

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

Southern 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 Southern 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 Southern Regional Assembly and was made available as part of the public consultation on the (draft) Regional Spatial and Economic Strategy, published online at www.southernassembly.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 the 18th December 2018 and subsequently assessing proposed amendments published on 12th September 2019.

The NIR has evolved with the RSES and has been updated to include proposed amendments.

Therefore, having regard to:

- The Natura Impact Report published 18th December 2018 and Environmental Assessment Report SEA/AA/FRA published 12th September 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) published on the 18th December 2018 and Environmental Assessment Report SEA/AA/FRA published 12th September 2019;
- The high-level strategic nature of the draft RSES and of the proposed material amendments to the draft RSES;
- The 11 points to the RSES Strategy informed by and closely aligned with the National Strategic Outcomes (NSOs) of the National Planning Framework and UN Sustainable Development Goals, which have been developed in iteration with the Strategic Environmental Outcomes of the SEA and AA processes;
- The overarching RSES Strategy Point 7 which commits to strengthening and protecting our region's diverse culture, natural heritage and biodiversity. The Strategy is supported by relevant Regional Policy Objective 1 which commits to seeking environmentally sustainable development that has no adverse effects on the integrity of European sites and no net loss of biodiversity, that shall be subject to appropriate feasibility studies, best practice site/route selection (to consider environmental constraints such as landscape, cultural heritage, the protection of water quality, flood risks and biodiversity as a minimum) and seeks to protect the Natura 2000 Network in the Southern Region;
- The following Regional Policy Objectives;
 - RPO 5 Population Growth and Environmental Criteria which commits that increased population growth should be planned having regard to environmental criteria that includes the assimilative capacity of the receiving environment, the proximity of European Sites and the potential for impact on the conservation objectives and qualifying interests.
 - RPO 88 which commits the region to implementation of the National Mitigation Plan and National Adaptation Framework
 - RPO's 90-100 which commit to decarbonisation across transport, agriculture and energy sectors.
 - RPO 110 which supports Ecosystem Services
 - RPO 117 which seeks to enhance biodiversity and amenity to ensure the protection of environmentally sensitive sites and habitats, including where flood risk management measures are planned.
 - RPO 121 which supports cross agency collaborative approaches to implement River Basin Management Plans.
 - RPO 122 which supports Sustainable Drainage Systems
 - RPO 124 supporting Green Infrastructure to connect corridors for the movement of wildlife and encourage the retention and creation of features of biodiversity value, ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks, watercourses and wetlands. The RSES recognises the necessity of protecting such corridors and the necessity to encourage the management of features of the landscape that support the Natura 2000 network.

- RPO 125 support green infrastructure corridors
 - RPO 126 to promote biodiversity protection and habitat connectivity both within protected areas and in the landscape through promoting the integration of green infrastructure and ecosystem services including landscape, heritage, biodiversity and management of invasive species. Support stakeholders in implementing measures to identify, conserve and enhance the biodiversity of the Southern Region, including implementation of Local Authority Biodiversity Plans, the All Ireland Pollinator Plan, National Biodiversity Action Plan and National Raised Bog SAC Management Plan.
 - RPO 128 supporting implementation of the All-Ireland Pollinator Plan.
 - RPO 129 seeking the development of a Regional Landscape Strategy
 - RPOs 111-112 promoting to improve water quality and address deficits in waste water treatment.
 - RPO 130 to improve air quality.
 - RPO 131 seeking the proactive management of noise.
 - RPOs 208-210 seeking sustainable management of water resources, strategic water supply and drinking water protection plans.
 - RPOs 211-213 seeking investment in waste water treatment services, to ensure that population growth does not contribute to degradation of water quality and avoids impacts on the integrity of the Natura 2000 network and address rural wastewater treatment programmes.
 - RPO 214 specifically seeks the elimination of untreated discharges and long-term infrastructure and service led growth to meet NPF/RSES growth targets and compliance under the Urban Waste Water Treatment Directive.
 - RPOs 215-218 support separation of foul and surface water networks and sustainable urban drainage.
- 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 Southern 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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