

TEMPLATES:

- Policy Screening Template
- Significant Effects Screening Template (incorporating in-combination assessment)
- Appropriate Assessment Template
- Consultation Record

POLICY SCREENING TEMPLATE

Policy References: Plan/ Proposal	Potential effects (Criteria 1-9, see key) Rationale/ Comments	Likely Significant Effect (LSE) No X Yes ✓ Uncertain ?
Strategy Policies		
Outline key policies in turn	Brief description of potential effect, using Criteria 1-9 as relevant.	Identification of LSE

Policy Screening: Determining Potential Effects Criteria Key (Tyldesley, 2006)	
Criteria No	Rationale
Reasons why a policy will not have an effect on a European Site	
1	The policy itself will not lead to development.
2	The location of the development is unknown, and will be selected following consideration of options in lower plans.
3	The policy will have no effect because development is dependent on implementation of lower tier policies.
4	The policy concentrates development in existing urban areas, steering development away from European sites and sensitive areas.
5	The policy will steer development away from European sites and associated sensitive areas.
6	The policy is intended to protect the natural environment, including biodiversity.

7	The policy is intended to conserve or enhance the natural, built or historic environment, and such enhancements are unlikely to affect a European site.
Reasons why a policy could have an effect on a European Site	
8	The plan steers a quantum or type of development towards or encourages development in, an area that includes a European site or an area where development may indirectly affect a European site
Reasons why a policy would be likely to have a significant effect	
9	The policy makes provision for a quantum or kind of development that in the location(s) proposed would be likely to have a significant effect on a European site. Appropriate assessment required.

SIGNIFICANT EFFECTS SCREENING TEMPLATE (INCORPORATING IN-COMBINATION ASSESSMENT)

Habitat Regulations Assessment Screening Table:					
Site	Site Name & Unitary Authority				
	Refer to detailed site characterisation.				
Plan policy/ proposal	Potential Effects on SAC:	Risk of Likely Significant Effect (LSE)?	Potential Impacts – other Plans and Programmes:	Risk from ‘In Combination’ Effects?	AA Required?
Identified through policy screening	Describe and consider the effect: extent, magnitude, complexity, probability, duration, frequency, reversibility. Possible to avoid or mitigate?	Effects more likely to be significant if they are large and/or complex	See PP Review Consider all relevant plans and programmes	If no effects from the policy alone, screening must consider potential in-combination effects	Where uncertainty exists the precautionary principle applies

APPROPRIATE ASSESSMENT TEMPLATE

Appropriate Assessment Data Proforma	
Site Name: Location: Size:	
Designation:	
Site Characterisation: Conservation objectives, key environmental conditions, vulnerabilities, existing pressures and trends	Key Features – reference to details characterisations
Predicted Impacts.	Summary of key issues identified through policy screening and screening analysis of plan/proposal alone
Potential In-combination effects (screening)	Summary of potential ‘in-combination’ effects
Appropriate Assessment Likelihood of adverse effect on integrity:	Full description and analysis of the potential for the impacts identified to have a significant effect on site integrity. Should include consideration of whether effects are direct, indirect, cumulative etc. Refer to main guide.
Possible Avoidance and Mitigation Measures – includes recommendations for policy/proposals	Any mitigation measures proposed must be evaluated to ensure that they are capable of removing the significant effects identified. Should include responsibilities for delivery/ timescales and monitoring measures.
Residual Effect?	Are there any outstanding issues or uncertainties?
Conclude no adverse effect on integrity?	Is it possible to conclude no adverse effect on integrity following consideration of mitigation measures? If no – then will need to progress to consideration of alternatives and IROPI.
Recommendations for Policy/ Proposal	Summary of mitigation measures if proposed and next steps as necessary.

