Northern Ireland Environment Agency
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CAP Rural Development Division,
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13th April 2021

Re: Statutory consultation on the draft scoping report for the environmental assessment of the CAP Strategic Plan 2023-2027

Dear [redacted],

Thank you for the opportunity to make comments to the draft scoping environmental assessment and appropriate assessment screening report for the CAP Strategic Plan 2023-2027. The Department of Agriculture, Environment and Rural Affairs Northern Ireland (DAERA) has considered the consultation documents and our comments are set out below.

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

DAERA Natural Environment Division (NED) Comments

NED welcome the scoping in of transboundary issues for the natural environment / heritage.

In terms of the scoping of transboundary SEA issues, the information being considered by the SEA is broad. When refining targets, 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, and Marsh Fritillary butterfly meta-populations in the Ross Area of Special Scientific Interest on the Fermanagh and Leitrim boundary. Bats and other bird species should be given consideration. Cross border peatlands, river basins, European sites in Northern Ireland adjacent to or with pathways to the Republic of Ireland and other landscape types also require special attention as ecological functionality and 'views' of landscape cross political boundaries.

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

Other relevant information and web-links are:

The Regional Development Strategy 2035 (RG.11) (https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/regional-development-strategy-2035.pdf) provides guidance for the application of spatial development approaches including in relation to the natural environment. The Strategic Planning Policy Statement, (https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/SPPS.pdf) Paragraphs 6.168 - 6.198 outlines the strategic planning policy around natural heritage in Northern Ireland. These documents may help provide a context to the existing approach to assessing impacts to the Northern Ireland natural heritage.

Designated Scientific Sites: 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

Our natural environment datasets are available at the link below: 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

Marine Plan Team Comments

Thank you for the opportunity to comment. The comments primarily refer to the consideration of transboundary marine effects with Northern Ireland.

We welcome the recognition of the CSP's relationship to marine legislation and policy frameworks and that there is potential for the CSP to give rise to effects in Northern Ireland.

It is advised potential effects could extend into the shared marine environment of the sea loughs, Lough Foyle and Carlingford Lough.
The SEA provides the opportunity to explicitly reflect on transboundary effects within the marine environment. It is advised the SEA topics and the SEA Objectives are revisited, giving thorough consideration to the incorporation of marine aspects. This will inform the assessment of potential marine transboundary effects.

The UK Marine Policy Statement (MPS) and the draft Marine Plan for Northern Ireland will support you in your consideration of marine aspects and transboundary marine effects. The marine environment considerations set out in these marine policy documents could be clearly drawn out within each of the SEA topics outlined in Table 2. In addition, the Strategic Environmental Objectives and subheadings could also include specific reference to marine aspects to facilitate the holistic testing of potential environmental effects.
The advice above will ensure your assessment process is transparent and robust in relation to the consideration of effects on the marine environment and your assessment of transboundary marine effects.

Both the UK MPS and the draft Marine Plan for Northern Ireland can be found on the DAERA website at Marine planning | Department of Agriculture, Environment and Rural Affairs (daera-ni.gov.uk)

Inland Fisheries Comments

Inland Fisheries branch within Marine and Fisheries Division has a statutory remit for the conservation, protection, development and improvement of salmon and inland fisheries under the Fisheries Act (NI) 1966 (as amended). 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). Inland Fisheries welcomes the opportunity to input to the Consultation on the draft scoping report for the environmental assessment of the CAP Strategic Plan 2023-2027.

DAERA Inland Fisheries is content that the documents provided have taken into consideration potential impacts on the aquatic environment from any proposed schemes to be promoted by the CAP. Inland Fisheries Ireland have been listed as consultees in the SEA as they are the body responsible for the protection of fisheries interests in the Republic of Ireland, and they are to be consulted on any potential schemes. DAERA Inland Fisheries are content that any issues

impacting the aquatic environment and thus fisheries interests will be considered by them appropriately including any resulting potential transboundary impacts. DAERA Inland Fisheries would highlight at this stage that any potential funding schemes relating to land management and the use of pesticides etc. have the potential to impact on watercourses in the Republic of Ireland which flow to Northern Ireland and thus impact within DAERA's jurisdiction. Any potential schemes should consider the promotion of the development of riparian zones, restoration of natural processes and renaturalisation of said watercourses as the potential improvements in water quality and habitats will not only impact in the immediate vicinity of the works but the catchment as a whole. Inland Fisheries welcomes the inclusion of potential impacts to transitional water bodies as these may impact the behaviour of migratory fish species which are transboundary by nature.

Any schemes proposed within the CAP which can have a positive impact to transboundary watercourses are mutually beneficial and as such any schemes considered to have negative impacts on these waterbodies will be mutually destructive. Inland Fisheries are content that the considerations proposed within these documents are such that transboundary watercourses and potential impacts will be fully considered before implementation and if deemed to have negative impacts to the environment will not be implemented. Inland Fisheries would welcome the opportunity to be consulted if and when any schemes proposed are likely to have any transboundary impacts.

