

Geoscience Policy Division  
Department of the Environment, Climate and  
Communications  
29-31 Adelaide Road  
Dublin  
D02 X285  
Ireland.

Email: SEATeam@daera-ni.gov.uk

21st June 2021

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

Thank you for your correspondence regarding the SEA Scoping Report for the Draft Policy Statement for Mineral Exploration and Mining in Ireland.

The Department of Agriculture, Environment and Rural Affairs (DAERA) would like the SEA Environmental Report to contain a clear statement indicating the opinion whether or not the implementation of this strategy is likely to have a significant effect on Northern Ireland. Working in combination with any identified measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment.

The DAERA SEA Team is content with the overall approach of this SEA Scoping report and how it will be progressed to the next stage of a SEA Environmental Report.

**DAERA Natural Environment Division (NED) Comments:**

**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?**

It may be worth considering the following with regard to transboundary issues:

- The Strategic Planning Policy Statement (SPPS) for Northern Ireland
- Planning Policy Statements (PPS – in particular PPS2). It should be noted that the PPS's will be superseded by Local Development Plans when they are adopted.



- Biodiversity Strategy for NI to 2020 <https://www.daera-ni.gov.uk/publications/biodiversity-strategy-northern-ireland-2020-0>
- Draft Environment Strategy <https://www.daera-ni.gov.uk/consultations/esni-public-discussion-document>
- The Draft NI peatland policy which is currently being consulted on: <https://www.daera-ni.gov.uk/consultations/ni-peatland-strategy-consultation>.

**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?**

The SEA must consider all transboundary issues. Peat is highlighted in the Policy Statement for Mineral Exploration and Mining in Ireland. With peatland straddling border areas between Northern Ireland and the Republic of Ireland a clear assessment of potential transboundary impacts on this priority habitat must be included. Peatland may be considered not capable of restoration and therefore is no longer deemed active with little or no conservation/scientific interests and to which it may become open to potential exploitation/commercial extraction. DAERA would have concern to this approach on any peatlands close to or cross border areas being exploited. An area of peatland which is presently considered inactive, does not mean that it is not capable of restoration, nor that it has little or no conservation/scientific interest and any impact on border peatland has the potential to impact peatland within Northern Ireland.

The SEA should including the potential disturbance to/impact on NI/Rol migratory/mobile species such as salmon, for example within the Lough Melvin Special Area of Conservation which lies within both Northern Ireland and the Republic of Ireland. Cross border designated sites, European sites in Northern Ireland adjacent to or with pathways to/from the Republic of Ireland, priority habitats, river basins, and other landscape types also require special attention as ecological functionality and 'views' of landscape cross political boundaries. The SEA should consider all potential impacts including those which may impact Northern Ireland both directly and indirectly. Consideration should be given to all potential impacts on NI habitats (particularly designated sites, priority habitats and those important for migratory species and NI populations) including habitat quality and conservation status.

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

NED welcome the extent to which Biodiversity, Flora and Fauna objective will be assessed and the recognition for the need to consider transboundary issues for potential impact on the natural environment in the SEA.

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

NED is content with the overall approach to alternatives presented.



### **Additional Comments from NED**

NED are in agreement and welcome the completion of an Appropriate Assessment as part of the Natura Impact Statement in due course and remind The Department of the Environment, Climate and Communications of potential transboundary issues.

We welcome that monitoring will be put in place in due course and look forward to the opportunity to comment further as the process develops.

Please also note following the decision of the United Kingdom to leave the European Union, the collective term of “Natura 2000” sites the network of European protected sites are now known as “National Site Network” sites within the United Kingdom, and this includes Northern Ireland.

