025 National Landscape Strategy set out an objective to provide a policy framework and evidence base on which to assess

landscape quality and characteristics, including a ‘National Landscape Character Assessment’. Local authorities will also be required to prepare ‘State of the Landscape’ reports for their local areas (to be summarised at a national scale by the DHLGH) which will provide an overview of the current condition and pressures on the landscape. At present, there is no other quantitative basis on which trends in landscape quality can be objectively assessed. Pressures on landscape quality come from land use change – for example, from traditional agricultural practices or natural landscapes such as peat bogs to commercial forestry or a more intensive form agriculture, or indeed through urbanisation and development.

Current assessment, outlook / trends, pressures and likely evolution without the proposed regulations

Table 4.10: Landscape – current assessment, outlook / trends, main pressures and likely evolution without the proposed regulations

Current Assessment	Outlook / Trends		Pressures	Likely evolution without the proposed regulations
Uncertain	Uncertain	There is limited meaningful data that offers a quantitative sense of landscape status over time in Ireland. However, Ireland is generally recognised as having a strong endowment in the context of natural environment and visual amenity.	The main pressure on landscape quality is from land use change. Climate change could also change landscapes due to coastal erosion and increased flooding.	Without the proposed regulations, there is likely to be a continued reliance on fossil fuels as sources of energy rather than renewable, solar energy, thereby exacerbating the effects of climate change including coastal erosion and flooding.

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Material assets

Current baseline

4.31 Material assets refer to natural resources, infrastructure, and the built environment in a broad sense. Ireland’s primary natural resources include large areas of agricultural land (that are particularly suitable for beef and dairy production), extensive fisheries (both inland and offshore), timber forestry, and mineral and geological resources, particularly in zinc and offshore natural gas deposits. Agriculture makes up most of the land use in Ireland, with 61% of land area under grassland and 10% under cropland. A further 10% of land area is under forestry. The vast majority of this is commercial and state-owned timber plantation mainly of sitka spruce. Majority of timber supports domestic, UK and EU construction industries.

4.32 The country also has substantial fish resources, with 77,000km of rivers, 250,000 ha of lakes and an extensive coastline, and an area of continental shelf. Inland fisheries are used for commercial angling for species such as salmon and trout, as well as aquaculture. Offshore fisheries are managed jointly with other EU member states under the Common Fisheries Policy. Despite fishing yields being relatively stable over recent years, there are conservation concerns around many species, including salmon, arctic char, lamprey, and eel.

4.33 Ireland benefits from a large area of peatland in the form of blanket and raised bogs. Peat has been historically used as an indigenous source of fossil fuel energy; however, this is planned to soon come to an end. Fossil energy made up 86% of the energy consumed in Ireland in 2020, down from 88% in 2019 (and 97% in 2005). Electricity generation from peat halved in 2020, due to closures at two of the three peat burning power plants. Ireland has excellent renewable energy resources however, in 2020 the overall renewable energy share (RES) in Ireland was only 13.5%, compared to the 2020 target of 16%. This means that Ireland failed on its RES target for 2020³⁵. This percentage of renewable energy has increased significantly relative to 2008 (at 3.9%) but remains low compared other European countries.

4.34 In terms of mineral resources, Ireland is particularly rich in zinc and lead; the mine at Tara is Europe’s largest zinc mine. Copper and precious metals are also mined. The continental shelf holds natural gas resources, with four natural gas fields commercially exploited, although three of these are expected to enter decommissioning as of 2020. The government ended offshore exploration for oil in 2018, and the present government has committed to ending natural gas exploration over the course of its term.

4.35 Ireland’s population is predicted to grow, and this will lead to an increased demand of resources. Ireland’s population is forecast to increase up to 6.7 million by 2051³⁶.

Current assessment, outlook / trends, pressures and likely evolution without the proposed regulations

Table 4.11: Material assets – current assessment, outlook / trends, main pressures and likely evolution without the proposed regulations

Current Assessment	Outlook / Trends	Pressures	Likely evolution without the proposed regulations
	 Given the broad scope of material assets, it is difficult to establish a baseline trajectory. Ireland possesses substantial and growing infrastructure in the context of transport, renewable energy, natural resources, and forestry. Broadly these could be considered as growing.	Material assets such as transport infrastructure, natural resources and other buildings are at risk of damage due to increasing extreme weather events. A further pressure will also be the projected increase in population of an additional 1 million people by 2040. There is also potential for scarcity of resources considering growing population and their demand.	Without the proposed regulations, the renewable energy potential of the country will not be utilised to its full potential.

³⁵ Sustainable Energy Authority of Ireland (2021) Energy in Ireland 2021 Report (pdf) Available at: https://www.seai.ie/publications/Energy-in-Ireland-2021_Final.pdf

³⁶ EPA (2020) Ireland’s Environment 2020 - An Assessment, Ireland. [online] Available at: <https://www.epa.ie/our-services/monitoring--assessment/assessment/irelands-environment/state-of-environment-report/#> (accessed 02/07/2021)

Chapter 5

Proposed framework for assessing significant environmental effects

This chapter outlines the framework upon which the SEA will assess the proposed regulations.

SEA Framework

5.1 A key purpose of scoping is to set out sufficient details about the proposed methodological framework for the assessment of environmental effects to allow the consultees to form a view on this matter. It is proposed to use an objectives-led assessment which will involve assessing the proposed regulations and the reasonable alternatives against defined SEA environmental objectives for each of the SEA scoped-in topic areas. The assessment will be supported by other tools such as GIS-based spatial analysis and other quantitative data as available.

5.2 The preceding chapters have identified the environmental characteristics and key environmental issues relating to the proposed regulations and the key influences from external plans and programmes. This chapter uses that information to set out a series of draft SEA environmental objectives. These will be used in the Environmental Report to predict the likely environmental effects of the proposed regulations and, subsequently, monitor implementation of the Regulations.

5.3 **Table 5.1** presents the draft SEA Framework (comprising the environmental objectives) that is proposed to test the potential environmental effects of the proposed regulations.

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Table 5.1: Draft SEA Framework

SEA Topic	SEA Headline Objective	Environmental Sub Objective(s)
Biodiversity, Flora and Fauna	1. Protect, maintain, and where possible enhance, biodiversity and geodiversity.	a. Protect and enhance habitats of international, national, regional or local importance.
		b. Protect international, national, regional or locally important species.
		c. Protect geological sites of national, regional or local importance.
		d. Maintain wildlife corridors and minimise fragmentation of ecological areas.
Population and Human Health	2. Improve the health of the people of Ireland.	a. Avoid adverse effects on health and quality of life.
		b. Improve the health of people and communities by reducing reliance on fossil fuels and their associated toxic emissions.
		c. Protect aviation and road users from glint, glare, dazzle and reflections from solar panels.
Climatic Factors	3. Reduce Ireland's contribution and vulnerability to climate change.	a. Reduce Ireland's contribution to climate change by reducing greenhouse gas emissions from non-renewable energy sources.
		b. Avoid development in areas at risk of flooding or where this would increase the risk of flooding.
Air	4. Improve Ireland's air quality.	a. Improve air quality through reduced reliance and combustion on fossil fuels.
Soil	5. Protect soil quality and resources.	a. Safeguard soil quality and quantity.
		b. Conserve and protect carbon rich soils.
Water	6. Protect the quality and quantity of watercourses and waterbodies.	a. Protect the quality and quantity of watercourses and surface water and groundwater waterbodies.
Cultural Heritage including Architectural Heritage	7. Protect the character and built quality of settlements and Ireland's historic environment and cultural heritage.	a. Protect designated and undesignated heritage assets, their settings and their contribution to townscape, including Architectural Conservation Areas, Listed Buildings, buried archaeology, areas of historical heritage and cultural value e.g. locally important buildings.
Landscape	8. Protect landscape character and the quality of Ireland's landscapes.	a. Protect landscape character and the quality of Ireland's landscapes, particularly in designated or sensitive landscapes, historic landscapes or rural areas.
		b. Protect visual amenity.
Material Assets	9. Use natural resources and energy more efficiently.	a. Encourage the prudent use of natural resources, particularly scarce resources.
		b. Secure domestic energy supply through captured solar energy and reduce reliance on fuel imports.

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Use of the SEA Framework

5.4 The findings from the SEA will be presented in SEA matrices, which will include a colour coded symbol showing the score of each component of the Regulations against each of the SEA objectives along with a concise justification for the score given. The SEA matrices will be presented as an appendix to the Environmental Report. Summaries of the findings for each component of the proposed regulations will be described in the main body of the Environmental Report.

5.5 The use of colour coding in the matrices will allow for likely significant effects (both positive and negative) to be easily identified, as shown in **Figure 5.1**.

Figure 5.1: Key to symbols and colour coding

++	The regulation is likely to have a significant positive effect on the SEA objective(s).
++/-	The regulation is likely to have a mixed effect (significant positive and minor negative) on the SEA objective(s).
+	The regulation is likely to have a minor positive effect on the SEA objective(s).
0	The regulation is likely to have a negligible or no effect on the SEA objective(s).
-	The regulation is likely to have a minor negative effect on the SEA objective(s).
-/+	The regulation is likely to have a mixed effect (significant negative and minor positive) on the SEA objective(s).
--	The regulation is likely to have a significant negative effect on the SEA objective(s).
?	It is uncertain what effect the regulation will have on the SEA objective(s), due to a lack of data.
+/-	The regulation is likely to have a mixture of positive and negative effects on the SEA objective(s).

5.6 The dividing line in making a decision about the significance of an effect is often quite small. Where either (++) or (--) has been used to distinguish significant effects from more minor effects (+ or -) this is because the effect of the proposed regulations on the SEA objective in question is considered to be of such magnitude that it will have a noticeable and measurable effect taking into account other factors that may influence the achievement of that objective.

5.7 Where a potential positive or negative effect is uncertain, a question mark is added to the relevant effect (e.g. +? or -?) and the effect is colour coded as per the potential positive, negligible or negative effect (e.g. green, white, pink, etc.).

Assessment of impacts and mitigation

5.8 In undertaking the assessment of likely significant effects on the environment of the proposed regulations the range of effects will include secondary, cumulative, synergistic, short, medium and long term, permanent and temporary, positive and negative effects as well as the interrelationships between the environmental topics. Where lack of data or technical issues arise in relation to the assessment of effects these will be acknowledged.

5.9 The potential for cumulative effects is particularly relevant to the proposed regulations and the methodology will follow the EPA's Good Practice Guidance on Cumulative Effect Assessment in SEA.

5.10 Key cumulative effects are likely to arise from the placing or erection of multiple solar panels in an area, potentially impacting the following SEA topic areas: Population and Human Health, Climatic Factors, Air, Landscape, and Cultural Heritage including Architectural Heritage. Where significant adverse effects are identified during the SEA process, relevant and appropriate mitigation measures will be provided in the Environmental Report. Consideration will be given to residual impacts, where relevant.

Consideration of alternatives

5.11 One of the critical roles of the SEA is to facilitate an evaluation of the likely environmental consequences of a range of alternative development scenarios, in this case the proposed regulations. These alternative scenarios should meet the following considerations:

- Take into account the geographical scope, hierarchy and objectives of the proposed regulations – **be realistic**
- Be based on socio-economic and environmental evidence – **be reasonable**
- Be capable of being delivered within the Regulations' timeframe and resources – **be implementable**
- Be technically and institutionally feasible – **be viable**

5.12 The reason for assessing alternatives is to determine if the significant adverse effects of the proposed regulations can be reduced or avoided. Therefore, the alternatives should be "reasonable". The term reasonable is not defined in the SEA Directive/Regulations. However, considering the EPA's Developing and Assessing Alternatives in Strategic

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Environmental Assessment – Good Practice Guidance, for an alternative to be considered reasonable for the purposes of this SEA, it must meet the objectives of the proposed regulations.

5.13 Given the high-level nature of the proposed regulations, the alternatives to be considered are likely to be predominately at the strategic level and will include consideration of a *do nothing* scenario relating to the business as usual approach. Proposed reasonable alternatives may also relate to:

- the removal of limitations on solar PV or solar thermal collector installations on protected structures, proposed protected structures, and structures in Architectural Conservation Areas.
- the restriction of solar PV or solar thermal collector installations in relation to houses within Solar Safeguarding Zones.
- the restriction of solar PV or solar thermal collector installations on roofs and walls facing roads, and free-standing installations that are forward of road-facing buildings.
- the introduction of wall mounted solar PV or solar thermal collector installations for all classes of development (currently only applies to industrial and agricultural buildings).
- the removal of limitations of wall mounted solar PV or solar thermal collector installations for industrial and agricultural buildings.
- the narrowing of Solar Safeguarding Zones to 2.5km around airports and 1.5km around aerodromes and helipads.
- the expansion of Solar Safeguarding Zones to 10km around airports and 6km around aerodromes and helipads.
- the removal of limitations for all free-standing solar installations.

5.14 The consideration and assessment of alternatives will be fully developed and explored in the Environmental Report.

Monitoring

5.15 A monitoring programme will be developed to facilitate monitoring of environmental effects during implementation of the proposed regulations. This will be focussed on key impact issues identified during the assessment phase. The monitoring programme will be presented in the Environmental Report and

will be developed in line with the EPA's Guidance on SEA Statements and Monitoring.

Chapter 6

Consultation and next steps

6.1 The findings and comments received as part of the scoping process have been included and addressed in this Final Scoping Report.

6.2 The next stage of the process is to prepare an Environmental Report which will contain the findings of the assessment of the likely significant effects on the environment resulting from implementation of the proposed regulations. It will reflect the requirements of the SEA Directive and the transposed SEA Regulations.

6.3 Public consultation on the Draft Environmental Report and proposed regulations will be carried out for a four-week period during June / early July 2022. The submissions and observations received during the consultation period will be reviewed and considered during the finalisation of the Regulations. If the proposed regulations are further revised, these revisions will be subject to further assessment. If there are no further alterations to the proposed regulations, a Final Environmental Report will be prepared and made available on the DHLGH's website. An SEA Statement will then be prepared identifying how each of the requirements in Article 16 of the SEA Regulations have been met during the SEA process. The finalised SEA Statement will be published on the DHLGH's website once the Regulations have been signed into law.

