

**Information to inform the determination for Appropriate Assessment pursuant to Regulation 42A (3) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477/2011) as amended by S.I. 293/2021**

**with respect to:**

**the Forest Estate Strategic Land Use Plan**

**1<sup>st</sup> December 2023**

### **Overview**

The purpose of this Appropriate Assessment (AA) Determination Statement is to provide a statement for the public and relevant bodies to ascertain that an AA has been conducted in accordance with relevant regulations. The purpose is to allow interested parties to assess the public authority determination. The Habitats Directive (Council Directive 92/43/EEC) is implemented in Ireland by S.I. No. 477/2011: European Communities (Birds and Natural Habitats) Regulations, 2011, S.I. No. 355/2015: European Communities (Birds and Natural Habitats) (Amendment) Regulations 2015 and Planning and Development Acts 2000-2015, as amended. The requirement for AA is set out in Article 6 of the Habitats Directive. In summary, Article 6(3) of the Directive requires an Appropriate Assessment to be undertaken when there is an element of doubt about whether the integrity of a protected site might be affected by the proposed project. The focus of the assessment is the implications that the proposed plan may have in the context of the rationale behind why an area was designated for protection. Article 6(3) continues that statutory approval can only be granted provided the assessment has indicated that there will be no adverse effects on the integrity of the site. In cases where the integrity of a site is or maybe effected then the requirements of Article 6(4) apply.

### **The Plan**

In 2022, Coillte published the Strategic Vision for Our Future Forest Estate (hereafter referred to as 'the Strategic Vision'). The Strategic Vision is a statement of Coillte's high-level ambitions for its forest estate to 2050. The Strategic Vision aims to deliver multiple benefits from Coillte's forests, bring more focus to climate action, biodiversity, and recreation, while continuing to deliver for the forest and wood products industry. Coillte have now prepared the Forest Estate Strategic Land Use Plan (hereafter referred to as the 'FESLUP' or 'the Plan') to underpin the Strategic Vision and set out a range of objectives which help deliver on Coillte's ambitions. The FESLUP objectives are representative of the steps which need to be taken between 2023 and 2050 to achieve the Strategic Vision. Following the publication of the FESLUP, Coillte will draft a FESLUP Implementation Plan to be implemented over the shorter term (2026-2035) by taking the strategic objectives of the FESLUP and delivering them over measurable and geographical actions.

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### Appropriate Assessment Process

EU and national guidance set out two main stages to the assessment process which are as follows:

#### 1. Screening

The process which identifies what might be likely impacts arising from a plan or project on a European site, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant. No further assessment is required where the risk of significant impacts on European sites can be objectively ruled out during the screening stage. The findings of the screening assessment are normally contained in a Habitats Directive (AA) Screening Report.

#### 2. Appropriate Assessment

Where the possibility of significant impacts has not been discounted by the screening process, a more detailed assessment is required. This is called an Appropriate Assessment. For land use plans, it involves the compilation of a Natura Impact Statement by the public authority, which is a report of scientific evidence and data relating to European sites for which significant negative impacts have not been previously screened out. This is used to identify and classify any implications of the plan or project for these sites in view of their Conservation Objectives. The Appropriate Assessment must include a determination as to whether or not the plan or project would adversely affect the integrity of any European site or sites. The plan or project may only be consented if adverse effects on the integrity of European sites can be objectively ruled out during the Appropriate Assessment process. The plan or project may not be consented on foot of an Appropriate Assessment if it is found that it will give rise to adverse impacts on one or more European sites, or if uncertainty remains in relation to potential impacts on one or more European sites.

#### Potential Impacts

The Screening for Appropriate Assessment identified the aspects of the plan which can, by itself or in-combination with other plans or projects, affect European sites in light of their conservation objectives through:

- Habitat loss, destruction, fragmentation or degradation;
- Disturbance;
- Indirect effects e.g. changes to hydrological regime, nutrient/light availability, exposure to non-native species etc.;
- In-combination effects with other plans/projects.

Likely significant effects could not be ruled out for **16 Objectives of the FESLUP**. This is a result of the nature of plans and/or projects that may occur from the implementation of the FESLUP and the potential relationship with European sites that may result, in consideration of in-combination effects with other plans and/or projects, and in applying the precautionary principle. Consequently, these 16 Objectives were identified as having the potential to result in LSE on European sites. It should be noted that this view was based on a worst-case scenario, whereby the Objectives may give rise to certain activities or developments in close proximity to or connected to European sites.

It was determined through the Screening for Appropriate Assessment that the implementation of these 16 objectives, in the absence of mitigation had the potential to result in likely significant effects on the integrity

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of a European Site. Whilst there is potential for implementation of the objectives to include measures to mitigate LSE on European site, such measures cannot be considered at the screening stage, as they could be interpreted as being mitigation measures relevant to the European site.

#### **Mitigation Measures**

Proposed text changes and mitigation measures were proposed for the 16 Objectives of the FESLUP to avoid adverse effects on European sites. The mitigation measures consisted of the following:

- The input of suitably qualified professionals in any guideline development, monitoring and management frameworks and future infrastructure development;
- Provision of Screening for Appropriate Assessment, and full Appropriate Assessment (as necessary) for projects and plans described within the FESLUP, as needed;
- Compliance with the conservation objectives of any European site during the planning, development and operation of management plans, development plans and forestry operations.

#### **Consultation**

The draft NIS report was issued for public consultation between September 14<sup>th</sup> 2023 and October 26<sup>th</sup> 2023. Comments and submissions were received from public and statutory stakeholders. Proposed text changes for 14 of the Objectives provided within the draft NIS have been accepted and now result in no likely significant effects on European Sites. Mitigation measures outstanding for the remaining two Objectives have been integrated within the final FESLUP. A Post-Consultation NIS has been issued.

#### **Conclusion**

Coillte, as Public Authority, is satisfied that this plan on its own, or in combination with other plans or projects, will not adversely effect the integrity of any European site.

This decision is based upon the complete, precise and definitive findings as presented in the NIS.

In making this decision we are satisfied that the FESLUP will not adversely affect the integrity of European Sites in light of their conservation objectives.

The conclusion necessarily relies on some assumptions, and it was inevitably subject to some limitations. Most of the assumptions and limitations would not affect the conclusion but the following points are recorded in order to ensure the basis of the assessment is clear and no scientific doubt remains:

- This NIS has investigated the potential direct and indirect impacts of the proposed works upon European sites, assessed the potential impacts for significance alone and in-combination with other plans and projects. This process took into consideration the nature of the plan and the structure, function and conservation objectives of the relevant European sites.
- Where likely significant effects were determined to potentially occur as a result of the plan, a number of appropriate mitigation measures to be implemented during the plan lifetime were provided in order to prevent any significant adverse impacts.

Signed



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