- A number of useful information sources that highlight the current state of the environment in Northern Ireland at a regional level and which could be of use in the Environmental Report and referenced are:

Northern Ireland State of the Environment Reports: <https://www.daera-ni.gov.uk/publications/state-environment-report-2013>

Northern Ireland Environmental Statistics Reports: <https://www.daera-ni.gov.uk/articles/northern-ireland-environmental-statistics-report>

Other relevant web-links are;

Designated Scientific Sites: [www.daera-ni.gov.uk/landing-pages/protected-areas](http://www.daera-ni.gov.uk/landing-pages/protected-areas)

Regional Landscape Character Map viewer: <https://www.daera-ni.gov.uk/services/regional-landscape-character-areas-map-viewer>

DAERA have a map browser for NI protected sites and known priority habitat: [www.daera-ni.gov.uk/services/natural-environment-map-viewer](http://www.daera-ni.gov.uk/services/natural-environment-map-viewer)

Our natural environment datasets are available at the link below: [www.daera-ni.gov.uk/articles/download-digital-datasets](http://www.daera-ni.gov.uk/articles/download-digital-datasets)

Appropriate Assessments should refer to the status of habitats and species in the relevant reports available on the JNCC website as follows: UK Article 17 report for the Habitats Directive <https://jncc.gov.uk/our-work/article-17-habitats-directive-report-2019/> and the UK Article 12 report for the Birds Directive <https://jncc.gov.uk/our-work/european-reporting/#birds-directive-reporting>

### **DAERA Water Management Unit (WMU) Comments:**

WMU welcome the recognition of the issue of water management in NI. Transboundary issues for surface and ground water quality and resource must be considered in the SEA.



Cross border river basins require special attention as ecological functionality cross jurisdictional boundaries. The SEA should consider all potential impacts including those which may impact Northern Ireland both directly and indirectly.

The SEA must consider all transboundary issues, including the potential disturbance to/impact on NI/RoI migratory/mobile species such as salmon, for example within the Lough Melvin Special Area of Conservation which lies within both Northern Ireland and the Republic of Ireland. Such species rely can be impacted upon water quality and water resource issues.

DAERA has also published the Draft River Basin Management Plan for the 3rd cycle period which runs from 2021-2027 which should also be considered as part of the assessment. The draft plan provides an update on the health of Northern Ireland's water environment (the status of water bodies) and sets out our targets (objectives) and actions (programme of measures) on how we want to improve our water environment in the next six years. The draft plan covers the North-Western, Neagh Bann and North Eastern river basin districts (RBD) and includes detailed status updates on each RBD.

The documents can be downloaded from the consultation webpage: <https://www.daera-ni.gov.uk/consultations/consultation-draft-3rd-cycle-river-basin-management-plan-2021-2027>

A number of useful information sources that highlight the current state of the environment in Northern Ireland at a regional level and which could be referenced are:

Northern Ireland State of the Environment Reports: <https://www.daera-ni.gov.uk/publications/state-environment-report-2013>

Northern Ireland Environmental Statistics Reports: <https://www.daera-ni.gov.uk/articles/northern-ireland-environmental-statistics-report>

### **DAERA Drinking Water Inspectorate (DWI) Comments:**

Thank you for consulting with the Drinking Water Inspectorate (DWI) with respect to the Draft Policy Statement for Mineral Exploration and Mining in Ireland. With regard to the scoping questions, the DWI have several recommendations which are detailed in turn below.

**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?*

**DWI Response #1:** The following is a list of additional documentation which we deem relevant to the scope of the Plan for inclusion, particularly in the consideration of transboundary issues:

- The Private Water Supplies Regulations (Northern Ireland) 2017;
- The Drinking Water Directive (98/83/EC);
- The Water and Sewerage Servicers (Northern Ireland) Order 2006;

- The Water Supply (Water Quality) Regulations (Northern Ireland) 2007;
- Drinking Water Directive Recast which is due to come into force during the lifetime of the Policy Statement for Mineral Exploration and Mining in Ireland.

**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 3rd Cycle RBMP?*

**DWI Response #2:** Within Table 5-1, Population and Human Health (PHH) and Water (W), it is appreciated that Drinking Water Quality is listed; however, we feel additional emphasis could be made. We suggest the addition of the following potential issues to be added to Table 5-1:

- Impacts to Drinking Water Protected Areas; and,
- Impacts to catchments and reservoirs used for Drinking Water supply.

