

The Minister for Children, Equality, Disability, Integration and Youth

Screening of the Institutional Burials Legislation for Strategic Environmental Assessment

SEA Screening Report for the Institutional Burials Legislation

Reference: 1

1 | 12 May 2022


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1. Introduction

The Department of Children, Equality, Disability, Integration and Youth (referred to hereafter as ‘DCEDIY’ or ‘the Department’) of the Government of Ireland has prepared the Institutional Burials Legislation (referred to hereafter as the ‘IBL’ or ‘the legislation’).

The purpose of the IBL is to provide a lawful basis for a forensic excavation, recovery and analysis of human remains which were buried in a manifestly inappropriate manner at a burial site associated with an institution owned, operated, controlled or funded by a public body.

Having regard to the ‘wide scope and broad purpose’ of the SEA Directive, Arup has been commissioned by DCEDIY to carry out Strategic Environmental Assessment (SEA) screening of the IBL. Refer to Section 4.2 ‘Applicability’ for further information on the applicability of the SEA Directive to the IBL.

SEA Screening is defined in the relevant guidance documents as “*the process for deciding whether a particular plan, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA.*”

The purpose of this document is to carry out a screening exercise to determine, in respect of the IBL, if SEA is required to be carried out in accordance with the European Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (“SEA Directive”) as transposed by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435 of 2004), as amended.

This SEA Screening Report provides the findings of the SEA screening process of the IBL.

2. Strategic Environmental Assessment

2.1 Overview

SEA is defined as ‘*the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme before a decision is made to adopt that plan or programme.*’ [1]. The SEA process is comprised of the following steps:

- Screening: Decision on whether or not SEA of a Plan or Programme is required. This is the current stage of the SEA process to which this report relates.

If SEA is considered to be required following screening, the following steps are required:

- Scoping: Consultation with the defined statutory bodies on the scope and level of detail to be considered in the assessment,
- Environmental Assessment: An assessment of the likely significant impacts on the environment as a result of the Plan or Programme.
- Preparation of an Environmental Report.
- Consultation on the Plan or Programme and associated Environmental Report.
- Evaluation of the submissions and observations made on the Plan or Programme and Environmental Report and
- Issuance of a SEA Statement identifying how environmental considerations and consultation have been integrated into the Final Plan or Programme.

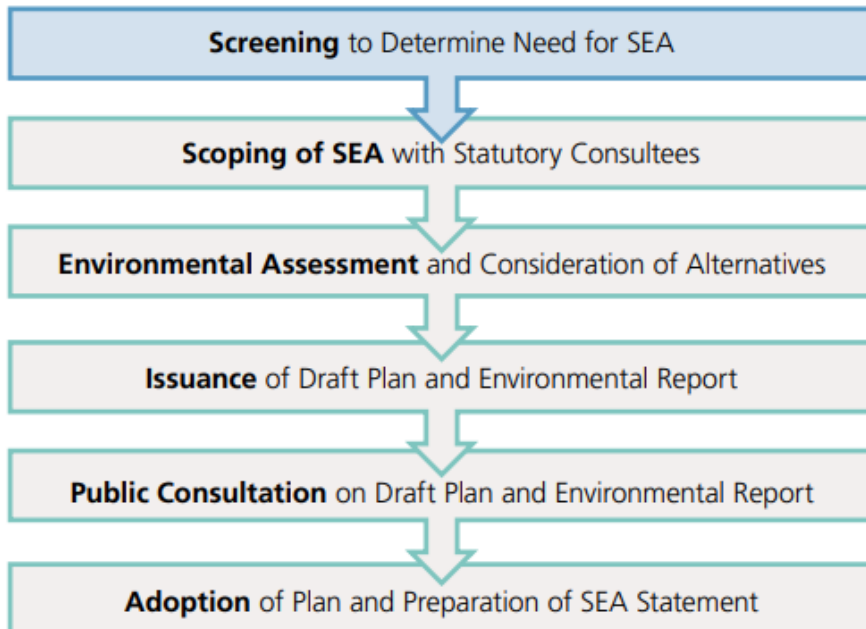


Figure 1 Screening in the overall SEA process

SEA is intended to provide the framework for influencing decision-making at an earlier stage when plans and programmes - which give rise to individual projects - are being developed. SEA should result in more sustainable development through the systematic appraisal of policy options.