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Appendix A

Consultation responses

Screening Report consultation responses

Environmental Protection Agency

Table A.1: EPA Screening Consultation Response

Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
Environmental Protection Agency Response dated 15 th June 2021	<p>Proposed SEA Determination</p> <p>We note your screening report and the conclusion that the Regulations as currently drafted are likely to have significant effects on the environment and therefore require further assessment in the form of an SEA. The criteria set out in Annex II of Directive 2001/ 42/EC on the assessment of the effects of certain plans and programmes on the environment (The SEA Directive) and in Schedule 1 of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I No. 435 of 2004) has been taken into account as part of the screening report.</p> <p>We note the intention to publish the screening report along with the proposed screening determination on the government website in due course.</p> <p>DHLGH is obliged to take the relevant criteria set out in Schedule 1 into account in making its determination as to whether the Regulations would be likely to have significant effects on the environment.</p> <p>Guidance on the SEA process, including an SEA pack and checklist are available on our website. We recommend that you take the available guidance into account in making your SEA Screening Determination and incorporate the relevant recommendations as relevant and appropriate to the Regulations.</p>	<p>The Screening Report was prepared in accordance with Schedule 1 of the SEA Regulations. The SEA guidance documents available on the EPA's website will be used to inform the preparation of reports during the SEA process.</p>
	<p>Policy Context</p> <p>We welcome the policy context in which the Regulations are set in relation to commitments to increased use of renewable energy sources in the national Climate Action Plan 2019 and the subsequent Interim Climate Actions 2021. You may be aware that the Climate Action Plan 2021 is currently under preparation and we advise that the Regulations should be aligned with relevant aspects of the new Climate Action Plan.</p>	<p>Noted with thanks. We will ensure that the proposed regulations will be aligned with the Climate Action Plan 2021.</p>
	<p>Environmental Sensitivity Mapping (ESM) WebTool</p> <p>This new tool was launched recently by the EPA. It is a new decision support tool to assist SEA and planning processes in Ireland. It is available at www.enviromap.ie. The tool brings together over 100 datasets and allows users</p>	<p>Noted with thanks. We will use the ESM WebTool to identify environmental sensitivities.</p>

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Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
	<p>to create plan-specific environmental sensitivity maps. These maps can help planners examine environmental considerations, anticipate potential land-use conflicts, and help identify suitable development locations while also protecting the environment.</p>	
	<p>State of the Environment Report – Ireland’s Environment 2020</p> <p>In finalising the Regulations and associated SEA screening, the recommendations, key issues and challenges described in our State of the Environment Report Ireland’s Environment – An Integrated Assessment 2020 (EPA, 2020) should be considered, as relevant and appropriate to the Regulations. This should also be taken into account, in preparing the Regulations.</p>	<p>Noted with thanks. The 2020 State of the Environment Report will be used as one of the primary sources of information to inform the baseline and to identify key pressures and challenges.</p>
	<p>Available Guidance & Resources</p> <p>Our website contains various SEA resources and guidance, including:</p> <ul style="list-style-type: none"> - SEA process guidance and checklists - Inventory of spatial datasets relevant to SEA - Topic specific SEA guidance (including Good practice note on Cumulative Effects Assessment (EPA, 2020), Guidance on SEA Statements and Monitoring (EPA, 2020), Integrating climatic factors into SEA (EPA, 2019), Developing and Assessing Alternatives in SEA (EPA, 2015), Guidance note for the energy sector (2021) and Integrated Biodiversity Impact Assessment (EPA, 2012)) 	<p>Noted with thanks. The SEA guidance documents available on the EPA's website will be used to inform the preparation of reports during the SEA process.</p>
	<p>EPA SEA WebGIS Tool</p> <p>Our SEA WebGIS Tool has been updated recently and is now publicly available at https://gis.epa.ie/EPAMaps/SEA . It allows public authorities to produce an indicative report on key aspects of the environment in a specific geographic area It is intended to assist public authorities in SEA screening and scoping exercises.</p>	<p>Noted with thanks.</p>
	<p>EPA WFD Application</p> <p>Our WFD Application provides access to water quality and catchment data from the national WFD monitoring programme and is available through EPA Maps. It is also publicly available data can be accessed via the www.catchments.ie website.</p>	<p>Noted with thanks. We will use the WFD Application to inform the baseline information relating to water quality.</p>

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	<p>EPA AA GeoTool</p> <p>Our AA GeoTool application has been developed in partnership with the NPWS. It allows users to a select a location, specify a search area and gather available information for each European Site within the area. It is available at: https://gis.epa.ie/EPAMaps/AAGeoTool</p>	<p>Noted with thanks.</p>
	<p>Future amendments to the Regulations</p> <p>Where changes to the Regulations are made prior to finalisation, or where modifications to the Regulations are proposed following its adoption, these should be screened for potential for likely significant effects in accordance with the criteria set out in Schedule 1 of the SEA Regulations (S.I. No. 435 of 2004).</p>	<p>Noted with thanks. Any revisions to the proposed regulations will be subject to screening for potential likely significant effects in accordance with Schedule 1 of the SEA Regulations.</p>
	<p>Appropriate Assessment</p> <p>You should ensure that the Regulations comply with the requirements of the Habitats Directive where relevant. Where Appropriate Assessment is required, the key findings and recommendations should be incorporated into the SEA and the Regulations.</p>	<p>Noted with thanks. An AA Screening Report was prepared in March 2022. It concluded that the proposed regulations are not likely to have significant effects on any European site. An overview of how the AA and SEA processes are linked is outlined in Chapter 1.</p>
	<p>Environmental Authorities</p> <p>Under the SEA Regulations (S.I. 435 of 2004, as amended), prior to making your SEA determination you should consult with the relevant statutory environmental authorities³⁷:</p> <ul style="list-style-type: none"> • Environmental Protection Agency; • Minister for Housing, Local Government and Heritage; • Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media; 	<p>Noted with thanks. The SEA Screening Report was issued to the relevant Environmental Authorities and their responses have been incorporated in the final SEA determination.</p>

³⁷ The Heritage (Transfer of Departmental Administration and Ministerial Functions) Order 2021 (S.I. No. 302/2021) transferred the M/TCAGSM's function under Regulation 9(5)(b) of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435/2004) to the M/HLGH.

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	<ul style="list-style-type: none"> • Minister for Environment, Climate and Communications; and, • Minister for Agriculture, Food and the Marine. 	
	<p>SEA Determination</p> <p>As soon as practicable after making your determination as to whether SEA is required or not, you should make a copy of your decision, including, as appropriate, the reasons for not requiring an environmental assessment, available for public inspection in your offices and on your website. You should also send a copy of your determination to the relevant environmental authorities consulted.</p>	Noted with thanks. The final SEA Screening Determination will be available on the DHLGH's website and will be issued to the relevant Environmental Authorities.

Scoping Report consultation responses

Environmental Protection Agency

Table A.2: EPA Scoping Report consultation response

Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
<p>Environmental Protection Agency</p> <p>Response dated 05th May 2022</p>	<p>State of the Environment Report</p> <p>Our State of Environment Report, <i>Ireland's Environment - An Integrated Assessment 2020</i> (SOER2020) identifies thirteen Key Messages for Ireland. Delivering Ireland's long-term sustainable development and environmental protection goals will require a concerted effort by government departments to address these key actions. The report recognises the need for full implementation of existing environmental legislation and review of governance/coordination on environmental protection across public bodies.</p> <p><u>Chapter 2</u> of the SOER2020 relates to Climate and highlights the clear need for systemic change in Ireland to ensure the country will become the climate neutral and climate resilient society it aspires to be. The report states that more urgency is needed to deliver actions on climate mitigation and adaptation and to ensure that Ireland meets its international obligations to reduce greenhouse gas (GHG) emissions. While Ireland's GHG emissions, with full</p>	Noted with thanks. The 2020 State of the Environment Report has been used as one of the primary sources of information to inform the baseline and to identify key pressures and challenges.

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Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
	<p>implementation of the Climate Action Plan, are projected to decrease by an annual average reduction of 3% between 2021 and 2030, further measures are required to meet national and EU ambitions to keep the global temperature increase to 1.5°C (EPA, 2020). These measures will contribute to Ireland achieving climate neutrality by 2050.</p> <p>Environmental challenges are complex, interconnected and require sustained techno-sociological solutions. It is key that the SEA acknowledges the complex and cross cutting nature of climate issues and includes targets and measures that can tackle Ireland’s climate crisis as part of an integrated approach to tackling environmental problems. We acknowledge the Regulations look to provide a more streamlined process to encourage greater uptake of solar energy infrastructure through exemptions for planning permission, while still providing for “solar safeguarding” zones around airports, aerodromes and helipads.</p> <p>We acknowledge that the Regulations will help support the new Climate Action and Low Carbon Development (Amendment) Bill, to progress efforts to help Ireland achieve climate neutrality by 2050. We welcome that <i>Table 4.1-Baseline Data sources</i> of the Scoping Report sets out the relevant chapters of the SOER (including those related to <u>climate change</u> and <u>energy</u>) will be considered, in preparing the SEA environmental report.</p> <p>The SOER2020 messages are also linked to a number of the UN’s Sustainable Development Goals, in particular Climate Action, Life on Land and Life below Water. Addressing and implementing these actions will be important in delivering environmental protection and promoting sustainable development in Ireland. In finalising the Regulations and integrating the findings of the SEA into the Regulations, the relevant recommendations, key issues and challenges described in the EPAs SOER2020 should be taken into account.</p>	
	<p>Scope of the SEA</p> <p>The SEA environmental report should clearly set out the scope, remit and implementation related elements of the new legislation. It is important to note that where it is envisaged that measures proposed in the Regulations will be implemented via strategies and plans, which themselves have been or may be subject to SEA, this should be explained in the SEA Environmental Report and taken into account in the assessment.</p>	<p>Noted with thanks. The Environmental Report will clearly set out the scope, remit and implementation related elements of the proposed Regulations.</p>
	<p>Integration of SEA and the Regulations</p> <p>The integration of the SEA process into the Regulations should reflect the overall objective of the SEA Directive “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”. In <i>Figure 1.2-Links between SEA,</i></p>	<p>Noted with thanks. The figure in Chapter 1 has been amended to better show the links between the SEA, AA and Regulation-making processes. Summary tables outlining the key findings of the SEA and linking the</p>

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Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
	<p><i>AA and Regulation-making processes</i>, the linkages between the different processes could be clarified. Currently, the figure shows them as parallel processes without any linkages between them.</p> <p>All recommendations from the SEA, including mitigation measures, should be integrated into the Regulations. Updating Figure 1.2 as suggested above, would help indicate where the recommendations from the SEA process will inform the preparation of the Regulations. Fully integrating the findings and recommendations of the SEA into the Regulations will be key to strengthening its overall positive commitments while ensuring that any significant adverse effects of implementing the Regulations are mitigated.</p> <p>The SEA Environmental Report should include a chapter outlining how the recommendations and mitigation measures from the SEA have been incorporated into the Regulations. We recommend that, the SEA Environmental Report includes summary tables outlining the key findings of the SEA and linking the significant environmental effects identified to the proposed mitigation measures, monitoring programme and, where relevant, Regulations policies/measures.</p>	<p>significant environmental effects identified to the relevant proposed mitigation measures and monitoring programme will be included in the Environmental Report.</p>
	<p>Monitoring, Implementation and Reporting</p> <p>Article 10 of the SEA Directive (2001/42/EC) requires that the significant environmental effects of implementing a plan/programme (the Regulations in this instance) are monitored in order, <i>inter alia</i>, to identify at an early-stage unforeseen adverse effects and to be able to undertake appropriate remedial action. The SEA environmental report must include a description of the measures envisaged concerning monitoring. The Regulations should include a commitment to implement SEA related environmental monitoring requirements and the associated reporting.</p> <p>I refer you to the EPA guidance on SEA Statements and Monitoring, (https://www.epa.ie/pubs/advice/ea/EPA_Guidance_web.pdf), and would draw your attention to the useful high-level monitoring indicators proposed in Table 1 on page 23.</p> <p>The SEA-related monitoring should address positive, negative and cumulative effects where they are likely to occur and should include provision for on-going review to facilitate an early response to any unforeseen environmental issues that may arise. The SEA Environmental Report should specify the monitoring frequency and responsibilities and include provisions for reporting on the monitoring.</p>	<p>Noted with thanks.</p> <p>The Monitoring Programme for monitoring the significant environmental effects of implementing the proposed regulations will be set out in the Environmental Report. The SEA Reports (including the SEA Monitoring Programme) will be published alongside the proposed regulations.</p> <p>The Monitoring Programme will reflect the monitoring indicators proposed in Table 1 of the EPA's guidance on SEA Statements and Monitoring.</p> <p>The Monitoring Programme will address positive, negative and cumulative effects and will specify the monitoring frequency and authorities responsible for monitoring.</p>

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Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
	<p>Integration with other key Plans and Programmes</p> <p>We recommend including schematics in the SEA Environmental Report, showing the links and key inter-relationships between the Regulations and other key relevant national, regional, sectoral and environmental plans/programmes (e.g. the National Planning Framework) and legislation.</p>	Noted with thanks. A figure showing the links and inter-relationships between the proposed regulations and other plans/programmes and legislation is provided in Chapter 2 of this Scoping Report and will be included in the Environmental Report.
	<p>Environmental Authorities</p> <p>Under the SEA Regulations, you should consult with:</p> <ul style="list-style-type: none"> ■ Environmental Protection Agency; ■ Minister for Housing, Local Government and Heritage; ■ Minister for Environment, Climate and Communications; ■ Minister for Agriculture, Food and the Marine. 	Noted with thanks. The SEA Scoping Report was issued to the relevant Environmental Authorities from Thursday 28th April 2022 to Thursday 26th May 2022 and their responses have been addressed in this Final Scoping Report.

