



**In the matter of Regulation 42 of the Birds and Natural Habitats
Regulations 2011**

And in the matter of Article 6(3) of the Habitats Directive

**Appropriate Assessment Determination on the Plan for assessment of
applications for Petroleum Exploration and Production Authorisations in
Irish Offshore Waters for the Period to 2030**

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 ('the Birds and Natural Habitats Regulations'), the process of Screening for Appropriate Assessment (AA) was undertaken at an early stage in the drafting of the Plan for assessment of applications for Petroleum Exploration and Production Authorisations in Irish Offshore Waters for the Period to 2030 (hereafter referred to as the 'Plan'). The Screening for AA assessed whether the Plan was likely to have significant effects on any European site within the Natura 2000 network, either alone or in combination with other plans or projects.

The Screening for AA was undertaken by consultants at Metoc Ltd T/A Intertek EWCS (hereafter referred to as 'Intertek') on behalf of the Department of the Environment, Climate and Communications (DECC). The screening concluded that an AA of the Plan was required, as the Plan is not directly connected with or necessary to the management of the site as a European site 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 Statement (NIS) should be prepared. A NIS was prepared by Intertek on behalf of DECC, which was sent to statutory consultees and key stakeholders.

The NIS comprises a comprehensive ecological impact assessment of the Plan; it examines the direct and indirect impacts that the Plan might have on its own or in combination with other plans or projects, on one or more Natura 2000 sites in view of the sites' conservation objectives. The NIS dated October 2022 includes changes made to address consultation observations and submissions made on the Plan and NIS.



APPROPRIATE ASSESSMENT DETERMINATION

Therefore, having regard to:

- The Screening for AA dated 28 July 2022, which determined that the Plan had the potential to have an adverse effect on the qualifying interests of European sites within the Natura 2000 network.
- The NIS carried out by consultants at Intertek on behalf of the Department of the Environment, Climate and Communications dated October 2022, which concluded that subject to mitigation, there would be no adverse effects on the integrity of European sites within the Natura 2000 network as a result of adoption of the Plan.
- The submissions and observations from the public, public authorities and other Government Departments.
- The submission received from the Department of Housing, Local Government and Heritage (DHLGH).
- Assessment of the proposed modifications to the draft Plan which concluded that, subject to mitigation, there would be no adverse effects on the integrity of the Natura 2000 network.
- The post-consultation version of the 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 adoption of the Plan.
- The Strategic Environmental Assessment Scoping Report dated July 2022.
- The high-level strategic nature of the Plan and the proposed modifications to the Plan.

The Department of the Environment, Climate and Communications, having carefully considered all of the foregoing, and having regard to the advice of his officials, agrees with and adopts the reasoning and conclusion as set out in the Natura Impact Statement.

The Department hereby DETERMINES pursuant to Regulation 42 of the Birds and Natural Habitats Regulations and for the purposes of Article 6(3) of the Habitats Directive that the adoption and publication of the Plan to 2030 will not either individually or in combination with any other plan or project adversely affect the integrity of any European site (as defined).



REASONS FOR DETERMINATION

The reasons for the said determination are set out in the NIS, the reasoning and conclusions for which have been adopted in full.

A handwritten signature in black ink, which appears to read 'Mairéad McCabe', is written over a horizontal line.

Mairéad McCabe

Principal Officer, Geoscience Policy Division

Department of the Environment, Climate and Communications

12 June 2023