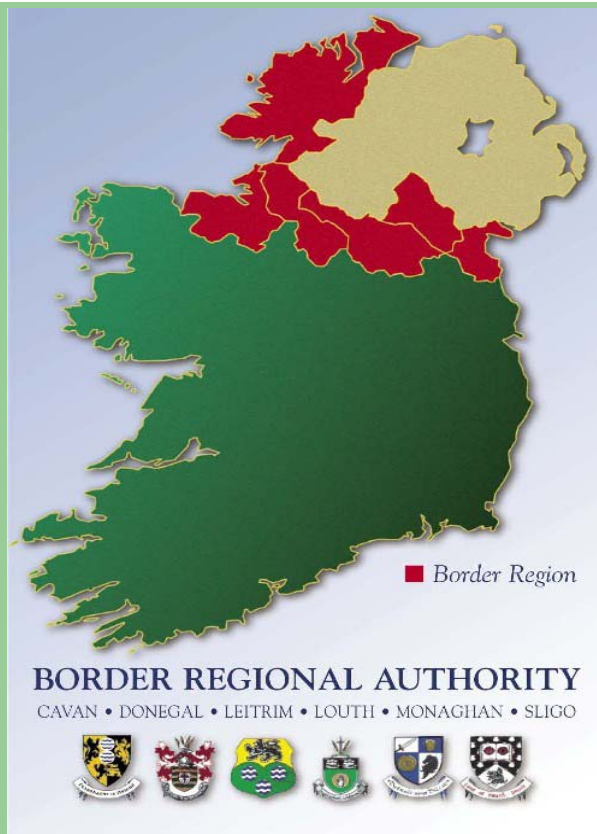


# The Border Regional Authority



**Venue:** Market House Monaghan

**Event:** IPI – Beyond Borders

**Date:** 25 June 2010



# Format of Presentation

- Background to Regional Planning Guidelines;
- Drivers of change in spatial planning;
- Outline of Function and Role Regional Planning Guidelines;
- Strategic Environmental Assessment;
- Appropriate Assessment/Habitats Directive Assessment;
- Conclusions and lessons



# Where do we go from here.....?





# Spatial Planning's part in the economic crisis

“there can be no doubt that, aside from the reckless banking practices which have been shown to have been so prevalent in our financial system, **reckless zoning practices and soft touch regulation in our planning system have contributed in equal measure to the property boom and bust. The planning system has acted as a critical enabler for property speculation whereby the value of land was inflated beyond all reason by little more than a colour on a map.....** where very many of our citizens now find themselves in negative equity and our banks cannot function in extending credit to business together with the long term costs to society and future generations.

Minister John Gormley's Speech to Senate on Planning and Development (Amendment) Bill, 2009 in October 09

## Facts

- There are currently 6,314ha of undeveloped zoned residential lands within the Border region (**HLA, 2008**);
- There is a significant demand/ supply imbalance of residential stock in the border region ;
- In 2006 the Border region had an average residential vacancy rate of 21% - our analysis state that this figure is estimated to rise to 23% in 2010



# Solution?

## Evidence Based Planning How?

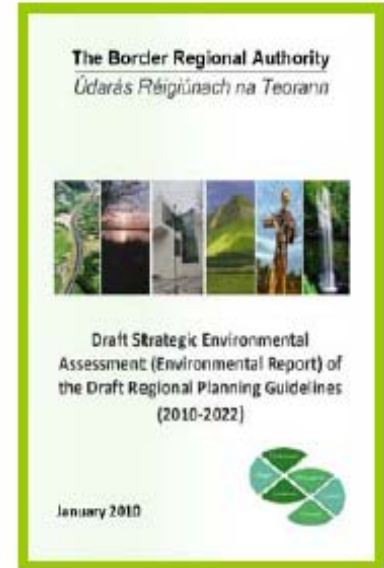
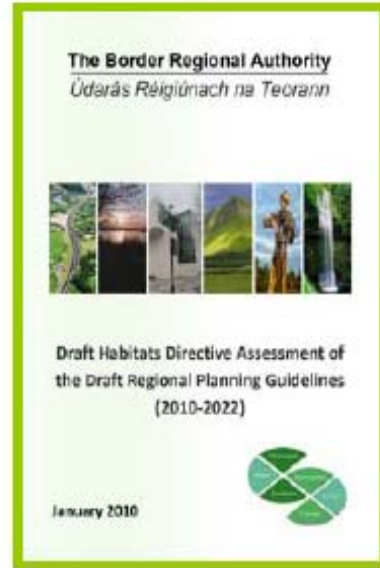
Strategic Environmental Assessment (SEA) and  
Appropriate Assessment (AA)/Habitats Directive  
Assessment (HDA)

