



An Roinn Ealaíon, Oidhreacht,  
Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta

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Department of Arts, Heritage,  
Regional, Rural and Gaeltacht Affairs

## **Appropriate Assessment Determination in accordance with Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulations 2011-2015**

### **National Raised Bog SAC Management Plan 2017-2022**

#### **Legislative Context**

The Habitats Directive (92/43/EEC) seeks to conserve natural habitats and wild fauna and flora by the designation of Special Areas of Conservation (SACs) and the Birds Directive (79/409/EEC) seeks to protect birds of special importance by the classification of Special Protection Areas (SPAs). SACs are selected for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are selected for the conservation of Annex I birds and other regularly occurring migratory birds and their habitats. The annexed habitats and species for which each site is selected correspond to the qualifying interests of the site; from these the conservation objectives of the site are derived. SACs and SPAs comprise the Natura 2000 network and are also known as European sites.

An Appropriate Assessment (AA) is required under Article 6 of the Habitats Directive where a project or plan may give rise to significant effects upon a Natura 2000 Site.

#### Article 6(3)

*Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.*

#### Article 6(4)

*If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory*

*measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.*

The above requirement for AA has been implemented in Ireland by the European Communities (Birds and Natural Habitats) Regulations 2011-2015 and the Planning and Development Acts 2000-2015, as amended.

### **Appropriate Assessment of the National Raised Bog SAC Management Plan 2017-2022**

The National Raised Bog SAC Management Plan 2017-2022 is a non-statutory plan prepared by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and is part of the Government's coherent approach to the management of Ireland's peatlands and addresses concerns of the European Commission of the declining conservation status of the protected raised bog network. The Plan comprises of five core objectives which are underpinned by a programme of conservation measures and by the setting of national conservation objectives for raised bog habitats. These core objectives are:

1. To understand and describe the conservation status and the ecological and hydrological conditions of our raised bogs;
2. To put in place a raised bog national designated network that will be sustainable into the future;
3. To develop mechanisms to restore and rehabilitate protected habitats within the network of designated raised bogs;
4. To manage protected raised bogs in a manner compatible with their uses and the concerns of stakeholders whilst maintaining their biodiversity and natural function;
5. To raise awareness and understanding of the benefits and values of raised bogs and encourage community involvement to inform future decisions.

The Plan is directly connected to and necessary for the management of sites as European sites but also contains elements which are outside the immediate scope of such management or it cannot be excluded that the implementation of measures contained within the Plan will not have a significant effect on the qualifying interesting of European sites.

As the National Raised Bog SAC Management Plan is considered to constitute a plan for the purposes of the European Communities (Birds and Natural Habitat) Regulations 2011-2015, a screening for appropriate assessment of the Plan was carried out in accordance with Regulation 42(1) of those Regulations, to assess, in view of best scientific knowledge and in view of the conservation objectives of relevant European sites, if the plan, individually or in combination with other plans and projects, would be likely to have a significant effect on a European site. It was determined under Regulation 42(6) that an appropriate assessment was

required as it could not be excluded that the Plan, individually or in combination with other plans and projects, would have a significant effect on a European site.

The screening for Appropriate Assessment was undertaken by ecologists at RPS Ltd on behalf of the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs. The screening concluded that many of the proposals in the National Raised Bog SAC Management Plan 2017-2022 are directly connected with, and necessary for, the management of most of the Natura 2000 sites. Notwithstanding, it could not be excluded, on the basis of objective scientific information following screening, that the implementation of certain restoration and preventative measures would have a significant effect on the qualifying interests of some of the 53 Raised Bog SACs or the Qualifying Interests or Special Conservation Interests (SCIs) of other SACs and SPAs, as set out at Appendix A of the Appropriate Assessment Screening and Natural Impact Statement of the National Raised Bog SAC Management Plan 2017-2022. Therefore, adopting the precautionary principle, it was concluded that a Natura Impact Statement should be prepared.

A Natura Impact Statement was prepared by RPS Ltd on behalf of the Minister, and was made available as part of the public consultation on the (draft) National Raised Bog SAC Management Plan on the Department's websites ([www.npws.ie](http://www.npws.ie) and [www.ahg.gov.ie](http://www.ahg.gov.ie)), on the Raised Bog Conservation Study website ([www.raisedbogconservationstudy.ie](http://www.raisedbogconservationstudy.ie)) and in hardcopy at NPWS offices.

An Appropriate Assessment has been carried out in accordance with Regulation 42(11) and 42(12) of the European Communities (Birds and Natural Habitat) Regulations 2011-2015 and has had regard to the findings of the Natura Impact Statement, the conservation and management measures set out in the National Raised Bog SAC Management Plan 2017-2022 and which constitute plan-level mitigation measures, and the submissions and observations received on the (draft) National Raised Bog SAC Management Plan. **It has been concluded that the National Raised Bog SAC Management Plan 2017-2022 will not adversely affect the conservation objectives or integrity of any European Site.**

One of the primary mitigation elements proposed is that screening for appropriate assessment and if necessary appropriate assessment will be carried out in relation to any site specific/project level measures including restoration measures and turf-cutting. If AA of a project at site level determines that adverse effects are likely, or cannot be ruled out, the project will either not be pursued or, where considered appropriate, the derogation steps of Article 6(4) will apply, but only in a case in which there are imperative reasons of overriding public interest (IROPI) requiring a project to proceed, there are no less damaging alternative solutions, and compensatory measures have been identified that can be put in place.