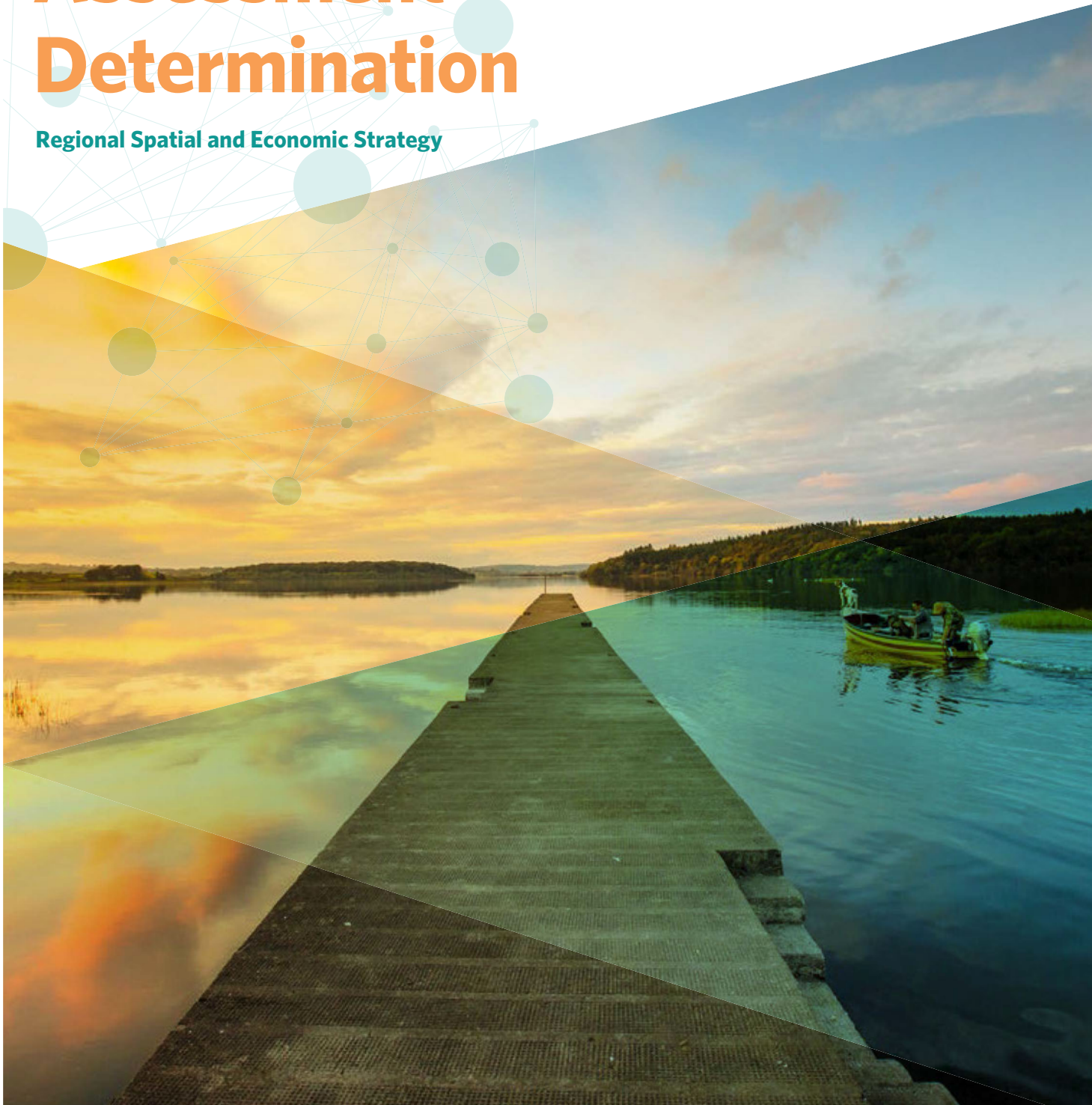


Eastern & Midland Regional Assembly

Appropriate Assessment Determination

Regional Spatial and Economic Strategy



Tionscadal Éireann
Project Ireland
2040



Tionól Reigiúnach Oirthir agus Lár-Tíre
Eastern and Midland Regional Assembly



In the matter of Article 6 (3) of the Habitats Directive
And Part XAB of the Planning and Development Act 2000 (as amended)

