

Comhairle Contae
Fhine Gall
Fingal County
Council



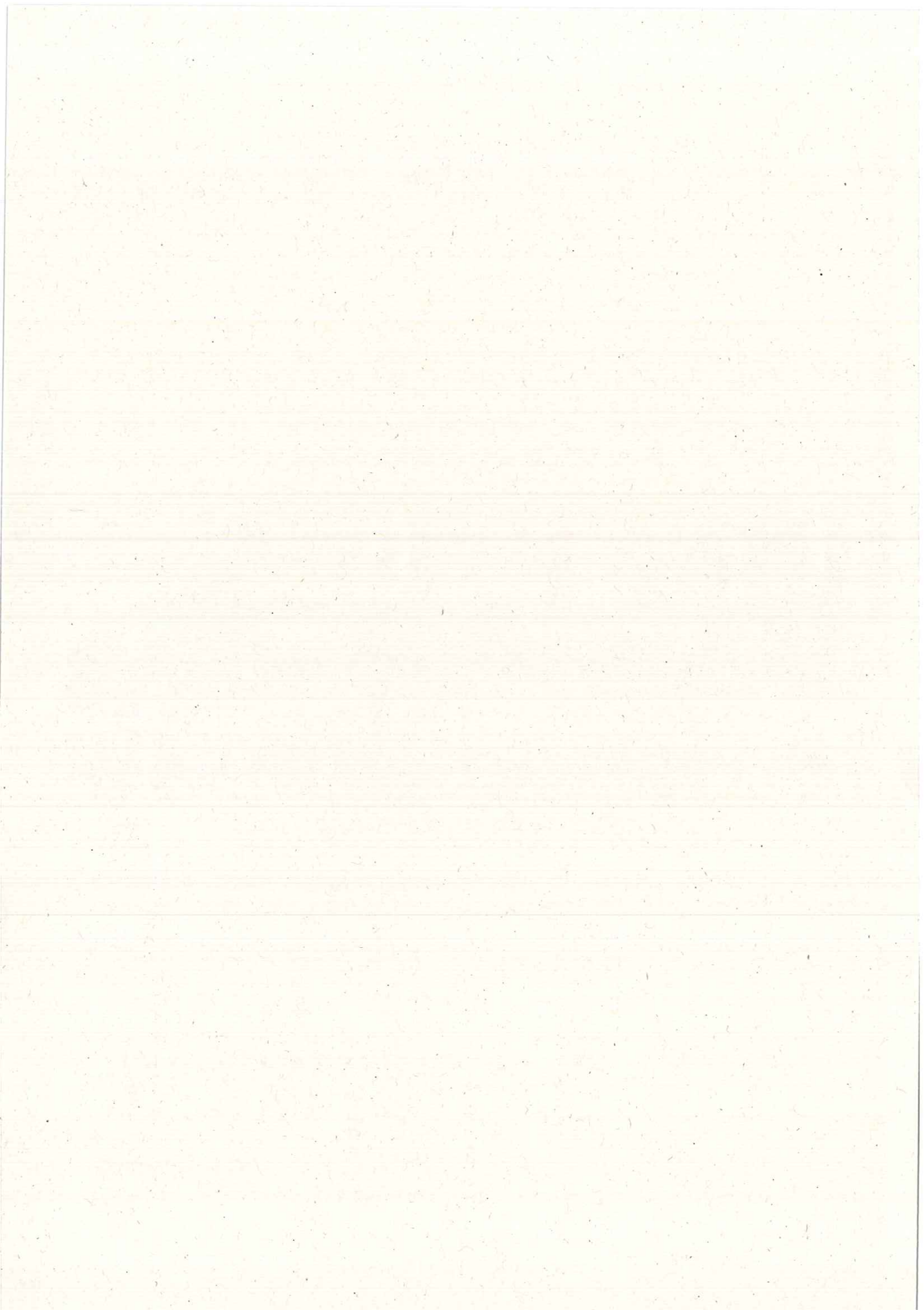
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APPROPRIATE ASSESSMENT
DETERMINATION