CONSULTATION RECORD TEMPLATE

Ref No.	Date	Consultee	Consultee Comments	Response (record of amendment to HRA)

HABITATS REGULATIONS ASSESSMENT SCREENING REPORT

[Insert name of local authority]

[Insert name of plan]

[Insert date]

**South East Wales
Strategic Planning Group (SEWSPG)**

enfusion 



HABITATS REGULATIONS ASSESSMENT SCREENING REPORT

[insert local authority name]
[insert plan title]

date:	
issue no.:	
prepared by:	
quality assurance:	

[Insert local authority name]
[insert plan title]

Habitats Regulations Assessment Screening Report

CONTENTS

EXECUTIVE SUMMARY

1 INTRODUCTION

Requirement for Habitats Regulations Assessment
Guidance for Habitats Regulations Assessment/Appropriate
Assessment
Consultation
Purpose & Structure of Report

2 METHOD

Screening

3 SCREENING

Task 1: Identification of European Sites
Task 2: Plan Review, Policy Screening and Identification of likely
impacts
Task 3: Consideration of other plans, programmes and projects
Task 4: Screening Assessment

4 CONCLUSIONS, FUTURE WORK

REFERENCES/BIBLIOGRAPHY

TABLES

1. Habitats Regulations Assessment: Key Stages
2. HRA Screening Stage: Key Tasks
3. European Sites within [insert authority name here] boundary
4. European Sites within search area buffer zone
5. HRA Screening Table Summary
[amend table numbering as necessary]

APPENDICES

1. European site descriptions/ characterisation
2. Policy Screening
3. Plans and Programmes Review
4. Screening Assessment

EXECUTIVE SUMMARY

- 0.1 Habitats Regulations Assessment (HRA) of spatial, development plans is a requirement of the Habitats Directive (92/43/EEC) as set out in the amended Habitats Regulations (2007). This report details the HRA Screening for [insert authority name and plan title here]. - It sets out the methods and findings and the conclusions of the Screening Assessment.
- 0.2 [insert summary of key conclusions and recommendations as necessary here]
- 0.3 [insert consultation arrangements as appropriate here, e.g. dates consultation open, contact details/ address for correspondence]

1.0 INTRODUCTION

- 1.1 [insert name of authority] is currently developing [insert name of plan/proposal] and is undertaking Habitats Regulations Assessment in line with the requirements set by the Conservation (Natural Habitats &c) (Amendment) Regulations 2007.
- 1.2 This HRA Screening report addresses the likely significant effect[s] on designated European Site[s] of implementing the policies and proposals of the [insert name of plan/proposal].
- 1.3 Habitats Regulations Assessment is also commonly referred to as Appropriate Assessment (AA) although the requirement for AA is first determined by an initial 'screening' stage undertaken as part of the full HRA. This report addresses the Screening Phase of the HRA; it outlines the screening tasks and the key findings emerging from the assessment.

Requirement for Habitats Regulations Assessment

- 1.4 The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 (N2K) sites or European Sites, and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) [which are classified under the Council Directive 79/409/EEC on the conservation of wild birds, the 'Birds Directive'].
- 1.5 Articles 6 (3) and 6 (4) of the Habitats Directive require AA to be undertaken on proposed plans or projects which are not necessary for the management of the site but which are likely to have a significant effect on one or more European sites either individually, or in combination with other plans and projects.¹ In 2007, this requirement was transposed into UK law in Part IVA of the Habitats Regulations (The Conservation (Natural Habitats, & c.)(Amendment) (England and Wales) Regulations 2007). These regulations require the application of HRA to all land use plans. Welsh Assembly Government (WAG) guidance also requires that Ramsar sites (which support internationally important wetland habitats) and are listed under the Convention on Wetlands of International Importance (Ramsar Convention 1971) are included within HRA/AA and that candidate SACs and proposed SPAs are treated as 'designated' sites in the context of HRA.

¹ Determining whether an effect is 'significant' is undertaken in relation to the designated interest features and conservation objectives of the Natura 2000 sites. If an impact on any conservation objective is assessed as being adverse then it should be treated as significant. Where information is limited the precautionary principle applies and significant effects should be assumed until evidence exists to the contrary.