2.2 Guidance and Legislation

2.2.1 Legislative Overview

The SEA Directive - Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes 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...with a view to promoting sustainable development'* (Article 1 SEA Directive 2001).

Ireland 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).

Both pieces of legislation were amended in 2011 through the following amendment regulations:

- European Communities (Environmental Assessment of Certain Plans and Programmes) Amendment Regulations (S.I. 200/2011); and
- Planning and Development (Strategic Environmental Assessment) Amendment Regulations (S.I. 201/2011).

The SEA Directive has also been given effect through other Irish legislation. An example being, the Planning and Development Act [PDA] 2000, as amended, which includes a specific requirement to carry out and facilitate SEA alongside the preparation of the Regional Spatial and Economic Strategies; and the Water Services Act 2007, as amended, requires that:

“The purpose for which this Act is enacted includes giving effect to so much of the following as relates to water services” - listing specifically Directive 2001/42/EC [2].

2.2.2 Guidance Documents

A number of national guidance documents on SEA were reviewed in the preparation of this SEA Screening Report, including:

- Good Practice Guidance on Screening [3].
- Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland [4].
- Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment- Guidelines for Regional Authorities and Planning Authorities [1].
- Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment [5].
- (Draft) SEA Resource Manual for Local and Regional Planning Authorities [6].
- Integrating Climatic Factors into Strategic Environmental Assessment in Ireland - A Guidance Note [7].
- Synthesis Report on Developing a Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes In Ireland [8].

3. Institutional Burials Legislation

3.1 Legislative Basis

In October 2018, the Government of Ireland decided that a phased, forensic-standard excavation, recovery and identification (if possible) of remains which were buried in a manifestly inappropriate manner at a burial site associated with an institution owned, operated, controlled or funded by a public body should be facilitated where applicable, followed by respectful re-interment of remains. The Attorney General advised that new legislation was required to implement the decision. In December 2019, the Government approved and published the General Scheme and Heads of Bill, which set out the main legal changes or provisions of the proposed legislation. The General Scheme was scrutinised by an Oireachtas Committee during the first half of 2021. The Committee provided its report and recommendations in July 2021 [9]. The Minister worked with the Attorney General to prepare the Institutional Burials Bill, which is not site specific and will also be able to cater for an intervention at other sites should similar situations arise, taking account of feedback received from the Oireachtas Committee and other stakeholders. The Bill was approved by Government on 22 February and now awaits passing by both Houses of the Oireachtas before it can be signed into law [10].

3.2 Institutional Burials Legislation Overview

Following Government approval, the Minister published the Institutional Burials Bill. This bill, once passed as legislation, will provide a lawful basis for a forensic excavation, recovery and analysis of human remains which were buried in a manifestly inappropriate manner at a burial site associated with an institution owned, operated, controlled or funded by a public body. The legislation will allow, where possible, DNA based identification to be undertaken to return remains to their family members or make final arrangements in line with their wishes. The legislation is not site specific and provides for interventions at burial sites associated with similar institutions should similar circumstances arise.

The legislation will allow the Government, by order, to direct an intervention at a site and to approve the appointment of a Director to oversee and manage a phased, step-by-step approach, comprising some or all of the following steps:

- Excavation of the site;
- Recovery of human remains;
- Post recovery analysis of remains to support, where possible, establishing circumstances and cause of death;
- Identification of remains through DNA familial matching;
- Return of remains to family members or respectful re-interment.

The legislation provides an exemption from planning permission for interventions carried out under the legislation [11]. All of the steps outlined in the legislation will be undertaken to a forensic standard in line with international standards and best practice. The legislation will also provide for temporary rights of access to the land where an intervention is to take place, with an obligation to provide reasonable compensation and to restore land to its original condition and use upon completion [9].

3.3 Legislative Area

The legislation is not site specific and will be able to cater for an intervention at any site where forensic excavation, recovery and analysis of human remains which were buried in a manifestly inappropriate manner at a burial site associated with an institution owned, operated, controlled or funded by a public body, is necessary. The Institutional Burials Bill seeks to ensure that the remains of those who died in residential institutions across Ireland, and who were buried in a manifestly inappropriate manner, may be recovered and re-interred in a respectful and appropriate way. It also provides for the identification of remains and their return to family members, where possible [10].

