

**Joint Oireachtas Committee on Housing, Local Government and
Heritage**

**Opening Statement by Maria Graham, Assistant Secretary Planning
Division of the Department of Housing, Local Government and
Heritage.**

12 July 2022

Cathaoirleach, members of the Committee, thank you for the invitation to attend today, to return to our discussion on the Planning Review.

I am joined again by Ms Mary Jones, Principal Officer and Mr Eugene Waters, Assistant Principal of the Planning Review Section, and Mr Colin Ryan, Senior Planning Adviser.

Today we move onto Discussion Paper 5 on Environmental Assessment having already covered papers one through four in our previous two sessions, which related to:

1. Plans and Guidelines
2. Consents
3. Enforcement
4. Planning Bodies

On Monday we met with the Planning Advisory Forum to consider this Discussion Paper. In addition to the standing members of the group, further representatives from the Environmental NGOs, the renewable energy sector as well as colleagues from the Department of Environment, Climate and Communications also attended the meeting to discuss this important topic.

It should be noted that this Discussion Paper discusses the technical process for environmental assessment as it relates to planning. Other

issues concerning 'access to justice' will be dealt with in a further discussion paper on the Judicial Review process. It is our intention to prepare a paper on this topic in the Autumn which we will discuss with the Committee.

Environmental Assessment

Environmental assessment is defined by the European Commission as the procedure that ensures that the environmental implications of decisions, including those related to planning, are taken into account before the decisions are made. Three key directives are the driving force behind this process:

- 'Environmental Impact Assessment' – EIA Directive (Directive 2014/52/EU)
- 'Strategic Environmental Assessment' – SEA Directive (Directive 2001/42/EC)
- 'Habitats Directive' (Directive 92/43/EEC)

The common principle of these three Directives is to ensure that plans, programmes and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorisation. Consultation with the public is a key feature of environmental assessment procedures.

In Ireland, the aims of Environmental Assessment are achieved using three key tools:

1. Strategic Environmental Assessment (SEA)
2. Environmental Impact Assessment (EIA)
3. Appropriate Assessment (AA) pursuant to the Habitats Directive

With this in mind the challenge for the Review working group, at its broadest level, is to balance our alignment with the European Directives on the one hand, whilst robustly interrogating the current processes to identify any potential for increased clarity and streamlining whilst maintaining the appropriate levels of public participation and the ability of the system to make robust decisions in a timely and predictable manner.

Emerging Considerations

Clarity

As mentioned at our first discussion, a lot has changed in the landscape of the planning system in the two decades since the Planning and Development Act (2000) was passed. Not least among these is the emergence in importance, rightly, in the interaction between Environmental Assessment with the Plan-making and Project Consent Processes.

It is our view that there is a need to integrate more clearly the scope and role of environmental assessments into plan making functions, particularly the consenting process for projects. The question therefore arises **whether there is scope to further improve the carrying out, concurrently, of the various assessments of environmental reports for development proposals in order to reduce complexity in the decision making process while maintaining the robustness of the final decision?**

Alignment

Any changes in relation to timelines need to be in line with the relevant EU Directives without being made unnecessarily complex by overly-intricate national provisions. The planning system, and the legislation that underpins it needs to be agile enough to deal with the intersection of the various interdependent Directives, for example the Water Framework Directive Framework (2000/60/EC), the Floods Directive (2007/60/EC), and the Seveso (Major Accidents) Directive (96/82/EC, as amended).

Planning legislation should reflect the wording and intent of relevant EU Environmental Directives. In particular, the AA process (particularly AA in enforcement cases and IROPI processes for projects) needs to be reviewed to better reflect the intent of the Habitats Directive. We therefore need to consider **what steps can be taken to enhance alignment between environmental provisions and wider planning and development policies whilst better meeting the objectives of European Directives?**

Futureproofing

The emergence at short notice of impactful policy changes such as the EU Commission's REPowerEU: statement¹ on moving to independence from Russian fossil fuels demonstrates the need for agility within the framework of the new Act.

The new Act needs to be structured to facilitate such new measures in a manner that dovetails with the system and rather than as processes that bookend a standalone planning process.

¹ https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1511

Conclusion

Environmental assessment, its importance and its implications have never been so important. It is therefore imperative that we enable the planning system, through this Review, to be equipped with the correct tools to effectively implement new European policy initiatives, particularly in the area of renewable energy and supporting infrastructure.

This needs to happen in a streamlined manner, rather than adhoc in reaction to emerging policies. Therefore Environmental Assessment and its related considerations must be integrated into the planning system in order to enable agility within the system to successfully meet future challenges.

Thank you again for the opportunity to further discuss the Planning Review and we are happy to answer any questions that the Committee may have on environmental assessment.