

NATIONAL MONUMENTS SERVICE

Sceilg Mhichíl World Heritage Property

Management Plan 2020-2030

Appropriate Assessment Conclusion Statement



P2349_R5365_Rev2 | December 2021

DOCUMENT RELEASE FORM

National Monuments Service

P2349_R5365_Rev2

Sceilg Mhichíl World Heritage Property Management Plan 2020-2030

Appropriate Assessment Conclusion Statement

Author/s

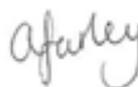
Charlie Cameron, Jillian Hobbs

Project Manager



Jillian Hobbs

Authoriser



Anna Farley

Rev No	Date	Reason	Author	Checker	Authoriser
Rev 0	16/06/2021	Draft for client review	CC	JH	ALF
Rev 1	18/06/2021	Completed Final, a waiting Minister's letter on a adoption of Plan	CC	JH	ALF
Rev 2	16/12/2021	Minister's letter included	JH	ALF	ALF

Intertek Energy & Water Consultancy Services is the trading name of Metoc Ltd, a member of the Intertek group of companies.

CONTENTS

	DOCUMENT RELEASE FORM	I
	GLOSSARY	IV
1.	INTRODUCTION	1
1.1	Sceilg Mhichíl World Heritage Property Management Plan 2020 – 2030	1
1.2	The Appropriate Assessment process	1
1.3	Legislative requirements in relation to Appropriate Assessment	2
1.4	AA Conclusion Statement	3
2.	AA CONCLUSION STATEMENT	4
2.1	How the findings of the AA process were factored into the Plan	4
2.2	Reasons for choosing the Plan as adopted, in light of other reasonable alternatives	6
2.4	AA Determination	8
2.6	AA Conclusion	11

LIST OF TABLES AND FIGURES

Tables

Table 1-1	Matters considered under Article 42(12) of the Birds and Natural Habitats Regulations 2011, as amended	2
Table 2-1	Additional Actions to the Plan arising from the NIS	4

GLOSSARY

AA

Appropriate Assessment

AOB

Apparently Occupied Burrow

DAFM

Department of Agriculture, Food and the Marine

DECC

Department of the Environment, Climate and Communications

DHLGH

Department of Housing, Local Government and Heritage

DT

Department of Transport

EPA

Environmental Protection Agency

EU

European Union

INNS

Invasive/Non-Native Species

NIS

Natura Impact Statement

NMS

National Monuments Service

NPWS

National Parks and Wildlife Service

SCI

Special Conservation Interest

SEA

Strategic Environmental Assessment

UNESCO

United Nations Educational, Scientific and Cultural Organization

WHP

World Heritage Property

1. INTRODUCTION

This document is the Appropriate Assessment (AA) Conclusion Statement for the Sceilg Mhichíl World Heritage Property Management Plan 2020 – 2030.

The obligation to undertake AA derives from Article 6(3) of European Union (EU) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna (the ‘Habitats Directive’) as transposed into Irish legislation by Regulation 42 of the European Communities (Bird and Natural Habitats) Regulations 2011 as amended. AA is a focused and detailed impact assessment of the implications of a plan or project, alone or in combination with other plans and projects, on the integrity of a Natura 2000 site in view of its conservation objectives.

The purpose of this document is to provide expert advice to assist the Minister and the Department of Housing, Local Government and Heritage (DHLGH) in carrying out the AA. The document has been prepared by Intertek.

The Sceilg Mhichíl AA process was undertaken in parallel with a Strategic Environmental Assessment (SEA). This AA Conclusion Statement should be read in conjunction with the following documentation:

- Sceilg Mhichíl World Heritage Property Management Plan 2020 – 2030
- Sceilg Mhichíl World Heritage Property Management Plan 2020-2030 Natura Impact Statement June 2021
- Sceilg Mhichíl World Heritage Property Management Plan 2020-2030 SEA Environmental Report June 2021

1.1 Sceilg Mhichíl World Heritage Property Management Plan 2020 – 2030

The DHLGH, in conjunction with the Office of Public Works (OPW), has produced a Management Plan for the Sceilg Mhichíl World Heritage Property for the period of 2020 – 2030 (hereafter referred to as ‘the Plan’). The Plan will replace the current Management Plan that covers the period between 2008 – 2018. The Plan sets out key Objectives and Actions to ensure the long-term sustainable management of Sceilg Mhichíl and provides for the proactive management of the island in order to maintain its Outstanding Universal Value as a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Property (WHP).