- Supporting documents must form the basis and foundation of Development Plan and Guidelines

# Habitats Directive Assessment

# Housing Research Paper

# Environmental Report



## Supporting Technical Documents

### Forfás Baseline Analysis



### Forfás Realising Potential





# Planning and Development (Amendment) Bill, 2009

## Key elements

- **Clearer legal requirement for consistency between national (NSS), regional (RPG's) and local planning (Development Plans and Local Plans)...**
- **Requirement for all Development Plans to contain a “Core Strategy” for where development would happen and in a manner that, taking account of local considerations would be consistent with higher level plans...**
- **Consultative approach in preparing Ministerial Directions under S 31 of the 2000 Act...**
- **Extension of the life of existing permissions...**
- **EU Habitats Directive Assessment...**



# National Spatial Plans on the Island of Ireland

**The National Spatial Strategy**  
2002 - 2020  
People, Places and Potential

PLACES TO LIVE GOOD PLANNING WILL BE ESSENTIAL TO MANAGE IRELAND'S SHARPENING POPULATION AND DEMOGRAPHICALLY DIFFERENT A BALANCED ECONOMY AND A HIGH QUALITY OF LIFE. PLACES TO WORK GOOD PLANNING WILL BE ESSENTIAL TO SUPPORT AN ECONOMIC GROWTH AND A HIGH QUALITY OF LIFE. PLACES TO LIVE AND WORK TOGETHER WILL BE ESSENTIAL TO SUPPORT AN ECONOMIC GROWTH AND A HIGH QUALITY OF LIFE. PLACES TO LIVE AND WORK TOGETHER WILL BE ESSENTIAL TO SUPPORT AN ECONOMIC GROWTH AND A HIGH QUALITY OF LIFE.