Appropriate Assessment Determination

Eastern and Midlands Regional Spatial and Economic Strategy

In order to comply with the requirements of Article 6 (3) of the EU Habitats Directive and Part XAB of the Planning and Development Act 2000 (as amended), the process of Screening for Appropriate Assessment (AA) was undertaken at an early stage in the drafting of the Regional Spatial and Economic Strategy (RSES). The AA Screening assessed whether the RSES 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 Eastern and Midland Regional Assembly. The screening concluded that an Appropriate Assessment of the RSES 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 Report (NIR) should be prepared. An NIR was prepared by RPS on behalf of the Eastern and Midland Regional Assembly, and was made available as part of the public consultation on the (draft) Regional Spatial and Economic Strategy, published online at www.emra.ie and was also available in hard copy.

The NIR considered the potential for the Regional Spatial and Economic Strategy 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 RSES, published on 5th November 2018 and subsequently assessing proposed amendments published on 15th March 2019. The NIR has evolved with the RSES and has been updated to include proposed amendments



APPROPRIATE ASSESSMENT DETERMINATION

Therefore, having regard to:


- The Natura Impact Report dated 1st May 2019, 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 RSES;
- The submissions and observations from the public, public authorities including other Regional Assemblies and Government Departments;
- The submissions received from the Department of Culture, Heritage and the Gaeltacht;
- The Director's Reports on public consultation of the draft RSES and the material amendments;
- Assessment of the proposed material amendments to the draft RSES which concluded that subject to mitigation, there would be no adverse effects on the integrity of any European sites;
- The post-consultation Natura Impact Report 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 RSES;
- The Environmental Report including Strategic Environmental Assessment (SEA), Regional Flood Risk Assessment (RFRA) dated 5th November 2018;
- The high-level strategic nature of the draft RSES and of the proposed material amendments to the draft RSES;
- The 16 Regional Strategic Outcomes (RSOs) informed by and closely aligned with the National Strategic Outcomes (NSOs) of the National Planning Framework, which have been developed in iteration with the Strategic Environmental Outcomes of the SEA and AA processes;
- The overarching Regional Strategic Objective **RSO 11** which commits to: promoting co-ordinated spatial planning to conserve and enhance the biodiversity of protected habitats and species including landscape and heritage protection, as supported by relevant **RSO 1** relating to sustainable growth, **RSO 4** relating to clean air and water for healthy communities, **RSO 7** addressing sustainable management of environmental resources, **RSO's 8 and 9** addressing our transition to a low carbon and climate resilient society, **RSO 10** promoting green infrastructure and **RSO 16** promoting collaboration and partnership.
- The Regional Policy Objectives (RPOs) further set the scene for a cascading hierarchy of protection by explicitly ensuring that all plans, projects and activities informed by the RSES in line with the approach proposed under the NPF and will be subject to the provisions of the Planning and Development Act 2000, as amended and / or the Birds and Natural Habitats Regulations 2011, as amended, both of which include provisions intended to ensure compliance with the Habitats Directive through the planning hierarchy.
- The fact that all plans and projects informed by the RSES will be subject to Appropriate Assessment as required pursuant to the provisions of the Planning and Development Act 2000 (as amended), and/or Article 6 (3) of the Habitats Directive
- The continued application of the AA process to subsequent planning tiers, including City and County Development Plans.

The Eastern and Midland Regional Assembly, having carefully considered all of the foregoing and having regard to the advice of the Director, agrees with and adopts the reasoning and conclusion as set out in the Appropriate



Assessment NIR.

The Assembly hereby DETERMINES pursuant to Article 6(3) of the Habitats Directive and Part XAB of the Planning and Development Act 2000-2018, that the adoption and publication of the RSES as a replacement for the “Regional Planning Guidelines” for the purposes of Section 24 (4) of the Planning and Development Act 2000 (as amended) will not either individually or in combination with any other plan or project adversely affect the integrity of any European Site (as defined).



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