1.2 The Appropriate Assessment process

1.2.1 Screening

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, Intertek, on behalf of the National Monuments Service (NMS), part of the DHLGH, undertook screening for Appropriate Assessment (AA) in July 2020. It was determined that the Plan is not directly connected with or necessary to the management of a European Site. Furthermore, it could not be concluded at that stage in the process, on the basis of objective scientific information, that the Plan would not, individually or in combination with other plans or projects, have a significant effect on one Natura 2000 site, the Skelligs Special Protection Area (SPA). The National Parks and Wildlife Service (NPWS), in its capacity as an advisory body, reviewed the findings of the Screening for AA and agreed with the conclusions. As such it was determined that assessment of the Plan should proceed to Stage 2 AA and a Natura Impact Statement (NIS) be prepared.

1.2.2 Assessment and preparation of the Natura Impact Statement (NIS)

The NIS considered the potential for the draft Plan to adversely affect the Skelligs SPA site with regards to its Special Conservation Interests (SCIs), associated conservation status, structure/function of the

site and overall site integrity. This pre-consultation version of the NIS (Dated October 2020) concluded that, subject to the proposed mitigation, there would be no adverse effects on the integrity of Skelligs SPA as a result of implementation of the draft Plan.

The draft Plan, the NIS and the SEA Environmental Report underwent statutory and public consultation which ran for six weeks from the 4th November to 16th December 2020 as part of the SEA process. Intertek, on behalf of NMS submitted the draft Plan, the SEA Environmental Report and NIS to the following statutory consultees:

- Environmental Protection Agency (EPA)
- Department of Housing, Local Government and Heritage (DHLGH), *(formerly the Department of Housing, Planning and Local Government)*
- Department of Agriculture, Food and the Marine (DAFM)
- Department of the Environment, Climate and Communications (DECC) *(formerly the Department of Communications, Climate Action and the Environment)*
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media *(formerly the Department of Culture, Heritage and the Gaeltacht)*

Following the statutory and public consultation, the submissions and observations were taken into consideration and modifications and amendments to the draft Plan were made to reflect issues raised by a wide range of stakeholders. All modifications to the Plan Actions, targets and timelines as a result of the SEA and AA processes were subject to screening for AA as detailed in Appendix A, Table A-1 of the NIS. The final NIS (Dated June 2021) concluded the Plan would not, either individually or in combination with other plans and projects, adversely affect the integrity of Skelligs SPA.

1.3 Legislative requirements in relation to Appropriate Assessment

In carrying out the AA for the Plan, Article 42(11), of the Birds and Natural Habitats Regulations 2011, as amended, requires inter alia, that the Authority considers the matters listed under of Article 42(12). These matters, and how they have been met are listed in Table 1-1 below.

Table 1-1 Matters considered under Article 42(12) of the Birds and Natural Habitats Regulations 2011, as amended

Matters to be considered under Article 42(12)	How this has been addressed
a. The Natura Impact Statement	A NIS has been completed and accompanies this Conclusion Statement and the Plan.
b. any other plans or projects that may, in combination with the plan or project under consideration, adversely affect the integrity of a European Site	This has been addressed in Section 7.3 of the NIS.
c. any supplemental information furnished in relation to any such report or statement	The NIS includes information on the relevant sites and the condition assessment of those sites.
d. if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Statement	N/A
e. any information or advice obtained by the public authority	Intertek has provided the environmental advice in relation to the AA process for the Plan. The NIS has also taken into account submissions received during the AA process – see Section 1.4 of this document.
f. if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project	The NIS has taken into account submissions received during the AA process – see Section 1.4 of this document.

Matters to be considered under Article 42(12)	How this has been addressed
g. any other relevant information	The NIS has taken into account submissions received during the AA process – see Section 1.4 of this document.

1.4 AA Conclusion Statement

Section 4.14 of the Irish non-statutory AA guidance (Environment, Heritage and Local Government, 2009) states that *“It is recommended that planning authorities include a clear and discrete AA Conclusion Statement as a discrete section in the written statement of the plan separate to the SEA statement.”*

This guidance recommends the following format for the AA statement:

- Summary of how the findings of the AA were factored into the plan.
- Reasons for choosing the plan as adopted, in the light of other reasonable alternatives considered as part of the AA process.
- A declaration that the plan as adopted will not have an adverse effect on the integrity of a Natura 2000 site or sites.
- Copy of NIS.

As recommended the structure of the AA Conclusion Statement follows the above format.