**REGIONAL PLANNING GUIDELINES**  
Implementing the National Spatial Strategy

**BORDER REGION - A REGION OF CONNECTIVITY**

*Shaping*  
our **FUTURE**

Regional Development Strategy  
for Northern Ireland 2025

2025



# Legislative Requirements



## Function of the Border Regional Authority:

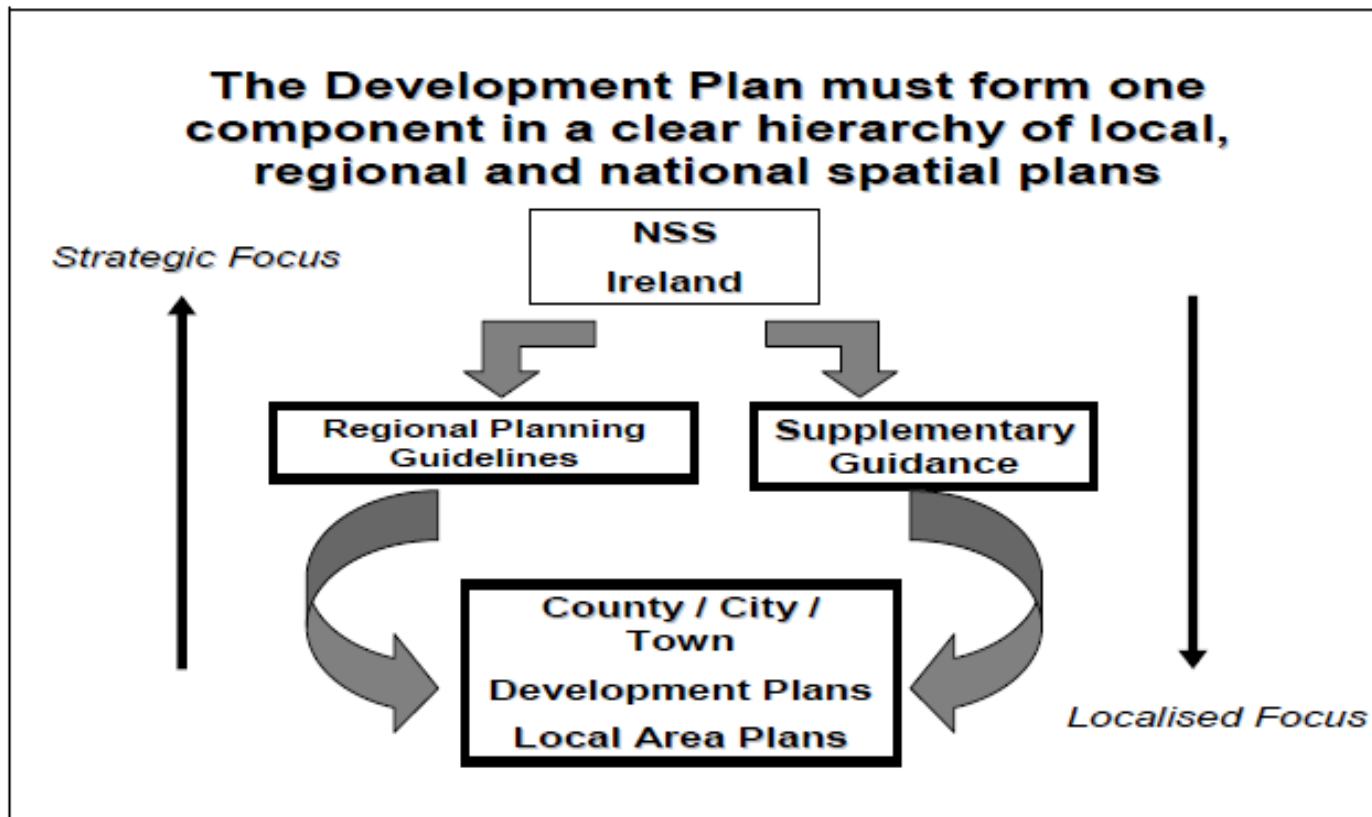
To promote co-ordination, consistency and compatibility with programmes, plans, policies, proposals or objectives of the Government or any Minister of the Government

## Planning Legislation

- **Planning & Development Act 2000 – 2007 (As amended)**
  - requires the Regional Authorities to prepare RPGs for 12 years
- **National Spatial Strategy (NSS) 2002** provided the driving force behind the preparation of the RPGs



# RPGs and Development Plan in Planning Hierarchy





# RPG Review Process

Stage in RPG Review Process	Stage Detail	Dates
1	Pre Draft Public Consultation	09 <sup>th</sup> Feb – 15 Apr 2009
2	Drafting of 1st Directors Report on Pre-Draft Consultation. This Report was presented to both the Steering Committee and Members of the Regional Authority	Agreed at Members Meeting on 13 May 2009
3	Preparation of Draft Regional Planning Guidelines 2010 - 2022	May 2009 – January 2010
4	BRA members agreed the Draft Regional Planning Guidelines 2010 – 2022 for the Border Region	27 January 2010
5	Publication of the Draft Regional Planning Guidelines 2010 - 2022	26 February – 14 May 2010
6	Preparation of a second Directors Report on submissions and observations received during consultation.	15 May – June 2010
7	Presentation and consideration of the Directors Report at Border Regional Authority members meeting. Proposed to agree and adopt RPGs.	June/ July 2010
8	Translation and Publication of the New Regional Planning Guidelines.	August 2010

**Current stage in Process**



# Contents of Draft RPGs

## Chapters in Draft RPGs 2010 - 2022

- 1: Introduction/Context
- 2: Strategic Vision for the Region
- 3: Settlement Strategy, Population & Housing
- 4: Economic Development Strategy
- 5: Infrastructure Strategy
- 6: Environment & Amenities Strategy
- 7: Social Infrastructure & Community Development
- 8: Regional Flood Risk Appraisal
- 9: Implementation Strategy



# SEA and AA Methodology

- SEA Regulations 2004 (the process) & Planning Amendment Bill
- EPA Manuals and Guidance
- DEHLG/NPWS Appropriate Assessment of Plans and Projects in Ireland, Dec. 2009
- DEHLG Planning Guidelines – Implementation of SEA Directive (2001/42/EC). Nov. 2004.