- 1.6 The purpose of HRA/AA is to assess the impacts of a land-use plan, in combination with the effects of other plans and projects, against the conservation objectives of a European Site and to ascertain whether it would adversely affect the integrity² of that site. Where significant negative effects are identified, alternative options or mitigation measures should be examined to avoid any potential damaging effects. The scope of the HRA/AA is dependent on the location, size and significance of the proposed plan or project and the sensitivities and nature of the interest features of the European sites under consideration.

Guidance for Habitats Regulations Assessment/Appropriate Assessment

- 1.7 Draft guidance for HRA 'The Assessment of Development Plans in Wales under the Provisions of the Habitats Regulations', has been produced by WAG, (David Tyldesley and Associates, October 2006). The final WAG guidance is yet to be published, but is expected to be available in 2008.³ A partnership of consultants⁴ has also prepared guidance (Appropriate Assessment of Plans, August 2007) to assist planning bodies in complying with the Habitats Directive.
- 1.8 The methods and approach used for this screening are based on the formal Welsh guidance currently available and emergent practice, which recommends that HRA is approached in three main stages – outlined in Table 1. This report outlines the method and findings for stage 1 of the HRA process.

² Integrity is described as the sites' coherence, ecological structure and function across the whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of species for which it was classified, (ODPM, 2005).

³ Informal consultation with WAG has been undertaken to ascertain the nature and extent of any key changes to the Draft guidance in support of this HRA process (April, 2008).

⁴ Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants (August, 2006).

Table 1	
Habitats Regulations Assessment: Key Stages	
Stage 1	
Screening for likely significant effect	<ul style="list-style-type: none"> ▪ Identify international sites in and around the plan/ strategy area in search area/ buffer zone agreed with the Statutory Body the Countryside Council for Wales ▪ Examine conservation objectives of the interest feature(s)(where available) ▪ Review plan policies and proposals and consider potential effects on European sites (magnitude, duration, location, extent) ▪ Examine other plans and programmes that could contribute to 'in combination' effects
	<ul style="list-style-type: none"> ▪ If no effects likely – report no significant effect (taking advice from CCW as necessary). ▪ If effects are judged likely or uncertainty exists – the precautionary principle applies proceed to stage 2
Stage 2	
Appropriate Assessment	<ul style="list-style-type: none"> ▪ Complete additional scoping work including the collation of further information on sites as necessary to evaluate impact in light of conservation objectives ▪ Agree scope and method of AA with CCW ▪ Consider how plan 'in combination' with other plans and programmes will interact when implemented (the Appropriate Assessment) ▪ Consider how effect on integrity of site could be avoided by changes to plan and the consideration of alternatives ▪ Develop mitigation measures (including timescale and mechanisms) ▪ Report outcomes of AA including mitigation measures, consult with CCW and wider [public] stakeholders as necessary ▪ If plan will not significantly effect European site proceed without further reference to Habitats Regs
	<ul style="list-style-type: none"> ▪ If effects or uncertainty remain following the consideration of alternatives and development of mitigations proceed to stage 3
Stage 3	
Procedures where significant effect on integrity of international site remains	<ul style="list-style-type: none"> ▪ Consider alternative solutions, delete from plan or modify ▪ Consider if priority species/ habitats affected ▪ Identify 'imperative reasons of overriding public interest' (IROPI) economic, social, environmental, human health, public safety ▪ Notify Assembly Government ▪ Develop and secure compensatory measures

Consultation

- 1.9 The Habitats Regulations require the plan making/competent authority to consult the appropriate nature conservation statutory body [Countryside Council for Wales (CCW)]. Consultation on the approach to this HRA screening, including advice on which European sites should be considered within the area of search, has been undertaken with CCW as required. [delete/amend as necessary, e.g. if consultation/consultation responses are outstanding]. The Habitats Regulations leave consultation with other bodies and the public to the discretion of the plan making authority. The WAG guidance notes that it is good practice to make information on HRA available to the public at each formal development plan consultation stage. Therefore, in addition to the statutory consultation undertaken with CCW this report is being made available for wider public consultation. [delete/ amend as necessary in line with authority's chosen position on wider consultation]