4. SEA Screening Methodology

4.1 Overview

The sea Screening Methodology applied in this document is based on the methodology outlined in the EPA publication ‘Strategic Environmental Assessment Screening | Good Practice Guidance’ (EPA, 2021), as shown in **Figure 2**.

According to the EPA guidance, the screening process comprises three principal stages:

1. Applicability
2. Screening
3. Determination

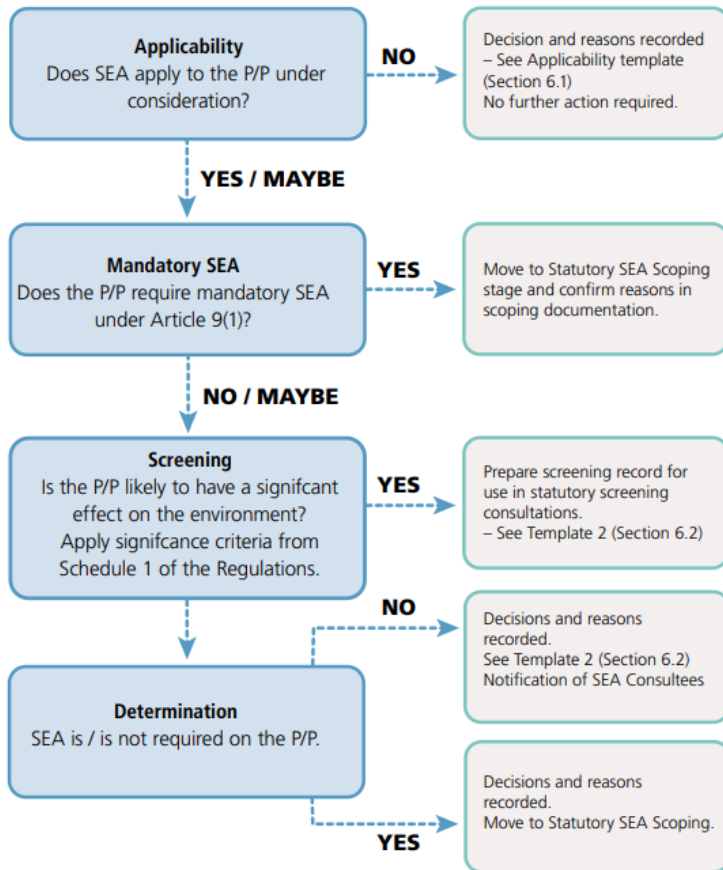


Figure 2 SEA Screening Process under S.I. 435/2004, as amended Source: [3]

The guidance states that the overall characteristics of the plan or programme should first be considered, by means of Stage 1 ‘Applicability’ check to see if it falls within the requirements of the SEA Directive.

Should this Stage 1 Applicability check determine that the plan or programme is of a type that falls within the requirements of the SEA Directive, the potential environmental significance of implementing the proposed plan or programme should then be considered, against the significance criteria outlined in Annex II (2) of the SEA Directive (Stage 2 ‘Screening’).

Regard was also had to the SEA Decision Tree adapted from the research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland, as such is shown in **Figure 3** [3].

