

Geoscience Policy Division,  
Department of the Environment, Climate and Communications  
29-31 Adelaide Road  
Dublin  
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7<sup>th</sup> October 2021

Our Ref: SCP210504.2

**Re. Draft Policy Statement on Mineral Exploration and Mining in Ireland and SEA Environmental Report**

[REDACTED]

We acknowledge your notice, dated 30<sup>th</sup> July 2021, in relation to the Draft Policy Statement on Mineral Exploration and Mining in Ireland (the 'Policy Statement') and SEA Environmental Report.

The EPA is one of the statutory environmental authorities under the SEA Regulations. In our role as a 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 a SEA environmental authority do not include approving or enforcing SEAs or plans/programmes.

***General Comments on the Policy Statement***

We note that the Policy Statement aims to ensure a robust and transparent regulatory framework that supports environmentally responsible mineral exploration and mining activities.

We also acknowledge the intention of the Policy Statement to seek to maximise the contribution that responsible exploration and mining makes to society, economic development. We also note that the Policy Statement intends to support the transition to



net-zero greenhouse gas emissions through the supply of the raw materials necessary for the State's sustainable development.

It is crucial that environmentally sustainable mineral and mining activity remains at the core of the Policy Statement, throughout its finalisation and during its implementation. We welcome that this is acknowledged in Chapter 4 of the Policy Statement.

Regarding climate change, the recent *Climate Change 2021 – The Physical Science Basis Summary for Policy Makers* report (IPCC, 2021)<sup>1</sup> highlights the urgent need to continue to increase efforts to decarbonise our societies and our economies to avoid the potential worst impacts of climate change. In this context, the Policy Statement should acknowledge and support the need for this effort to continue. It should also consider including a commitment that the relevant actions that may arise from the Climate Action Plan 2021 once finalised, will be aligned with.

The Department of Environment, Climate and Communications (DECC) should also ensure that the Policy Statement aligns with key relevant higher-level plans and programmes and is consistent with the relevant national level objectives and policy commitments.

#### **Future Amendments to the Policy Statement**

You should screen any future amendments to the Policy Statement for likely significant effects, using the same method of assessment applied in the “environmental assessment” of the Policy Statement.

#### **SEA Statement – “Information on the Decision”**

Once the Policy Statement is adopted, you should prepare a SEA Statement that summarises:

- How environmental considerations have been integrated into the Policy Statement;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Policy Statement;
- The reasons for choosing the Policy Statement adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Policy Statement.

You should send a copy of the SEA Statement with the above information to any environmental authority consulted during the SEA process.

Guidance on preparing SEA Statements is available on the EPA website at the following link: <https://www.epa.ie/publications/research/environmental-technologies/research-306-guidance.php>

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<sup>1</sup> [https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC\\_AR6\\_WGI\\_SPM.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf)

### **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; and
- Minister for Agriculture, Food and the Marine.

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](mailto:sea@epa.ie).

Yours Sincerely,

[Redacted signature]

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[Redacted contact information]

## Appendix I – Specific Comments on the Policy Statement

### *General Comments*

We note that certain elements of each chapter of the Policy Statement are provided in boxes, while other commitments/objectives/principles are contained in the text. The Policy Statement commitments could be codified and differentiated from the body of the text for transparency. It would also make it easier to determine if the different elements have been progressed / achieved over the lifetime of the Policy Statement. We note that the SEA Environmental Report in *Section 8.2 – Integration of the SEA and AA Processes* established a codified reference system for the Policy Statement commitments /actions / principles. We suggest that this approach is incorporated into the Policy Statement to assist monitoring and reporting how the various commitments are being implemented over the lifetime of the Policy Statement. It will also help link both the SEA and AA findings and recommended mitigation with associated with specific aspects of the Policy Statement.

### *Chapter 2 - National, EU and International Policy Context for Mineral Exploration and Mining*

On page 11, is it too broad a generalisation to suggest that closed mine sites can ‘contribute to a transition to a circular economy through the Bioeconomy’ as this has only been proposed for one site (Lisheen Mine, Co. Tipperary). It is perhaps more appropriate to suggest that mine sites, closed satisfactorily, with their extensive infrastructure and space, have the potential to provide hubs or facilitate alternative industrial or business re-use including green business, as acknowledged in the summary on page 14.

It is also worth referring to a new EPA Research Report No. 388: *Circular Economy Opportunities – Raw Materials Ireland Project*<sup>2</sup>. It examined waste outputs from mining, materials processing and power generation in Ireland which are sent for disposal or exported. Potential exists to assess these wastes as secondary raw materials, recover valuable metals and find alternative applications for the residual waste to facilitate a circular economy.