Purpose & Structure of Report

- 1.13 This report documents the process and the findings from the Screening stages of the HRA for [insert authority name and plan/proposal name]. Following this introductory section the document is organised into a further three sections:
- Section 2 –outlines the method used for the Screening process and includes reference to the key information sources used.
 - Section 3 – outlines the process and summary findings of the Screening Process and the assessment
 - Section 4 – outlines the conclusions, including the consultation commentary [amend as necessary] and how the plan should proceed with reference to the Habitats Regulations.

2.0 METHOD

Screening

- 2.1 In accordance with the official Welsh guidance and current practice, conducting the screening stage of the HRA for [insert authority name and plan/proposal name] employed the method outlined below. This approach combines both a plan focus and a site focus.
- The plan focus first screens out those elements of the plan unlikely to affect European site integrity and then considers the impacts of the remaining elements on European sites, including the potential for 'in-combination' impacts.
 - The site focus considers the environmental conditions of the site and the factors required to maintain site integrity, and looks at the potential impacts the plan may have.
- 2.2 HRA experience to date has indicated that maintaining a site based approach as core to the HRA/AA method more closely reflects the intent of the Habitats Directive. This means that subsequent mitigation measures [developed if/as required during the AA stage 2] seek to focus on the conditions necessary to maintain site integrity (e.g. avoiding specific types of development/ activity at or near sensitive areas). This is considered to be a more robust and defensible approach than adding policy caveats at a strategic level and devolving decisions about impacts on site integrity to lower level planning documents. Although, this approach does recognise that some decisions on avoidance and mitigation can only be made when site level detail becomes available.
- 2.3 The key tasks employed for the HRA Screening are set out in Table 2.

Table 2 HRA Screening Stage 1: Key Tasks	
<p>Task 1</p> <p>Identification of Natura 2000 sites & characterisation</p>	<ul style="list-style-type: none"> ■ Identification of European sites both within the plan/proposal boundaries and in an area of search extending to 15km [as recommended by extant guidance] around the plan/proposal area. This includes considering hydrological connectivities and the catchment of watercourses relating to identified designations ■ Information was obtained for each European site, based on publicly available information and consultation with Countryside Council for Wales where appropriate.⁵ ■ This included information relating to the sites' qualifying features; conservation objectives; vulnerabilities/ sensitivities, current conditions, trends & geographical boundaries.
<p>Task 2</p> <p>Plan review and identification of likely impacts</p>	<ul style="list-style-type: none"> ■ Screening of the plan/proposal and the identification of likely impacts (including a review of the plan/proposal's aims, objectives, strategic policies, including spatial implications where identified to determine likely impacts).
<p>Task 3</p> <p>Consideration of other plans and programmes</p>	<ul style="list-style-type: none"> ■ Consideration, where appropriate of other plans and programmes that may have in-combination effects with the plan/proposal.
<p>Task 4</p> <p>Screening Assessment</p>	<ul style="list-style-type: none"> ■ Assessment of the potential of identified impacts to affect the designated interest features of European sites ■ Summary of screening outcomes and recommendations.

2.4 Insert details of other relevant information and literature that you have referred to as part of your screening assessment work. For example, this may include findings from sustainability and strategic environmental assessment reports, input from other HRA/AA reports on higher tier or neighbouring authority plans. Include all relevant details to ensure that your method is transparent and clear.

