

Screening for Appropriate Assessment (AA)

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

CONCERNING THE PROPOSED MINISTERIAL DIRECTION (PROPOSED TO BE MADE IN ACCORDANCE WITH SECTION 31A OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED)

IN RELATION TO THE

EASTERN AND MIDLAND REGIONAL ASSEMBLY REGIONAL SPATIAL AND ECONOMIC STRATEGY 2019 – 2031

In order to comply with the requirements of Regulation 42(7) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011, as amended), this determination has been made by the Minister for Housing, Planning and Local Government relating to the potential for the proposed Ministerial Direction (dated 9 December 2019) accompanying this determination relating to the Regional Spatial and Economic Strategy 2019-2031 (RSES), to have likely significant effects on 'European sites' (as defined by S.I. 477 of 2011), either alone or in combination with other plans and projects.

This determination has been made following a consideration of the information contained in the AA Screening Report (attached as Appendix A to this determination) and the text of the proposed Direction itself (attached as Appendix B to this determination).

Following an analysis and evaluation of the relevant information, including in particular, the nature of the proposed changes and their potential relationship with European sites that could result from the implementation of the proposed Direction, as well as considering other plans and projects, and applying the precautionary principle, the Minister accepts the recommendation of the AA Screening Report that there is no possibility that the proposed Direction would be likely to have any significant effects on any European sites.

The main reasons leading to the conclusions in the AA Screening Report was that the changes to the RSES proposed in the Direction all represent a change in the level of commitments to specific rail projects as compared to the adopted RSES. These changes include a) "reappraise" the rail extension to Navan, b) "consider" Metrolink extensions "beyond Charlemont" and c) to "assess" the LUAS expansion to Hazelhatch and Booterstown prior to any decision to plan or design any proposal. These changes do not facilitate consent for these projects or provide a framework whereby they may be given consent. Rather, the changes represent a strategic intent to consider these projects. Assessments of risk of likely significant effects on European Sites, either in isolation or in combination with other plans or projects, associated with the consent of these projects will be included during the aforementioned appraisals and assessments referred to in the changes to the RSES.

Therefore, appropriate assessment is not required for the proposed Ministerial Direction.

The Minister for Housing, Planning and Local Government having carefully considered the information in the AA Screening Report and having regard to the advice of his officials, agrees with and adopts the reasoning and conclusion of the AA Screening Report. The Minister hereby determines pursuant to Regulation 42 of S.I. 477 of 2011, as amended, and for the purposes of Article 6(3) of the Habitats Directive that, on the basis of objective information, the proposed Direction, individually, or in combination with other plans and projects would not have likely significant effect on a European site and therefore an appropriate assessment is not required.

Signed:

Eoghan Murphy

Date: 14 January 2020

*Attached: AA Screening Report dated 12 December 2019
Proposed Ministerial Direction dated 9 December 2019*