



Appendix 1

Screening for Appropriate Assessment (AA)

**Determination under the European Communities (Birds and Natural
Habitats) Regulations, 2011 (as amended)**

**CONCERNING *OUR RURAL FUTURE* – RURAL DEVELOPMENT
POLICY 2021 – 2025**

Prepared by the Department of Rural and Community Development

16 March 2021

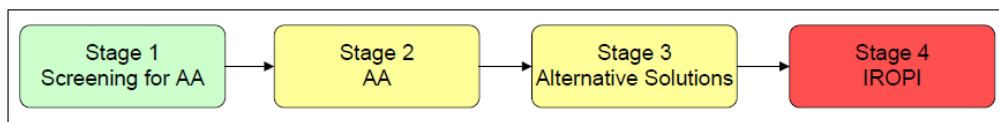
I. Introduction

With the introduction of the Birds Directive¹ in 1979 and the Habitats Directive² in 1992 came the obligation to establish the *Natura 2000* network of sites of highest biodiversity importance for rare and threatened habitats and species across the EU. The obligation to examine the need to undertake Appropriate Assessment (AA) derives from Article 6(3) and 6(4) of the Habitats Directive. AA has been a legal requirement in Ireland since the adoption of the European Communities (Natural Habitats) Regulations, 1997.

The purpose of an AA is to establish whether a particular plan or project is likely to have a significant effect on a *Natura 2000*, either individually or in combination with other plans or projects. *Natura 2000* sites in Ireland are European sites, including Special Protection Areas (SPAs), and Special Areas of Conservation (SACs).

In accordance with Government Guidance on Appropriate Assessment of Plans and Projects in Ireland³ and the European Commission guidance on Article 6 of the Habitats Directive,⁴ including guidance on Appropriate Assessment Screening, the Department of Rural and Community Development has carried out this Screening of the new Rural Development Policy 2021 - 2025, *Our Rural Future*.⁵

That guidance provides for four distinct steps in the AA process:



This report focusses on the first step in the process, namely Screening of *Our Rural Future* for Appropriate Assessment.

¹ Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:31979L0409>

² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0043>

³ Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities, 10 December 2009 (as revised 11 February 2010),

https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

⁴ https://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm

⁵ Assessment of plans and projects significantly affecting *Natura 2000* sites (2001) and Managing *Natura 2000* sites: The provisions of Article 6 of the 'Habitats' Directive (2018).

II. Appropriate Assessment Process

The Habitats Directive is transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 as amended (hereafter “the Habitats Regulations”). European *Natura 2000* sites are defined in Regulation 2(1) of the Habitats Regulations and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), at all stages of designation.

Regulation 42 of the Habitats Regulations requires undertaking Stage 1 Screening for Appropriate Assessment (AA) and where necessary Stage 2 Appropriate Assessment of any plan or project for which an application for consent is received. Stage 1 Screening for AA considers the first two tests of Article 6(3) of the Habitats Directive, specifically:

- i) whether a plan or project is directly connected to or necessary for the management of the site, and
- ii) whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a *Natura 2000* site in view of its conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2.

As prescribed, Stage 1 Screening for AA process should include the following steps:

- i) A description of the plan or project and local site or plan area characteristics
- ii) Identification of relevant *Natura 2000* sites, and compilation of information on their qualifying interests and conservation objectives
- iii) Assessment of likely effects – direct, indirect and cumulative – undertaken on the basis of available information as a desk study or field survey or primary research as necessary
- iv) Screening statement with conclusions.

Applying the precautionary principle, this document will examine in turn the new Rural Development Policy 2021 - 2025, *Our Rural Future* with respect to each of these four steps.

Step 1 - Description of *Our Rural Future*

The Action Plan for Rural Development reached the end of its three-year timeframe in December 2019. In June 2020, the Programme for Government included a commitment to

*Publish and implement a new Rural Policy to build on the progress of the Action Plan for Rural Development to promote rural recovery and development in the wake of the COVID-19 crisis.*⁶

Following extensive public and stakeholder consultation, the Department of Rural and Community Development (DRCD), on behalf of the Government, has developed a successor Rural Development Policy 2021 – 2025, *Our Rural Future*. The new Policy establishes the Government’s high-level vision for the development of rural Ireland over the coming years. “Development” in this context primarily relates to the advancement of policy objectives to improve the quality of life and access to opportunities for people living in rural areas.

It articulates 150 commitments, to be elaborated and implemented by lead bodies across Government over the term of the Policy to respond to the issues affecting rural Ireland. A central purpose of the Policy is to improve the vibrancy of rural areas, the quality of life and opportunities for people living in those areas, and to ensure development is resilient and inclusive. In addition, the Policy articulates a vision for the longer-term future of our rural areas which supports sustainable rural economies, communities, and environment.

The vision for rural Ireland may serve to guide the development and delivery of initiatives by government, state agencies and other public bodies over the next five years.

The vision seeks to establish

“a thriving rural Ireland which is integral to our national economic, social, cultural and environmental wellbeing and development, which is built on the interdependence of urban and rural areas, and which recognises the centrality of people, the importance of vibrant and lived-in rural places, and the potential to create quality jobs and sustain our shared environment.”