**Today is not about me telling you how to carry out environmental assessment – it is about sharing our experiences of environmental assessment in Regional Planning Guidelines Review**

# SEA Directive (2004)

## Article 1 - Objective



- to provide for a high level of protection of the environment;
- to contribute to the Integration of Environmental Considerations into the preparation and adoption of plans and programmes with a view to promoting Sustainable Development;  
**by ensuring that**
- an Environmental Assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment



## Habitats Directive – Article 6 Appropriate Assessment

Any plan or **project...likely to have a significant effect** on a Natura 2000 site (s), **either “individually or in combination”** **with other plans or projects, shall be subject to appropriate assessment** of its the implications for the site **in view of the site’s conservation objectives**



# SEA and AA Requirements

## SEA Decision –Making Requirement

- The Environmental Report and consultation feedback including transboundary “*shall be taken into account*” during the preparation of the P/P and before its adoption,

## AA Decision –Making Requirement

- ...the competent authority “*shall agree to the plan or project*” *only after having ascertained that “it will not adversely affect the integrity of the site (s) concerned” ...*

Essential difference between SEA and AA process is that SEA process is an Advisory Tool (mitigation) whereas the AA Process is a Decision Making tool (Yes/No)



# Sources of Information....

## Strategic Environmental Assessment

- River Basin Management Plans;
- EPA – *'Ireland's Environment, 2008'* Report
- Northern Ireland Environmental Agency *'State of the Environment Report, 2008'*;
- GIS

## Appropriate Assessment

- NPWS Website
- NPWS Staff;
- Northern Ireland Environment Agency
- Heritage Officers and Environment Staff
- GIS



# SEA Process in RPG Review

- Process, Process, Process.....
- Have you followed procedures correctly?

## Practical Advice

- Research key environmental issues (inside and outside jurisdictional area) – what are they? Ask people/hold workshops/use existing sources for information;
- Consultation – Go beyond what your instructed to do..
- Integration of issues into Guidelines/Development Plan – HOW? **Development Plan Implications Section on each Environmental Topic**
- How do you provide the link between the Environmental Report and the Plan itself?



# SEA Process Overview

- **Screening:** Decision on whether or not an SEA of a plan/programme is required;
- **Scoping:** Consultation with the defined statutory bodies on the scope and level of detail to be considered in the assessment;
- **Environmental Assessment:** An assessment of the likely significant impacts on the environment as a result of the plan or programme;
- **An Environmental Report ;**
- **Consultation** on the draft plan/programme and associated Environmental Report ;
- **Evaluation of the submissions and observations** made on the draft plan/programme and Environmental Report ; and
- **SEA Statement** identifying how environmental considerations and consultation have been integrated into the final plan/programme.



# Summary of SEA Process in RPG Review cont.

Stage	Date	Procedure
Scoping	Dec. 2008	Drafting of <b>Strategic Environmental Issues Paper</b> – what are the key environmental issues?
Stage 1 – Scoping Consultation	Jan. 2009	<b>Informal Scoping Consultation</b> with EPA, DEHLG, Development Application Units, DCENR, NIEA, GSI
	11 March 2009	<b>Scoping workshop</b> held with EPA & planners from each constituent county within the Region. Purpose was to outline the key environmental issues in each County
	Apr 2009	Meeting with North/South Share River Basin District Project Team to discuss Draft Scoping Report
	June 2009	SEA Team meeting with EPA
	Mar – June 2009	Drafting of Scoping Report to incorporate all issues from workshops, consultation etc
Stage 2 – Scoping Consultation	June 2009	<b>Formal Consultation</b> on Scoping Report in accordance with Article 15 (C) of SEA Regs. Including consultation with NI authorities



# Summary of SEA Process in RPG Review cont.

Stage	Date	Procedure
<b>Environmental Report and Assessment</b>	July 2009 – January 2010	<b>Drafting of Environmental Report</b> in parallel with drafting of Regional Planning Guidelines. Continuous feeding of information from Environmental Report into Guidelines
	Sep. 2009	<b>Informal consultation</b> with all authorities on Draft Env. Report
	Sep/Oct 2009	Consideration of Development Models and consideration of SEA Alternatives – work done in parallel with DEHLG population targets and Housing Research Paper
	03/07 Dec. 2009	SEA workshop on assessment of Draft RPGs policies and objectives
	16 Dec.2009	Presentation of Pre draft RPGs and Draft Env. Report to members of the Regional Authority
	27 Jan 2010	Presentation of draft RPGs and draft Env. Report to members of Regional Authority. Agreed to put draft out on public display (included all 3 reports)
	26 Feb – 14 May 2010	<b>Formal Public consultation</b> on Draft RPGs