Department of Agriculture, Food and the Marine

Table A.3: Department of Agriculture, Food and the Marine Scoping Report consultation response

Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
Department of Agriculture, Food and the Marine Response dated 11 th May 2022	These exemptions apply to roofs with a pitch of 20 degrees or more. Most if not all agricultural roofs have a pitch in the range of 12 – 15 degrees. So agricultural buildings will be precluded from these Exempted Development Regulations	Noted with thanks. The DHLGH has taken this into account and has revised the proposed regulations to remove the definition of a 'pitched roof'.
	The exemptions are based on the condition that the solar PV or solar thermal installations relate primarily to the provision of electricity or heat for the agricultural holding (no. 15, Column 2: Conditions and Limitations); this condition restricts the opportunity to generate electricity predominantly for export to the grid even in cases where the electricity	Noted with thanks. The DHLGH has taken this into account and has revised the proposed regulations to provide

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Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
	demand of the holding is already accomplished. This means that the opportunity to use the additional roof capacity present in many holdings is foregone and a lost opportunity for additional renewable electricity generation.	clarity that the electricity generated may be used for the provision of electricity or heating for an agricultural structure; any ancillary building within the curtilage of the agricultural holding; or any ancillary uses within the curtilage of the agricultural holding,
	The definition of a pitched roof proposed in the regulations will define the majority of agricultural buildings as having a flat roof (most agricultural buildings have a slope of between 12 and 15 degrees). Under the flat roof requirements, it is proposed that solar panels must be at least 2.0m from the edge of the roof, while for pitched roofs the solar panels are permitted to be only 50cm from the edge of the roof. This will severely limit the useable surface area of farm buildings for solar installations. Purlin spacing in agricultural buildings is normally between 1.5m and 1.8m. This will mean that in practice solar panels would be between 3.0 and 3.6m from the lower edge of the roof. For agricultural buildings, I would recommend that the edge distance is reduced to 1.0m, so that the panels can be supported on the first line of purlins supporting the roof cladding.	Noted with thanks. The DHLGH has taken this into account and has revised the proposed regulations to remove the definition of a 'pitched roof'.
	Environmental assessment/safeguards are provided for the protection of any volant or non-volant mammals (e.g. Bats and Pine marten), along with nesting breeding birds, or other protected species under the Wildlife Act and European Communities (Birds and Habitats) Regulations, or EIA Directive. The scope of any construction works and ancillary works for installations should be given appropriate impact assessment with regards to environmental impacts by the relevant Department.	Noted with thanks. An AA Screening Report has been prepared to accompany the proposed regulations. The Environmental Report will consider the impacts on biodiversity, flora and fauna from the installation of solar panels.
	DAFM would advise Dept of Housing liaise internally regarding ongoing work to incorporate Solar Farms into the Planning and Development Regulations. Our Division has had some bi-laterals on language understanding between the Planning Regs and our EIA Agri Regs recently and understand Dept of Housing are commencing this work shortly.	Noted with thanks. The DHLGH will take this into consideration.

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Department of Environment, Climate and Communications

Table A.4: Department of Environment, Climate and Communications Scoping Report consultation response

Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
Department of Environment, Climate and Communications Response dated 29 th April 2022	The DECC has no observations on the draft proposed regulations or the associated SEA Scoping Report and our Inland Fisheries is satisfied they present no issues of concern.	Noted with thanks.

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EU and International Planning Regulation Unit of the DHLGH

Table A.5: EU and International Planning Regulation Unit of the DHLGH Scoping Report consultation response

Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
EU and International Planning Regulation Unit of the DHLGH Response dated 13 th May 2022.	<p>SEA Process Detail</p> <p>The Strategic Environmental Assessment Draft Scoping Report, dated April 2022, has been prepared by Land Use Consultants for the Minister of Housing, Local Government and Heritage. The requirements for SEA have been clearly defined in the Scoping Report and its context set out within the SEA process which should facilitate the integration of environmental considerations into the Strategy. The Scoping Report clearly identifies the potential links to other assessment processes, particularly Appropriate Assessment. It is noted that the Ecological Assessment Unit of the DHLGH determined, in accordance with Regulation 42A(8) of the 2011 Regulations, that an Appropriate Assessment of the proposed regulations is not required because it can be excluded, on the basis of objective scientific information following a screening for AA, that the proposed regulations individually or in combination with other plans or projects will have a significant effect on a European site or sites.</p>	Noted with thanks.
	<p>Implications of the proposed Regulations to current practices</p> <p>It is noted that there are existing exemptions for the installation of solar panels and associated equipment, subject to restrictions on size and scale. The proposed Regulations would have the effect of increasing the amount of solar equipment that can be installed on various classes of development (houses, industrial buildings, agricultural buildings, etc.) as well as extending the exemptions to other building types including apartment buildings, educational buildings, hospitals, healthcare centres, places of worship, sports facilities, community facilities and libraries.</p> <p>It is noted that specific measures have been proposed to vary the way the exemptions apply to address risks to aviation safety from glint and glare. These issues are not deemed relevant to nature conservation and biodiversity and therefore we do not offer any comments that apply to these aspects of the proposed Regulations.</p> <p>Whilst it is noted that these proposed Regulations propose changes to existing exemptions, there are issues relating to the protection of biodiversity that are connected to the existing exemptions and should be recognized in the content of the Environmental Report. These are highlighted in the following paragraphs where appropriate.</p>	Noted with thanks.
	<p>Relationship with other plans and programmes</p> <p>The list of legislation and relevant plans and programmes relating to nature conservation and biodiversity would appear to be up to date and relevant.</p>	Noted with thanks.

Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
	<p>Implications of the proposed Regulations for Biodiversity, Flora and Fauna</p> <p>The scope of the Environmental Report and by association, the SEA process itself, should address the effects of the changes that may occur as a result of implementing the Regulations, in combination with the effects of the existing exemptions.</p> <p>Table 3.1 lists potential environmental issues that may be considered in the Environmental Report. The issues listed under “Biodiversity, Flora and Fauna” comprise:</p> <ul style="list-style-type: none"> ■ <i>“Disturbance of and blocking access to bat roosts and bird nests in or on roofs during roof mounted installation work.</i> ■ <i>(Free-standing solar PVs only)</i> <ul style="list-style-type: none"> – <i>Disruption and displacement of ground nesting birds.</i> – <i>Minimal impacts relate to short-term habitat loss during construction; however, land can be reseeded to provide habitat and forage to pollinators, birds and other small species.”</i> <p>We would agree that both of these issues should be considered in the SEA process and that the legal protection afforded to bats and birds and their breeding and resting places be fully explored in the SEA process. In particular, the extension of the exemption to agricultural buildings has the potential to increase the likelihood of disturbance to bird species such as barn owl <i>Tyto alba</i>, barn swallow <i>Hirundo rustica</i>, house martin <i>Delichon urbicum</i> and swift <i>Apus apus</i> and to several species of bat that use agricultural buildings as roosts and resting places.</p> <p>Regard should be had to relevant aspects of the European Commission’s <i>Science for Environment Policy Future Brief: Wind and solar energy and nature conservation (2014)</i>, Future Analytics <i>Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland (2016)</i>, DOE’s <i>Planning and Environment Energy Generation – Solar Farms Advice for Planning Officers and Applicants Seeking Planning Permission for Solar Farms which may Impact on Natural Heritage (2015)</i>, Natural England’s Technical Information Note No. 1 <i>Solar Parks Maximising Environmental Benefits (2011)</i> and BRE’s <i>Biodiversity Guidance for Solar Developments (2014)</i>.</p> <p>Strategic Environmental Objectives</p>	<p>Noted with thanks. The potential effects on disturbance to bird species such as barn owls, barn swallows, house martins, swifts and several species of bats from the extension of the proposed regulations to agricultural buildings will be considered during the SEA.</p> <p>The guidance documents recommended will be reviewed and considered during the SEA, and in particular will help to inform the proposed mitigation measures to avoid or mitigate any potential (significant) adverse effects.</p> <p>Noted with thanks. The Environmental Protection Objectives have been informed by the objectives of the relevant directives, legislation, plans</p>

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Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
	<p>The Environmental Report is required to contain environmental protection objectives. For biodiversity, flora and fauna, these should integrate with the objectives and obligations of other Directives, legislation, plans and policies such as, but not only, the following:</p> <ul style="list-style-type: none"> ■ Birds and Habitats Directives, ■ Water Framework Directive and the Floods Directive, ■ Environmental Liabilities Directive ■ Wildlife Acts, 1976-2018 ■ European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011) and amendments (SI 290 of 2013, SI 499 of 2013, SI 355 of 2015 and SI 293 of 2021) ■ European Union Biodiversity Strategy 2030 ■ National Biodiversity Action Plan 2017-2021 ■ National Peatlands Strategy ■ National Raised Bog SAC Management Plan 2017 - 2022 ■ All-Ireland Pollinator Plan 2021-2025. ■ National Greenway Strategy ■ Climate Action Plan ■ Regional Economic and Spatial Strategies ■ County Development Plans <p>The strategic environmental objectives must be designed so that the impacts of the proposed Regulations on them can be monitored during their implementation. The proposed objectives set out in the Scoping Report appear to be very strategic and may be difficult to monitor in a meaningful way.</p>	<p>and policies, as relevant to the proposed regulations.</p> <p>The Monitoring Programme for monitoring the significant environmental effects of implementing the proposed regulations will be set out in the Environmental Report. The proposed monitoring indicators are likely to be high-level to reflect the strategic nature of the proposed regulations. However, they will address positive, negative and cumulative effects and will specify the monitoring frequency and authorities responsible for monitoring.</p>

Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
	<p>Data Information Sources</p> <p><i>NPWS website:</i></p> <p>The National Parks and Wildlife Service's website (www.npws.ie) is a key source of data, information and publications, including GIS datasets, on nature conservation sites and biodiversity issues of relevant to the Strategy and its associated environmental assessments.</p> <p><i>European sites:</i></p> <p>With respect to European sites, the website presents amongst other things:</p> <ul style="list-style-type: none"> ■ maps of site boundaries, ■ site synopses, ■ Standard Data Forms, ■ the qualifying interests (for SACs) and special conservation interests (for SPAs), ■ the conservation objectives for the European sites. <p><i>Conservation Objectives for European Sites:</i></p> <p>Site-specific conservation objectives are available for a number of sites, with associated supporting documents and GIS datasets. The limitations of the data should be taken into account in the assessment, as outlined under the "Notes/Guidelines". For all other European sites, "generic" conservation objectives are available. Conservation objectives aim for the maintenance or restoration of the qualifying interests/special conservation interests to favourable conservation condition at the site level.</p> <p><i>Natural Heritage Areas:</i></p> <p>For NHAs, features of interest and dates of site designation are listed on the website; site boundaries, site synopses, and SIs are also available.</p> <p><i>Site Boundaries:</i></p>	<p>Noted with thanks. We have used these data sources to inform the baseline presented in this Scoping Report and will review these sources to update the baseline information that will be presented in the Environmental Report.</p>

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	<p>Site boundaries of nature conservation sites may be subject to change, and additional information about sites, habitats and species will become available over time. The most up-to-date data and information available from the website should be accessed and used at each successive stage of the strategy-making process.</p> <p><i>NPWS Datasets and Data Requests:</i></p> <p>GIS datasets are available for download for certain habitats and species arising from various sources, including national surveys. Other NPWS-held data and reports on habitats, species and specific sites may be requested by submitting a “Data Request Form”.</p> <p><i>Other Data Sources:</i></p> <p>Data and information on ecological interests and features in or near the plan area are or may be available from other sources, including:</p> <ul style="list-style-type: none"> ■ The National Biodiversity Data Centre (www.biodiversityireland.ie) ■ Non-governmental organisations such as BirdWatch Ireland, Bat Conservation Ireland etc. ■ Local Authority (e.g. county or sub-county habitat maps, wetland surveys, hedgerow surveys, Environmental Impact Statements and other assessments of plans and projects within the plan area, Environmental Monitoring Reports required as condition of some consented projects e.g. windfarms) ■ Environmental Protection Agency (e.g. data and information on water quality and SEA Spatial Information Sources 2016). <p><i>Important Publications</i></p> <p>NPWS publishes documents and reports on an ongoing basis and these are made available on the website. The Publications Section of the website should be used to identify key publications that are particularly relevant to the Strategy and the impacts that may arise from it, and will assist in identifying and understanding current environmental condition and problems in the receiving environment. These include conservation assessments, national species survey reports, monitoring reports for various habitats and species, threat response plans for species, national Red Lists and wildlife manuals relating to the conservation management of habitats and species in Ireland.</p> <p>Particularly significant publications in this regard include the following:</p>	

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	<ul style="list-style-type: none"> ■ 2007, 2013 and 2019 Report on the Status of EU Protected Habitats and Species (also known as the Article 17 Report) ■ 2013 Article 12 (Birds Directive) Reports: Summary Report for the period 2008-2012 and Ireland's bird species' status and trends for the period 2008-2012. ■ 2014 Ireland's Prioritised Action Framework (PAF) for the Implementation of the Birds and Habitats Directive. This framework, which has been approved by Government, identifies a range of actions needed to help improve the status of Ireland's habitats and wildlife. The possible sources of funding for these actions, across the various operational programmes, are also identified. These include short, medium and long term actions, such as conservation management strategies, more focused agri-environment schemes and habitat restoration. Action 6.1.9 of Ireland's 3rd National Biodiversity Action Plan is to "Review and update the Prioritised Action Framework for Natura 2000". This process is underway. ■ Irish Wetland Bird Survey (I-WeBS) Trend Report 2022 https://birdwatchireland.ie/app/uploads/2022/04/iwebs_trends_report.html ■ Department of Housing, Local Government and Heritage (2021) Strict Protection of Animal Species Guidance for Public Authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public Authority National Parks and Wildlife Service Guidance Series 2. 	
	<p>SEA Monitoring</p> <p>The Department welcomes the commitment by the Department to monitoring the impacts of the proposed Regulations. The monitoring programme should be clearly set out and developed in such a manner as to ensure it will identify the effects (both positive and negative) on the environment that are likely to arise, or will arise, and to monitor the effectiveness of any mitigation, if required, on which the assessment relies. Provision should be made to collect sufficient baseline information, as deemed necessary, to devise an appropriate monitoring programme and assess impacts.</p>	<p>Noted with thanks. The Monitoring Programme for monitoring the significant environmental effects of implementing the proposed regulations will be set out in the Environmental Report. The Monitoring Programme will address positive, negative and cumulative effects and will specify the monitoring frequency and authorities responsible for monitoring.</p>