### *Chapter 3 – Regulatory Framework*

We acknowledge the existing measures that help mitigate environmental impacts associated with mineral exploration, as set out in this Chapter.

In Section 3.1, paragraph 2, there is merit in strengthening the text as follows “*Mineral exploration ~~should~~ shall be compliant with all relevant Government laws and regulations...*”. Additionally, it is also important to recognise that the relevant European and international legislation/agreements should also be complied with, in implementing the Policy Statement.

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<sup>2</sup><https://www.epa.ie/publications/research/circular-economy/research-388-circular-economy-opportunities--raw-materials-ireland-project.php>



### *Section 3.2 Measures in place to mitigate the environmental impacts of Mining*

It is also worth noting in this section that, in addition to EIA, IPC/IE authorisation also includes full Appropriate Assessment under the Habitats Directive, where necessary.

While the legislation discussed in Section 3 is not exhaustive, reference should be made to the Water Framework Directive. In particular, it should be noted that for mineral operations, where significant amounts of water are abstracted for dewatering or other purposes, these may be subject to a registration/authorisation process by the EPA (Currently *European Union (Water Policy) (Abstractions Registrations) Regulations 2018*, (S.I. No. 261/2018) and the pending *Water Environment (Abstractions and Certain Impoundments) Bill*).

The Policy Statement should refer to the principle of the application of relevant Best Available Techniques (BAT) in terms of environmental performance and reducing harmful emissions (as highlighted in the SEA environmental report). In particular, as mineral waste is one of the most significant features of these operations, the 2018 BREF [Document for the Management of Waste from the Extractive Industries](#)) flowing from Directive 2006/21/EC should be highlighted. The BREF document describes amongst other considerations, techniques and technologies to be applied for environmental management systems, management of risk, minimisation of waste and resource consumption, prevention or minimisation of water status deterioration in the design, operational, closure and after-closure phases of an extractive waste facility.

In *Section 3.3 – Mineral exploration and mining in the marine space*, we note the proposal that mineral exploration and mining activity will not proceed at this time, given the limited scientific knowledge currently available. This would seem to reflect a precautionary approach which is welcomed. It is also worth noting that any future marine based mineral / exploration activities would need to consider any potential marine protected areas that may be designated. It will also be important that activity in the marine space considers the other sectors involved such as fisheries, aquaculture, tourism, transport, renewable energy and nature conservation, etc. Ensuring good collaboration and communication links are established, maintained and implemented will be key elements of any potential development activity in the marine environment. Close collaboration and communication with those stakeholders involved in implementing the National Marine Planning Framework will be an important consideration.

### *Chapter 4 – Mineral Exploration and Mining Policy*

On page 27, in paragraph 2, consider amending the text of bullet point 1 as follows “*ensure a robust and transparent regulatory framework is implemented in a manner that supports environmentally sustainable mineral exploration and mining;*”

The aim of increasing public communications and participation is welcomed as the sector is unfamiliar to most. Improving people’s understanding and trust of the industry and the regulatory framework is important. The establishment of an advisory group is welcomed.



This group should look to take account of any relevant environmental monitoring/reporting to ensure effective implementation of the Policy Statement is achieved, in collaboration with the relevant stakeholders.

An advisory group for the Dumping at Sea sector has worked well for the EPA following the transfer of responsibility for its regulation. This resulted in increased Public/industry engagement. A similar type advisory group may prove a useful approach to consider to further enhance stakeholder participation and understanding.

With reference to moving towards minimising waste and financial provision for the closure of mines, the EPA is currently working with industry on this. However, the articulation of 'community gain' principles in authorisations would be more appropriate for a planning permission or for a state mining lease/licence rather than for an EPA licence to specify or require.

In *Section 4.1 Key Principles*, we note the need to maintain and improve the robust regulatory regime for mineral exploration activity and mining. We suggest this should be supported by effective monitoring and reporting in order to determine how effective the key principles are at being applied and coordinated between the various stakeholders.

In *Section 4.1.3 Sustainable development*, consider amending the following bullet points in this section as follows:

- *Maximise the value to the state (society, climate and economy) from **sustainable** mineral exploration and mining with due regard to its community and environmental impact;*
- *Maximise the contribution the mineral exploration and mining sector can make, **in a sustainable manner**, to achieve our national, European and international policies and objectives **and obligations**, particularly in the terms of the transition to net-zero greenhouse gas emissions by 2050.*

In *Section 4.2.5 – Monitoring, Review and Reporting*, we welcome the commitment that monitoring and reporting on the implementation of the Policy Statement will be carried out at least every two years, with a review of the Policy Statement considered at least every three years. There is merit in clarifying whether this will include environmental-related monitoring.

