

## **CHIEF EXECUTIVE ORDER No.**

### **Draft Donegal County Council Climate Action Plan 2024- 2029**

### **Appropriate Assessment Determination in Accordance with Regulation 42(11) of the European Communities (Birds & Habitats) Regulations 2011 - 2021**

#### **LEGISLATIVE CONTEXT**

Article 6(3) of the Habitats Directive defines the requirements for assessment of projects and plans for which likely significant effects on European Sites may arise. The European Communities (Birds and Natural Habitats) Regulations, 2011 – 2021 (the Habitats Regulations) transpose into Irish law Directive 2009/147/EC (the Birds Directive) and Council Directive 92/43/EEC (the Habitats Directive). These Regulations require competent authorities, to carry out an Appropriate Assessment of plans and projects that, alone or in combination with other plans or projects, would be likely to have significant effects on European Sites in view of best scientific knowledge and European Site conservation objectives. This requirement is transposed into Irish Law by Part 5 of the Habitats Regulations and Part XAB of the Planning and Development Act, 2000 (as amended).

According to Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 – 2021, the competent authority has a duty to:

- Determine whether the proposed Plan or Project is directly connected to or necessary for the management of one of more European Sites; and, if not,
- Determine if the Plan or Project, either individually or in combination with other plans or projects, would be likely to have a significant effect on the European Site(s) in view of best scientific knowledge and the Conservation Objectives of the site(s).

#### **DESCRIPTION OF THE DONEGAL COUNTY COUNCIL CLIMATE ACTION PLAN (CAP)**

As required by the Climate Action and Low Carbon Development (Amendment) Act 2021, Donegal County Council has prepared their first Local Authority Climate Action Plan (LA-CAP) which must be adopted by the Elected Members before 23rd February 2024. This will continue the work undertaken over the first Climate Adaptation Strategy 2019-2024 which was non statutory.

Local authorities are key drivers in advancing climate policy at the local level and the Donegal CAP aims to strengthen the alignment between national climate policy and local circumstances with the prioritisation and acceleration of evidence-based measures, to assist in the delivery of the climate neutrality objective for Donegal County Council.

Donegal County Council will use its CAP in planning how it will reduce greenhouse gas emissions and increase climate resilience from across its own assets and infrastructure, whilst also taking on a broader role to influence, facilitate and co-ordinate the climate actions of communities and other stakeholders and what it will do to advocate for climate action in Donegal. In order to ensure that the CAP is centred around a strong understanding of the role

---

and remit of Donegal County Council on climate action, the Plan is being developed through the following framework:

- **Fully accountable:** Targeted actions for areas where Donegal County Council has full accountability for climate action within their own operations.
- **Influence:** Actions for where Donegal County Council can influence businesses, communities, and individuals in the delivery of local climate action through the functions and services they provide.
- **Coordination:** Actions for where Donegal County Council can coordinate and facilitate local and community action bringing together stakeholders in partnership to achieve climate action related projects.
- **Advocate:** Actions aligned to Donegal County Councils role as advocate on climate action through raising awareness, communicating, informing, and engaging in open dialogue on the topic.

The Draft CAP includes a range of actions across the six theme areas of Governance, Built Environment, Transport, Natural Environment and Green Infrastructure, Communities Resilience, and Sustainability and Resource Management.

## **APPROPRIATE ASSESSMENT PROCESS**

### **Screening for Appropriate Assessment**

This Donegal CAP is not considered to be directly connected with, or necessary to, the management of any European Sites.

As such, a screening for appropriate assessment of the Plan was carried out in accordance with Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011-2021, to assess, in view of best scientific knowledge and the conservation objectives of relevant European Sites, if the Plan or Project, either individually or in combination with other plans or projects, would be likely to have a significant effect on these European Sites. The Screening Report was prepared by Doherty Environmental Consultants (DEC) Ltd. The Screening Report for Appropriate Assessment concluded under Regulation 42(6) that an appropriate assessment was required, as the potential for the Plan, individually or in combination with other Plans and projects, to result in likely significant effects to European Sites could not be ruled out at the screening stage.