Environmental Authority	Consultation Comment	Action (how comment has been addressed in this SEA Report)
	<p>Key Elements of Biodiversity</p> <p>The key elements of biodiversity, flora and fauna of relevance to SEA include the following:</p> <ul style="list-style-type: none"> ■ European sites, including Special Areas of Conservation and Special Protection Areas: these are sites of international importance for nature conservation and form part of Ireland’s contribution to the Natura 2000 network within the European Union; ■ Natural Heritage Areas (NHA): these are sites of national importance for nature conservation established under the Wildlife (Amendment) Act, 2000, and legally protected under the Wildlife Acts, 1976-2012; ■ Proposed Natural Heritage Areas (pNHAs); these are undesignated sites that are/were known to be of importance for biodiversity but have not yet been fully evaluated. Adopting a precautionary approach, sites not covered by other nature conservation designations should be given recognition in land use plans. They are often afforded a level of protection through policies in Development Plans; ■ Nature Reserves; ■ Refuges for Fauna or Flora; ■ Wetlands of International Importance under the Ramsar Convention; ■ Wildfowl Sanctuaries; ■ National Parks; ■ UNESCO Biosphere Reserves; ■ Biogenetic Reserves; ■ World Heritage Sites designated for biodiversity reasons; ■ Annex IV (Habitats Directive) species of flora and fauna, and their key habitats (i.e. breeding sites and resting places), which are strictly protected wherever they occur, whether inside or outside the above sites, e.g. otter and bats; 	<p>Noted with thanks. We have identified these key elements of biodiversity in the baseline information presented in this Scoping Report. This baseline information will also be presented in the Environmental Report.</p>

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	<ul style="list-style-type: none"> ■ Other species of flora and fauna and their key habitats which are protected under the Wildlife Acts, 1976-2018, wherever they occur, including species protected under the Flora Protection Order; ■ Birds Directive – Annex I species and other regularly occurring migratory species, and their habitats (wherever they occur), including ‘Protected species and natural habitats’ as defined in the Environmental Liability Directive (2004/35/EC) and European Communities (Environmental Liability) Regulations, 2008; ■ Habitats Directive – Annex I habitats, Annex II species and their habitats, and Annex IV species and their breeding sites and resting places (wherever they occur), including ‘Protected species and natural habitats’ as defined in the Environmental Liability Directive (2004/35/EC) and European Communities (Environmental Liability) Regulations, 2008; ■ Stepping stones and ecological corridors including nature conservation sites (other than European sites), habitat areas and species’ locations covered by Article 10 of the Habitats Directive; ■ ‘Margaritifera Sensitive Areas’; data and information about the implications of these Areas are available from the NPWS website; ■ Areas that are recognised as locally important for biodiversity or nature (e.g. in County Biodiversity and/or Development Plans, semi-natural habitats including wetlands and woodlands) ■ Areas that are considered to be of “high nature value” (e.g. farmland identified as “high nature value farmland”). ■ Watercourses, surface water bodies and associated wetlands, including floodplains and flood risk areas; ■ Other sites that may be of high biodiversity value, high nature value or ecological significance; ■ Ecological mitigation and compensation measures arising from existing plans and programmes which set or contribute to the policy context for this proposed plan/programme e.g. supporting national, regional or “higher-tier” policies; ■ Outputs of relevant monitoring programmes that inform understanding of the current environmental condition. 	

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	<ul style="list-style-type: none"> ■ Cumulative impacts from piecemeal and/or varied developments—in particular the scale of development (noting that in certain contexts the clustering of small scale/domestic scale solar energy developments and retro-fit developments can have potential significant cumulative impacts to vulnerable cultural heritage environments). ■ Possible contribution of solar energy developments and retro-fits developments on the deterioration of an already vulnerable cultural heritage asset and/or its setting. 	<p>heritage assets and views to and from these assets.</p> <ul style="list-style-type: none"> ■ Direct impacts on buried archaeology from free-standing panels ■ Erosion of the character of historic, archaeological and cultural environments. ■ Cumulative effects from the placing or erection of multiple panels in an area. These cumulative effects could be significant in vulnerable cultural heritage environments. ■ Further deterioration of an already vulnerable heritage asset such as on Listed Buildings. <p>These effects will be considered in the assessment of the proposed regulations in the Environmental Report.</p>
	<p>In general, the SEA should allow for, include provision of, the appropriate mitigation/amelioration of any identifiable direct or indirect negative impacts on Ireland's historic, archaeological and cultural environments. This may include the strengthening of existing legislation, programmes and policies at a national, regional or local level. Detailed assessment reports should be carried out in advance of the submission of planning permissions for a solar energy developments and retro-fits development. In this regard, as part of overall planning policy the NMS would strongly recommend that detailed analyses such as Building Survey, Field Survey, Cartographic and Photographic Research,</p>	<p>Noted with thanks. The Environmental Report will outline potential mitigation measures to avoid or mitigate (significant) adverse effects.</p> <p>The subsequent comment relating to detailed assessment reports being carried out in advance of the</p>

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	Geophysical/LiDAR Survey, Underwater Survey (where applicable), and possibly some localised interventions such as conservation plans/works, and/or test excavations be provided from the earliest possible stage in the process.	submission of planning permissions is not applicable to the proposed regulations as the revisions to the regulations seek to remove the requirement for planning permission for the installation of solar panels where specified criteria are met.

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International - Relevant policy and legislation

Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
2030 Agenda for Sustainable Development (2015) ³⁸	<p>The 2030 Agenda is a plan of action for people, planet and prosperity. It seeks to strengthen universal peace in larger freedom and eradicate poverty in all its forms and dimensions</p> <p>It sets out the 17 Sustainable Development Goals and 169 targets; a collection of interlinked global goals designed to be a blueprint to achieve a better and more sustainable future for all. They were developed as the future global development framework to succeed the Millennium Development Goals which ended in 2015 and are intended to be achieved by the year 2030.</p>	The SEA Framework should include objectives to promote sustainable development.
UN Paris Climate Change Agreement (2015) ³⁹	The main aim of the Paris Agreement centres on keeping global temperature rise this century below 2°C above preindustrial levels. Frameworks are to be put in place to help achieve these goals.	The SEA Framework should include objectives to adapt and mitigate climate change.
IPCC's Sixth Assessment Report on Climate Change (2022) ⁴⁰	To limit and/or reduce all greenhouse gas emissions which contribute to climate change	The SEA Framework should include objectives to support reduction in emissions of greenhouse gases.
The Cancun Agreement (2010) ⁴¹	Shared vision to keep global temperature rise to below two degrees Celsius, with objectives to be reviewed as to whether it needs to be strengthened in future on the basis of the best scientific knowledge available.	The SEA Framework should include objectives support the reduction in greenhouse gas emissions and mitigation to climate change.
Johannesburg Declaration on Sustainable Development (2002) ⁴²	Commitment to building a humane, equitable and caring global society aware of the need for human dignity for all.	The SEA Framework should include objectives to enhance the natural environment and

³⁸ United Nations (2015) Transforming our world: the 2030 Agenda for Sustainable Development (pdf) Available at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

³⁹ United Nations (2015) Paris Climate Change Agreement (pdf) Available at: https://unfccc.int/sites/default/files/english_paris_agreement.pdf

⁴⁰ IPCC (2022) Sixth Assessment Report on Climate Change (online) Available at: <https://www.ipcc.ch/report/ar6/wg2/>

⁴¹ United Nations (2010) The Cancun Agreement (online) Available at: <https://unfccc.int/process/conferences/pastconferences/cancun-climate-change-conference-november-2010/statements-and-resources/Agreements>

⁴² United Nations (2002) Johannesburg Declaration of Sustainable Development (online) Available at: https://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/POI_PD.htm

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	<p>Areas of focus include:</p> <ul style="list-style-type: none"> ■ Sustainable consumption and production patterns. ■ Accelerate shift towards sustainable consumption and production – 10-year framework of programmed of action. ■ Reverse trend in loss of natural resources. ■ Renewable energy and energy efficiency. ■ Urgently and substantially increase Global share of renewable energy. ■ Significantly reduce the rate of biodiversity loss by 2010. 	<p>promote renewable energy and energy/resource efficiency.</p>
<p>Florence (European Landscape) Convention (2000)⁴³</p>	<p>The European Landscape Convention is part of the Council of Europe’s work on natural and cultural heritage, spatial planning and the environment. The Convention states that:</p> <ul style="list-style-type: none"> ■ The landscape contributes to the formation of local cultures and that it is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity; and ■ That developments in agriculture, forestry, industrial and mineral production techniques and in regional planning, town planning, transport, infrastructure, tourism and recreation and, at a more general level, changes in the world economy are in many cases accelerating the transformation of landscapes. <p>The aims of this Convention are to promote landscape protection, management and planning and to organise European co-operation on landscape issues.</p>	<p>The SEA Framework should include objectives to protect, manage and enhance the landscape.</p>
<p>World Health Organisation (WHO) Air Quality Guidelines (1999)⁴⁴ and Guidelines for Europe (1987)</p>	<p>A comprehensive set of guidelines for air quality. Develops consistent rules for assessing 28 chemical air contaminants. Its primary aim is to provide a basis for protecting public health from adverse effects of air pollution and for eliminating, or reducing to a minimum, those contaminants of air that are known or likely to be</p>	<p>The SEA Framework should include objectives to protect air quality.</p>

⁴³ Council of Europe (2000) *Florence (European Landscape) Convention* (pdf) Available at: <https://rm.coe.int/1680080621>

⁴⁴ WHO (1999) Air quality guidelines for Europe: second edition (pdf) Available at: https://www.euro.who.int/_data/assets/pdf_file/0005/74732/E71922.pdf

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	hazardous to human health and wellbeing. The guidelines are intended to provide background information and guidance to governments in making risk management decisions, particularly in setting standards, but their use is not restricted to this.	
Aarhus Convention (1998) ⁴⁵	<p>Established a number of rights of the public with regard to the environment. Local authorities should provide for:</p> <ul style="list-style-type: none"> ■ The right of everyone to receive environmental information. ■ The right to participate from an early stage in environmental decision making. ■ The right to challenge in a court of law public decisions that have been made without respecting the two rights above or environmental law in general. 	Ensure that the public are involved and consulted at all relevant stages of SEA production.
Kyoto Protocol to the UNFCCC (1997) ⁴⁶	The Kyoto Protocol to the UNFCCC established the first policy that actively aims to reduce greenhouse gas emissions by industrialised countries.	The SEA Framework should include objectives to reduce greenhouse gas emissions and promote sustainable development.
UN Convention on Biological Diversity (1992) ⁴⁷	<p>The Convention on Biological Diversity is a multilateral treaty dedicated to promoting sustainable development signed by 150 government leaders at the 1992 Rio Earth Summit.</p> <p>The convention has three main goals: the conservation of biological diversity (or biodiversity); the sustainable use of its components; and the fair and equitable sharing of benefits arising from genetic resources. Its objective is to develop national strategies for the conservation and sustainable use of biological diversity, and it is often seen as the key document regarding sustainable development.</p>	The SEA should reflect objectives protecting biodiversity and sustainable use of its components.

⁴⁵ United Nations (1998) *Aarhus Convention* (pdf) Available at: <https://unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

⁴⁶ United Nations (1997) *Kyoto Protocol* (pdf) Available at: <https://unfccc.int/resource/docs/convkp/kpeng.pdf>

⁴⁷ United Nations (1992) *UN Convention on Biological Diversity* (pdf) Available at: <https://www.cbd.int/doc/legal/cbd-en.pdf>

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
<p>European Convention on the Protection of the Archaeological Heritage (Valletta) (1992)⁴⁸ Revision of the 1985 Granada Convention</p>	<p>Protection of the archaeological heritage, including any physical evidence of the human past that can be investigated archaeologically both on land and underwater.</p> <p>Creation of archaeological reserves and conservation of excavated sites.</p>	<p>The SEA Framework should include objectives to protect archaeological heritage.</p>
<p>Grenada Convention for the Protection of the Architectural Heritage of Europe (1985)⁴⁹</p>	<p>The main purpose of the Convention is to reinforce and promote policies for the conservation and enhancement of Europe's heritage. It also affirms the need for European solidarity with regard to heritage conservation and is designed to foster practical co-operation among the Parties.</p>	
<p>Bonn Convention on the Conservation of Migratory Species of Wild Animals (1979)⁵⁰</p>	<p>The Convention is an intergovernmental treaty under the United Nations Environment Programme. The aim is for contracting parties to work together to conserve terrestrial, marine and avian migratory species and their habitats (on a global scale) by providing strict protection for endangered migratory species.</p> <p>The overarching objectives set for the Parties are:</p> <ul style="list-style-type: none"> ■ Promote, co-operate in and support research relating to migratory species ■ Endeavour to provide immediate protection for migratory species included in Appendix I ■ Endeavour to conclude Agreements covering the conservation and management of migratory species included in Appendix II 	<p>The SEA Framework should include objectives to protect and enhance biodiversity.</p>
<p>Bern Convention on European Wildlife and Natural Habitats (1979)⁵¹</p>	<p>The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) was adopted in Bern, Switzerland in 1979, and came into force in 1982. The principal aims of the Convention are to ensure conservation and protection of wild plant and animal species and their natural habitats (listed in</p>	

⁴⁸ Council of Europe (1992) *European Convention on the Protection of the Archaeological Heritage (Valletta)* (pdf) Available at: <https://rm.coe.int/168007bd25>

⁴⁹ Council of Europe (1985) *Grenada Convention for the Protection of the Architectural Heritage of Europe* (pdf) Available at: <https://rm.coe.int/168007a087>

⁵⁰ United Nations (1979) *Bonn Convention on the Conservation of Migratory Species of Wild Animals* (pdf) Available at: https://www.cms.int/sites/default/files/instrument/CMS-text.en_.PDF

⁵¹ Council of Europe (1979) *Bern Convention on European Wildlife and Natural Habitats* (pdf) Available at: <https://rm.coe.int/1680078aff>