# Summary of SEA Process in RPG Review cont.

Stage	Date	Procedure
<b>Evaluation of Submissions on Draft RPGs</b>	14 May – 24 June 2010	<b>Drafting of an Addendum Report</b> (parallel report to Directors Report) – Considers submissions and observations directly related to both Env. Reports. Also suggests general amendments and updates to Env. Reports.
	22 June 2010	Screening workshop for all amendments to Draft RPGs emerging from Directors Report on public consultation
	22 – 28 June 2010	Final amendments made to Addendum Report with conclusions outlined in second round of environmental assessment.
	30 June 2010	Addendum Report presented to the members of the Regional Authority for their consideration in parallel with Directors Report
	July 2010	Any further amendments proposed from members of the Regional Authority must be screened for significant environmental effects



# Transboundary Issues

- New procedures as per DOENI, DRDNI and DEHLG Guidelines – Nothing new
- Continuous informal consultation throughout RPG review with DEHLG, EPA, NIEA, DOENI & DRDNI. Should apply to all plan/programme reviews
- RPG Review - Regional Authority forwarded letter to DEHLG in March 2010. The Regional Authority decision outlined in this letter was that **formal transboundary consultation is not required**
- Regional Authority should now receive a response from the Minister on conformation of decision

# Appropriate Assessment/Habitats Directive Assessment

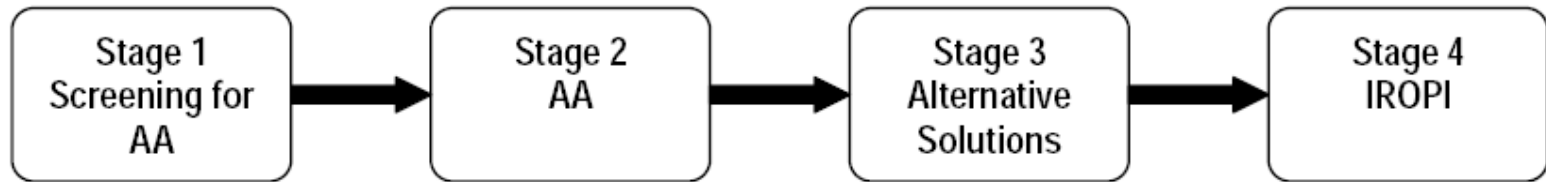


Three key issues:

- Precautionary principle is the cornerstone – onus is on the Regional/Local Authority to demonstrate that there **is not likely to be an impact** on Natura 2000 Network;
- There is a legal requirement to have a **qualified Ecologist** within the Drafting and Assessment Team;
- You must look at sites in-situ and ex-situ (within 15km of jurisdictional boundary)



# AA Process – DEHLG/NPWS Guidelines



**Stage One: Screening** — the process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant;

**Stage Two: Appropriate Assessment** — the consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

**Stage Three: Assessment of alternative solutions** — the process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

**Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain** — an assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