FINGAL COUNTY COUNCIL
**CLIMATE CHANGE
ACTION PLAN 2019-2024**

JULY 2019



AA DETERMINATION

**In the matter of Article 6(3) of the Habitats Directive and
S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011**

Appropriate Assessment Determination

Fingal County Council Climate Change Action Plan 2019-2024

In order to comply with the requirements of Article 6(3) of the Habitats Directive and S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011, as amended, the process of Screening for Appropriate Assessment was undertaken at an early stage in the drafting of the Fingal County Council Climate Change Action Plan 2019-2024. The AA Screening assessed whether the CCAP was likely to have significant effects on any European Sites within the Natura 2000 network, either alone or in combination with other plans and projects.

The screening for Appropriate Assessment was undertaken by Doherty Environmental Consultants (DEC) Ltd. on behalf of Fingal County Council. The screening concluded that an Appropriate Assessment of the CCAP was required, as the Plan is not directly connected with or necessary to the management of European sites 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 Natura Impact Statement was prepared by DEC Ltd. on behalf of Fingal County Council, and was made available as part of the public consultation on Fingal County Council Draft Climate Change Action Plan 2019-2024, published online and was also available in hard copy.

The Natura Impact Statement considered the potential for the CCAP to adversely affect the integrity of any European Site(s), with regard to their qualifying interests, associated conservation status, the structure/function of the sites(s) and the overall sites(s) integrity. This was done in a two stage process, initially assessing the Draft CCAP published in February 2019 and subsequently, assessing the amendments made to the CCAP post public consultation, in May 2019.

An Appropriate Assessment Conclusion Statement was prepared by DEC Ltd. on behalf of Fingal County Council.

APPROPRIATE ASSESSMENT DETERMINATION

Therefore, having regard to:

Section 7 outlines the environmental safeguards within the Fingal County CDP that will be applied for all land use activities supported by the CCAP. The purpose of these safeguards is to minimise and/or eliminate potential impacts associated with the CCAP land use actions to European Sites and the wider environment in general.

The mitigation measures outlined in Section 7 of the NIS will protect these Sites from potential adverse impacts. Table 7.1 has listed these mitigation measures and evaluated their potential to safeguard European Sites from these actions. A rationale has been provided to demonstrate how these mitigation measures will provide effective safeguards against any land use projects arising from the actions of the CCAP that aim to expand the walking, cycling, road and public transport networks; maintain roads; provide coastal and flood protection; provide fire management at Howth Head; and provide masterplans for the Baldoyle and Rogerestown estuaries.

The measures and requirements of the Fingal County CDP and particularly Objectives NH10, NH15 and NH25 that aim to protect, conserve and appropriately manage European Sites provide a basis for eliminating or minimising to an insignificant level potential adverse land use effects that could arise from the land use actions identified in Table 6.1 of the NIS. These objectives along with the additional safeguards within the CDP as outlined above will provide a basis for ensuring any future land use facilitated by the CCAP will not be supported where they present a risk of likely significant effects to European Sites.

Fingal County Council, having carefully considered all of the foregoing, and in particular, the Appropriate Assessment Conclusion Statement and agrees with and adopts the reasoning and conclusion as set out in the said Appropriate Assessment Conclusion Statement.

The Council hereby DETERMINES pursuant to of Article 6(3) of the Habitats Directive and S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011, that the adoption and publication of the Climate Change Action Plan 2019-2024, will not either individually or in combination with any other plan or project, adversely affect the integrity of any European Site(s) as defined.

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 Fingal County Council. The said Appropriate Assessment Conclusion Statement is to be published together with this Determination.



Gilbert Power
Director of Environment & Water Services,
Fingal County Council

Date: 14/8/2019