2. AA CONCLUSION STATEMENT

2.1 How the findings of the AA process were factored into the Plan

The NIS identified four potential pressures from the adoption of the draft Plan on the SCIs of Skelligs SPA. These pressures are:

Direct pressures

- Visual and physical disturbance (including noise disturbance) and potential displacement of protected species resulting from the presence of visitors (including vessels) and employees, conservation works and vehicles/vessels (e.g. boats, helicopters).
- Habitat loss/damage from conservation works and accidental/intentional damage from visitors.
- Introduction of invasive non-native species (INNS)/ problematic native species.

Indirect pressure

- Climate change – resulting in habitat loss and damage / visual and noise disturbance through a requirement for remedial conservation works.

The assessment undertaken in the NIS detailed mitigation measures and recommendations that, when followed, will ensure that no significant effects occur to the SCIs of Skelligs SPA. As discussed in Section 1 Introduction, in parallel to the AA process, a SEA of the draft Plan was undertaken. As part of the SEA Process, the draft Plan, SEA Environmental Report and NIS underwent statutory and public consultation. Consultation ran for six weeks from 4th November to 16th December 2020. Following this consultation period, the submissions and observations were reviewed and addressed in the preparation of the final Plan, SEA Environmental Report and NIS.

As a result of the consultation all mitigation measures proposed in the NIS that did not incorporate an existing Plan Action, were translated into a new Plan Action. These additional Actions are detailed in Table 1-2 below. Additionally, all monitoring recommendations listed in the NIS in Section 7.1.1.3 Assessment of Site Integrity with Mitigation, and Section 8.2 Recommendations, were incorporated as new targets of Actions A4.5 and A4.18 of the Plan to ensure their contents will be dispensed through the adoption of the Plan.

The recommendation that “*Any future amendments made to the Plan will be subject to AA*” has also been added as a target to the new Action A1.1 Monitor implementation and effectiveness of the Plan Actions.

Table 2-1 Additional Actions to the Plan arising from the NIS

Objective	Proposed Action	Reasoning
Objective 4: To identify and conserve the natural heritage of the island	Action 4.15: Within one year of installation of lighting arrangements for the operation of the Lower Lighthouse complex, review those lighting arrangements and if necessary, and where practicable, within a further one year implement lighting measures, such as use of blinds, downwards lighting, to reduce the risk of bird strikes.	To ensure that the lighting utilised in the Lower Lighthouse complex is not negatively affecting the birds of Sceilg Mhichíl, e.g., causing disorientation in flight.
	Action 4.16: Continued supervision of wall maintenance by an ornithologist to ensure that burrow entrances remain accessible to breeding birds, (in particular storm petrel),	To ensure that the number of accessible burrow entrances available to breeding

Objective	Proposed Action	Reasoning
	with the objective of maintaining/increasing the net amount of potential breeding chambers in the walls overall, which are subjected to maintenance works.	birds is, at minimum, maintained at its current level or increased.
	Action 4.17: Works/research programmes will be subject to site-specific mitigation measures. (e.g. conducting pre-works surveys to establish the location of any burrows utilised for nesting in the works area, the marking of such burrows so they may be avoided, and avoiding certain time-periods where birds may be more susceptible to disturbance).	This Action will ensure that works/research programmes will take into account and mitigate against any localised influences at the location they are intending to be conducted at, such as avoiding particular areas where known nesting burrows are located.
	Action 4.18: Assess the impacts of visitors and related activities in Year 5 of the plan period, informed by the monitoring data collected in the first 4 years and take any necessary action as a result of such an assessment.	If it is found that visitor numbers to Sceilg Mhichíl are unsustainable from the collected monitoring data, this Action provides the mechanism for numbers to be amended to a sustainable level.
Objective 6: To manage visitors to Sceilg Mhichíl effectively	Action 6.13: Disseminate wildlife guidance information to inform the public of the exceptionalism of the natural heritage of Sceilg Mhichíl to raise awareness of its fragility, the need to remain on the designated pathways and mitigate any impacts.	This will ensure that visitors to the island are made aware of the fragility of the site and need to take care when traversing the site.
	Action 6.14: Carry out daily spot checks on points along the access pathways to ensure visitor compliance with adhering to the designated pathways on the site.	This Action will ensure that visitors to Sceilg Mhichíl do not venture from the designated pathways.
	Action 6.15: Put in place measures to prevent unauthorised drone flying. These shall include the continued dissemination of information (e.g. at booking, at the piers, on the boats) to explain why unauthorised drones are banned on the site, along with the creation of a process for the authorisation of legitimate drone usage on-site.	This will ensure all visitors to the site are aware of the ban on drone flying and allow for any applications for drone usage to be assessed to ensure they do not adversely affect the resident bird population.
	Action 6.16: Put in place further signage and physical measures at the site entrance to further dissuade unauthorised access outside of the visitor season and/or use of CCTV cameras to monitor the pier area.	Introduction of these measures will make it clear to individuals accessing the site out of the visitor season that the site is off limits during this time period.
Objective 7: To maintain an appropriate standard of safe, regulated visitor access system	Action 7.11: Establish a staggered regime for the arrival times of boats over the course of the day to reduce overcrowding on the site and reduce the potential for visitors to venture from the designated pathways. Use monitoring data collected	This Action will stop visitors arriving to the site within the same time window as each other and prevent overcrowding along the pathways and monastic complex.

