

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

with respect to:

the Forest Estate Strategic Land-Use Plan

06th September 2023

Overview

This document contains the Habitats Directive Screening Determination of Coillte in respect of the draft Forest Estate Strategic Land-Use Plan (the 'FESLUP'). The determination is based on the information provided in the Screening for Appropriate Assessment Report which has been prepared by Ove Arup and Partners Ireland Ltd (Arup) for Coillte¹. This screening determination should be read in conjunction with that report.

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 has now prepared the draft 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 will 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.

Legislative Requirement

The requirement for "Appropriate Assessment" is set out in Articles 6(3) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ("the Habitats Directive")², which is transposed into national law in each jurisdiction by The *European Communities (Birds and Natural Habitats) Regulations 2011 (as amended)* S.I. 477/2011.³

A key requirement of the Habitats Directive is that the effects of any plan or project, which is not directly connected with or necessary to the management of a European site, but which alone, or in combination with, other plans or projects, is likely to have a significant effect on a European site, should be assessed before any decision is made to allow that plan or project to proceed. This document provides the written record of the determination of the Screening for Appropriate Assessment for Coillte's FESLUP as per Part 5,

¹ Arup (July 2023) Screening for AA & NIS Report - Coillte Forest Estate Land Use Plan (FESLUP)

² European Commission (1992) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. [EUR-Lex - 31992L0043 - EN - EUR-Lex \(europa.eu\)](#)

³ Government of Ireland (2011) S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011 [S.I. No. 477/2011 - European Communities \(Birds and Natural Habitats\) Regulations 2011. \(irishstatutebook.ie\)](#)

Regulation 42(A) of the *European Communities (Birds and Natural Habitats) Regulations 2011 (as amended)* S.I 477/2011.

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.

The key results of the AA Screening undertaken on the draft FESLUP are:

- Likely Significant Effects (LSE) can be ruled out with no residual effects for **52 Objectives of the FESLUP**.
- LSE alone cannot 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 have the potential to result in LSE on European sites**. It should be noted that this view is 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 has been determined through the Screening for Appropriate Assessment that the implementation of these 16 objectives, in the absence of mitigation has the potential to result in LSE on the integrity of a European Site. Whilst there is potential for implementation of the objectives will 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.

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Determination

- Coillte have determined that of the elements of the draft FESLUP, 16 Objectives have the potential to result in LSE on European sites in view of their conservation objectives, either alone or in-combination with other plans. The plan is not directly connected with, or necessary to, the management of European sites and it cannot be excluded on the basis of objective scientific information, following screening under the Habitats Directive (92/43/EEC), that the plan - individually or in combination with other plans or projects - will have a significant effect on a European site. Therefore, Coillte determine that an Appropriate Assessment of the draft FESLUP is required.

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Date 13th September, 2023

Signed *Liam Malone*

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