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Geoscience Policy Division
Department of the Environment, Climate and Communications
29-31 Adelaide Road
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18th June 2021

Our Ref: SCP210504.1

Re: SEA Scoping for the Policy Statement for Mineral Exploration and Mining in Ireland

Dear Mr Deegan,

We acknowledge your notice, dated 24th May 2021, in relation to the SEA Scoping for the Policy Statement for Mineral Exploration and Mining in Ireland, referred to hereafter as 'the Policy Statement'.

The EPA is a statutory environmental authority under the SEA Regulations. In our role as an SEA environmental authority, we focus on promoting the full and transparent integration of the findings of the Environmental Assessment into the Policy Statement and advocating that the key environmental challenges for Ireland are addressed as relevant and appropriate to the Policy Statement. Our functions as an SEA environmental authority do not include approving or enforcing SEAs or plans.

Where we provide specific comments on plans and programmes, our comments will focus on the EPA's remit and areas of expertise (in particular water, air, climate change, waste, resource efficiency, noise, radon and the inter-relationships between these and other relevant topics e.g. biodiversity), as appropriate and relevant to the particular plan or programme.

This submission highlights a number of key environmental issues to consider in preparing the Policy Statement and SEA. Specific comments on the SEA Scoping Report are provided in Appendix I, while responses to the questions posed in the Scoping report can be found in Appendix II.



Sustainable Development Goals & Key Actions for Ireland

Our State of Environment (SOE) Report [Ireland's Environment - An Integrated Assessment 2020](#) (EPA, 2020) 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. Additionally, specific chapters of this SOE Report would be relevant to the Policy Statement to consider, taking into account.

In preparing the Policy Statement and integrating the findings of the SEA into the Policy Statement, the relevant recommendations, key issues and challenges described in our State of the Environment Report [Ireland's Environment – An Integrated Assessment 2020](#) (EPA, 2020) should be taken into account.

The relevant objectives and policy commitments of the National Planning Framework and the Regional Spatial and Economic Strategies should also be aligned with the Policy Statement and considered, as appropriate.

Transition to a low carbon climate resilient economy and society

You should ensure that the Policy Statement aligns with national commitments on climate change mitigation and adaptation, as well as any relevant sectoral, regional and local adaptation plans.

Scope of the SEA

The Policy Statement should clearly set out the scope, remit and implementation related elements of the Policy Statement. These will have implications for the SEA, in terms of guiding the level of assessment applicable at the appropriate level for the Policy Statement. Where it is envisaged that measures proposed in the Policy Statement will be implemented via other plans, which themselves have been or will be subject to SEA, this should be explained in the Environmental Report and taken into account in the assessment.

Where specific measures will be implemented directly, further detail should be provided in the Environmental Report and Plan on the relevant environmental assessments to be carried out at the project stage and relevant mitigation measures to be applied, as appropriate. There may be merit in exploring this issue further with the relevant Environmental Authorities during the Policy Statement preparation and SEA processes.

Integration of SEA and Plan

All recommendations from the SEA and AA processes, including mitigation and monitoring measures, should be integrated in the Policy Statement. We recommend that the Policy Statement 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 Plan policies/measures.

Monitoring, Review & Reporting

We note that Scoping Report indicates that the Policy Statement is open ended with no fixed end date. We recommend reviewing the results of the monitoring required under the SEA legislation periodically (e.g. at a minimum 2/3-year intervals). This would enable the environmental performance of the Policy Statement to be evaluated and would also provide for increased transparency during implementation. This will ensure that the effectiveness of the Policy Statement implementation and its environmental performance will continue to be taken into account.

In this context, the Policy Statement would benefit from including a commitment to implement the environmental monitoring programme and associated reporting. We suggest including a separate section on '*Monitoring, Review and Reporting*' in the Policy Statement, setting out the provisions for monitoring and reporting on the implementation of the Policy Statement.

The SEA-related monitoring should address positive, negative and cumulative effects where they are likely to occur. The monitoring should include provision to facilitate an early response to any environmental issues identified. The SEA Environmental Report should specify the monitoring frequency and responsibilities and include provisions for reporting on the monitoring. To avoid duplication in data collection, the same indicators should be used for the Policy Statement-related and SEA-related monitoring where possible.

Integration with other key Plans and Programmes

We recommend including schematics in the Policy Statement, and SEA Environmental Report, showing the links and key inter-relationships with other relevant national, regional, sectoral and environmental plans. Additional key plans and programmes to consider are provided in Appendix I.

