

**Waterways Ireland**

## Heritage & Biodiversity Plan 2030

Screening for Strategic Environmental Assessment

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# 1. Introduction

Waterways Ireland is a cross-border body responsible for the management, maintenance, development and promotion of over 1,000 km of inland navigable waterways, principally for recreational purposes. The waterways are: Barrow Navigation, Erne System, Grand Canal, Lower Bann Navigation, Royal Canal, Shannon Erne Waterway, Shannon Navigation, with restoration of the Ulster Canal also underway from Upper Lough Erne to Clones in County Monaghan. **Figure 1** depicts the waterways under the remit of Waterways Ireland on the island of Ireland.



**Figure 1: The Waterways under the remit of Waterways Ireland on the Island of Ireland**

Waterways Ireland is developing a Heritage & Biodiversity Plan 2030 (HBP) to conserve and enhance natural, cultural and historical heritage around inland navigable waterways in Ireland. The HBP will work towards sustainable, transparent and accountable management of inland navigable waterways in line with the expectations and concerns of local communities, government agencies, environmental organisations, and other stakeholders. In consideration of these aspects and for the development of the HBP, three strategic objectives are defined.

The geographical area covered by the HBP 2030 is the Republic of Ireland and Northern Ireland.

This report provides an analysis of the HBP and considers whether a Strategic Environmental Assessment (SEA) is required.

## 2. Mandatory Requirements

The SEA Directive - Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes (P/P) on the Environment - requires that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

The objective of the SEA Directive is *‘to provide for a high level of protection of the environment and 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, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment’* (Article 1 SEA Directive 2001).

Ireland (IE) made the decision to transpose the SEA Directive into Irish law in 2004 through two separate statutory instruments or regulations, one specifically concerning specific listed town and country/land use plans (S.I. 436/2004) and one concerning all other sectors (S.I. 435/2004). The transposing regulations are as follows:

- European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations (S.I.435/2004); and
- Planning and Development (Strategic Environmental Assessment) Regulations (S.I. 436/2004).

Due to the characteristics of the HBP, which is being developed with the aim of conserving and enhancing natural, cultural and historical heritage around inland navigable waterways in Ireland, the applicable legislation is S.I. No. 435 of 2004. The Environmental Protection Agency is the competent authority in Ireland for SEA.

Northern Ireland (NI) also made the decision to transpose the SEA Directive into law in 2004, this was done through:

- The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 No. 280.

Regulation 4 designated the Department of the Environment (DOE) - now the Department of Agriculture, Environment and Rural Development (DAERA) - as the Consultation Body for the SEA process in NI. Responsible Authorities should send their plans and programmes for consultation to their SEA Coordination Unit.

According to the aforementioned laws, plans and programmes are defined in:

- European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations (S.I.435/2004) as:

*“plans and programmes” means plans and programmes, as well as any modifications to them*

*(a) which are subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and*

*(b) which are required by legislative, regulatory or administrative provisions.*

- The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 No. 280 as:

*“plans and programmes” means plans and programmes, including those co-financed by the European Community, as well as any modifications to them, which –*

*(a) are subject to preparation and/or adoption by an authority at national, regional or local level; or*

*(b) are prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case,*

*(c) are required by legislative, regulatory or administrative provisions;”*

Should the plan fall under the definition of ‘plans and programmes’, then the requirement to carry out environmental assessment is dependent on the following:

- European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations (S.I.435/2004)

*which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism and town and country planning or land use, and which set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive, or*

*which are not directly connected with or necessary to the management of a European site but, either individually or in combination with other plans, are likely to have a significant effect on any such site.*

- The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 No. 280.

*(2) The description is a plan or programme which –*

*(a) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use; and*

*(b) sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC(1).*

If these triggers are met, then an assessment of potential significant effects on the environment is required to determine the need for SEA.

The screening process that helps to determine the need to apply the SEA procedure for a P/P is presented in Figure 2.