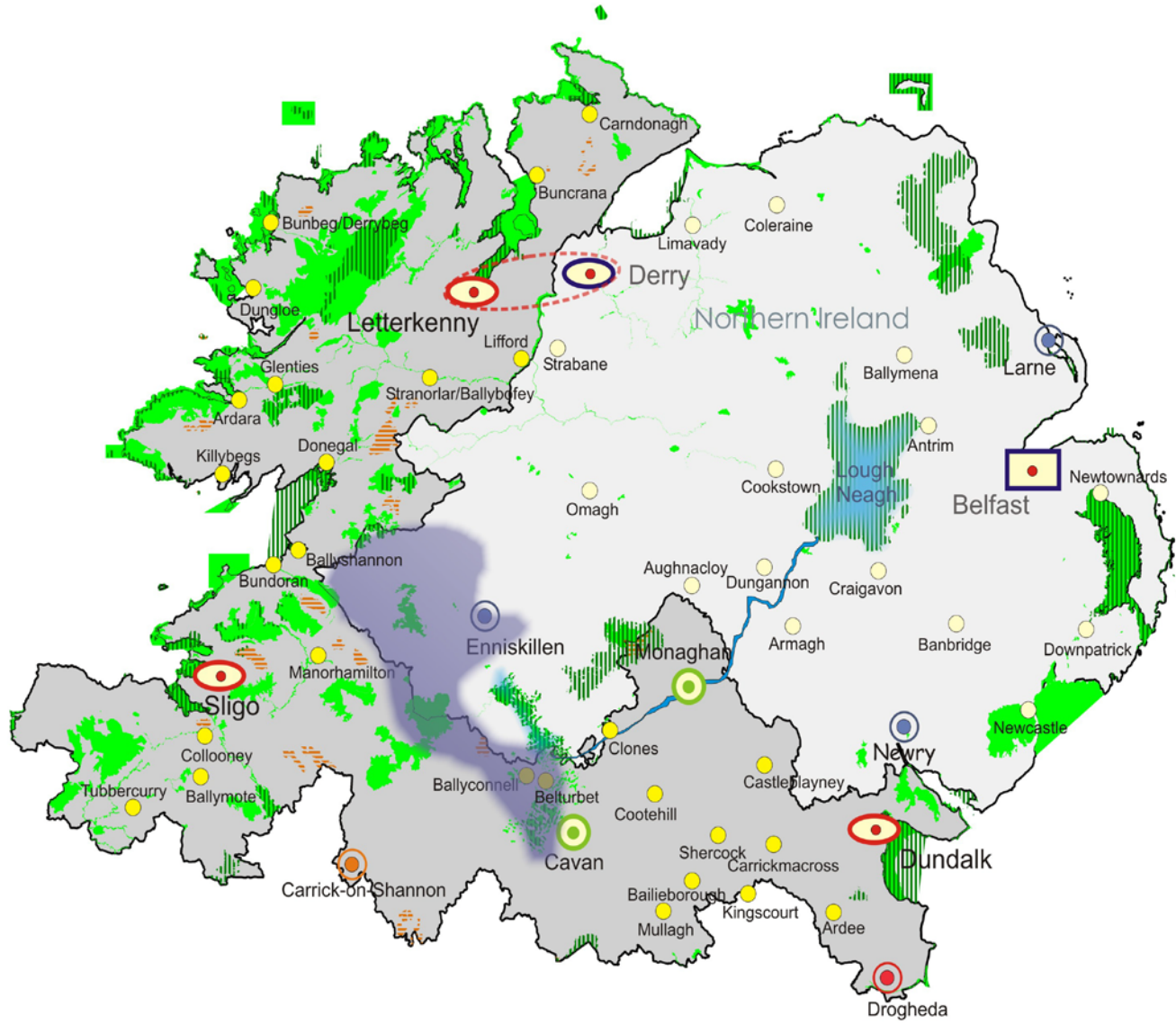


# AA Process in RPG Review – Stage 1

Steps	Procedure
1	Determine whether the project or plan is directly connected with or necessary to the management of the site
2	Describing the project or plan and the description and characterisation of other projects or plans, that in combination have the potential for having significant effects on the Natura 2000 site:
3	Identification of Natura 2000 sites <b>within and adjoining</b> the Border Region - <b>Site code, Site name, Qualifying interests, Conservation objectives, Threats to site integrity</b>
4	<p>Assessing the significance of effects on the Natura 2000 site&amp; includes:</p> <ul style="list-style-type: none"> <li>- <b>Direct impacts</b> refer to habitat loss or fragmentation arising from land-take requirements</li> <li>- <b>Indirect and secondary impacts</b> do not have a straight-line route between cause and effect – Habitat degradation, alteration to water quality or quantity, disturbance</li> </ul> <p><b>Cumulative Impacts</b> refer to a series of individually modest impacts that may in combination produce a significant impact</p>

# Border Region

## Environmental Spatial Strategy



-  Gateway
-  Hub
-  Primary Development Centre
-  Regionally Strategic Town
-  Other Towns
-  Special Area of Conservation
-  Special Protection Area
-  Natural Heritage Area
-  Ulster Canal
-  Geopark
-  Belfast Metropolitan Area
-  Gateway
-  Inter-regional gateway role
-  Northern Ireland Other Towns