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

**DWI Response #3:** DWI is content with the SEA Objectives and no further comment is provided.

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

**DWI Response #4:** The DWI is content with the overall approach to alternatives presented in Table 7-2 and no further comment is provided.

#### **DAERA Marine Conservation and Reporting Team Comments:**

- Scoping question 1 – the Marine Act (Northern Ireland) 2013, the draft Marine Plan for Northern Ireland and the UK Marine Policy Statement should all be included here.
- Scoping Question 2 – We note that reference has been made to impacts on marine waters and the foreshore from offshore development however do all other references to potential impacts to the ‘water environment’ also include the marine environment?

Under Biodiversity, Flora and Fauna – it should be clarified that ‘effects on water dependent habitats and species’ also include marine habitats and species. Transboundary habitats and species (both terrestrial and marine) should also be included here.

Potential Noise impacts to marine wildlife should be included.





- Under Potential data sources we advise that the DAERA Marine Map Viewer ([Northern Ireland Marine Map Viewer](#)) is included here as this provides significant data in relation to protected species and habitats, protected areas and uses and activities in the NI inshore area.

### **DAERA Marine Plan Team Comments:**

Thank you for the opportunity to comment. We welcome the report's acknowledgement that there is potential for transboundary impacts to affect Northern Ireland.

The SEA provides the opportunity to explicitly reflect on transboundary effects, including those within the marine environment.

#### **Section 4. Other Relevant Plans and Programmes**

In answer to **Scoping Question 1**, it is advised that the UK Marine Policy Statement, the draft Marine Plan for Northern Ireland and the Marine Act (Northern Ireland) 2013 should be considered in relation to relevant marine transboundary legislation, plan, policies and programmes.

#### **Section 5. Scoping**

In answer to **Scoping Question 2**, relating to other effects or impacts that should be considered, it is advised that there should be greater clarity regarding whether references to underwater archaeology, water dependent habitats, water quality, water pollution etc. also refer to the marine environment, including the transboundary marine environment.

Biodiversity, Flora and Fauna. It is advised that specific mention should be made of marine habitats, species and protected sites, including those in transboundary and shared waters.

Air Quality. It is advised that water-dependent habitats should specify both freshwater, marine, and transboundary waters.

Noise is included in Air Quality however it is suggested that Noise should also be identified as a possible impact on marine biodiversity.

Air quality is the only category in Table 5-1 that considers transboundary aspects. It is suggested that consideration be given to possible transboundary impacts in relation to all categories of potential impact.

Landscape. It is advised that transboundary seascape should be included.

Geographical Scope, Section 5.1, mentions Northern Ireland, however it is advised that specific mention should also be made of the transboundary marine environment and the shared waters of Lough Foyle and Carlingford Lough.



### SEA Objectives

In answer to **Scoping Question 3:**

It is noted that some marine aspects are explicitly referred to within the draft SEA Objectives and this is welcomed as it provides a pathway for the consideration of transboundary effects within the marine environment. For example, marine waters are included in Objective 4.

It is suggested that consideration be given to drawing out further marine effects across the draft SEA Objectives, where relevant. For example, reference could be made to protecting coastal landscapes or seascapes within Objective 9. It could be made clear that marine biodiversity is included in Objective 2, as it is unclear if the reference to aquatic biodiversity includes marine biodiversity; and it is unclear if Objective 8 on cultural heritage includes marine cultural heritage.

### Other Observations

Importantly, EU Marine Strategy Framework Directive descriptors not addressed by the Water Framework Directive, in relation to the achievement of good environmental status, should be considered for inclusion. This includes issues such as the impacts of marine noise and litter and certain aspects of biodiversity.

### Conclusion

The above advice will ensure your assessment process is transparent and robust in relation to the consideration and assessment of effects on the marine environment, including transboundary marine effects.