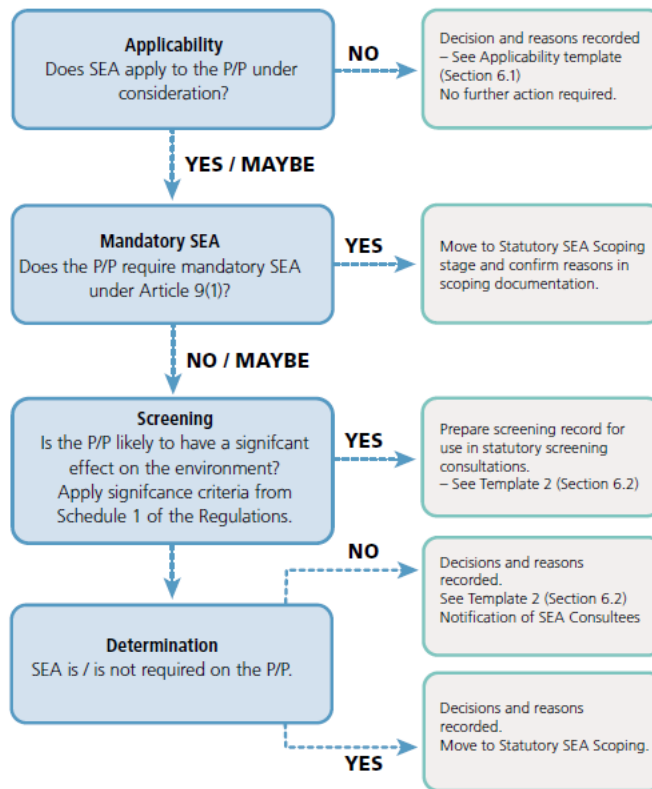


Figure 2: SEA screening process under S.I. 435/2004, as amended<sup>1</sup>

## 3. Heritage & Biodiversity Plan 2030

This section provides context to determining the need for SEA of the HBP 2030.

The HBP 2030 is the second Heritage & Biodiversity Plan to be prepared by Waterways Ireland. The plan is part of proactive action by Waterways Ireland to manage the natural, built and cultural heritage of the waterways and to develop appropriate strategies for their conservation, interpretation and promotion.

### 3.1 Types of Waterway Heritage Assets

The HBP has identified three different types of Waterway Heritage Assets. This classification helps to understand the importance of the measures described in the Plan, as well as to prioritise them.

- **Natural heritage**
  - Biodiversity & Natural Heritage
  - Ecosystems Services & Natural Capital
  - Geology
- **Archaeological, architectural & industrial heritage**

<sup>1</sup> Good Practice Guidance on SEA Screening (Environmental Protection Agency 2021)

- Archaeology
- Monuments
- Architectural Heritage
- Industrial Heritage
- Wrecks
- **Cultural heritage**
  - Floating Heritage
  - Heritage Objects & Archives
  - Oral History & Folklore
  - Placenames
  - Local History
  - Landscapes/seascapes.

### 3.2 Objectives & Key Results

Waterways Ireland has worked on a series of objectives and key results (OKRs) that ensure a correct way to achieve the desired outcomes. According to the HBP the OKRs “provide an effective approach to achieving these objectives by breaking them down into measurable targets that can be tracked over time. Each year an annual programme of actions will be undertaken to ensure we achieve our targets. This also allows for ongoing review, in order to achieve the OKRs throughout the life of the Plan.”

The following is an excerpt from the HBP, indicating the objectives pursued, the expected results and the expected impacts.

- **Objective 1:**

Develop a solid foundation of high quality and openly accessible waterways heritage and biodiversity knowledge.

Timeframe: Annually.

The expected key results are:

- KR 1.1 Within the scope of this plan, all publishable data is made available in the year the data is collected.
- KR 1.2 Heritage research initiatives are progressed to underpin Waterways Ireland’s role as custodians of heritage and biodiversity assets.
- KR 1.3 Data and knowledge is integrated across Waterways Ireland decision-making processes.

Impacts:

- Open-source heritage and biodiversity data
- Informed management and investment decisions
- Informed decision-making
- Compliance & risk reduction.

- **Objective 2:**

*Ensure that Waterways Ireland's management of heritage and biodiversity is integrated across the organisation's activities and external partnerships, to support alignment with the UN SDGs.*

Timeframe: Annually.

The expected key results are:

- KR 2.1 A heritage and biodiversity training audit is developed for Waterways Ireland staff.
- KR 2.2 Enhanced skills and capacity are available to Waterways Ireland and external stakeholders.
- KR 2.3 Best practice delivery of heritage, biodiversity and climate initiatives and partnerships.
- KR 2.4 Waterways Ireland communicates on the alignment of our activities with the UN SDGs.
- KR 2.5 Establish and secure strategic partnerships with heritage organisations over the life of the Plan.

Impacts:

- Internal Capacity
- Building Strategic approach to the WI
- Custodian Role
- Reporting on alignment with SDGs.
- **Objective 3:**

*Strengthen and support inspiring heritage and biodiversity experiences across our shared waterways.*

Timeframe: Annually.

The expected key results are:

- KR 3.1 Increased numbers engaging with heritage and biodiversity initiatives delivered by Waterways Ireland.
- KR 3.2 Increased support for, and engagement with, community organisations and other stakeholders promoting heritage and biodiversity initiatives.
- KR 3.3 Waterways Ireland digital heritage resources reach new audiences.
- KR 3.4 Feedback and insights are gathered from partners engaging with waterways heritage and biodiversity to inform our integrated management approach.