DAERA Drinking Water Inspectorate (DWI) Comments

- Transboundary issues: DWI welcomes the comments in the CAP Strategic Plan 2023-2027 SEA Scoping Report 12.02.2021 Final, CAP Strategic plan AA Screening report and are content that the Transboundary impacts are taken into account in this report.

- NI Water: There is no mention of engagement with NI Water to ensure that there are no reservoirs or public drinking water sources in transboundary areas, which have the potential to be impacted by the plan. DWI would encourage consideration of NI Water infrastructure and resources throughout the CAP Strategic Plan.

- DWI would highlight the need to ensure that proposed utilisation of ground water sources in transboundary areas does not affect the quality or sufficiency of existing private water supplies in Northern Ireland. Details on undertaking a search for potential private water supplies within the vicinity of the proposed development can be undertaken by accessing the following link: https://docs.spatialni.gov.uk/applications/drinkingwaterinspectorate/Generalinformation.pdf

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

DfC Historic Environment Division 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 18/02/2021.

HED welcome consideration of the historic environment and cultural heritage in the report but would highlight that it has not been clearly identified as scoped in, in the relevant column in Table 2. We note that the report recognises the potential for transboundary effects but would welcome further clarity on how these potential effects might be addressed, including around cultural heritage issues. HED highlight that given the intertwined nature of the historic environment with landscape and the natural environment, consideration of transboundary impacts is considered relevant with regard to this topic. A very large number of heritage assets predate the border itself. Some, such as canals 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 setting and the understanding and the experience of them should be considered. We have provided further reference and links to our historic environment datasets in the content of our response below which will aid spatial understanding of the historic landscape context in the border area to inform the assessment.

Table 2 – Strategic Environmental Assessment Topics – scoping and potential significant environmental effects.
Cultural Heritage (ought to be scoped in)
HED suggest that reference to potential loss of traditional farm buildings would be appropriate in bullet 1. With regard to potential positive effects, we suggest:
Bullet 1 – that the term 'cultural role' would be better articulated as 'cultural significance'
Bullet 2 – it would be strengthened by the inclusion of the key word 'conservation'. i.e. 'promotion of conservation, re-use, protection and restoring historic farm buildings'.
Bullet 3 –that upskilling in the maintenance of traditional farm buildings, traditional crafts might be another potential positive outcome to consider.

Table 4. Datasets for the SEA environmental report
Cultural Heritage HED highlight sources for data in the Historic Environment Record of Northern Ireland, which is maintained by the Department for Communities and which will aid in considering potential transboundary effects in relation to cultural heritage.

https://www.communities-ni.gov.uk/publications/historic-environment-digital-datasets These GIS datasets are available for download and can be accessed via our Historic Environment Map Viewer
In addition to the above evidence, 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 that are very much intertwined with landscape character which transcends the border area, and which can be discerned through evidence including historic ordnance survey maps.

Section 4.2.
Bullet point 7. HED highlight the specific positive role that cultural heritage often plays in relation to biodiversity. We highlight that many field monuments provide islands of wild habitat in otherwise cultivated or improved land, and that traditional and vernacular buildings can provide habitats for species such as barn owls and bats.

Table 5 Draft Strategic Environmental Outcomes.
HED consider that the objectives in relation to landscape and cultural heritage could be strengthened by the inclusion of the word conservation, which relates specifically to the positive management of change that is centred on an understanding and protection of the significance of an asset. E.g., "Contribute to the conservation, protection, enhancement and management…."

Landscape – we suggest some augmentation in relation to bullet point 3 along the lines of "Support the integration of new farm buildings sensitive to the local landscape character through appropriate design, siting and screening."
Cultural heritage –We suggest that bullets here could be slightly augmented through
Bullet one – inclusion of the word reuse, for sustainability
Bullet three – inclusion of reference to traditional building skills.
We suggest around the safeguarding of archaeological sites and field monuments would be appropriate.

Annex A: Relationship to Plans and Programmes

European and EU Policies Plans and Programmes
HED would recommend inclusion of reference to the European Landscape Convention (Florence 2000)

In relation to Northern Ireland and assessment of Transboundary effects, we suggest the inclusion of regional strategic policies as relevant to the assessment. The Regional Development Strategy 2035 (RG.11) provides guidance for the application of spatial development approaches including in relation to the historic environment, and The Strategic Planning Policy Statement , Paragraphs 6.1 - 6.30 outlines the strategic planning policy around heritage assets in Northern Ireland. While the strategy to which the scoping report relates does not relate to

development per se, these documents nonetheless help provide a context to the existing approach to assessing impacts in relation to heritage assets in Northern Ireland. We also suggest that you may wish to consider reference to our Guidance on Setting and the Historic Environment, as the potential for transboundary impacts on setting of heritage might be a specific component of your assessment.

Should you have any questions regarding the content of our response please do not hesitate to contact us.

Yours sincerely

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NIEA, DAERA