Objective	Proposed Action	Reasoning
that supports conservation aims.	for A4.5 to assess positive/negative impacts of staggering on SCIs.	
	Action 7.12: Disseminate guidance to all boat operators landing visitors on Sceilg Mhichíl or taking visitors on tours around the island, to ensure they are informed of potential adverse effects from visual and physical disturbance on wildlife (e.g. rafting seabirds and seals), and are requested to avoid disturbance.	This will prevent vessels travelling around the island from disturbing the wildlife that utilise the surrounding waters for feeding and loafing purposes.
Objective 11: To establish a research framework for Sceilg Mhichíl.	Action 11.8: Research programmes will be staggered to prevent programmes from occurring simultaneously within the same location on Sceilg Mhichíl.	This will prevent overcrowding issues from simultaneous research programmes occurring within the site.

2.2 Reasons for choosing the Plan as adopted, in light of other reasonable alternatives

The AA process for the Sceilg Mhichíl World Heritage Property Management Plan 2020 – 2030 stopped at Stage 2 AA because reasonable mitigation measures were proposed to prevent adverse effects on the integrity of the Skelligs SPA and Stage 3 Alternative solutions was not required. However, as stated in the “AA of Plans and Projects in Ireland – Guidance for Planning Authorities 2009”, alternative solutions should normally already have been identified within the framework of the screening, the NIS and the AA.

Reasonable Alternatives were assessed as part of the SEA process. SEA requires the consideration of reasonable alternatives – including the 'do nothing scenario'. In the case of the Plan the alternative of not producing a new management plan, i.e. 'no plan' is not considered a reasonable alternative because the requirement for an up-to-date management plan for World Heritage Sites is prescribed by UNESCO under the World Heritage Convention 1972, for which the Irish Government is a signatory.

An alternative scenario identified through stakeholder consultation was the provision for an extension to the duration of the visitor season to Sceilg Mhichíl. The Plan maintains the visitor season will open from approximately mid-May and run to the end of September. The potential for the duration of the visitor season to be extended was assessed in the SEA, with the findings determining that such an extension would be challenging primarily on safety grounds. In summary:

- Given the limited operational window for staff to access the island and complete the required works to make the island safe to accept visitors and complete the relevant training, it is challenging to open the site to visitors earlier than mid-May. A reduction in time to complete works (e.g. clearance and strengthening of the steps leading to the monastery) and to train staff would negatively impact the safety of visitors at the site.
- Earlier opening would also increase the pressure of visual disturbance from visitor access to breeding seabirds arriving for the start of the breeding season.

It has therefore been concluded that this alternative to the current position in the Plan is not recommended. It is recommended however, that the OPW should provide weekly updates to concerned parties on the works they are carrying out to prepare the site for the visitor season, so that

all parties are aware of the reasoning for the sites closure and when the site will be ready for re-opening.

In addition to this specific example of a possible alternative, the SEA and AA process involved an iterative process of proposed changes to the draft Plan in reaching the final Plan, through updates and additions to the Plan Actions and their associated targets and timelines. These changes reflect the selected or adopted 'alternatives' to the original draft Plan.

2.4 AA Determination

In the matter of Regulation 42 of the Birds and Natural Habitats Regulations 2011

And in the matter of Article 6(3) of the Habitats Directive

Appropriate Assessment Determination

Sceilg Mhichíl World Heritage Property Management Plan 2020-2030

In order to comply with the requirements of Article 6(3) of the EU Habitats Directive and Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('the Birds and Natural Habitats Regulations'), the process of Screening for Appropriate Assessment (AA) was undertaken at an early stage in the drafting of the Sceilg Mhichíl World Heritage Property Management Plan 2020-2030 (hereafter referred to as the 'Plan'). The Screening for AA assessed whether the Plan was likely to have significant effects on any European site within the Natura 2000 network, either alone or in combination with other plans or projects.