Data & Knowledge Gaps

The Policy Statement should identify any significant data and knowledge gaps and where practical, include commitments to help address these on a priority basis during the implementation phase of the Policy Statement. This is with a view to strengthening the evidence base for future reviews and iterations of the Policy Statement and during its implementation.

Available Guidance & Resources

Our website contains various SEA resources and guidance, including:

- 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), and [Integrated Biodiversity Impact Assessment](#) (EPA, 2012))

You can find our other resources at: <https://www.epa.ie/our-services/monitoring--assessment/assessment/strategic-environmental-assessment/sea-resources-and-guidance-/#d.en.85767>

EPA SEA WebGIS Tool

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.

EPA WFD Application

Our WFD Application provides a single point of access to water quality and catchment data from the national WFD monitoring programme. The Application is publicly available via the Catchments.ie website.

EPA AA GeoTool

Our AA GeoTool application has been developed in partnership with the NPWS. It allows users to 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>

Environmental Authorities

Under the SEA Regulations, you should consult with:

- Environmental Protection Agency;
- Minister for Housing, Local Government and Heritage;
- Minister for Environment, Climate and Communications;
- Minister for Agriculture, Food and the Marine.
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media

The EPA may provide additional comments upon receipt of the SEA Environmental Report and Draft Plan/Programme/Variation at the next stage of the SEA process.



If you have any queries or need further information in relation to this submission, please contact me directly. I would be grateful if you could send an email confirming receipt of this submission to: sea@epa.ie.

Yours Sincerely,



Cian O'Mahony
SEA Section
Office of Evidence and Assessment
Environmental Protection Agency

Appendix I – Specific Comments on the SEA Scoping Report

We acknowledge the current list of mining facilities in Ireland, as set out in Table 2.1 and note that it remains a key consideration that activities covered by these licences remain compliant with the regulations and conditions set down therein.

We note the inclusion of a ‘State Mining and Prospecting Areas’ map. The SEA should consider overlapping this map with areas of known environmental sensitivity to ensure that high status waters, designated habitats and protected species etc. are afforded significant protection, in any proposals, and at an early stage of the planning process.

The Environmental Sensitivity Mapping (ESM) Webtool is a decision support tool to assist SEA and planning processes in Ireland. The tool brings together over 100 datasets and allows users to explore environmental considerations within a particular area and create plan-specific environmental sensitivity maps. These maps can help planners anticipate potential land-use conflicts and help identify suitable development locations, while also protecting the environment. The ESM Webtool is available at www.enviromap.ie.

We acknowledge that the Policy Statement recognises the role of the circular and resource-efficient economy, in reducing primary resource extraction in favour of recycling of metals while also noting that raw material resources of key minerals will be still be required. In this regard, we note that the Policy Statement will provide for a robust and transparent regulatory framework that includes environmental sustainability as a key consideration.

Chapter 3 – Environmental Assessment Process

We welcome that many of the EPA SEA resources are referred to in subsection 3.1.5. We would also suggest taking account the following additional guidance notes that may be useful to consider:

- [SEA guidance note on assessment of cumulative effects](#) (EPA, 2020).
- [Integrating Climatic Factors into SEA](#), (EPA, 2019)

Chapter 5 – Scoping

We note that in subsection 5.2, reference is made to the Policy Statement being open ended with no fixed end date. You should clarify when regular review periods will be undertaken to ensure that the Policy Statement remains consistent with evolving national and international policy and commitments.

Chapter 6 – Preliminary Environmental Baseline

The scoping report acknowledges that historic mining sites are one of the significant pressures on water and soil quality. It is important in preparing and implementing the Policy Statement that the Draft Third National River Basin Management Plan is fully considered. It will be important to ensure that the interlinkages with the Water Framework Directive and associated objectives and measures for these historic mines are taken into account in the SEA and the Policy Statement.



We note the relevant data sources as outlined in the *Table 6.1 – Baseline Data Sources and Extent of Assessment*. The EPA provides a list of useful spatial information sources for SEA that may be helpful to consider. It is available at:

<https://www.epa.ie/publications/monitoring--assessment/assessment/sea-spatial-information-sources-inventory---april-2021.php>

Chapter 7 – Proposed Framework for Assessment – Environmental Impacts

In subsection 7.4 - *Monitoring*, we note that a monitoring programme will be developed to monitor the environmental effects in implementing the Policy. We also refer you the published [EPA guidance on SEA monitoring](#) (EPA, 2020) that should be considered.

