

COMHAIRLE CONTAE FHINE GALL

RECORD OF CHIEF EXECUTIVE'S ORDER

Local Authority Climate Action Plan 2024 – 2029 for the Fingal County Council functional area

Appropriate Assessment (AA) Determination under the EU's Habitats Directive 92/43/EEC Article 6(3) as transposed into Irish law under Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011), as amended

An Appropriate Assessment (AA) Determination is being made in relation to the potential for the Fingal County Council Local Authority Climate Action Plan (LACAP) 2024 – 2029 to have effects on the integrity of European sites.

Article 6(3) of the Habitats Directive, as transposed by S.I. No. 477/2011, as amended, requires that a final determination is made as to whether a plan or project would adversely affect the integrity of a European site.

AA Screening of a draft version of the LACAP (the DRAFT LACAP) concluded that the Plan was likely to have significant effects on European sites forming part of the Natura 2000 network (in the absence of mitigation), either alone or in combination with other plans and projects.

It was concluded a Natura Impact Report (NIR) should be prepared for the Draft LACAP. Careful considerations were required with regard to the technical wording, focus and scope of the actions contained within the Draft LACAP, such that effects are avoided and/or minimised with regard to European sites and their Qualifying Interests and Special Conservation Interests.


A NIR was produced for the Draft LACAP. The NIR considered the potential for the LACAP to adversely affect the integrity of European sites, with regard to their Qualifying Interests and Special Conservation Interests. The Draft LACAP was informed by the AA and a Natura Impact Report was prepared outlining the likely environmental effects of the Plan on European sites in accordance with the Habitats Directive 92/43/EEC. Measures were integrated into the Draft LACAP that mitigate its potential effects on any European site.

Modifications to the Draft LACAP were made following a review of the issues raised during a period of prescribed public consultation period for the Draft LACAP from September 20th to November 3rd 2023 and subsequent consideration by Fingal County Council. Following assessment and having regard to the nature of the Modifications to the Draft LACAP and the potential for likely significant environmental effects associated with the Modifications, Fingal County Council concluded, in view of best scientific knowledge and in view of conservation objectives, that the Modifications to the Draft LACAP will not give rise to any likely significant effects on designated European sites, alone or in combination with other plans or projects. An AA Screening Determination was made in relation to this effect.

Overall, the AA process concluded the following:


- Stage 1 AA Screening and Stage 2 AA of the Final County Council Local Authority Climate Action Plan 2024-2029 has been carried out. Implementation of the LACAP has the potential to result in effects to the integrity of any European sites, if unmitigated.
- The risks to the safeguarding and integrity of the qualifying interests, special conservation interests and conservation objectives of the European sites have been addressed by the inclusion of mitigation measures that will prioritise the avoidance of effects in the first place and mitigate effects where these cannot be avoided. In addition, all lower-level plans and projects arising through the implementation of the LACAP will themselves be subject to AA when further details of design and location are known.
- In-combination effects from interactions with other plans and projects was considered in the assessment and the mitigation measures incorporated into the plan are seen to be robust to ensure there will be no significant adverse effects as a result of the implementation of the LACAP either alone or in-combination with other plans/projects.
- Having incorporated mitigation measures, it is concluded that the Fingal County Council LACAP 2024- 2029 is not foreseen to give rise to any significant adverse effects on designated European sites, alone or in combination with other plans or projects. This evaluation is made in view of the conservation objectives of the habitats or species, for which these sites have been designated.

In light of the above, Fingal County Council, pursuant to Article 6(3) of the Habitats Directive, as transposed by S.I. No. 477/2011, as amended, determines that the adoption and implementation of the LACAP will not individual or in combination with any other plan or project adversely the integrity of any European site.



Recommender Catherine O'Donovan
Senior Executive Officer

ORDER:



Approver David Storey
Director Of Services

8/2/24 Dated

thereunto empowered by order of the Chief Executive, Fingal County Council C.E No 8692 delegating to me all powers, functions and duties in relation to the Council of the County of Fingal in respect of this matter.