⁵ Key Information Sources: Joint Nature Conservation Committee (JNCC) web resource www.jncc.gov.uk including site details/ character contained on Natura 2000 Standard Data Form. Conservation Objectives, management plan information, Countryside Council for Wales web resource <http://www.ccw.gov.uk/>

3.0 SCREENING

Task 1: Identification of European Sites & characterisation

- 3.1 [Insert brief description of natural environment within plan area to set context, e.g. main habitat types, range of designations in addition to N2K sites (SSSIs) etc].
- 3.2 Identify designated sites within plan/proposal boundaries and insert in table below. Detailed site characterisation information for the site[s], is provided in Appendix 1.

Table 3	
European Sites within Plan/ Proposal Boundary	Designation
■	

- 3.3 Plans, programmes and projects can have spatial implications that extend beyond the intended plan boundaries. In particular, it is recognised that distance in itself is not a definitive guide to the likelihood or severity of an impact [inaccessibility/ remoteness is typically more relevant] as factors such as the prevailing wind direction, river flow direction, and ground water flow direction will all have a bearing on the relative distance at which an impact can occur. This means that a plan directing development some distance away from a European Site could still have effects on the site and therefore, needs to be considered as part of the screening process.
- 3.4 Taking into account the potential for transboundary impacts the screening has identified [insert no. or delete sentence as relevant] European Sites that lie within a 15km search area around CCBC’s administrative boundary. These sites are outlined in Table 4 below and detailed information for each designated site including its conservation objectives is provided in Appendix 1. [delete sentence as relevant]

Table 4		
European Sites within a search area of 15km around Plan/Proposal Area	Designation	Distance from Plan/ Proposal Boundary (approx)

Task 2: Plan/Strategy review, policy screening and identification of likely impacts

[Insert plan/proposal name]: Summary Review

- 3.5 [Briefly describe your plan/ proposal drawing out the key features and details as necessary. For example, include the core aims/ objectives, specific allocations and figures if available.]

[Insert plan/proposal name]: Screening Plan/Proposal

- 3.6 The [insert plan/proposal name] was - for the purposes of the HRA - subject to an initial screening process. The aim of this screening is to identify at a broad level those policies that will not have an effect on European Sites and those that have the potential to have a significant effect at the sites identified at Task 1.
- 3.7 The approach taken builds on and is in accordance with screening approaches used in the UK for Regional and Sub-Regional Strategies.⁶ [insert plan/ proposal name] policies were screened on the basis of the following criteria.

Reasons why a policy will not have an effect on a European Site

1. The policy itself will not lead to development.
2. The location of the development is unknown, and will be selected following consideration of options in lower plans.
3. The policy will have no effect because development is dependent on implementation of lower tier policies.
4. The policy concentrates development in existing urban areas, steering development away from European sites and sensitive areas.
5. The policy will steer development away from European sites and associated sensitive areas.
6. The policy is intended to protect the natural environment, including biodiversity.
7. The policy is intended to conserve or enhance the natural, built or historic environment, and such enhancements are unlikely to affect a European site.

⁶ The Assessment of Regional Spatial Strategies and Sub-regional strategies under the Provisions of the Habitats Regulations: Draft (David Tyldesley Associate, for English Nature, 2006). As applied to the Neath Port Talbot UDP Appropriate Assessment (June 2007).

Reasons why a policy could have an effect on a European Site

8. The plan/ policy steers a quantum or type of development towards or encourages development in, an area that includes a European site or an area where development may indirectly affect a European site.

Reasons why a policy/ plan would be likely to have a significant effect

9. The policy makes provision for a quantum of kind of development that in the location(s) proposed would be likely to have a significant effect on a European site. Appropriate Assessment required.

- 3.8 The full Policy Screening Tables, including the rationale for a policy screening decision based on the above criteria are provided in Appendix 2. Of the [insert number] policies screened, [insert number] policies were considered to be proposing development that may have significant effects at the European site[s] identified at Task 1. The [insert number] policies screened in to the assessment process are outlined in Table 5.

