



**In the matter of Article 6(3) of the Habitats Directive<sup>1</sup>  
And in the matter of Regulation 42 of the European Communities (Birds and  
Natural Habitats) Regulations 2011 (S.I. No. 477/2011)**

**Appropriate Assessment Determination  
CAP Strategic Plan 2023-2027**

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)<sup>2</sup> (hereafter 'the Birds and Habitats Regulations'), the process of screening for Appropriate Assessment ('AA') was undertaken at an early stage in the drafting of the Common Agricultural Policy Strategic Plan 2023-2027 ('CSP'). The screening for AA assessed whether the CSP was likely to have significant effects on any designated European Sites<sup>3</sup> which comprise the Natura 2000 network, either alone or in combination with other plans and projects.

The screening for Appropriate Assessment was undertaken by an Ecologist at Doherty Environmental Consultants Limited, as subcontractors to RSM Ireland, on behalf of the Minister for Agriculture, Food and the Marine. The screening report concluded that an Appropriate Assessment was required. This conclusion was made following an analysis and evaluation of the relevant information available at the time regarding the interventions to be included in the CSP, as well as considering other plans and projects, and was guided by the application of the precautionary principle. In particular, the CSP aims to facilitate and support agriculture in Ireland, and the existing threats and pressures posed by agricultural activities to the favourable conservation condition of Annex I Habitats and Annex II Species for which European Sites are designated, it was considered that the CSP had the potential to affect European Sites.

Therefore, it was concluded that an Appropriate Assessment be carried out. A Natura Impact Statement ('NIS') was prepared by Doherty Environmental Consultants Limited, as subcontractors to RSM company, on behalf of the Minister for Agriculture, Food and the Marine, and was made available as part of the public consultation on the environmental assessment of the draft CSP, published online at [www.gov.ie/cap](http://www.gov.ie/cap)

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<sup>1</sup> Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora (hereafter referred to as the "Habitats Directive"). It forms the cornerstone of Europe's nature conservation policy with the Conservation of Wild Birds Directive (79/409/ECC) as codified by Directive 2009/147/EC (hereafter "[Birds Directive](#)") and establishes the EU wide [Natura 2000](#) ecological network of protected areas.

<sup>2</sup> The [European Communities \(Birds and Natural Habitats Regulations 2011 \(S.I. No. 477 of 2011\)\)](#) transpose the Habitats Directive and the Birds Directive into Irish legislation.

<sup>3</sup> Designated sites (Special Areas of Conservation (Designated under the Habitats Directive) and Special Protection Areas (designated under the Birds Directive)) that makes up the composition of the Natura 2000 Site Network.



The NIS considered the potential for the CSP 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 included assessing the CSP as it developed and the draft CSP published in November 2021 and subsequently, assessing the changes made post consultation for the CSP.

An Appropriate Assessment Conclusion Statement was prepared by Doherty Environmental Consultants Limited, as subcontractors to RSM Ireland, on behalf of the Minister for Agriculture, Food and the Marine.

#### APPROPRIATE ASSESSMENT DETERMINATION

Therefore, having regard to:

- the Natura Impact Statement dated November 2021, which concluded that subject to mitigation, there would be no significant adverse effects upon the integrity of any Natura 2000 sites as a result of implementation of the measures in the then draft CSP
- the submissions and observations from the public, public authorities and other Government Departments
- the post-consultation NIS which for the considerations and reasons stated therein concluded that there would be no adverse effects upon the integrity of any Natura 2000 sites as a result of implementation of the measures in the CSP
- the strategic nature of the draft CSP and of the proposed modifications to the draft CSP,
- the interventions in the draft CSP,
- the assessment of the proposed modifications to the draft CSP in August and September 2022, which concluded that there would be no significant adverse effects upon the integrity of any Natura 2000 site as a result of implementation of the measures in the CSP, and
- the Appropriate Assessment Conclusion Statement.

The Minister for Agriculture, Food and the Marine, having carefully considered all 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 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 CSP will not either individually or in combination with any other plan or project adversely affect the integrity of any Natura 2000 site.



### 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.

A handwritten signature in black ink, reading "Charlie McConalogue".

Signed,  
Minister for Agriculture, Food and the Marine

3 October 2022

