

Teach an Tionóil
Sráid Uí Chonaill
Pórt Láirge
X91 F8PC
Éire

+353 (0)51 860700 info@southernassembly.ie
www.southernassembly.ie

Assembly House
O'Connell Street
Waterford
X91 F8PC
Ireland

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, Eastern and Midland Regional Programme 2021-2027

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 ERDF co-funded investment Southern, Eastern and Midland Regional Programme 2021-2027 ['the Programme']

The AA Screening assessed whether the Programme 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 RSK Biocensus on behalf of the Southern Regional Assembly ['the Assembly']. The screening concluded that an Appropriate Assessment of the Programme was required because the Programme is not directly connected with/ necessary to the management of European sites; and because the potential for likely significant effects on European sites could not be ruled out (either alone or in combination).

Therefore, adopting the precautionary principle, it was concluded that a Natura Impact Statement (NIS) should be prepared. An NIS was prepared by RSK Biocensus on behalf of the Assembly and was made available as part of the public consultation on the (draft) Programme, published online at www.southernassembly.ie and was also available in hard copy.



The NIS considered the potential for the Programme 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 of Screening and Scoping of Environmental Assessments (SEA and AA), published on the 16th March 2022 and subsequently assessing the revised draft Regional Programme published on 2nd August 2022.

The NIS has evolved with the Programme and has been updated to include proposed amendments.

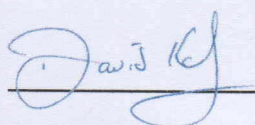
Therefore, having regard to:

- The NIS, Do No Significant Harm Assessment and Environmental Assessment Report published 2nd August 2022, which concluded that subject to mitigation, there would be no adverse effects on the integrity of any European sites within the Natura 2000 Networks as a result of implementation of the Programme;
- Submissions and observations from the public, public authorities including other Regional Assemblies and Government Departments;
- The post-consultation NIS, 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 Programme;
- The high-level strategic nature of the draft Programme and of the proposed material amendments to the draft Programme;
- The Specific Objectives that were selected for the Programme;
 - **RSO1.1** Developing and enhancing research and innovation capacities and the uptake of advanced technologies.
 - **RSO1.3** Enhancing sustainable growth and competitiveness of SMEs and job creation in SMEs, including by productive investments
 - **RSO2.1** Promoting energy efficiency and reducing greenhouse gas emissions.
 - **RSO5.1** Fostering the integrated and inclusive social, economic and environmental development, culture, natural heritage, sustainable tourism, and security in urban areas.
- The alignment of the Specific Objectives of the Programme with the Regional Policy Objectives of the Regional Spatial and Economic Strategies (RSEs) for the Southern Region and the Eastern and Midland Region. Each RSE sets a framework for a cascading hierarchy of protection by explicitly ensuring that all plans, projects and activities informed by the strategies are 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 Programme 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 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 NIS.

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 Programme 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).

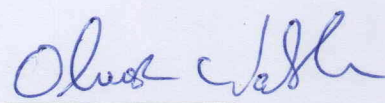


David Kelly

Director

Southern Regional Assembly

20th December 2022



Cllr. Oliver Walsh

Cathaoirleach

Southern Regional Assembly

20th December 2022



Rialtas na hÉireann
Government of Ireland



Có-mhaoinithe ag an
Aontas Eorpach
Co-funded by the
European Union