The Plan is considered to have the potential to have a significant effect on the European Sites, either individually or in combination with other Plans or projects and is hence subject to appropriate assessment of its implications for relevant sites in view of those sites' conservation objectives.

### **Natura Impact Statement**

A Natura Impact Statement was prepared by DEC Ltd on behalf of Donegal County Council, and was made available as part of the consultation period for 6 weeks from the 9th November to the 21st of December 2023. The Natura Impact Assessment concluded that the draft CAP

---

will not have a significant adverse impact on European Sites provided the mitigation measures outlined in Section 7 of the NIS are adopted in the CAP and at future stage of any land use projects facilitated by the Actions of the CAP.

### **Consultation**

Twenty submissions were received in relation to the draft Donegal County Council CAP. These were reviewed in the Chief Executives Report and informed the finalising of the CAP with the provision of modifications to the draft CAP. The modifications set out in the Chief Executives Report have been subject to screening for Appropriate Assessment and it was found that none of the modifications will have the potential to result in likely significant effects to European Sites, over and above those identified in the NIS for the draft CAP.

### **Mitigation**

Future land use projects facilitated by the Donegal CAP will apply a range of measures that will mitigate potential for significant adverse effects to European Sites. While the applicability of particular measures will be dependent on the specific location, nature and scale of such projects, the mitigation measures set out in the Natura Impact Statement provide the necessary safeguards to ensure that such projects will be designed and implemented in a manner that provides for the full protection of the integrity of European Sites in view of their conservation objectives.

---

**RECOMMENDATION:**

Pursuant to its obligations under Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 – 2021 Donegal County Council has conducted an Appropriate Assessment of the Donegal Climate Change Action Plan. Having regard to:

- The Natura Impact Statement prepared by DEC Ltd. the assessment of likely impacts and the mitigation measures outlined therein;
- The incorporation of all mitigation as outlined in the NIS within the Donegal CAP so as to avoid adverse effects to European Sites;
- The fact that all projects facilitated by the Donegal County Council CAP shall be required to conform with all mitigation measures outlined in the CAP and the NIS.

With reference to the foregoing information, it is recommended that the determination is made by Donegal County Council, pursuant to Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulations 2011 – 2021 that the Donegal County Council Climate Action Plan will not adversely affect the conservation objectives or integrity of any European Sites.



---

**Lorraine Arbuckle**

**Climate Action Coordinator, Donegal County Council**

Dated this the 16<sup>th</sup> day of January 2024

**ORDER:** Recommendation approved.



---

**Michael Mc Garvey**

**Director of Service, Water & Environment**

Dated this the 16<sup>th</sup> day of January 2024

---

## CHIEF EXECUTIVE ORDER No.

### Draft Donegal County Council Climate Action Plan 2024- 2029

#### Screening for Strategic Environmental Assessment - Determination

##### LEGISLATIVE CONTEXT

This determination is undertaken in accordance with Section 9 (4) of SI No. 435 of 2004 of the European Communities (Environmental Assessment of Certain Plan and Programmes) Regulations 2004 (S.I. No. 435 of 2004) (hereafter, 'the SEA Regulations'), as amended by the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations, 2011 (S.I. 200 of 2011), for the Draft Donegal County Council Climate Action Plan 2024 - 2029.

The Screening for Strategic Environmental Assessment (SEA) is to determine whether or not the proposed modifications to the Donegal County Council Climate Action Plan 2024-2029 would be likely to have significant effects on the environment is being made under the above Regulations.

##### STRATEGIC ENVIRONMENTAL ASSESSMENT PROCESS

As part of the aforementioned determination, the Council is taking account of relevant criteria set out in Schedule 2A of the above Regulations. These criteria are taking into account as follows:

**1. The characteristics of the CAP, particularly having regard to:**

- The degree to which the CAP sets a framework for projects and other activities, either regarding the location, nature, size and operating conditions, or by allocating resources.