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	<p>Appendices I and II of the Convention), to increase cooperation between contracting parties, and to regulate the exploitation of those species (including migratory species) listed in Appendix III. To this end the Convention imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species.</p>	
<p>Geneva Convention on Long-range Transboundary Air Pollution (1979)⁵²</p>	<p>The 1979 Convention on Long-Range Transboundary Air Pollution was the first multilateral agreement addressing transboundary pollution. It created a regional framework applicable to Europe, north America, Russia and former Eastern Bloc countries for reducing transboundary air pollution and better understanding air pollution science.</p>	<p>The SEA Framework should include objectives to protect air quality.</p>
<p>UNESCO World Heritage Convention (1972)⁵³</p>	<p>The 1972 World Heritage Convention links together in a single document the concepts of nature conservation and the preservation of cultural properties. The Convention recognizes the way in which people interact with nature, and the fundamental need to preserve the balance between the two.</p> <p>The Convention defines the kind of natural or cultural sites which can be considered for inscription on the World Heritage List. It also sets out the duties of <u>States Parties</u> in identifying potential sites and their role in protecting and preserving them. By signing the Convention, each country pledged to conserve not only the World Heritage sites situated on its territory, but also to protect its national heritage.</p>	<p>The SEA Framework should include objectives relating to the conservation and enhancement of cultural heritage and natural heritage.</p>
<p>Ramsar Convention – Convention on Wetlands of International Importance (1971)⁵⁴</p>	<p>To promote the conservation and wise use of all wetlands through local, regional and national actions and international co-operation, as a contribution towards achieving sustainable development throughout the world.</p>	<p>The SEA Framework should include objectives which aim to promote conservation and wise use of wetland areas.</p>

⁵² European Commission (1979) *Geneva Convention on Long-range Transboundary Air Pollution* (pdf) Available at: https://treaties.un.org/doc/Treaties/1979/11/19791113%2004-16%20PM/Ch_XXVII_01p.pdf

⁵³ United Nations (1972) *UNESCO World Heritage Convention* (pdf) Available at: <https://whc.unesco.org/archive/convention-en.pdf>

⁵⁴ United Nations (1971) *Ramsar Convention – Convention on Wetlands of International Importance* (pdf) Available at: https://www.ramsar.org/sites/default/files/documents/library/current_convention_text_e.pdf

European – Relevant policy and legislation

Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
SEA Directive 2001 (2001) ⁵⁵ Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment	Provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.	Requirements of the SEA Directive will be met.
European Climate Law (2021) ⁵⁶	The European Climate Law writes into law the goal set out in the European Green Deal for Europe to become climate neutral by 2050. The law also sets the intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels.	The SEA Framework should include objectives to reducing GHG emissions and enhancing renewable energy production and energy efficiency.
Air Quality Directive (2008) ⁵⁷ Directive 2008/50/EC on ambient air quality and cleaner air for Europe	Avoid, prevent and reduce harmful effects of ambient noise pollution on human health and the environment.	The SEA Framework should include objectives to maintain and enhance air quality.
Renewable Energy Directive (2009, as amended in 2018) ⁵⁸ Directive EU 2009/28/EC (as amended by 2018/2001) on the promotion of the use of energy from renewable sources. Proposal for a Revision of the Renewable Energy Directive ⁵⁹ (RED II) (2021)	The Renewable Energy Directive establishes an overall policy for the production and promotion of energy from renewable sources in the EU. It requires the EU to fulfil at least 32% of its total energy needs with renewable energy by 2030 and builds on the already achieved progress. The Commission proposed a revision to the directive in July 2021 to reduce greenhouse gas emissions by at least 55% in 2030 and to raise the overall renewables target to 40%, in line with the 2030 Climate Target Plan and the EU Climate Law.	The SEA Framework should include objectives to enhance renewable energy production.

⁵⁵ European Commission (2001) *SEA Directive* (online) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0042>

⁵⁶ European Commission (2021) *European Climate Law* (online) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R1119>

⁵⁷ European Commission (2008) *The Air Quality Directive* (pdf) Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:152:0001:0044:EN:PDF>

⁵⁸ European Parliament (2018) *Renewable Energy Directive (recast)* (pdf) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&from=fr>

⁵⁹ European Commission (2021) *Proposal for a Revision of the Renewable Energy Directive* (online) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021PC0557>

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
<p>Energy Efficiency Directive (2012, as amended in 2018)⁶⁰ Directive EU 2012/27/EU on energy efficiency targets (as amended by 2018/2002) Proposal for a Recast of Energy Efficiency Directive⁶¹ (EED II) (2021)</p>	<p>The Directive aims to improve energy efficiency throughout the full energy chain, including energy generation, transmission, distribution and end-use to benefit the environment, improve air quality and public health and reduce greenhouse gas emissions and improve energy security by reducing dependence on energy imports from outside of the Union, cut energy costs for households and companies, help alleviate energy poverty, and lead to increased competitiveness.</p> <p>To meet the new EU 2030 target of reducing greenhouse gas emissions by at least 55% (compared to 1990), the European Commission put forward, in July 2021, a proposal for a new directive on energy efficiency as part of the European Green Deal. The proposal for the revised directive promotes 'energy efficiency first' as an overall principle of EU energy policy.</p>	<p>The SEA Framework should include objectives relating to energy efficiency and emissions reduction.</p>
<p>Effort Sharing Regulation (2018)⁶² Regulation (EU) 2018/842 on binding annual greenhouse gas emissions reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013</p>	<p>The Effort Sharing Regulation establishes emissions reduction targets for the EU and for Member States for sectors not included in the EU ETS (such as transport, buildings, agriculture, waste).</p>	
<p>Emissions Trading System Directive (2003)⁶³ Directive 2003/87/EC on greenhouse gas emission allowance trading within the Community and amending the Directive 96/61/EC</p>	<p>The ETS Directive provides for caps on emissions of certain installations (mainly in power and industry) and sets an EU-wide emissions reduction target.</p>	

⁶⁰ European Commission (2018) *Energy Efficiency Directive* (pdf) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2002&rid=7>

⁶¹ European Commission (2021) *Proposals for a Directive on Energy Efficiency Recast* (online) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021PC0558>

⁶² European Parliament (2018) *Effort Sharing Regulation* (online) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32018R0842>

⁶³ European Parliament (2003) *Emissions Trading System Directive* (online) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0087&from=EN>

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
<p>National Emission reduction Commitments Directive (2016)⁶⁴ Directive 2016/2284/EU</p>	<p>The NEC Directive sets 2020 and 2030 emission reduction commitments for five main air pollutants (NO_x, NMVOCs, SO₂, NH₃ and PM_{2.5} as well as carbon monoxide (CO)):</p> <ul style="list-style-type: none"> - Ceilings from 2020-2029 - SO₂ (65%); NO_x (49%); NMVOCs (25%); NH₃ (1%); and PM_{2.5} (18%). <p>It also mandates the development of a National Air Pollution Control Programme (NAPCP) for each Member State.</p>	
<p>Birds Directive (2009)⁶⁵ Directive 2009/147/EC is a codified version of Directive 79/409/EEC as amended</p>	<p>The preservation, maintenance, and re-establishment of biotopes and habitats shall include the following measures:</p> <ul style="list-style-type: none"> ■ Creation of protected areas. ■ Upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones. ■ Re-establishment of destroyed biotopes. ■ Creation of biotopes. 	<p>The SEA Framework should include objectives relating to the protection and enhancement of habitats for protected bird species.</p>
<p>Habitats Directive (1992)⁶⁶ Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora</p>	<p>Promote the maintenance of biodiversity taking account of economic, social, cultural and regional requirements. Conservation of natural habitats and maintain landscape features of importance to wildlife and fauna.</p>	<p>The SEA Framework should include objectives to protect and maintain the natural environment and important landscape features.</p>

⁶⁴ European Parliament (2016) *National Emissions reduction Commitments Directive* (online) available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.344.01.0001.01.ENG&toc=OJ:L:2016:344:TOC

⁶⁵ European Commission (2009) *Birds Directive* (online) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009L0147>

⁶⁶ European Commission (1992) *Habitats Directive* (online) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0043>

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Regulations 2022
May 2022

Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
Water Framework Directive (2000) ⁶⁷ Directive 2000/60/EC establishing a framework for community action in the field of water policy	Protection of inland surface waters, transitional waters, coastal waters and groundwater.	The SEA Framework should include objectives to protect and minimise the impact on water quality.
Floods Directive (2007) ⁶⁸ Directive 2007/60/EC on the assessment and management of flood risks	Establish a framework for the assessment and management of flood risks, aiming at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods.	The SEA Framework should include objectives that relate to flood management and reduction of risk.
Drinking Water Directive (1998) ⁶⁹ Directive 98/83/EC on the quality of water intended for human consumption	Protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean.	The SEA Framework should include objectives to protect and enhance water quality.

European – Relevant plans and programmes

Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
EU Eighth Environmental Action Programme (2020) ⁷⁰	<p>The 8th Environment Action Programme will guide European environmental policy until 2030. It aims to accelerate the transition to a climate-neutral, resource-efficient and regenerative economy. It recognises that human wellbeing and prosperity depend on the healthy ecosystems within which we operate.</p> <p>The EAP has six priority objectives:</p> <ul style="list-style-type: none"> ■ achieving the 2030 greenhouse gas emission reduction target and climate neutrality by 2050; 	The SEA Framework should include objectives to protect and enhance the natural environment and promote energy efficiency.

⁶⁷ European Commission (2000) *Water Framework Directive* (online) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060>

⁶⁸ European Commission (2007) *Floods Directive* (online) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32007L0060>

⁶⁹ Council of Europe (1998) *Drinking Water Directive* (online) Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31998L0083>

⁷⁰ European Commission (2020) *Eighth Environmental Action Programme* (pdf) Available at: <https://ec.europa.eu/environment/pdf/8EAP/2020/10/8EAP-draft.pdf>

Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	<ul style="list-style-type: none"> ■ enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change; ■ advancing towards a regenerative growth model, decoupling economic growth from resource use and environmental degradation, and accelerating the transition to a circular economy; ■ pursuing a zero-pollution ambition, including for air, water and soil and protecting the health and well-being of Europeans; ■ protecting, preserving and restoring biodiversity, and enhancing natural capital (notably air, water, soil, and forest, freshwater, wetland and marine ecosystems); and ■ reducing environmental and climate pressures related to production and consumption (particularly in the areas of energy, industrial development, buildings and infrastructure, mobility and the food system). 	
<p>2030 Climate Target Plan (2020)⁷¹</p>	<p>This assessment shows how all sectors of the economy and society can contribute to the EUs ambition of reducing greenhouse gases for the next 10 years and sets out policy actions required to achieve this. Its objectives include:</p> <ul style="list-style-type: none"> ■ Set a more ambitious and cost-effective path to achieving climate neutrality by 2050. ■ Stimulate the creation of green jobs and continue the EU's track record of cutting greenhouse gas emissions whilst growing its economy. ■ Encourage international partners to increase their ambition to limit the rise in global temperature to 1.5°C and avoid the most severe consequences of climate change. 	<p>The SEA Framework should include objectives to reduce greenhouse gas emissions.</p>

⁷¹ European Commission (2020) *2030 Climate Target Plan* (online) Available at: https://ec.europa.eu/clima/policies/eu-climate-action/2030_ctp_en

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 Regulations 2022
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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
2050 Long-Term Strategy (2020) ⁷²	<p>The EU aims to be climate-neutral by 2050 – an economy with net-zero greenhouse gas emissions. This objective is at the heart of the European Green Deal and in line with the EU’s commitment to global climate action under the Paris Agreement.</p> <p>EU Member States are required to develop national long-term strategies on how they plan to achieve the greenhouse gas emissions reductions needed to meet their commitments under the Paris Agreement and EU objectives.</p>	<p>The SEA Framework should include objectives to reduce greenhouse gas emissions.</p>
Fit for 55 Package (2021) ⁷³ European Green Deal (2019) ⁷⁴	<p>The Fit for 55 Package, published as part of the European Green Deal in 2021, sets out a suite of legislative initiatives across various sections, including energy, transport and buildings, which are intended to keep Europe on track to deliver on its climate targets.</p> <p>The European Green Deal provides an action plan to:</p> <ul style="list-style-type: none"> ■ Boost the efficient use of resources by moving to a clean, circular economy; ■ Restore biodiversity and cut pollution. <p>The Deal aims to ensure:</p> <ul style="list-style-type: none"> ■ No net emissions of greenhouse gases by 2050; ■ Economic growth decoupled from resource use; and ■ No person and no place left behind. 	<p>The SEA Framework should include objectives to promote efficient use of resources and protect and enhance the natural environment.</p>
Clean Energy for All Europeans Package (2019) ⁷⁵	<p>New energy rulebook consisting of 8 new laws, the directives of which EU countries have 1-2 years to convert into national law. Created to help with the move away from fossil fuels towards cleaner energy and deliver on the EU’s Paris Agreement</p>	<p>The SEA Framework should include objectives to reduce greenhouse gas emissions.</p>

⁷² European Commission (2020) *2050 long-term strategy* (online) Available at: https://ec.europa.eu/clima/policies/strategies/2050_en#tab-0-0

⁷³ European Commission (2021) *Fit for 55 Package* (online) Available at: <https://www.consilium.europa.eu/en/policies/green-deal/fit-for-55-the-eu-plan-for-a-green-transition/>

⁷⁴ European Commission (2019) *European Green Deal* (pdf) Available at: https://ec.europa.eu/info/sites/default/files/european-green-deal-communication_en.pdf

⁷⁵ European Commission (2019) *Clean energy for all Europeans* (online) Available at: https://op.europa.eu/en/publication-detail/-/publication/b4e46873-7528-11e9-9f05-01aa75ed71a1/language-en?WT.mc_id=Searchresult&WT.ria_c=null&WT.ria_f=3608&WT.ria_ev=search

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Regulations 2022
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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	commitments for reducing greenhouse gas emissions. It sets out ambitious energy and climate targets for 2030 and provides a stable legal framework to foster the necessary investment.	
2030 Climate and Energy Framework (2014) ⁷⁶	<p>The Framework sets out targets for climate and energy, including EU-wide targets and policy objectives for the period between 2020 and 2030.</p> <p>These targets aim to help the EU achieve a more competitive, secure and sustainable energy system to meet its long-term 2050 GHG reductions targets. The targets for 2030 include:</p> <ul style="list-style-type: none"> ■ a 40% cut in GHG emissions compared to 1990 levels; ■ at least a 32% share for renewable energy; and ■ at least 32.5% improvement in energy efficiency. 	The SEA Framework should include objectives to reduce emissions from energy production and promote energy efficiency.
EU Biodiversity Strategy for 2030 (2020) ⁷⁷	<p>The European Commission has adopted an ambitious new strategy to halt the loss of biodiversity and ecosystem services in the EU by 2020. The six targets cover:</p> <ul style="list-style-type: none"> ■ Full implementation of EU nature legislation to protect biodiversity ■ Better protection for ecosystems, and more use of green infrastructure ■ More sustainable agriculture and forestry ■ Better management of fish stocks ■ Tighter controls on invasive alien species ■ A bigger EU contribution to averting global biodiversity loss 	The SEA Framework should include objectives to value, protect and enhance biodiversity.