The Rural Development Policy is a high-level articulation of broader government policy and establishes the aspirations and principles required to achieve balanced regional development. It is strategic as opposed to programmatic or operational, and whilst it sets out a range of policy

⁶ [Programme for Government: Our Shared Future](#), pg. 60

measures to achieve the Vision, it does not prescribe the specific nature, location or form of delivery, based on a recognition that the authority for execution lies at various levels. Where necessary to facilitate delivery of these Policy Measures, implementation plans at appropriate levels are in place or will be developed in accordance with established planning and regulatory frameworks.

It is recognised that some Measures will impact upon the natural environment, hence the DRCD is Screening for Appropriate Assessment. However, in many cases, Measures or their frameworks for delivery have already been subject to Appropriate Assessment (and/or Strategic Environmental Assessment and Flood Risk Assessment, as appropriate) such as the [National Broadband Plan](#), or such assessments were, at the time of preparing this Screening, foreseen or underway, as is the case with the CAP Strategic Plan.

Any other plan or project associated with the delivery of these Measures which give rise to, or potentially give rise to environmental impacts, will be subject to screening and further consideration under AA, as well as Strategic Environmental Assessment (SEA) and Flood Risk Assessment, as appropriate. The Rural Policy explicitly articulates this necessity as part of the Environmental Commitment, integral to the Policy. This Commitment will also serve to guide oversight mechanisms associated with the implementation of the Policy.

Step 2 - Identification of relevant *Natura 2000* sites

All European Union Member States, including Ireland, were required under the EU Habitats Directive to identify and designate conservation sites as part of the *Natura 2000* network of important ecological sites.

Site boundary information for all Irish *Natura 2000* sites is available from the NPWS website both via the interactive mapping function or as downloadable data.⁷

Given that Special Protection Areas (SPA) and Special Areas of Conservation (SAC) typically occur in rural areas, are contiguous to rural areas or are located in close proximity (i.e. < 15km) to rural areas, the vast majority of *Natura 2000* sites are of potential relevance to this Screening.

⁷ <http://www.npws.ie/en/MapsData/>

Step 3 – Assessment of Likely Effects

The Rural Development Policy, *Our Rural Future*, is a high-level political articulation of broader government policy and establishes the aspirations and principles required to achieve balanced regional development. It is strategic as opposed to programmatic or operational, and whilst it proposes policy measures to achieve the Policy's vision, it does not prescribe the specific nature or form of delivery, or specific geographical areas for project delivery. The Policy recognises that the authority for execution of the various Measures lies at various levels of governance control and decentralisation.

Our Rural Future is neither a substitute nor a replacement for the National Planning Framework. It does not create a framework for development consent and does not come within the scope of Ireland's planning hierarchy. Nevertheless, as noted above, applying the precautionary principle, it is recognised that some Measures will impact upon the natural environment and therefore DRCD is screening *Our Rural Future* accordingly.

The Policy establishes a high-level vision for Rural Ireland but – as noted explicitly in the Policy's Environmental Commitment - any Measures, or any associated plans or projects developed for the delivery of these measures, giving rise to, or potentially giving rise to, environmental impacts, will be subject to screening and further consideration based on a full appraisal of the necessary and available site and other information under AA, SEA and/or Flood Risk Assessment, as appropriate if such processes have not already been completed. The Policy seeks to further mitigate risk by explicitly emphasising the necessity to carry out these processes at the appropriate time (/s) by the competent authority(/ies).

Any environmental effects uncovered will be considered within these processes.

Step 4 - Screening Statement / Conclusion

Sustainable rural development is predicated on the responsible interaction between people and planet. The Government is fully committed to ensuring the effective implementation of its statutory and other responsibilities towards the environment and biodiversity, as well as towards achieving a climate neutral future.

Whilst *Our Rural Future* does not set the framework for development decisions, does not determine or set the management framework for *Natura 2000* sites, the location or proposed

location of individual projects and does not programme the undertaking, timing or phasing of development, DRCD recognises the potential impact of *Our Rural Future* on the natural environment and hence has Screened for Appropriate Assessment.

In many cases, Measures or their frameworks for delivery have already been subject to Appropriate Assessment, or such assessments are foreseen or underway. Other Measures will be subject to Screening for AA in due course, as emphasised by the Environmental Commitment Statement in Chapter 11, based on future decisions by Responsible Departments or Lead Delivery Bodies.

In all cases where Measures have not already been subject of an AA, relevant Departments or bodies must consider and comply the requirements for an AA where a decision is made to transform any particular policy measure into concrete actions through detailed operational plans and programmes based on accurate site information. Individual policies, strategies and plans for, or related to, the implementation of any Policy Measure found in *Our Rural Future* must be considered on their own merits by the relevant body or bodies, in the context of the prevailing conditions, requirements, and circumstances for their delivery under the AA process at the appropriate level of governance control. It would therefore be duplicative, incomplete or ineffective to seek to pursue subsequent AA steps at the level of *Our Rural Future*.

Our Rural Future, emphasises the Government's full commitment to sustainable rural development and to ensuring the effective implementation of its statutory and other responsibilities towards the environment and biodiversity, as well as towards achieving a climate neutral future.

In light of the foregoing, and noting the nature, function, object and purpose of *the Rural Development Policy Our Rural Future*, **DRCD is satisfied that Appropriate Assessment (AA) is not required at the level of the National Rural Development Policy.**

III. Contact

Rural Strategy and Social Enterprise Unit,
Department of Rural and Community Development,
Trinity Point,
10 -11 Leinster Street,
Dublin 2.
Email: Rural.strategy@drcd.gov.ie