The CAP is being prepared and has been on public consultation with the SEA Environmental Report and the Natura Impact Statement. The proposed modifications to the CAP arising from the public consultation and assessed in the accompanying SEA Screening report do not significantly alter the findings of the SEA, and AA of the draft Donegal Climate Action Plan to date.

- The degree to which the CAP influences other plans, including those in a hierarchy.

The CAP is being prepared in the context of the Climate Action and Low Carbon Development (Amendment) Act 2021. Ireland is now on a legally binding path to net-Zero emissions no later than 2050, and to a 51% reduction in emissions by the end of this decade. The Act provides the framework for Ireland to meet its international and EU climate commitments and to become a leader in addressing climate change.

As required by the 2021 Act, Donegal County Council is preparing their first Local Authority Climate Action Plan (LA-CAP) which must be adopted by the Elected Members before 23rd February 2024.

Taking the above and the examination of likely significant environmental effects in the SEA Screening report, the proposed modifications to the CAP would not be likely to result in significant environmental effects.

- The relevance of the CAP in the integration of environmental considerations in particular with a view to promoting sustainable development

The draft Donegal County Council CAP has been subject to full SEA and AA and has integrated environmental considerations with a view to promoting climate change actions in the Plan area. Taking the above and the examination of likely significant environmental effects in the SEA Screening report, the proposed modifications would not be likely to result in significant environmental effects.

- Environmental issues relevant to the CAP.

These are presented in the SEA Environmental Report and include, *inter alia*,

- Water quality
- Flooding
- Climate change impacts
- Biodiversity loss

- The relevance of the CAP to the implementation of European Union legislation on the environment (e.g., plans linked to waste-management or water protection).

The CAP considers and integrates European Union legislation on the environment including those relating to topics such as water protection. Taking the above and the examination of likely significant environmental effects in the SEA Screening report, the proposed modifications would not be likely to result in significant environmental effects.

## **2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:**

- The probability, duration, frequency and reversibility of the effects.

No such effects are identified associated with the proposed modifications to the Donegal County Council CAP.

- The cumulative nature of the effects.

No such effects are identified associated with the proposed modifications to the Donegal County Council CAP.

- The transboundary nature of the effects.

No such effects are identified associated with the proposed modifications to the Donegal County Council CAP.

- The risks to human health or the environment (e.g., due to accidents).

No such effects are identified associated with the proposed modifications to the Donegal County Council CAP.

- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).

No such effects are identified associated with the proposed modifications to the Donegal County Council CAP.

- The value and vulnerability of the area likely to be affected due to:
  - **Special natural characteristics or cultural heritage.**  
The wider area supports a range of European Sites including SACs and SPA. The Donegal County Council CAP has been subject to full SEA and AA and appropriate mitigation measures have been integrated. No such effects are identified associated with the proposed modifications to the Donegal County Council CAP.
  - **Exceeded environmental quality standards or limit values.**  
No such effects are identified associated with the proposed modifications to the Donegal County Council CAP
  - **Intensive land-use.**  
No such effects are identified associated with the proposed modifications to the Donegal County Council CAP
  - **The effects on areas or landscapes which have a recognised national, European Union or international protection status.**  
No such effects are identified associated with the proposed modifications to the Donegal County Council CAP.

**RECOMMENDATION:**

With reference to the foregoing information, it is recommended that reasoned determination is made by Donegal County Council that the proposed modifications to the draft Donegal County Council Climate Action Plan would not be likely to result in significant effects and therefore full Strategic Environmental Assessment is not required to be undertaken.



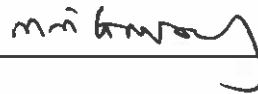
---

**Lorraine Arbuckle**

**Climate Action Coordinator, Donegal County Council**

Dated this the 16<sup>th</sup> day of January 2024

**ORDER:** Recommendation approved.



---

**Michael Mc Garvey**

**Director of Service, Water & Environment**

Dated this the 16<sup>th</sup> day of January 2024