

Screening for Appropriate Assessment (AA)

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

CONCERNING PROPOSED PLANNING AND DEVELOPMENT (AMENDMENT) REGULATIONS 2019

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 of State at the Department of Housing, Planning and Local Government relating to the potential for the proposed Planning and Development (Amendment) Regulations 2019 ('the proposed Statutory Instrument'), to have likely significant effects on 'European sites' (as defined by S.I. 477 of 2011, as amended), either alone or in combination with other plans and projects.

This determination has been made following a consideration of the information contained in the Appropriate Assessment ('AA') Screening Report (attached to this determination) and the text of the proposed Statutory Instrument itself (also attached to this determination).

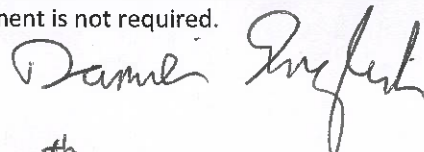
Following an analysis and evaluation of the relevant information, including in particular, the nature of the proposed Statutory Instrument and their potential relationship with European sites that could result from the implementation of the proposed Statutory Instrument, as well as considering other 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 Statutory Instrument would be likely to have any significant effects on any European sites.

The main reasons leading to these conclusions included that the proposed Statutory Instrument has a restricted geographic application and will apply to specific proposals of a certain scale and nature. It is limited to proposed developments at ports managed by state port companies. The proposed Statutory Instrument sets the framework for the consent for proposals of a defined scale and nature. Certain scales and types of proposed development will not require planning consent. All of the types of development that are deemed to be exempt from planning consent would be regarded to be small in scale and are additions or modifications to within highly-disturbed environments. It is noted that any proposals that may require Environmental Impact Assessment or Appropriate Assessment as a result of a risk to the relevant environmental features will not be covered by the proposed exemptions and will be scrutinised as part of the planning consent process.

Therefore, appropriate assessment is not required for the proposed Statutory Instrument.

The Minister of State at the Department of 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 Statutory Instrument, in isolation, 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:



Date: 30th January 2020

Attached: AA Screening Report dated 20 December 2019
Proposed Statutory Instrument dated 2 December 2019