0 Km 50

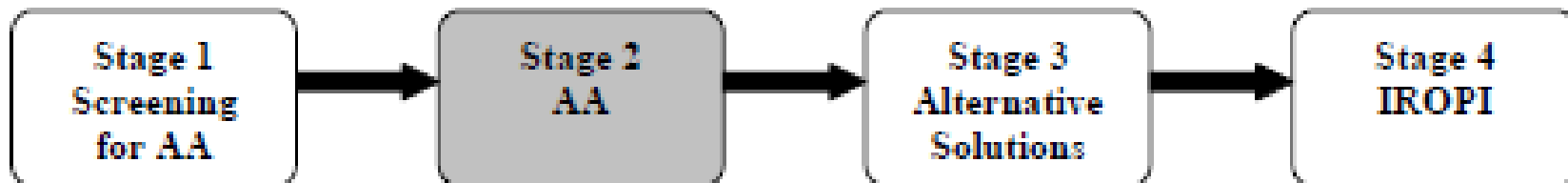


Approx. Scale



# Stage 1 – Conclusion

- In total there are 130 Natura 2000 sites within the Border Region with a further 82 within 15km buffer of its border with both Northern Ireland and the other regions in Ireland
- Given the significant number of Natura 2000 sites and the number of protected habitats and species, it was almost impossible to categorically state that there would be no significant impact on the Natura 2000 Network, in-situ and ex situ
- We then moved on to **Stage 2** of the HDA process





## Stage 2 – Assessment Matrix

All key elements, policies, objectives of Draft RPGs were assessed in a matrix – sample below

RPG Policy/Objective	Natura 2000 that may be affected (Name/code)	Potential Impact of Policy/Objective	Risk of Significant Impact (y/n)	Potential of 'combination impacts'	Risk of Significant 'combination impacts'
SG 5. To protect and enhance the quality of the natural environment and built heritage of the region.	No likely significant effect with an overall positive impact on the region	None	No	No	No
Specific Action Required: Avoidance/Mitigation/Policy Deletion OR Amendment N/A					



## Stage 2- Assessment Methodology

The following is a summary of how the HDA was carried out on the Border Region Draft RPGs:

- NPWS, DEHLG, EPA & Departments Applications Units were consulted with the initial Screening Report. All comments and amendments were incorporated into HDA Report;
- Policies and objectives of the draft RPGs were inserted into the screening matrix and a report was drawn up detailing the above;
- All Heritage Officers (who have ecological expertise and experience) from Local Authorities within the Border Region, the SEA Team and the NPWS Divisional Ecologist were invited to attend a HDA workshops to assess Draft RPG policies and objectives;
- Three workshops were held on 17 & 23 November and 02 December 2009 to carry out full appropriate assessment of the Draft Guidelines.
- HDA workshop held on 22 June 2010 to assess amended policies/objectives from proposed amendments in Directors Report

A significant number of policies and objectives were amended in the draft guidelines during the above workshops – **demonstrates the effectiveness of the assessment process**

# Integrating Environmental Assessment into Guidelines/Plan



- SEA and HDA are intertwined & should be done in parallel with each other in drafting of plan/programme;
- Development Plan Implications Section for each Environmental Topic is a useful tool – the plan is the audience & will improve linkages;
- Show how environmental assessment has framed your plan/programme – Conclusion at end of Env. Report & Habitats Report. This should then be included in appendices in plan/programme (remember process, process, process....)

Environmental Issue	Policy, Objective, or reference in RPG's	Additional Policy Objective or Reference Required (final check)
<b>Biodiversity, Flora &amp; Fauna</b>		
Impact of development works e.g. forestry, agricultural activities and wide range of infrastructural works	SG5, SG6 ESP 5 INFP 1, INFP 14, INFP 18 – INFP 22, INFO 6, INFP 23, INFP 28, ENVP 1 – ENVP 3, ENVP 4 – ENVP 6, ENVO 2 – ENVO 5, ENVP 9 – ENVP 11, ENVO 8 – ENVO 12, ENVP 14, ENVO 29 – 31, ENVP 15,	



# Lessons from Environmental assessment.....

- Don't run away from it – embrace environmental assessment (adds value);
- Provides a strong evidence base and negotiating tool with members;
- Treat environmental assessment as a part of the plan review process – not as an additional burden;
- Integration of issues into the development plan – existing weakness of Environmental Reports;
- Use all resources within your local authority – Engineers, Environmental Scientists, Chemists/Biologists, Ecologists etc.
- Don't sit behind your desk – get out there and use existing resources. We didn't even have a GIS system!



Thank you for listening  
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