⁷⁶ European Commission (2014) *EU Climate and Energy Framework* (pdf) Available at: <https://data.consilium.europa.eu/doc/document/ST-169-2014-INIT/en/pdf>

⁷⁷ European Commission (2020) *EU Biodiversity strategy for 2030* (pdf) Available at: https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal/actions-being-taken-eu/eu-biodiversity-strategy-2030_en#the-business-case-for-biodiversity

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
European Spatial Development Perspective (1999) ⁷⁸	Economic and social cohesion across the community. Conservation of natural resources and cultural heritage. Balanced competitiveness between different tiers of government.	The SEA Framework should include objectives to conserve natural resources and cultural heritage .

National – Relevant policy and legislation

Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
Climate Action and Low Carbon Development (Amendment) Act 2021 ⁷⁹	<p>The Act commits the Government to transition to a climate resilient, biodiversity rich and climate neutral economy by 2050 and to thereby promote climate justice. The Act set targets for Ireland to deliver up to 80% of electricity from renewables and to reduce greenhouse gas emissions by 51% by 2030 and reach net-zero no later than 2050. The Act also introduces the following requirements:</p> <ul style="list-style-type: none"> ■ To make certain changes to the Climate Change Advisory Council. ■ To provide for carbon budgets and a sectoral emissions ceiling to apply to different sectors of the economy. ■ To provide for reporting by Ministers of the Government to a joint committee of the Houses of the Oireachtas. ■ To provide for local authority climate action plans. ■ To amend the Climate Action and Low Carbon Development Act 2015. ■ To provide that local authorities shall, when making development plans, take account of their climate action plans and, for that purpose to amend the Planning and Development Act 2000. 	The SEA Framework should include objectives relating to climate action including reducing greenhouse gas emissions and supporting renewable and low carbon development .

⁷⁸ European Commission (1999) *European Spatial Development Perspective* (pdf) Available at: https://ec.europa.eu/regional_policy/sources/docoffic/official/reports/pdf/sum_en.pdf

⁷⁹ Government of Ireland (2021) *Climate Action and Low Carbon Development (Amendment) Act 2021* (pdf) Available at: <https://www.irishstatutebook.ie/eli/2021/act/32/section/15/enacted/en/html>

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	<ul style="list-style-type: none"> ■ To extend the purposes for which moneys may be paid out of the Climate Action Fund and, for that purpose to amend the National Oil Reserves Agency Act 2007. 	
<p>Climate Action Plan 2021⁸⁰</p>	<p>The Climate Action Plan 2021 provides a detailed plan of targets and actions to achieve a 51% reducing in overall GHG emissions by 2030 and net zero by no later than 2050. The Plan also aims to increase the proportion of renewable energy to up to 80% by 2030.</p> <p>Emissions reductions by 2030 – by sector:</p> <ul style="list-style-type: none"> ■ Electricity: 62-81% ■ Transport: 42-50% ■ Buildings: 44-56% ■ Industry/Enterprise: 29-41% ■ Agriculture: 22-30% reduction ■ Land Use, Land Use Change and Forestry (LULUCF): 37-58% 	<p>The SEA Framework should include objectives relating to mitigation of and adaptation to climate change.</p>
<p>Project Ireland 2040 National Planning Framework (2018)⁸¹</p>	<p>National Planning Framework guides high-level strategic planning and development for the country over the next 20+ years. The key objectives of the Framework are to:</p> <ul style="list-style-type: none"> ■ Guide the future development of Ireland, taking into account a projected 1 million increase in our population, the need to create 660,000 additional jobs to achieve full employment and a need for 550,000 more homes by 2040; ■ Enable people to live closer to where they work, moving away from the current unsustainable trends of increased commuting; 	<p>The SEA Framework should include objectives to sustainably guide development.</p>

⁸⁰ Government of Ireland (2021) *Climate Action Plan 2021* (pdf) Available at: <https://assets.gov.ie/203558/f06a924b-4773-4829-ba59-b0feec978e40.pdf>

⁸¹ Government of Ireland (2018) *Project Ireland 2040 National Planning Framework* (pdf) Available at: <https://assets.gov.ie/100716/f6daba1e-cb06-4eeb-94a7-98fea655517e.pdf>

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	<ul style="list-style-type: none"> ■ Regenerate rural Ireland by promoting environmentally sustainable growth patterns; ■ Plan for and implement a better distribution of regional growth, in terms of jobs and prosperity; ■ Transform settlements of all sizes through imaginative urban regeneration and bring life / jobs back into cities, towns and villages; ■ Co-ordinate delivery of infrastructure and services in tandem with growth, through joined-up NPF/National Investment Plan and consistent sectoral plans, which will help to manage this growth and tackle congestion and quality of life issues in Dublin and elsewhere. 	
<p>National Adaptation Framework (2018)⁸² Sectoral Adaptation Plans (various years)⁸³</p>	<p>National Adaptation Framework was published in 2018 and it sets out the national strategy to reduce the vulnerability of the country to the negative effects of climate change and to avail of positive impacts.</p> <p>Building on the measures outlined in the National Adaptation Framework, the Government has prepared 12 Sectoral Adaptation Plans, including one for Electricity and Gas Networks.</p>	<p>The SEA Framework should include objectives relating to climate adaptation.</p>
<p>National Renewable Electricity Policy and Development Framework (in preparation)⁸⁴</p>	<p>The Renewable Electricity Policy and Development Framework is currently being prepared, however it will aim at optimising the opportunities for producing electricity from renewable energy sources in projects of significant scale on land, to serve both the All Island Single Electricity Market (SEM) and any future EU regional market.</p>	<p>The SEA Framework should include objectives to support renewable energy production.</p>

⁸² Government of Ireland (2018) *National Adaptation Framework* (pdf) Available at: <https://assets.gov.ie/76430/d35c3843-29c7-419a-b48b-ad5db2bfb118.pdf>

⁸³ Nine Climate Change Sectoral Adaptation Plans have been prepared under the National Adaptation Framework for the following sectors: Agriculture, Forestry and Seafood; Biodiversity; Built and Archeological Heritage; Transport Infrastructure; Electricity and Gas Networks; Communications Networks; Flood Risk Management; Water Quality and Water Services Infrastructure; and Health. Available at: <https://www.gov.ie/en/collection/51df3-sectoral-adaptation-planning/>

⁸⁴ Government of Ireland (in preparation) *National Renewable Electricity Policy and Development Framework* (pdf) Available at: <https://www.iudodesign.com/wp-content/uploads/2016/02/Renewable-Electricity-SEA-Report-web-Eng.pdf>

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	<p>It is intended that the Renewable Electricity Policy and Development Framework will:</p> <ul style="list-style-type: none"> ■ set out a clear national policy context to facilitate renewable electricity developments at large scale on land; ■ work toward a low carbon future to counter climate change; ■ enhance security of supply; ■ add to competitiveness and growth in the economy; ■ broadly identify a limited number of suitable, strategic areas in Ireland for renewable electricity generation of scale (these can be incorporated into a revised National Spatial Strategy, Regional Guidelines and development plans subsequently) having regard to considerations of amenity, heritage and efficacy; ■ provide guidance to planning authorities, including An Bord Pleanála, when considering proposals for renewable electricity generation, supplementing the guidance contained in the existing Wind Energy Development Guidelines for Planning Authorities, 2006; ■ in consultation with the Department of Environment, Community and Local Government, include guidance in relation to community engagement; and ■ set out Government policy in relation to any future trading of renewable electricity within the EU regional market. 	
<p>European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004)⁸⁵</p>	<p>These Regulations carry into effect in Ireland Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment insofar as the Directive relates to plans and programmes in all of the sectors listed in article 3(2) of the Directive except land-use planning.</p>	<p>Requirements of the SEA Regulations will be met.</p>

⁸⁵ Irish Ministers (2004) *European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004* (online) Available at: <http://www.irishstatutebook.ie/eli/2004/si/435/made/en/print>

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
<p>European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (S.I. No. 200 of 2011)⁸⁶</p>	<ul style="list-style-type: none"> ■ They concern the consideration of the likely significant effects on the environment of such plans and programmes. ■ They prescribe procedures and contents of environmental reporting, monitoring and assessment in relation to all plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications and tourism. ■ Aims to set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive. ■ Considers transboundary environmental effects in specified cases. 	
<p>The Wildlife Act 1976 and Wildlife (Amendment) Act 2000⁸⁷</p>	<p>The main objectives of the Wildlife (Amendment) Act, 2000 are to:</p> <ul style="list-style-type: none"> ■ provide a mechanism to give statutory protection to NHAs; ■ provide for statutory protection for important geological and geomorphological sites, including fossil sites by designation as NHAs; ■ improve some existing measures, and introduce new ones, to enhance the conservation of wildlife species and their habitats; ■ enhance a number of existing controls in respect of hunting, which are designed to serve the interests of wildlife conservation; ■ broaden the scope of the Wildlife Acts to include most species, including the majority of fish and aquatic invertebrate species which were excluded from the 1976 Act; ■ introduce new provisions to enable regulation of the business of commercial shoot operators; 	<p>The SEA Framework should include objectives relating to the protection of wildlife.</p>

⁸⁶ Irish Ministers (2011) *European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011* (online) Available at: <http://www.irishstatutebook.ie/eli/2011/si/200/made/en/print>

⁸⁷ Irish Ministers (2000) *The Wildlife Act 1976 and Wildlife (Amendment) Act 2000* (online) Available at: <http://www.irishstatutebook.ie/eli/2000/act/38/enacted/en/print>

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	<ul style="list-style-type: none"> ■ ensure or strengthen compliance with international agreements and, in particular, enable Ireland to ratify the Convention on International Trade in Endangered Species (CITES) and the African-Eurasian Migratory Waterbirds Agreement (AEWA). ■ increase substantially the level of fines for contravention of the Wildlife Acts and to allow for the imposition of prison sentences; ■ provide mechanisms to allow the Minister to act independently of forestry legislation, for example, in relation to the acquisition of land by agreement; ■ strengthen the provisions relating to the cutting of hedgerows during the critical bird-nesting period and include a requirement that hedgerows may only be cut during that period by public bodies, including local authorities, for reasons of public health or safety; ■ strengthen the protective regime for Special Areas of Conservation (SACs) by removing any doubt that protection will in all cases apply from the time of notification of proposed sites; ■ and give specific statutory recognition to the Minister's responsibilities in regard to promoting the conservation of biological diversity, in light of Ireland's commitment to the UN Convention on Biological Diversity. 	
<p>European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011 as amended)⁸⁸</p>	<p>The European Communities (Birds and Natural Habitats) Regulations 2011 (S. I. No. 477 of 2011) transpose the Habitats Directive and the Birds Directive.</p> <p>Previously, the Birds and Habitats Directives had been transposed into Irish law through inter alia the Wildlife Act 1976 and the European Communities (Natural Habitats) Regulations, 1997. However, two judgments of the Court of Justice of the EU (CJEU) – notably cases C-418/04 and C-183/05 - found that Ireland had not adequately transposed the two Directives. Therefore, the 2011 Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats)(Control of Recreational</p>	<p>The SEA Framework should include objectives relating to the protection of birds and natural habitats.</p>

⁸⁸ Irish Ministers (2011) *European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011 as amended)* (online) Available at: <http://www.irishstatutebook.ie/eli/2011/si/477/made/en/print>

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgments.	