The Screening for AA was undertaken by consultants at Intertek on behalf of the National Monuments Service (NMS), part of the Department of Housing, Local Government and Heritage. The screening concluded that an Appropriate Assessment of the Plan was required, as the Plan is not directly connected with or necessary to the management of the site as a European site and as it cannot be excluded, on the basis of objective information, that the Plan, individually or in combination with other plans or projects, will have a significant effect on a European site.

Therefore, adopting the precautionary principle, it was concluded that a Natura Impact Statement (NIS) should be prepared. A NIS was prepared by Intertek on behalf of NMS, which was sent to statutory consultees and key stakeholders. It was also made available as part of the public consultation on the draft Plan, published online at www.worldheritageireland.ie. Due to COVID-19 restrictions it was not possible to make a hard copy available.

The NIS considered the potential for the Plan to adversely affect the integrity of Skelligs Special Protection Area (SPA) with regards to the sites Special Conservation Interests, associated conservation status, the structure/function of the site and the overall site integrity. This was carried out in a two-stage process. The pre consultation NIS (ref P2349_R5158_NIS_Rev0_Draft dated October 2020) assessed the draft Plan dated June 2020; and the post consultation NIS (ref P2349_R5158_NIS_Rev2 dated June 2021), assessed changes made to the draft Plan,

published for consultation in November 2020. The post consultation NIS includes changes made to address consultation observations and submissions made on the Plan and NIS.

APPROPRIATE ASSESSMENT DETERMINATION

Therefore, having regard to:

- The pre consultation NIS dated October 2020, and post consultation NIS dated June 2021 which concluded that subject to mitigation, there would be no adverse effects on the integrity of Skelligs SPA as a result of adoption of the Plan.
- The submissions and observations from the public, public authorities and other Government Departments.
- The submission received from the Department of Housing, Local Government and Heritage (DHLGH).
- Assessment of the proposed modifications to the draft Plan which concluded that, subject to mitigation, there would be no adverse effects on the integrity of Skelligs SPA.
- The post-consultation version of the NIS which for the considerations and reasons stated therein concluded that there would be no adverse effects on the integrity of any European sites as a result of adoption of the Plan.
- The Appropriate Assessment Conclusion Statement.
- The high-level strategic nature of the Plan and the proposed modifications to the Plan.
- The fact that as per Action 4.4 of the Plan, an Ecological Assessment (including Screening for Appropriate Assessment and Appropriate Assessment, if necessary) will be undertaken for any project or activity which might significantly impact on the species and their habitats for which the SPA has been designated.

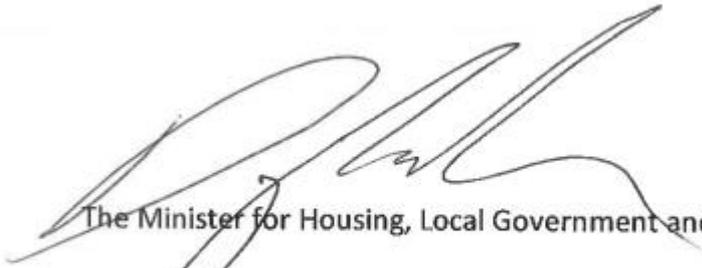
The Minister for Housing, Local Government and Heritage, having carefully considered all of the foregoing, and, in particular, the Appropriate Assessment Conclusion Statement dated 18 June 2021, and having regard to the advice of his officials, agrees with and adopts the reasoning and conclusion as set out in the Appropriate Assessment Conclusion Statement.

The AA process having concluded in June 2021, the Minister hereby DETERMINES pursuant to Regulation 42 of the Birds and Natural Habitats Regulations and for the purposes of Article 6(3) of the Habitats Directive that the adoption and publication of the Sceilg Mhichíl Management Plan 2020-2030 will not either individually or in

combination with any other plan or project adversely affect the integrity of any European site (as defined).

REASONS FOR DETERMINATION

The reasons for the said determination are set out in the Appropriate Assessment Conclusion Statement, the reasoning and conclusions for which have been adopted in full by the Minister. The said Appropriate Assessment Conclusion Statement is to be published together with this Determination.



The Minister for Housing, Local Government and Heritage

16 December 2021

2.6 AA Conclusion

Having considered the text of the Plan, the conclusions of the NIS, the submission from the DHLGH, and based on the foregoing, it can be concluded, for the purposes of Article 6(3) of the Habitats Directive that the adoption of the Plan would not adversely affect the integrity of a European site (whether individually or in combination with other plans or projects).