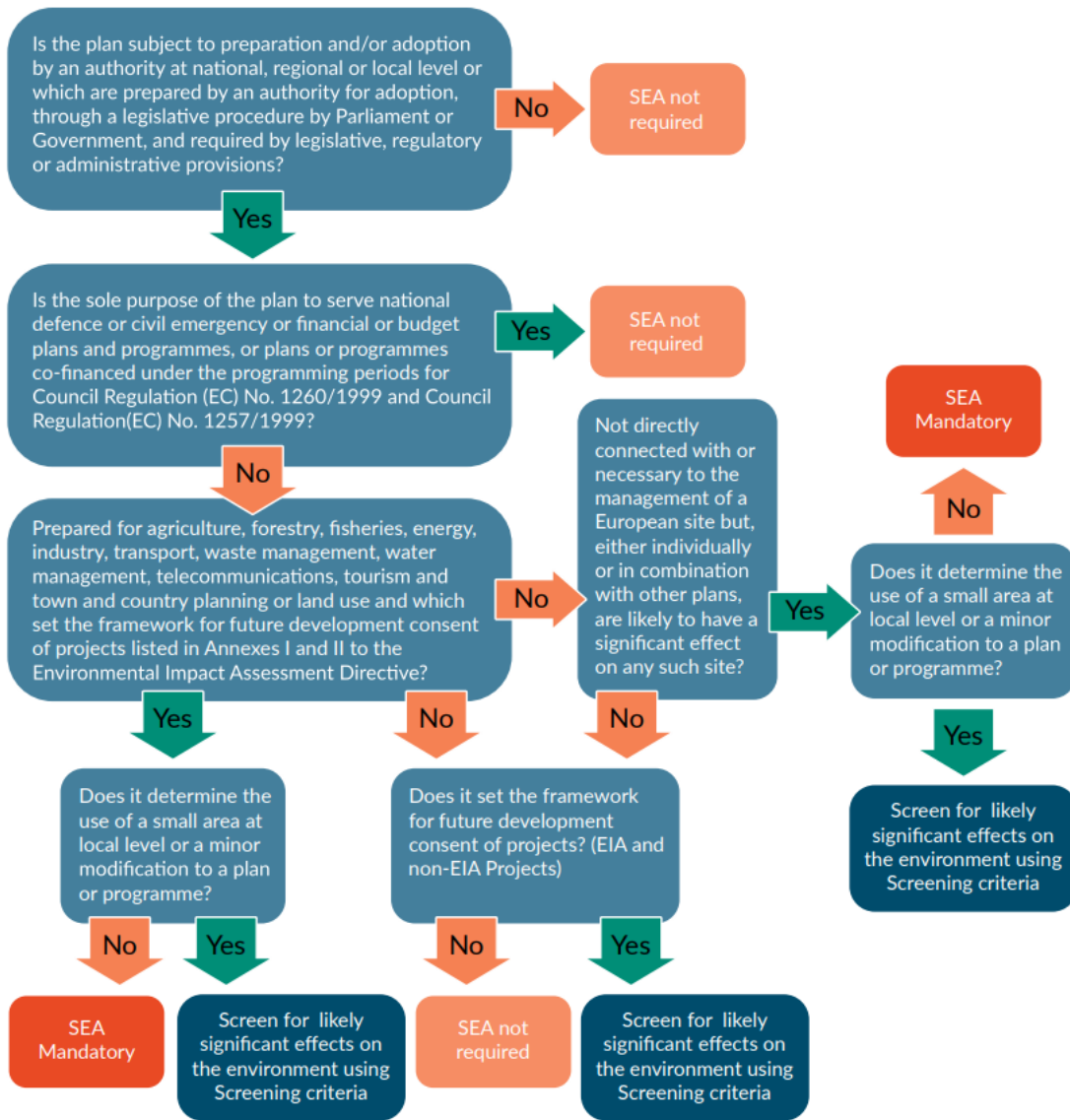


Figure 3 SEA Decision Tree adapted from the research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland Source: [3].

4.2 Stage 1 ‘Applicability’

The Applicability Stage of Screening consists of a four-step process. As outlined in **Table 1** below:

Table 1 Stage 1 ‘Applicability’ Steps Source: Invalid source specified.

Establish the status of the plan or programme-making body	
Step 1:	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?
Step 2:	Establish the nature of the plan or programme Is the P/P required by legislative, regulatory, or administrative provisions?
Step 3:	Check the plan or programme is not exempt Is the sole purpose of the P/P for national defence, civil emergency or finance / budget?
Step 4:	Check if the plan or programme requires mandatory SEA Is the P/P prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecoms, tourism, town and country planning or land use ¹³ and does the P/P set the framework for future development consent of projects listed in the Annexes of the EIA Directive; or

Step 1:	Establish the status of the plan or programme-making body
	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?
	Will the P/P require assessment under Art. 6 or 7 of the EU Habitats Directive?

There are three possible outcomes following Stage 1 Applicability Screening:

- **The SEA Directive does not apply**- The P/P is not of a type which falls within the remit of the SEA Directive / SEA Regulations. It is recommended as good practice to keep a note of the deliberations alongside the P/P on the relevant website, alongside the AA screening determination. There is no requirement to notify the environmental authorities.
- **The SEA Directive does apply**- The P/P is of a type which falls within the remit of the SEA Directive / SEA Regulations and requires mandatory SEA. Proceed to SEA Scoping and statutory consultation with the designated environmental authorities. The Screening outcome should be confirmed within the SEA Scoping Report.
- **The SEA Directive may apply**-The P/P may be within the remit of the SEA Directive as either it relates to use of a small area at local level or minor modifications to a relevant P/P, it is a P/P which may set the framework for future development consent even though not listed as a P/P type, or there is uncertainty in relation to any of the provisions considered at the Applicability Stage, and so a case-by-case determination will be required. Proceed to Stage 2 Screening.

