



Tionól Reigiúnach Oirthir agus Lár-Tíre Eastern and Midland Regional Assembly

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In the matter of Article 6 (3) of the Habitats Directive and Part XAB of the Planning and Development Act 2000 (as amended)

Appropriate Assessment Determination

EU Just Transition Fund Programme 2021-2027

In order to comply with the requirements of Article 6 (3) of the EU Habitats Directive and Part XAB of the Planning and Development Act 2000 (as amended), the process of Screening for Appropriate Assessment (AA) was undertaken at an early stage in the drafting of the EU Just Transition Fund Programme for Ireland 2021-2027 [‘the Programme’].

The AA Screening assessed whether the Programme 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 ecologists at RSK Biocensus on behalf of the Eastern and Midland Regional Assembly, the Managing Authority for the Programme [‘the Managing Authority’]. The screening concluded that an Appropriate Assessment of the Programme was required because it is not directly connected with or necessary to the management of European sites; and because the potential for likely significant effects on European sites could not be ruled out (either alone or in combination).

Therefore, adopting the precautionary principle, it was concluded that a Natura Impact Statement (NIS) should be prepared. An NIS was prepared by RSK Biocensus on behalf of the Managing Authority and was made available as part of the public consultation on the (draft) Programme, published online at <https://emra.ie/eu-jft-sea-pub-consultation/>. It was also made available in hard copy.



The NIS considered the potential for the Programme 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 integrity of the site(s). This was done in a two-stage process of Screening and Scoping of Environmental Assessments (SEA and AA), published on the 26th of October 2022, and subsequently assessing the revised draft Programme published on the 17th of November 2022.

The NIS evolved with the Programme and was updated to include proposed amendments.

Therefore, having regard to:

- The NIS published on the 6th of December 2022, which concluded that, subject to mitigation, there would be no adverse effects on the integrity of any European sites within the Natura 2000 Networks as a result of implementation of the Programme;
- Submissions and observations from public authorities including Government Departments;
- The submission and observations from the Department of Agriculture, Environment and Rural Affairs (DAERA) on behalf of the Northern Ireland Environment Agency (NIEA);
- The post-consultation 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 implementation of the Programme;
- The high-level strategic nature of the draft Programme;
- The single Specific Objective of the Programme:
 - **JSO8.1.** Enabling regions and people to address the social, employment, economic and environmental impacts of the transition towards the Union's 2030 targets for energy and climate and a climate-neutral economy of the Union by 2050, based on the Paris Agreement.
- The Programme Priorities that were selected for the Programme:
 - **JTF1.** Generating employment for former peat communities by investing in the diversification of the local economy;
 - **JTF2.** Supporting the restoration and rehabilitation of degraded peatlands and regeneration and repurposing of industrial heritage assets;
 - **JTF3.** Providing former peat communities with smart and sustainable mobility options to enable them to benefit directly from the green transition.
- The Programme Priorities set the scene for a cascading hierarchy of protection by explicitly ensuring that plans, projects and activities informed by the Programme will be subject to the provisions of the Planning and Development Act 2000 (as amended) and / or the Birds and Natural Habitats Regulations 2011 (as amended), both of which include provisions intended to ensure compliance with the Habitats Directive through the planning hierarchy;



- The fact that all plans and projects informed by the Programme will be subject to Appropriate Assessment as required pursuant to the provisions of the Planning and Development Act 2000 (as amended), and/or Article 6 (3) of the Habitats Directive;

The Managing Authority, having carefully considered all of the foregoing, agrees with and adopts the reasoning and conclusion as set out in the Appropriate Assessment NIS dated 6th December 2022.

The Eastern and Midland Regional Assembly, as Managing Authority, hereby DETERMINES pursuant to Article 6(3) of the Habitats Directive and Part XAB of the Planning and Development Act 2000-2018, that the adoption and publication of the Programme will not either individually or in combination with any other plan or project adversely affect the integrity of any European site (as defined).



Mr. Jim Conway
Director
Eastern and Midland Regional Assembly
8th December 2022

