

In the matter of Regulation 42 of the Birds and Habitats Regulations 2011

And in the matter of Article 6(3) of the Habitats Directive

Appropriate Assessment Determination

National Planning Framework

In order to comply with the requirements of Article 6(3) of the EU Habitats Directive and Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ("the Birds and Habitats Regulations"), the process of Screening for Appropriate Assessment was undertaken at an early stage in the drafting of the National Planning Framework ("NPF"). The AA Screening assessed whether the NPF was likely to have significant effects on any European Sites within the Natura 2000 network, either alone or in combination with other plans and projects.

The screening for Appropriate Assessment was undertaken by ecologists at RPS on behalf of the Minister for Housing, Planning and Local Government. The screening concluded that an Appropriate Assessment of the NPF was required, as the Plan is not directly connected with or necessary to the management of the sites as European sites and as it cannot be excluded, on the basis of objective information, that the Plan, individually or in combination with other plans or projects, will have a significant effect on a European site.

Therefore, adopting the precautionary principle, it was concluded that a Natura Impact Statement (NIS) should be prepared. A Natura Impact Statement was prepared by RPS on behalf of the Minister, and was made available as part of the public consultation on the (draft) National Planning Framework, published online at www.npf.ie and was also available in hard copy.

The Natura Impact Statement considered the potential for the National Planning Framework to adversely affect the integrity of any Natura 2000 site(s); with regard to their qualifying interests, associated conservation status, the structure/function of the

site(s) and the overall site(s) integrity. This was done in a two stage process, initially assessing the draft NPF published in September 2017 and subsequently, assessing the changes made post consultation for the NPF, published in May 2018.

An Appropriate Assessment Conclusion Statement was prepared by RPS on behalf of the Minister for Housing Planning and Local Government.

APPROPRIATE ASSESSMENT DETERMINATION

Therefore, having regard to:

- the Natura Impact Statement dated September 2017, which concluded that subject to mitigation, there would be no adverse effects on the integrity of any European sites as a result of implementation of the NPF;
- the submissions and observations from the public, public authorities and other Government Departments;
- the submission received from the Department of Culture, Heritage and the Gaeltacht;
- assessment of the proposed modifications to the draft NPF which concluded that subject to mitigation, there would be no adverse effects on the integrity of any European sites;
- the post-consultation Natura Impact Statement which for the considerations and reasons stated therein concluded that there would be no adverse effects on the integrity of any European sites as a result of implementation of the NPF;
- the Appropriate Assessment Conclusion Statement;
- the draft SEA statement dated 15th February 2018;
- the high-level strategic nature of the draft NPF and of the proposed modifications to the draft NPF;
- the integrated protection policies included in the NPF, particularly NPO59 and NPO75;
- the fact that all plans and projects informed by the NPF will be subject to Stage 1 screening and Stage 2 Appropriate Assessment as required pursuant to the provisions of the Planning and Development Act 2000, as amended and / or the Birds and Natural Habitats Regulations 2011, as amended;

- the continued application of the AA process to subsequent planning tiers, beginning with the RSEs (Regional Spatial and Economic Strategies)

The Minister of Housing, Planning and Local Government, having carefully considered all of the foregoing, and, in particular, the Appropriate Assessment Conclusion Statement, and having regard to the advice of his officials, agrees with and adopts the reasoning and conclusion as set out in the said Appropriate Assessment Conclusion Statement.

The Minister hereby DETERMINES pursuant to Regulation 42 of the Birds and Habitats Regulations and for the purposes of Article 6(3) of the Habitats Directive that the adoption and publication of the NPF as a replacement of the "National Spatial Strategy" for the purposes of section 2 of the PDA 2000 will not either individually or in combination with any other plan or project adversely affect the integrity of any European Site (as defined).

REASONS FOR DETERMINATION

The reasons for the said determination are set out in the Appropriate Assessment Conclusion Statement, the reasoning and conclusions of which have been adopted in full by the Minister. The said Appropriate Assessment Conclusion Statement is to be published together with this Determination.



Minister for Housing Planning and Local Government

14 May 2018