An Applicability Screening template (**‘Template 1’**) is provided in the EPA guidance document and is utilised in **Section 5.1** of this SEA Screening Report.

4.3 Stage 2 ‘Screening’

Stage 2 consists of determining, on a case-by-case basis, if SEA is required for a Plan or Programme which has characteristics that may give rise to significant effects or for which there is uncertainty on key characteristics. Although an SEA Screening Report is not a mandatory requirement in the legislation it has become embedded good practice and is the recommended approach in this guidance note.

The Screening Stage consists of a four-step process, outlined in **Table 2**, as set out in the EPA’s Good Practice Guidance on SEA Screening Report.

Table 2 Summarised Stage 2 ‘Screening’ Steps Source: Invalid source specified.

Step 5:	Describe the characteristics of the P/P and the receiving environment including any environmental problems.
Step 6:	Identify the potential for significant environmental effects
Step 7:	Statutory consultation with Designated Environmental Authorities
Step 8:	Draft Determination

Stage 2 of the SEA Screening methodology consists of an environmental significance screening, which may be undertaken to assess whether a plan or programme, which has not been screened out by the ‘Applicability Stage’, is likely to result in significant environmental effects and should therefore, be taken forward for SEA.

An SEA Screening template (**‘Template 2’**) is provided in the EPA guidance document and is utilised in **Section 5.3** of this SEA Screening Report.

Annex II of the SEA Directive sets out the “statutory” criteria that should be addressed when undertaking the ‘Screening Stage’. Annex II of the SEA Directive is transposed into national legislation as Schedule 1 ‘Criteria for determining whether a Plan or Programme (or Modification thereto) is likely to have significant effects on the Environment’ of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended.

The ‘Significance Criteria’ and sub-criteria are outlined below, each of which constitutes a heading under which the draft NFS is assessed and discussed in Section 5.1 of this Screening Report.

“Criteria for determining whether a Plan or Programme (or Modification thereto) is likely to have significant effects on the Environment.

4. *The characteristics of the plan or programme, or modification to a plan or programme, having regard, in particular, to:*
- *the degree to which the plan or programme, or modification to a plan or programme, sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;*
 - *the degree to which the plan or programme, or modification to a plan or programme, influences other plans including those in a hierarchy;*
 - *the relevance of the plan or programme, or modification to a plan or programme, for the integration of environmental considerations in particular with a view to promoting sustainable development;*
 - *environmental problems relevant to the plan or programme, or modification to a plan or programme;*
 - *the relevance of the plan or programme, or modification to a plan or programme, for the implementation of European Union legislation on the environment (e.g. plans and programmes linked to waste management or water protection).*
5. *Characteristics of the effects and of the area likely to be affected, having regard, in particular, to*
- *the probability, duration, frequency and reversibility of the effects;*
 - *the cumulative nature of the effects;*
 - *the transboundary nature of the effects;*
 - *the risks to human health or the environment (e.g. due to accidents);*
 - *the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);*
 - *the value and vulnerability of the area likely to be affected due to:*
 - a) *special natural characteristics or cultural heritage;*
 - b) *exceeded environmental quality standards or limit values;*
 - c) *intensive land-use.*
 - *the effects on areas or landscapes which have a recognised national, European Union or international protection status.”*

4.4 Stage 3 ‘Determination’

As soon as practicable after making the final determination as to whether SEA is required or not, the P/P maker should make a copy of the decision, including, as appropriate, the reasons for requiring or not requiring an environmental assessment, available for public inspection at the P/P offices and on the website. The P/P maker should also send a copy of the final determination to the relevant SEA environmental authorities notified during screening. This determination should stay linked to the P/P or modification on the website to ensure transparency and provide important information on decision making during the lifetime of the P/P or if any modifications are made.