We recommend linking the Policy Statement related monitoring and reporting with the relevant SEA monitoring aspects during these review/reporting periods.

In *Section 6.6 - Legacy Mines*, there is merit in providing further information regarding the legislation and background for State rehabilitation of former mine sites.

*Chapter 7 - International Initiatives to promote sustainable mining.*

The ongoing co-operation between regulators and industry in Northern Ireland could also be acknowledged in this chapter.



*Section 8 Frequently Asked Questions.*

On page 44, in relation to the 1st bullet regarding EPA licences, reference should also be made to EIA and AA being part of the licensing process.

On page 46, consider including a link or address for objecting to a mining licence (as was done for a prospecting licence).

## **Appendix II – Specific Comments on the SEA Environmental Report**

### *Chapter 5 – Relevant aspects of the current state of the environment*

We welcome the inclusion of *Table 5.1 – Summary assessment and future outlook for selected environmental policy areas and relevance to the draft Policy Statement*, in this chapter. In finalising the Policy Statement, there is merit in including an appendix explaining how the SEA and AA have been integrated into the Draft Policy Statement. Table 5.1 could be included in this additional appendix, in addition to the recommendations of the SEA / AA, set out later in both environmental assessments.

While we also welcome the inclusion of Table 5.2 which summarises the EPA State of the Environmental Report for 2020, it could be shortened to highlight the key messages of most relevance to the Policy Statement and SEA / AA.

We also acknowledge that the EPA funded Environmental Sensitivity Mapping Webtool, ([www.enviromap.ie](http://www.enviromap.ie)) has been used to inform the SEA.

In relation to human health considerations, there is merit in also acknowledging the potential radiation dose to mine workers, from exposure to radon as appropriate and relevant.

In Section 5.7, Table 5.7 shows the interrelationships between the SEA Topics. We note that the table doesn't indicate a relationship between 'land and soil' and 'air quality'. It is possible that odours, dust and other particulate matter associated with mining/mineral exploration activities (and activities associated with the management of associated wastes) may also impact on air quality. While this point is addressed in the text associated with the 'Population and Human Health', (these impacts may extend to criteria other than those affecting human health), it should also be acknowledged in this relationship table.

In relation to water quality impacts, there is merit in considering the occurrence of elevated natural background levels of heavy metals in mining or known mineral-rich areas and their potential impact on surface water quality. The Geological Survey of Ireland (GSI), may be able to assist in this regard.

### *Chapter 6 – Framework for Assessment*

We acknowledge the Strategic Environmental Objectives selected in the SEA, as shown in Table 6.1. We also welcome the inclusion of a column linking those environmental objectives to the UN SDGs.

### *Chapter 7 – Consideration of Alternatives & Chapter 8 – Assessment of the Preferred Scenario*

We acknowledge the approach taken in considering alternatives and note the selection of the preferred suite of alternatives chosen, as described in detail in Chapter 7. We also welcome that the EPA guidance note on '*Developing and Assessing Alternatives in Strategic Environmental Assessment*' (EPA, 2015) has been considered during this process.





### *Chapter 9 – Mitigation and Monitoring*

Where you have identified the potential for likely significant effects, you should provide appropriate mitigation measures to avoid or minimise these. You should ensure that the Policy Statement includes clear commitments to implement the mitigation measures.

We welcome the proposed mitigation measures as set out in Table 9.1, which include general mitigation, and more specific recommendations for some of the various action areas for the Policy Statement (Robust Regulation, Increasing Awareness, Participation and Sustainable Development).

We note however, that these have yet to be incorporated into the Policy Statement. We would recommend that in finalising the Policy Statement, the recommendations of the environmental assessment processes, as shown in Tables 9.1 and Table 9.2 are taken into account.

*Section 9.2 – Monitoring* discusses the environmental monitoring relation aspects. We note the proposed SEA monitoring programme as set out in Table 9.3.

This Monitoring Programme should be flexible enough to take account of specific environmental issues and unforeseen adverse impacts should they arise. It should consider and deal with the possibility of cumulative effects. Monitoring of both positive and negative effects should be considered. The monitoring programme should set out the various data sources, monitoring frequencies and responsibilities where possible.

The monitoring programme could take into account any Emission Limit Value exceedances of heavy metals, at EPA-licensed mines that have occurred over recent years.

If the monitoring identifies adverse impacts during the implementation of the Policy Statement, DECC should ensure that suitable and effective remedial action is taken.

Guidance on SEA-related monitoring is available on the EPA website at <https://www.epa.ie/publications/research/environmental-technologies/research-306-guidance.php>