National – Relevant plans and programmes

Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
National Energy and Climate Plan 2021-2030 (2020)⁸⁹	<p>The National Energy and Climate Plan 2021-2030 was published in 2020 in accordance with the Governance of the Energy Union and Climate Action Regulation. The key objectives of the Plan include:</p> <ul style="list-style-type: none"> ■ Reduce emissions from sectors outside the EU's Emissions Trading System by 30% (relative to 2005 levels by 2030). ■ Achieving a 34% share of renewable energy in energy consumption by 2030. ■ Increase electricity generated from renewable sources to 70%. ■ At least 3.5 GW of offshore renewable energy. ■ Up to 1.5GW of grid scale solar energy. ■ Onshore wind capacity of up to 8.2GW. ■ Contribute towards the EU wide target of achieving at least 32.5% improvement in energy efficiency by 2030. ■ Maintain the security of the energy system in the most cost-effective manner. 	<p>The SEA Framework should include objectives relating to enhancing renewable energy production and action on climate change.</p>

⁸⁹ Government of Ireland (2020) *National Energy and Climate Plan 2021-2030* (online) available at: <https://www.gov.ie/en/publication/0015c-irelands-national-energy-climate-plan-2021-2030/>

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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	<ul style="list-style-type: none"> ■ Continue to deepen the integration of IRL's wholesale electricity market, and its regulation, with the EU internal energy market (IEM), building on well-known ongoing plans, programmes and actions in this regard. ■ Continue to develop Ireland's natural gas market in line with European energy policy. ■ Develop further interconnection to facilitate Ireland's 2030 target of 70% renewable electricity. ■ Ensure that the best scientific evidence and advice is available to underpin Government policy and support the objectives, policies and measures in Ireland's NECP. <p>Given the level of Ireland's ambition regarding reduction of greenhouse gas emissions new technologies must be developed and deployed in the coming years.</p>	
<p>Programme for Government: Our Shared Future (2020)⁹⁰</p>	<p>The Programme for Government sets out actions over the next five years with an objective to positively contribute towards a wider global response to the post-COVID recovery is shaped and become an exemplar in decarbonising of the economy.</p> <p>The Programme specifically encourages expanding and incentivising micro generation, including roof-top solar energy. It also aims to develop a Solar Energy Strategy for rooftop and ground-based photovoltaics, to ensure that a greater share of the electricity is met through solar energy.</p>	<p>The SEA Framework should include objectives reflecting the objectives of the Programme for Government.</p>
<p>National Clean Air Strategy (in preparation) Cleaning Our Air: Public Consultation to inform the development of a National Clean Air Strategy⁹¹</p>	<p>This consultation document aims to inform the development of a national clean air strategy in order to address the challenges and impacts of air pollution. It provides a background to the national, EU and international approaches to improving air quality and seeks to set out the main sectoral issues in relation to air quality which are of</p>	<p>The SEA Framework should include objectives to maintain and enhance air quality.</p>

⁹⁰ Government of Ireland (2020) *Programme for Government: Our Shared Future* (pdf) Available at: <https://assets.gov.ie/130911/fe93e24e-dfe0-40ff-9934-def2b44b7b52.pdf>

⁹¹ Government of Ireland (2017) *Cleaning Our Air: Public Consultation to inform the development of a National Clean Air Strategy* (pdf) available at: <https://assets.gov.ie/94852/74f00e21-439b-4aa1-9ef8-88399d8b0458.pdf>

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SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
 May 2022

Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
	<p>relevance, and for which further actions could be considered in a national clean air strategy.</p> <p>The main issues are identified, based on the overall importance of the emission sources, the consequential public exposure to air pollution, and the resulting health and environment impacts.</p>	
<p>National Landscape Strategy 2015-2020 (2015)⁹²</p>	<p>The National Landscape Strategy was introduced in 2020 and it is used to ensure compliance with the European Landscape Convention and to establish principles for protecting and enhancing it while positively managing its change. It is a high-level policy framework to achieve balance between the protection, management and planning of the landscape by way of supporting actions.</p> <p>The key objectives of the Strategy include:</p> <ul style="list-style-type: none"> ■ implement the European Landscape Convention by integrating landscape into our approach to sustainable development; ■ establish and embed a public process of gathering, sharing and interpreting scientific, technical and cultural information in order to carry out evidence-based identification and description of the character, resources and processes of the landscape; ■ provide a policy framework, which will put in place measures at national, sectoral - including agriculture, tourism, energy, transport and marine - and local level, together with civil society, to protect, manage and properly plan through high quality design for the sustainable stewardship of our landscape; ■ ensure that we take advantage of opportunities to implement policies relating to landscape use that are complementary and mutually reinforcing and that conflicting policy objectives are avoided in as far as possible. 	<p>The SEA Framework should include objectives relating to landscape management and protection.</p>

⁹² Government of Ireland (2015) *National Landscape Strategy for Ireland 2015 – 2025* (pdf) Available at: <https://assets.gov.ie/95852/388d4758-50c1-42bd-9adc-0bdf1291765.pdf>

Appendix B
Relevant plans and programmes

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
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Plan, Policy, Programme or Environmental Protection Objective	Key objectives	Implications for SEA
Heritage Ireland 2030 ⁹³ (2021)	Heritage Ireland 2030 is Ireland's new national heritage plan. It sets out values, principles, strategic priorities to guide and inform the heritage sector over the next decade.	The SEA Framework should include objectives to protect cultural and natural heritage assets .
National Biodiversity Plan 2017-2021 (2017) ⁹⁴ <i>(Although the Plan is out of date it is still the most relevant national plan relating to biodiversity)</i>	The National Biodiversity Plan is the third such plan for Ireland. Its key objectives include: <ul style="list-style-type: none"> ■ Mainstream biodiversity into decision-making across all sectors; ■ Strengthen the knowledge base for conservation, management and sustainable use of biodiversity; ■ Increase awareness and appreciation of biodiversity and ecosystems services; ■ Conserve and restore biodiversity and ecosystem services in the wider countryside; ■ Conserve and restore biodiversity and ecosystem services in the marine environment; ■ Expand and improve management of protected areas and species; ■ Strengthen international governance for biodiversity and ecosystem services. 	The SEA Framework should include objectives relating to the protection and restoration of biodiversity .
Regional Spatial and Economic Strategies ⁹⁵	The Regional Spatial and Economic Strategy provides the roadmap for effective regional development. It introduces the concept of a Growth Framework to achieve this integration. It also provides a high-level development framework for the northern and Western Region that supports the implementation of the National Planning Framework and the relevant economic policies and objectives of Government. It provides a 12-year strategy to deliver the transformational change that is necessary to achieve the objectives and vision of the Regional Assembly.	The SEA Framework should include objectives that align with the Regional Spatial and Economic Strategies .

⁹³ Government of Ireland (2021) *Heritage Ireland 2030* (online) Available at: <https://www.gov.ie/en/publication/778b8-heritage-ireland-2030/>

⁹⁴ Department of Culture, Heritage and the Gaeltacht (2017) National Biodiversity Action Plan 2017-2021 (pdf) Available at: <https://www.npws.ie/sites/default/files/publications/pdf/National%20Biodiversity%20Action%20Plan%20English.pdf>

⁹⁵ Regional Assemblies (2020) *Regional Spatial and Economic Strategies* (pdf) Available at: <https://www.nwra.ie/pdfs/NWRA-RSES-2020-2032.pdf>

Appendix C

Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Regulations relating to houses

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
<p>Class 2 of Part 1 of Schedule 2</p> <p>c. The placing or erection on a roof or within the curtilage of a house, or any ancillary buildings within the curtilage of a house (this class does not include apartments), of a solar photo-voltaic and/ or a solar thermal collector installation.</p> <p>Note: the exemption of wall mounted installations has been removed from the Principal Regulations.</p>	The total aperture area of any such panel, taken together with any other such panel previously placed on or within the said curtilage, shall not exceed 12 square metres or 50% of the total roof area, whichever is the lesser.	N/A	Removal of 12 square metre / 50% of the total roof area limit.
	The distance between the plane of the wall or a pitched roof and the panel shall not exceed 15 centimetres.	1. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector installation shall not exceed:	No change proposed.
	The distance between the plane of a flat roof and the panel shall not exceed 50 centimetres.	a. 15cm in the case of a pitched roof, or b. 50cm in the case of a flat roof.	
	The solar panel shall be a minimum of 50cm from any edge of the wall or roof on which it is mounted.	2. The solar photo-voltaic or solar thermal collector installation shall be a minimum of 50cm from the edge of a roof on which it is mounted.	No longer allowed on walls.
	A free-standing solar array shall not be placed on or forward of the front wall of a house.	3. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed forward of the front wall of the house.	No change proposed.
	N/A	4. The total aperture area of any free-standing solar photo-voltaic and/ or solar thermal collector installations taken together with any other such existing free-standing installations, shall not exceed 25 square metres.	New condition – Total area of free-standing solar installation shall not exceed 25 square metres.
	The erection of any free-standing solar array shall not reduce the area of private open space, reserved exclusively for the use of the occupants	5. The erection of any free-standing solar photo-voltaic or solar thermal collector installation shall not reduce the remaining area of private open	No change proposed.

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Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
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Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
	of the house, to the rear or to the side of the house to less than 25 square metres.	space, reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres.	
	The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level.	6. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres, at its highest point, above ground level.	Height limit increased from 2 metres to 2.5 metres.
	The installation or erection of a solar panel on, or within the curtilage of a house, or any buildings within the curtilage of a house.	7. The placing of a solar photo-voltaic or solar thermal collector installation on any wall is not exempted by this Class.	New condition – Exemption does not apply to the placing of solar panels on walls.
	N/A	8. The placing of a solar photo-voltaic or solar thermal collector installation on a pitched roof on an elevation facing a road, or the placing of any free-standing solar photo-voltaic or solar thermal collector installation, is not exempted by this Class where the house is a protected structure, proposed protected structure or located within an Architectural Conservation Area.	New condition – Exemption does not apply where the installation is on a pitched roof of a house facing a road and is classed as a protected structure, proposed protected structure or is located within an Architectural Conservation Area.

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Regulations relating to industrial buildings

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
<p>Class 56 of Part 1 of Schedule 2</p> <p>d. The placing or erection on a roof or wall of, or within the curtilage of an industrial building, or any ancillary buildings within the curtilage of an industrial building, of a solar photo-voltaic and/ or a solar thermal collector installation.</p>	Any equipment associated with the panels, including water tanks, shall be located within the roof space of the building.	N/A	Specification that ancillary equipment such as water tanks to be located within the roof space of the building is removed.
	N/A	<p>1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic panels and/ or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 60 square metres.</p>	New condition – The total area of solar installations in solar safeguarding zones shall not exceed 60 square metres.
	The distance between the plane of the wall or a pitched roof and the panel shall not exceed 1 metre.	<p>2. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector installation shall not exceed:</p> <p>a. 1.2 metres in the case of a pitched roof, or</p> <p>b. 2 metres in the case of a flat roof.</p>	Distance between the plane of the roof and solar installation for pitched roofs is increased from 1 meter to 1.2 metres.
	The distance between the plane of a flat roof and the panel shall not exceed 2 metres.		Condition relating to flat roofs remains unchanged.
	The solar panel shall be a minimum of 50cm from the edge of the wall or roof on which it is mounted.	<p>3. The solar photo-voltaic or solar thermal collector installation shall be a minimum of:</p> <p>a. 50cm from the edge of a pitched roof on which it is mounted ,or</p> <p>b. 2 metres from the edge of a flat roof on which it is mounted.</p>	New condition – Installation must be 2 metres from the edge of a flat roof on which it is mounted.
	N/A	<p>4. Development is only exempted by this Class where the highest part of the solar photo-voltaic</p>	Condition relating to pitched roofs remains unchanged.
	New condition – Solar panels must not exceed the highest part		

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Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
		or solar thermal installation does not exceed the highest part of a pitched roof (excluding any chimney).	of a pitched roof (excluding any chimney).
	N/A	5. Any ancillary equipment associated with a solar photo-voltaic or solar thermal collector installation on a roof, including inverters and water tanks, shall not be erected on a wall or pitched roof.	New condition - Ancillary equipment must not be erected on a wall or pitched roof.
	N/A	6. The height of any ancillary equipment associated with a solar photo-voltaic or solar thermal collector installation on a flat roof, including inverters and water tanks, shall not exceed 1.6 metres above roof level.	New condition – Height of ancillary equipment on a flat roof must not exceed 1.6 metres above roof level.
	N/A	7. Any ancillary equipment associated with a solar photo-voltaic or solar thermal collector installation on a flat roof, including inverters and water tanks, shall be a minimum of 2 metres from the edge of the roof on which it is mounted.	New condition - Ancillary equipment must be a minimum of 2 metres from the edge of a flat roof on which it is mounted.
	The total aperture area of any wall mounted panel, or free-standing solar array shall not exceed 50 square metres.	8. The total aperture area of any wall mounted solar photo-voltaic and/ or solar thermal collector installations taken together with any other such existing wall mounted installations, shall not exceed 60 square metres.	Wall mounted exemptions increased to a maximum of 60 square metres from 50 square metres.
	N/A	9. The distance between the plane of the wall and the solar photo-voltaic or solar thermal collector installation shall not exceed 15cm.	New condition – Distance between the plane of a wall and installation must not exceed 15cm.

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Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
	N/A	10. The solar photo-voltaic or solar thermal collector installation shall be a minimum of 50cm from the edge of the wall on which it is mounted.	New condition – Installation must be a minimum of 50cm from the edge of the wall on which it is mounted.
	N/A	11. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be located forward of the front wall of the building or premises.	New condition – Free-standing installations must not be on the front wall of the building or premises.
	N/A	12. The total aperture area of any free-standing solar photo-voltaic and/ or solar thermal collector installations taken together with any other such existing free-standing installations, shall not exceed 60 square metres.	New condition – Total area of free-standing installations must not exceed 60 square metres.
	The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level.	13. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres, at its highest point, above ground level.	Height limit increased from 2 metres to 2.5 metres.
	N/A	14. The placing of a solar photo-voltaic or solar thermal collector installation on any wall, or on a pitched roof on an elevation facing a road, or the placing of any free-standing solar photo-voltaic or solar thermal collector installation is not exempted by this Class where the building is a protected structure, proposed protected structure or located within an Architectural Conservation Area.	New condition – Exemption does not apply where the installation is on a pitched roof of an industrial building facing a road and is classed as a protected structure, proposed protected structure or is located within an Architectural Conservation Area.

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Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
	No sign, advertisement or object, not required for the functioning or safety of the panel shall be attached to or exhibited on the panels.	15. No sign, advertisement or object, not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.	No change proposed.
	N/A	16. Development is only exempted by this Class where the solar photo-voltaic or solar thermal collector installation is primarily to be used for the provision of electricity or heating for; (a) the building, or (b) any ancillary buildings within the curtilage of the building, or (c) any ancillary uses within the curtilage of the building.	New condition – Exemption only applies where the installation relates primarily to the provision of electricity or heating for the building, or any ancillary buildings/uses within the curtilage of the building.

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Regulations relating to business premises or light industrial buildings

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
<p>e. Class 56 of Part 1 of Schedule 2</p> <p>The placing or erection on a roof or within the curtilage of, a business premises or light industrial building, or any ancillary buildings within the curtilage of such premises or buildings, of a solar photo-voltaic and/ or solar thermal collector installation.</p>	The total aperture area of any such panel, taken together with any other such panel previously placed on or within the said curtilage, shall not exceed 50 square metres or 50% of the total roof area, whichever is the lesser.	N/A	Restriction limiting solar installations to 50% of the total roof area is removed.
	Any equipment associated with the panels, including water tanks, shall be located within the roof space of the building.	N/A	Specification that ancillary equipment such as water tanks to be located within the roof space of the building is removed.
	N/A	<p>1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic panels and/ or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 60 square metres.</p>	New condition – The total area of solar installations in solar safeguarding zones shall not exceed 60 square metres.
	The distance between the plane of a pitched roof and the panel shall not exceed: (a) 50cm in the case of a light industrial building. (b) 15cm in the case of a business premises.	<p>2. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector installation shall not exceed:</p> <p>a. 50cm in the case of a pitched roof on a light industrial building.</p> <p>b. 15cm in the case of a pitched roof on a business premises.</p>	<p>No change proposed for pitched roofs.</p> <p>Distance between the plane of the roof and solar installation for flat roofs on a business premises is increased from 1 metre to 1.2 metres. Condition relating to flat roofs in light industrial buildings remains unchanged.</p>
	The distance between the plane of a flat roof and the panel shall not exceed: (a) 2 metres in the case of a light industrial building. (b) 1 metre in the case of a business premises.		