### **DAERA Inland Fisheries Comments:**

DAERA Inland Fisheries is a core branch within Marine and Fisheries Division of the Department of Agriculture Environment and Rural Affairs. It has a statutory remit for the conservation, protection, development and improvement of salmon and inland fisheries under the Fisheries Act (NI) 1966 (as amended). DAERA Inland Fisheries is the implementing authority under the Convention for the Conservation of Salmon in the North Atlantic. This treaty requires signatory states to develop programmes of work to conserve, rationally manage and improve Atlantic salmon populations and their habitats within their jurisdiction. This work is scrutinised by the North Atlantic Salmon Conservation Organisation (NASCO). DAERA Inland Fisheries welcomes the opportunity to comment on the SEA Scoping on the Policy Statement for Mineral Exploration and Mining in Ireland.

**In answer to scoping question 1** – In Table 4-1: International and EU Legislation, Plans/ Programmes.

- 1) Given the potential for transboundary impacts, Inland Fisheries would suggest the inclusion of the – ‘Fisheries Act (Northern Ireland) 1966 as amended’ under International and EU Legislation.
- 2) Also under International and EU Plans/ Programmes - Inland Fisheries would suggest the inclusion of the - North Atlantic Salmon Conservation Organisation (NASCO), Convention for the Conservation of Salmon in the North Atlantic



Implementation Plan for the period 2019 – 2024. This an international commitment for both Northern Ireland (as part of the UK) and the Republic of Ireland (as part of the EU).

**In answer to scoping question 2** – Table 5-1: Potential Significant Environmental Issues. Again, given the potential for transboundary impacts, Inland Fisheries recommends specific mention within Biodiversity, Flora and Fauna.

- 1) Effects on NI Priority Species and their habitats.
- 2) Barriers to NI Priority species movement, especially migratory fish species in both freshwater and marine environments.

**In answer to scoping question 3** – Table 7-1: Draft SEA Environmental Objectives.

- 1) Objective 2 should include - Preserve, protect, maintain and where appropriate restore the terrestrial, aquatic and soil biodiversity, particularly EU designated sites and protected species 'including NI Priority species and/or their habitats within transboundary waterbodies/catchments,' and integrate biodiversity considerations wherever possible into the RBMP.

As a statutory consultee, Inland Fisheries will continue to provide technical advice on any individual proposals when requested and will continue to provide comment relating to any potential impacts to fisheries interests through the planning applications process.

**Department for Communities (DfC) Historic Environment Division (HED)**  
**Comments:**

DfC Historic Environment Division (HED) operate via a Service Level Agreement with colleagues in DAERA in relation to SEA, whereby we provide authoritative comment and advice in relation to matters of Cultural Heritage including archaeological and architectural heritage. We make the following comments in respect of the documentation received by our office on 26/05/2021.

HED welcome that the historic environment and cultural heritage scoped in for assessment. We highlight that given the intertwined nature of the historic environment with landscape and the natural environment, consideration of transboundary impacts is likely to be relevant with regard to this topic.

HED highlight for your awareness our [Guidance on Sustainability Appraisal and Strategic Environmental Assessment for the Historic Environment](#).

A large number of heritage assets predate the border itself. Some, such as canals, bridges and ancient earthworks (such as the Black Pig's Dyke), traverse it, and transboundary qualities such as the inter-relationships of sites, buildings and places and the potential effects with regard to impacts on their settings and the understanding and the experience of them should be considered. As additional evidence not already





articulated, our historic environment datasets are available at the link overleaf and may aid spatial understanding of the historic landscape context to inform the assessment, including helping indicate potential for archaeological remains in cases where not none might be recorded already in the border area. <https://www.communities-ni.gov.uk/publications/historic-environment-digital-datasets>

We also advise that datasets in relation to the marine historic environment, including shipwrecks can be sourced by contacting [colin.dunlop@daera-ni.gov.uk](mailto:colin.dunlop@daera-ni.gov.uk)

In addition to the above, we also highlight the value of considering potential impacts on understanding of transboundary post medieval vernacular heritage and historic settlement patterns, aspects of the historic environment which are very much intertwined with landscape, and which can be indicated through historic ordnance survey maps.

Should you have any questions regarding the content of the responses from the various DAERA Teams please do not hesitate to contact us.

Yours sincerely



Michael Gillespie

p.p. Ms Donna Whelan  
Senior Scientific Officer  
NIEA, DAERA