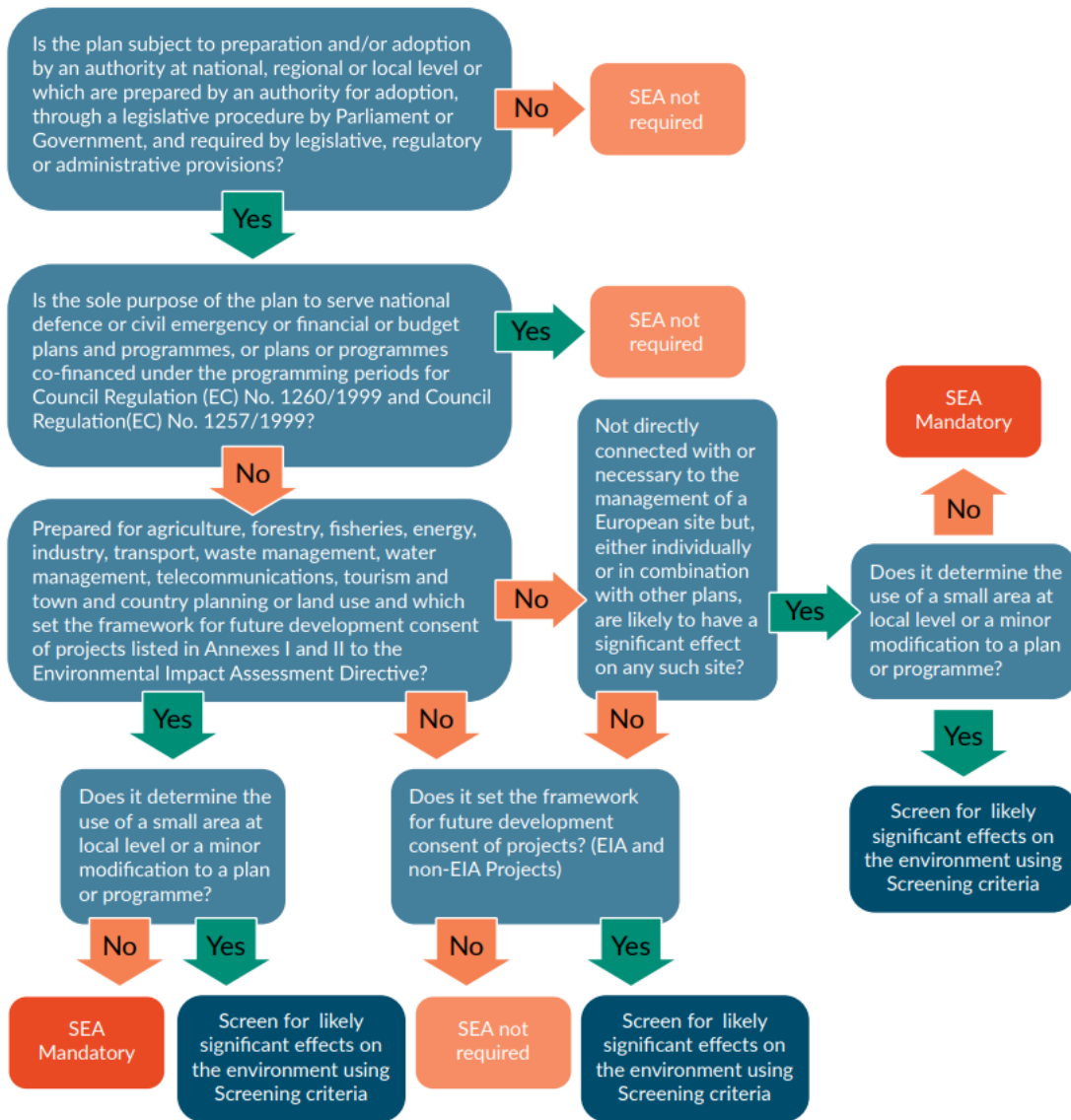
Impacts:

- Community groups are activated, and heritage assets are animated.
- Community groups are more empowered to engage with Waterways Heritage OKRs.

## 4. Assessment of applicability of SEA process

This section provides an assessment of the applicability of the SEA process based on the decision tree provided by the EPA in Guidance “Good Practice Guidance on SEA Screening”. With this analysis it can be identified whether the plan is included within the scope the SEA Directive and, if so, whether it requires an SEA, refer to **Figure 3**.

Further regard was had to the UK-wide guidance ‘A Practical Guide to Strategic Environmental Assessment Directive’ throughout the entirety of this Screening Process. However, this Screening Report predominantly follows the EPA’s Good Practice Guidance on Screening (2021) as, at the time of writing this report, the EPA guidance (for IE), is the most recent guidance publication for SEA Screening on the island.



**Figure 3: SEA Decision Tree adapted from the research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland.**

This assessment takes into account the information presented in Section 3 in determining the SEA requirement of the HBP 2030.