Table 5
Plan/ Proposal Policies Screened in to the assessment process
[insert policies list here]

- 3.9 The potential impacts arising as a result of these policies are:

- [insert list of effects identified, including brief description, for example, air pollution/ reduced air quality – arising from increased traffic generated by development]

Or

- 3.10 There were no policies within the plan/proposal that when screened against the criteria set were considered likely to lead to significant effects on site integrity.

- 3.11 As part of the HRA requirement it was noted in relation to regulation 85B(1) that the [insert plan/proposal name] and its individual components are not directly connected to or necessary to the management of any European Site and therefore the [insert plan/proposal name] could not be screened out of HRA on this basis.

Task 3: Consideration of other plans and programmes

- 3.12 It is a requirement of Article 6(3) of the Habitats Directive that HRA examines the potential for plans and projects to have a significant effect either individually or 'in combination' with other plans, programmes & projects (PPPs). Undertaking an assessment of other PPPs for the [insert plan/proposal name] has required a pragmatic approach given the extensive range of PPPs underway in the surrounding region. The approach taken was cognisant of the emphasis in the forthcoming WAG guidance, that considering the potential for in-combination effects is core to delivering robust/precautionary HRA.⁷
- 3.13 When considering other PPPs attention was focused on those aimed at delivering planned spatial growth with the most significant being those that seek to provide, housing, employment and infrastructure. The review considered the most relevant plans including:
- The Wales Spatial Plan (update) 2008
 - Local Development Plans in South East Wales neighbouring authorities
 - Waste Strategies for South East Wales and neighbouring authorities
 - Regional Transport Plans – where relevant and/or major development schemes
 - Catchment Abstraction Management Plans – where relevant to the designated sites under consideration
- 3.14 The potential effects of these plans are reviewed in detail at Appendix 3 and the potential for these effects to act 'in-combination' with effects identified from [insert plan/proposal name] are considered in the screening assessment [Appendix 4]. The range of in-combination impacts considered was focused on the key issues outlined below:
- [Insert a summary of the key issues identified through your in-combination assessment, may include for example, issues relating to water quality/ abstraction, recreational pressures etc.]

⁷ The review also draws on work being undertaken on behalf of the South East Wales Strategic Planning Group (SEWSPG) to build a resource kit of information and analysis to support HRA in the region.

Task 4: Screening Assessment

3.15 In line with the screening requirement of the Habitats Regulations, an assessment was undertaken to determine the potential significant effects of the [insert plan/proposal name] on the integrity of the [insert number] European sites that lie outwith and within the plan/proposal boundaries. [amend as necessary] The screening decision was informed by:

- The information gathered on the European sites – Appendix 1;
- The review of the [insert plan/proposal name] policies and their likely impacts (Appendix 2) ; which included an analysis of the potential environmental impacts generated by the development activities directed by the LDP and;
- The review of other relevant plans and programmes – Appendix 3
- WAG guidance which indicates that HRA for plans is typically broader and more strategic than project level HRA and that it is proportionate to the available detail of the plan.

Screening Assessment Summary

3.16 The detail of the main screening exercise is set out at Appendix 4 and the result of the assessment is summarised in the paragraphs below and at Table 5 [amend as necessary].

[Insert summary text describing the assessment findings emerging from the screening tables. For example, you may wish to highlight issues emerging from the in-combination assessment as relevant.]

Table 5 HRA Screening Table Summary			
European Sites within Plan/proposal boundaries	Designation	AA required alone? ✘ No ✓ Yes ? Uncertain	AA required in combination? ✘ No ✓ Yes ? Uncertain
European Sites outwith Plan/proposal boundaries			

4.0 CONCLUSIONS, FUTURE WORK

4.1 This report outlines the methods used and the findings arising from the screening stage of the Habitats Regulations Assessment undertaken for the [insert plan/proposal name].

4.2 The HRA considered [insert number] European Site within the plan/proposal boundaries and [insert number] European sites within a 15km search area around the plan/proposal boundaries. [Delete/ amend as relevant]

Either

4.3 The findings of the screening process suggested the potential for significant effects at the [insert number] European Site[s] within and outwith the plan area boundary [insert relevant details/ delete as relevant]. .