5. SEA Screening

5.1 Stage 1 - SEA ‘Applicability’

Throughout this report, reference is made to the terms ‘plan’ and ‘programme’ where the EPA SEA Screening methodology is cited. In order to clarify the applicability of this methodology to the IBL, which is, in itself a piece of national legislation, reference can be made to the European Commission publication ‘Environmental Assessments of Plans, Programmes and Projects: Rulings of The Court of Justice of The European Union’ (European Commission, 2020).

According to the same, *‘the fact that a national measure is, to some extent, abstract and pursues an objective of transforming an existing geographical zone is illustrative of its planning and programming aspect and does not prevent it from being included in the concept of ‘plans and programmes.’* Ultimately, according to the European Commission, *‘the notion of ‘plans and programmes’ can cover normative acts adopted by law or regulation.’*

The publication goes on to say that the European Court *‘has ruled that the notion of ‘plans and programmes’ relates to any measure which establishes, by defining rules and procedures, a significant body of criteria and detailed rules for the grant and implementation of one or more projects.’*

Ultimately, the IBL can be considered a ‘plan’ or ‘programme’ for the purposes of applying of the SEA Screening Methodology described in Section 4. The next step is to apply the Applicability test to see if the P/P, or in this case the IBL, is such that the SEA Directive applies.

As outlined in **Section 4.2**, Stage 1 ‘Applicability’ of the SEA Screening methodology constitutes the use of **Template 1**, based upon the relevant Applicability steps. **Template 1** is reproduced as **Table 3**.

Table 3 Stage 1 ‘Applicability’ of SEA Screening Source

General Details	
Type and title of P/P:	Institutional Burial Legislation
Name of P/P Maker:	The DCEDIY
Date:	2022
Step 1 of the Applicability Screening	Status of 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?
	<p>The IBL is prepared by an authority for adoption through a legislative procedure by Government.</p> <p>The IBL is prepared and/or adopted by an authority at a national level, as it has been prepared and adopted by the the Department of Children, Equality, Disability, Integration and Youth within the Government of Ireland.</p> <p>The IBL has been prepared by the DCEDIY and the Attorney General, who obtained Government approval for the publication of the Institutional Burials Bill 2022 in February. The Bill was approved by Government in February 2022, and now will need to be passed by both Houses of the Oireachtas before it can be signed into law [10].</p>

General Details		
Type and title of P/P:	Institutional Burial Legislation	
Name of P/P Maker:	The DCEDIY	
Date:	2022	
Is the P/P required by legislative, regulatory, or administrative provisions?	<p>According to the European Commission publication ‘Environmental Assessments of Plans, Programmes and Projects: Rulings of The Court of Justice of The European Union’ (European Commission, 2020), ‘a strict interpretation, which limits the second condition of Article 2(a) of Directive 2001/42 only to plans and programmes whose adoption is compulsory, could render its scope marginal.’ As such, according to the publication, ‘the [European] Court favoured the need to ensure the effectiveness of that condition by adopting a broader definition of the term ‘required’.</p> <p>As previously noted, the Institutional Burials Bill will need to be passed by both Houses of the Oireachtas before it can be signed into legislation. Further, the IBL, once adopted, will function as a means to provides an exemption from planning permission for interventions carried out under the legislation.</p> <p>Thus it could be considered that the IBL is required by legislative or administrative provisions, having regard to the wide scope and broad purpose of the SEA Directive.</p>	
Step 2 of the Applicability Screening	Nature of the P/P	
	Is the P/P prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use?	The IBL is not prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use.
	Does the P/P provide a framework for the development consent for projects listed in the EIA Directive?	<p>The determinant of providing a ‘framework for development consent of projects listed in the EIA Directive’ is described in Annex II of the SEA Directive as the degree to which a Plan ‘sets a framework for the development of projects and other activities [which are listed in the EIA Directive], either with regard to the location, nature, size and operating conditions or by allocating resources.’</p> <p>As outlined in Section 3, the IBL relates to the excavation, recovery and analysis of human remains which were buried in a manifestly inappropriate manner at a burial site associated with an institution owned, operated, controlled or funded by a public body.</p> <p>Development consisting of the carrying out of relevant works (i.e. excavation and remediation) or related activities over principal burial land, ancillary burial land or ancillary land within the meaning of the Institutional Burials Act, are not of a development type listed in either Annex I or Annex II of the EIA Directive.</p> <p>Further, it is intended that the IBL, once adopted, will provide an exemption from planning permission for interventions carried out under the legislation. Thus, the IBL in itself can not be considered as setting a framework for development consent as it ultimately determines the development (i.e. the excavation and remediation work) as ‘exempted development.’</p>
	Is the P/P likely to have a significant effect on a Natura 2000 site which leads to a requirement for Article 6 or 7 assessments?	The IBL is not site specific and its contents do not specify either in detail or the specific locations where any related activities are to be carried out.