**Table 1: SEA Applicability**

APPLICABILITY	
<b>Section 1: General Details and Key Information about the Plan or Programme</b>	
Name of P/P Maker:	Waterways Ireland
Title of P/P:	Heritage & Biodiversity Plan 2030
Type of Plan:	Heritage & Biodiversity Plan
Date:	2023

## APPLICABILITY

### Background and Context of the P/P

Waterways Ireland is developing a Heritage & Biodiversity Plan 2030 (HBP) to conserve and enhance natural, cultural and historical heritage around inland navigable waterways in Ireland. The HBP will work towards sustainable, transparent and accountable management of inland navigable waterways in line with the expectations and concerns of local communities, government agencies, environmental organisations, and other stakeholders.

### Purpose of the P/P

The purpose of the HBP is to work towards sustainable, transparent and accountable management of inland waterways in line with the expectations and concerns of local communities, government agencies, environmental organisations and other stakeholders.

### Geographical Area Covered by the P/P

The geographical area covered by the HBP 2030 is the Republic of Ireland and Northern Ireland.

### Content of the P/P

The HBP 2030 is the second Heritage & Biodiversity Plan to be prepared by Waterways Ireland. The plan is part of proactive action by Waterways Ireland to manage the natural, built and cultural heritage of the waterways and to develop appropriate strategies for their conservation, interpretation and promotion. The main objectives of the Plan are:

*Objective 1: Develop a solid foundation of high quality and openly accessible waterways heritage and biodiversity knowledge.*

*Objective 2: Ensure that Waterways Ireland's management of heritage and biodiversity is integrated across the organisation's activities and external partnerships, to support alignment with the UN SDGs.*

*Objective 3: Strengthen and support inspiring heritage and biodiversity experiences across our shared waterways.*

### Section 2: Status of the P/P Maker

- Is the P/P prepared and/or adopted by an authority at national, regional or local level or prepared by an authority for adoption through a legislative procedure by Parliament or Government?
  - Clarify who will prepare the P/P, if they are affiliated to any authority and if the P/P will be adopted through any legislative provision.

An authority for the purpose of SEA is defined under S.I. No. 435 of 2004 as “the authority which is, or the authorities which are jointly, responsible for the preparation of a plan or programme, or modification to a plan or programme”.

Under the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 No. 280 as “(a) the authority by which, or on whose behalf, it is prepared; and (b) where, at any particular time, that authority ceases to be responsible, or solely responsible, for taking steps in relation to the plan or programme, the person who, at that time, is responsible (solely or jointly with the authority) for taking those steps”.

On that basis, yes, the Plan is being prepared by Waterways Ireland; an authority at national level.

- Is the P/P required by legislative, regulatory, or administrative provisions?
  - Provide information on any legislative, regulatory, or administrative requirements. This criterion also includes P/P required to deliver administrative functions of an authority e.g. Dublin Port Company Masterplan.

No. The HBP 2030 indicates that Waterways Ireland has developed this work proactively, and therefore it is not required by legislative, regulatory or administrative provisions.

### Section 3: Conclusions

- Summarise the relevant information informing the assessment and the main reasons the P/P does or does not fall within the scope of the SEA Directive.
  -

In summary, the HBP 2030:

- is being developed by Waterways Ireland, a national authority.
- is not required under legislative, regulatory or administrative provisions. could be interpreted as being required by administrative provisions.

APPLICABILITY	
	Therefore the plan does not fall under the definition of ‘plans and programmes’, and therefore does not fall within the scope of SEA legislation in IE or NI.
The findings and conclusions of this SEA Screening are presented below in Section 5.	

## 5. Conclusion

Waterways Ireland is developing a Heritage & Biodiversity Plan 2030 (HBP) to conserve and enhance natural, cultural and historical heritage around inland navigable waterways in Ireland.

The HBP will work towards sustainable, transparent and accountable management of inland navigable waterways in line with the expectations and concerns of local communities, government agencies, environmental organisations, and other stakeholders. In consideration of these aspects and for the development of the HBP three strategic objectives are defined.

As the HBP is not required by legislative, regulatory or administrative provisions, it is concluded that the SEA Directive - Directive 2001/42/EC is not applicable and therefore the SEA process does not need to be carried out.

## 6. References

- Heritage & Biodiversity Plan 2030 – Waterways Ireland
- National Biodiversity Action Plan 2017-2021
- Ireland's 4th National Biodiversity Action Plan - Draft for Public Consultation
- SEA Screening Good Practice Guidance (EPA, 2021)
- S.I. No. 435/2004 - European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004
- A Practical Guide to the Strategic Environmental Assessment Directive (Office of the Deputy Prime Minister, Scottish Executive, Welsh Assembly Government, Department of the Environment, Northern Ireland, 2005).