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Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
		<p>c. 2 metres in the case of a flat roof on a light industrial building.</p> <p>d. 1.2 metres in the case of a flat roof on a business premises.</p>	
	The solar panel shall be a minimum of 50cm from the edge of the roof on which it is mounted, or 2 metres in the case of a flat roof.	<p>3. The solar photo-voltaic or solar thermal collector installation shall be a minimum of:</p> <p>a. 50cm from the edge of a pitched roof on which it is mounted ,or</p> <p>b. 2 metres from the edge of a flat roof on which it is mounted.</p>	No change proposed.
	N/A	4. Development is only exempted by this Class where the highest part of the solar photo-voltaic or solar thermal installation does not exceed the highest part of a pitched roof (excluding any chimney).	New condition – Solar panels must not exceed the highest part of a pitched roof (excluding any chimney).
	N/A	5. Any ancillary equipment associated with a solar photo-voltaic or solar thermal collector installation on a roof, including inverters and water tanks, shall not be erected on a wall or pitched roof.	New condition - Ancillary equipment must not be erected on a wall or pitched roof.
	N/A	6. The height of any ancillary equipment associated with a solar photo-voltaic or solar thermal collector installation on a flat roof, including inverters and water tanks, shall not exceed 1.6 metres above roof level.	New condition – Height of ancillary equipment on a flat roof must not exceed 1.6 metres above roof level.
	N/A	7. Any ancillary equipment associated with a solar photo-voltaic or solar thermal collector installation	New condition - Ancillary equipment must be a minimum

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Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
		on a flat roof, including inverters and water tanks, shall be a minimum of 2 metres from the edge of the roof on which it is mounted.	of 2 metres from the edge of a flat roof on which it is mounted.
	A free-standing solar array shall not be located forward of the front wall of the building or premises.	8. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be located forward of the front wall of the building or premises.	No change proposed.
	The total aperture area of any free-standing solar array shall not exceed 25 square metres.	9. The total aperture area of any free-standing solar photo-voltaic and/ or solar thermal collector installations taken together with any other such existing free-standing installations, shall not exceed 60 square metres.	Area limit increased from 25 square metres to 60 square metres.
	The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level.	10. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres, at its highest point, above ground level.	Height limit increased from 2 metres to 2.5 metres.
	Such a solar panel may not be installed or erected on a wall of such a premises or building	11. The placing of a solar photo-voltaic or solar thermal collector installation on any wall is not exempted by this Class.	New condition – Exemption does not apply to the placing of solar panels on walls.
	N/A	12. The placing of solar photo-voltaic or solar thermal collector installation on any wall, or on a pitched roof on an elevation facing a road, or the placing of any free-standing solar photo-voltaic or solar thermal collector installation is not exempted by this Class where the building is a protected structure, proposed protected structure or located within an Architectural Conservation Area.	New condition – Exemption does not apply where the installation is on a pitched roof of a business premises / light industrial building facing a road and is classed as a protected structure, proposed protected

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Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
			structure or is located within an Architectural Conservation Area.
	No sign, advertisement or object, not required for the functioning or safety of the panel shall be attached to or exhibited on the panels.	13. No sign, advertisement or object, not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.	No change proposed.
	N/A	14. Development is only exempted by this Class where the solar photo-voltaic or solar thermal collector installation is primarily to be used for the provision of electricity or heating for; (a) the premises or building, or (b) any ancillary buildings within the curtilage of such premises or buildings, or (c) any ancillary uses within the curtilage of such premises or buildings	New condition – Exemption only applies where the installation relates primarily to the provision of electricity or heating for the operational building, or any ancillary buildings/uses within the curtilage of such premises or buildings.

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X)
Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations
2022
May 2022

Regulations relating to apartment buildings

Description of development in proposed regulations	Proposed Conditions and Limitations
<p>Class 60</p> <p>The placing or erection on a roof of a building comprising apartments, or any ancillary buildings within the curtilage of such a building, of a solar photo-voltaic and/ or solar thermal collector installation.</p>	<ol style="list-style-type: none"> 1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic panels and/ or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 60 square metres. 2. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector installation shall not exceed: <ol style="list-style-type: none"> a. 15cm in the case of a pitched roof, or b. 1.2 metres in the case of a flat roof. 3. The solar photo-voltaic or solar thermal collector installation shall be a minimum of: <ol style="list-style-type: none"> a. 50cm from the edge of a pitched roof on which it is mounted ,or b. 2 metres from the edge of a flat roof on which it is mounted. 4. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a roof, including inverters and water tanks, shall not be erected on a wall or pitched roof. 5. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof, including inverters and water tanks, shall not exceed 1.6 metres above roof level. 6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof, including inverters and water tanks, shall be a minimum of 2 metres from the edge of the roof on which it is mounted. 7. The placing of a solar photo-voltaic or solar thermal collector installation on any wall or the placing of any free-standing solar photo-voltaic or solar thermal collector installation is not exempted by this Class. 8. The placing of solar photo-voltaic or solar thermal collector installation on a pitched roof on an elevation facing a road is not exempted by this Class where the premises or building is a protected structure, proposed protected structure or located within an Architectural Conservation Area.

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Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Proposed Conditions and Limitations
	<p>9. No sign, advertisement, or object, not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</p> <p>10. Development is only exempted by this Class where the solar photo-voltaic or solar thermal collector installation is primarily to be used for the provision of electricity or heating for;</p> <ul style="list-style-type: none">(a) the building, or(b) any ancillary buildings within the curtilage of the building, or(c) any ancillary uses within the curtilage of the building/s

Regulations relating to educational facilities, health care facilities, sports facilities, community facilities, places of worship and libraries

Description of development in proposed regulations	Proposed Conditions and Limitations
<p>Class 61</p> <p>The placing or erection on the roof or within the curtilage of an educational building; health centre or hospital; recreational or sports facility; place of worship or community facility or centre; library, or any ancillary buildings within the curtilage of such premises or building, of a solar photo-voltaic and/ or solar thermal collector installation.</p>	<ol style="list-style-type: none"> 1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic panels and/ or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 60 square metres. 2. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector installation shall not exceed: <ol style="list-style-type: none"> a. 15cm in the case of a pitched roof, or b. 1.2 metres in the case of a flat roof. 3. The solar photo-voltaic or solar thermal collector installation shall be a minimum of: <ol style="list-style-type: none"> a. 50cm from the edge of a pitched roof on which it is mounted ,or b. 2 metres from the edge of a flat roof on which it is mounted. 4. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a roof, including inverters and water tanks, shall not be erected on a wall or pitched roof. 5. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof, including inverters and water tanks, shall not exceed 1.6 metres above roof level. 6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof, including inverters and water tanks, shall be a minimum of 2 metres from the edge of the roof on which it is mounted. 7. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be located forward of the front wall of the building or premises. 8. The total aperture area of any free-standing solar photo-voltaic and/ or solar thermal collector installations taken together with any other such existing free-standing installations, shall not exceed 60 square metres.

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Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Proposed Conditions and Limitations
	<p>9. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres, at its highest point, above ground level.</p> <p>10. The placing of a solar photo-voltaic or solar thermal collector installation on any wall is not exempted by this Class.</p> <p>11. The placing of solar photo-voltaic or solar thermal collector installation on a pitched roof on an elevation facing a road, or the placing of any free-standing solar photo-voltaic or solar thermal collector installation, is not exempted by this Class where the premises or building is a protected structure, proposed protected structure or located within an Architectural Conservation Area.</p> <p>12. No sign, advertisement or object, not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</p> <p>13. Development is only exempted by this Class where the solar photo-voltaic or solar thermal collector installation is primarily to be used for the provision of electricity or heating for;</p> <p>(a) the premises or building, or</p> <p>(b) any ancillary buildings within the curtilage of such premises or buildings, or</p> <p>(c) any ancillary uses within the curtilage of such premises or buildings.</p>

Regulations relating to agricultural structures

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
<p>Class 18 of Part 3 of Schedule 2</p> <p>c. The placing or erection on a roof or wall of an agricultural structure, or</p>	<p>The total aperture area of any such panel, taken together with any other such panel previously placed on or within the said holding, shall not</p>	<p>N/A</p>	<p>Restriction limiting solar installations to 50% of the total roof area is removed.</p>

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Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
<p>within the curtilage of an agricultural holding, or any ancillary buildings within the curtilage of an agricultural holding, of a solar photo-voltaic and/ or solar thermal collector installation.</p>	<p>exceed 50 square metres or 50% of the total roof area, whichever is the lesser.</p>		
	<p>Any equipment associated with the panels, including water tanks, shall be located within the roof space of the building.</p>	<p>N/A</p>	<p>Specification that ancillary equipment such as water tanks to be located within the roof space of the building is removed.</p>
	<p>N/A</p>	<p>1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic panels and/ or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 60 square metres.</p>	<p>New condition – The total area of solar installations in solar safeguarding zones shall not exceed 60 square metres.</p>
	<p>The distance between the plane of a pitched roof and the panel shall not exceed 50cm.</p>	<p>2. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector installation shall not exceed:</p> <ul style="list-style-type: none"> a. 1.2 metres in the case of a pitched roof, or b. 2 metres in the case of a flat roof. 	<p>Distance between the plane of the roof and solar installation for pitched roofs is increased from 50cm to 1.2 metres.</p> <p>Condition relating to flat roofs remains unchanged.</p>
	<p>The distance between the plane of a flat roof and the panel shall not exceed 2 metres.</p>		
<p>The solar panel shall be a minimum of 50cm from the edge of the wall or roof on which it is mounted, or 2 metres in the case of a flat roof.</p>	<p>3. The solar photo-voltaic or solar thermal collector installation shall be a minimum of:</p> <ul style="list-style-type: none"> a. 50cm from the edge of a pitched roof on which it is mounted ,or b. 2 metres from the edge of a flat roof on which it is mounted. 	<p>No change proposed.</p>	

Appendix C

Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
	N/A	4. Development is only exempted by this Class where the highest part of the solar photo-voltaic or solar thermal installation does not exceed the highest part of a pitched roof (excluding any chimney).	New condition – Solar panels must not exceed the highest part of a pitched roof (excluding any chimney).
	N/A	5. Any ancillary equipment associated with a solar photo-voltaic or solar thermal collector installation on a roof, including inverters and water tanks, shall not be erected on a wall or pitched roof.	New condition - Ancillary equipment must not be erected on a wall or pitched roof.
	N/A	6. The height of any ancillary equipment associated with a solar photo-voltaic or solar thermal collector installation on a flat roof, including inverters and water tanks, shall not exceed 1.6 metres above roof level.	New condition – Height of ancillary equipment on a flat roof must not exceed 1.6 metres above roof level.
	N/A	7. Any ancillary equipment associated with a solar photo-voltaic or solar thermal collector installation on a flat roof, including inverters and water tanks, shall be a minimum of 2 metres from the edge of the roof on which it is mounted.	New condition - Ancillary equipment must be a minimum of 2 metres from the edge of a flat roof on which it is mounted.
	The total aperture area of any wall-mounted panel or free-standing solar array shall not exceed 25 square metres.	8. The total aperture area of any wall mounted solar photo-voltaic and/ or solar thermal collector installations taken together with any other such existing wall mounted installations, shall not exceed 60 square metres.	Wall mounted exemptions increased to a maximum of 60 square metres from 25 square metres.

Appendix C

Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
	The distance between the plane of the wall and the panel shall not exceed 15cm.	9. The distance between the plane of the wall and the solar photo-voltaic or solar thermal collector installation shall not exceed 15cm.	No change proposed.
	N/A	10. The solar photo-voltaic or solar thermal collector installation shall be a minimum of 50cm from the edge of the wall on which it is mounted.	New condition – Installation must be a minimum of 50cm from the edge of the wall on which it is mounted.
	N/A	11. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be located forward of the front wall of the nearest agricultural structure within the agricultural holding to a public road.	New condition – Free-standing installations must not be on the front wall of the nearest agricultural structure within the agricultural holding to a public road.
	N/A	12. The total aperture area of any free-standing solar photo-voltaic and/ or solar thermal collector installations taken together with any other such existing free-standing installations, shall not exceed 60 square metres.	New condition – Total area of free-standing installations must not exceed 60 square metres.
	The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level.	13. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres, at its highest point, above ground level.	Height limit increased from 2 metres to 2.5 metres.
	N/A	14. The placing of solar photo-voltaic or solar thermal collector installation on any wall, or on a pitched roof on an elevation facing a road, or the placing of any free-standing solar photo-voltaic or solar	New condition – Exemption does not apply where the installation is on a pitched roof of an agriculture structure facing a

Appendix C

Comparison between proposed regulations and principal regulations

SEA of the proposed Planning and Development Act 2000 (Exempted Development) (No. X) Regulations 2022 and the proposed Planning and Development (Solar Safeguarding Zone) Regulations 2022
May 2022

Description of development in proposed regulations	Current Conditions and Limitations	Proposed Conditions and Limitations	Proposed change
		thermal collector installation is not exempted by this Class where the building is a protected structure, proposed protected structure or located within an Architectural Conservation Area.	road and is classed as a protected structure, proposed protected structure or is located within an Architectural Conservation Area.
	No sign, advertisement or object, not required for the functioning or safety of the panel shall be attached to or exhibited on the panels.	15. No sign, advertisement or object, not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.	No change proposed.
	N/A	16. Development is only exempted by this Class where the solar photo-voltaic or solar thermal collector installation is primarily to be used for the provision of electricity or heating for; (a) an agricultural structure within the agricultural holding, or (b) any ancillary buildings within the curtilage of the agricultural holding, or (c) any ancillary uses within the curtilage of the agricultural holding.	New condition – Exemption only applies where the installation relates primarily to the provision of electricity or heating for the agricultural structure, or any ancillary buildings/uses within the curtilage of the agricultural holding.