General Details	
	Type and title of P/P: Institutional Burial Legislation
	Name of P/P Maker: The DCEDIY
	Date: 2022
	The legislation specifies that for the purposes of excavating land, means of doing so will be done on land associated with an institution owned, operated, controlled or funded by a public body. Therefore, the IBL is not likely to have a significant effect on a Natura 2000 site which leads to a requirement for Article 6 or 7 assessments.
Step 4 of the Applicability Screening	Exemptions
	<p>Is the sole purpose of the P/P to serve national defence or civil emergency or is it a financial/budget P/P or is it co-financed by the current SF/RDF programme?</p> <p>The sole purpose of the IBL is not to serve national defence or civil emergency or is it a financial/budget P/P or is it co-financed by the current SF/RDF programme.</p>
	Conclusion
	<p>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.</p> <p>Does fall within scope:</p> <ol style="list-style-type: none"> The plan does apply to one or more of the sectors in the SEA Directive and does provide a framework for development consent of projects requiring EIA AND/OR the plan is likely to have a significant effect on a Natura 2000 site and, therefore, requires an assessment under Article 6(3) of the Habitats Directive. SEA is therefore required. There is uncertainty about the nature of the P/P and whether it may give rise to significant effects on the environment. The plan cannot be screened out for SEA or AA and requires a more detailed screening assessment. <p>Does NOT fall within scope:</p> <ol style="list-style-type: none"> The plan does not apply to any of the sectors in the SEA Directive and does not provide a framework for development consent of projects requiring EIA, <p>AND</p> <p>The IBL is prepared by the DCEDIY for adoption through a legislative procedure by Government.</p> <p>According to the European Commission publication ‘Environmental Assessments of Plans, Programmes and Projects: Rulings of The Court of Justice of The European Union’ (European Commission, 2020), ‘a strict interpretation, which limits the second condition of Article 2(a) of Directive 2001/42 only to plans and programmes whose adoption is compulsory, could render its scope marginal.’ As such, according to the publication, ‘the [European] Court favoured the need to ensure the effectiveness of that condition by adopting a broader definition of the term ‘required’ .</p> <p>The Institutional Burials Bill will need to be passed by both Houses of the Oireachtas before it can be signed into legislation. Further, the IBL, once adopted, will function as a means to provides an exemption from planning permission for interventions carried out under the legislation. Thus it could be considered that the IBL is required by legislative or administrative provisions, having regard to the wide scope and broad purpose of the SEA Directive.</p> <p>The IBL is not prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use.</p> <p>As outlined in Section 3, the IBL relates to the excavation, recovery and analysis of human remains which were buried in a manifestly inappropriate manner at a burial site associated with an institution owned, operated, controlled or funded by a public body.</p> <p>Development consisting of the carrying out of relevant works (i.e. excavation and remediation) or related activities over principal burial land, ancillary burial land or ancillary land within the meaning of the Institutional Burials Act, are not of a development type listed in either Annex I or Annex II of the EIA Directive. Further, it is intended that the IBL, once adopted, will provide an exemption from planning permission for interventions carried out under the legislation. Thus, the IBL in itself cannot be considered as setting a framework for development consent as it ultimately determines the development (i.e. the excavation and remediation work) as ‘exempted development.’</p> <p>The IBL is not likely to have a significant effect on a Natura 2000 site which leads to a requirement for Article 6 or 7 assessments.</p>