Appendix II – Responses to Scoping Questions

Scoping Question 1: *Based on the plans, policies and programmes outlined, are there any other key relevant international, national or regional plans, policies or programmes that should be considered in the SEA Environmental Report on the Policy Statement on Mineral Exploration and Mining?*

We acknowledge the comprehensive list of plans and programmes provided to be considered, as appropriate, in preparing the SEA and Policy Statement. The list of legislation provided in this table, should be reviewed and updated where necessary, e.g. Dangerous Substances Directive, and any relevant amendments are considered. There may be merit in considering the following additional plans:

- National Strategic Plan for Sustainable Aquaculture 2021-2030 (under preparation)
- Draft National Investment Framework in Transport Infrastructure (under preparation)

In *Table 4-1: International & EU Legislation, Plans/Programmes*, the following should be added:

- Regulation (EU) 2017/852 on mercury
- The EU chemicals strategy for sustainability towards a toxic-free environment.
- The imminent Zero Pollution Roadmap and Action Plan.
- EIA Directive as 2011/92/EU
- New EU Climate Law

You should consider taking account of the following additional plans and programmes, as relevant and appropriate

- National Hazardous Waste Management Plan (EPA, in prep),
- National Investment Framework for Transport in Ireland (DTTAS, in prep)
- Agri-Food Strategy 2030 (DAFM, in prep)

Additional information to take into account includes the following:

- Mapping the Role of Raw Materials in Sustainable Development Goals: JRC Science for Policy Report 2019.
<https://publications.jrc.ec.europa.eu/repository/handle/JRC112892>
- Study on the EU's list of Critical Raw Materials, European Commission https://ec.europa.eu/growth/sectors/raw-materials/specific-interest/critical_en
- Communication from the Commission to the European Parliament and the Council: The raw materials initiative: meeting our critical needs for jobs and growth, COM(2008) 699 final (2008).

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0699:FIN:en:PDF>

- Institute of Geologists of Ireland – 1. Mining and Our Green Future factsheet and 2. Planning and Environmental Oversight Factsheet <https://igi.ie/committees/minerals-information-working-group/>

Table 4-2 – Include reference to the proposed National Waste. Management Plan for a Circular Economy.

Scoping Question 2: *Based on the likely significant impacts outlined above, are there any other effects or impacts that should be considered in the SEA Environmental Report on the Policy Statement on Mineral Exploration and Mining?*

With regards the information provided in Table 5.1: Potential Significant Environmental Issues, under the ‘Biodiversity, Flora and Fauna’ topic, you should also take account of ecological corridors and linkages and the need for their protection.

Where proposals related to mineral exploration in the marine environment may be considered during the lifetime of the Policy Statement, the Policy Statement should take account of the National Marine Planning Framework and also any proposed marine protected areas that may also be designated.

For the Air Quality (AQ) topic, you should consider taking account of non-hazardous dust emissions, air vent emissions. For ‘Noise’ include vibration and air-overpressure also.

For the Material Assets (MA) topic, potential impacts on road services during development and operation should also be considered. Additionally, include reference to utilities infrastructure, grid etc.

Scoping Question 3: *Do you have any comments regarding the draft SEA Objectives presented?*

Overall the Objectives merit further consideration including aligning with the relevant aspects of the SEA Topics in Table 4-1.

For Objective 2 relating to biodiversity, flora and fauna, also consider the need protect ecological corridors and linkages.

Objective 3, Land and Soils, there would be merits in including reference to restoration and rehabilitation post closure along with ongoing environmental management.

For Objective 4, Water Quality, include prevention of deterioration in water quality.

Objective 5- Air Quality could include reference to noise and dust emissions.



Regarding material assets (objective 7), it would be useful to also include an objective promoting the use of 'recycled metals and minerals', where possible. This objective should reflect the relevant elements in Table 5-1 under Material Assets.

In relation to the Objective related to Climatic Factors, "*Objective 6: Contribute to the delivery of the green economy*", the draft objective should also look to support national level commitments related to climate change.

Scoping Question 4: *Do you have any suggestions or comments in relation to the overall approach to alternatives?*

We welcome the reference in Subsection 7.3, that the EPA guidance on [Developing and Assessing Alternatives in SEA](#) (EPA, 2015) will be taken into account in preparing and considering alternatives. In considering alternatives, it will be important that alternatives take account of the need to align with other national level environmental commitments, for example as set out in the National Planning Framework.

Under Spatial, Modal and Sectoral /Temporal Alternative Types, these should be put in the context of the proposed Policy Statement.