General Details	
Type and title of P/P:	Institutional Burial Legislation
Name of P/P Maker:	The DCEDIY
Date:	2022
<p>The plan is not likely to have a significant effect on a Natura 2000 site and therefore does not require an assessment under Article 6(3) of the Habitats Directive. SEA is therefore not required.</p> <p>For outcome 1 the plan maker should advise that they will move forward to SEA scoping. For outcome 2 the P/P should move to Stage 2 Screening. For outcome 3 the applicability template should be completed and kept on file.</p>	<p>The sole purpose of the IBL is not to serve national defence or civil emergency or is it a financial/budget P/P or is it co-financed by the current SF/RDF programme.</p> <p>The IBL, for the reasons stated above, is not of a type which falls within the remit of the SEA Directive / SEA Regulations. There is thus no requirement to take the IBL forward to Stage 2 Screening</p>

5.2 Outcome of 'Stage 1 Applicability'

The outcome of the Stage 1 Applicability assessment is illustrated in **Figure 4**, as adapted from the SEA Decision Tree adapted from the research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland shown in **Figure 3** [3].

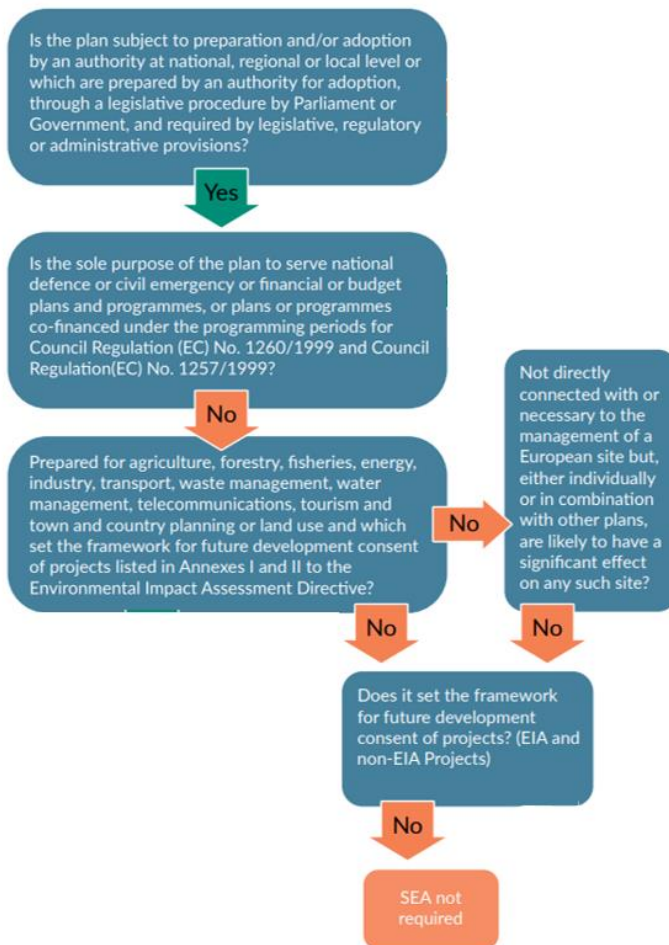


Figure 4 Outcome of Stage 1 Applicability Screening, as adapted from the research report Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland [3].

Following the Stage 1 Applicability Screening, it can be determined that the SEA Directive does not apply to the IBL and that proceeding to Stage 2 Screening is not necessary in this case. The IBL is of a type of P/P which does not fall within the remit of the SEA Directive/SEA Regulations.

6. Conclusion

As outlined in **Section 5**, in accordance with the EPA methodology, it has been determined within the ‘Applicability’ Stage of this Screening Report that the SEA Directive does not apply to the IBL.

The IBL, for the reasons outlined in Table 3 above has not been taken forward to SEA Stage 2 ‘Screening’ as the determination has been made from the Applicability Stage that SEA is not required for the IBL

In accordance with **Stage 3** of the Screening methodology, the DCEDIY, as the Competent Authority for SEA should, as soon as practicable after making the final determination as to whether SEA is required or not, make a copy of the decision, including, as appropriate, the reasons for requiring or not requiring an environmental assessment, available for public inspection at the DCEDIY offices and on the website.

The DCEDIY should also send a copy of the final determination to the relevant SEA environmental authorities notified during screening. This determination should stay linked to the Institutional Burial Legislation on the website to ensure transparency and provide important information on decision making during the lifetime of the Institutional Burial Legislation or if any modifications are made.

7. References

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- [6] EPA, “SEA Resource Manual for Local and Regional Planning Authorities,” EPA, 2013.
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