4.4 Based on the information gathered for the screening process and considering the Habitats Regulations requirements for a precautionary approach, it is determined that further Appropriate Assessment work is required for:

- [insert list of European sites as necessary]

4.5 The AA will require more detailed information gathering to assess, and where possible quantify, the potential impacts identified and determine the most effective mechanism for avoiding or mitigating those effects. This work will need to take place in consultation with the Statutory Body, CCW and other key stakeholders.

4.6 A full AA report will be presented alongside the [insert plan/proposal name] as part of the evidence base for examination [delete amend as relevant] where it serves to provide a record of how the plan is consistent with Welsh Assembly and wider UK government/EU policy on biodiversity protection. The assessment should be revisited in the light of any significant changes to the plan.

Or

4.7 Based on the information considered as part of the screening process, the findings of the assessment indicate that the [insert plan/proposal name] in implementation will not have a significant effect on the European Sites considered as part of the HRA screening and will not require full AA under the Habitats Regulations. This opinion [has been the subject of consultation with CCW/ is subject to consultation with CCW, delete as appropriate]. The assessment may be revised should further relevant comments be received or if there are significant changes to the plan/ proposal as screened.

REFERENCES/ BIBLIOGRAPHY

[Insert all key references used – refer to the Reference and Bibliography section of the main guide]

enfusion
environmental planning and management for sustainability



© Enfusion Ltd
Treenwood House
Rowden Lane
Bradford on Avon
BA15 2AU
T: 01225 867112
F: 01225 867115
michelle@enfusion.co.uk
www.enfusion.co.uk

HABITATS REGULATIONS ASSESSMENT (APPROPRIATE ASSESSMENT) REPORT

[Insert name of local authority]

[Insert name of plan]

[Insert date]

**South East Wales
Strategic Planning Group (SEWSPG)**

enfusion 



HABITATS REGULATIONS ASSESSMENT (APPROPRIATE ASSESSMENT) REPORT

[insert local authority name]
[insert plan title]

date:	
issue no.:	
prepared by:	
quality assurance:	

[Insert local authority name]
[insert plan title]

Habitats Regulations Assessment (Appropriate Assessment) Report

CONTENTS

EXECUTIVE SUMMARY

1 INTRODUCTION

Requirement for Habitats Regulations Assessment
Guidance for Habitats Regulations Assessment/Appropriate
Assessment
Consultation
Purpose & Structure of Report

2 METHOD

Appropriate Assessment

3 APPROPRIATE ASSESSMENT

Task 1: Scoping and Additional Information Gathering
Task 2: Assessing the Impacts (in-combination) – Appropriate
Assessment
Task 3: Mitigations measures (avoidance)
Task 4: Main Findings & Recommendations
Task 5: Consultation

4 CONCLUSIONS, FUTURE WORK

REFERENCES/BIBLIOGRAPHY

TABLES

1. Habitats Regulations Assessment: Key Stages
2. Appropriate Assessment Stage: Key Tasks

APPENDICES

1. Consultation Commentary
2. European Site Characterisation
3. Plans and Programmes Review
4. Appropriate Assessment Proforma

EXECUTIVE SUMMARY

- 0.1 Habitats Regulations Assessment (HRA) of spatial, development plans is a requirement of the Habitats Directive (92/43/EEC) as set out in the amended Habitats Regulations (2007). This report details the HRA Appropriate Assessment stage for [insert authority name and plan title here]. - It sets out the methods and findings and the conclusions of the Screening Assessment.
- 0.2 [insert summary of key conclusions and recommendations as necessary here]
- 0.3 [insert consultation arrangements as appropriate here, e.g. dates consultation open, contact details/ address for correspondence]

1.0 INTRODUCTION

- 1.1 [insert name of authority] is currently developing [insert name of plan/proposal] and is undertaking Habitats Regulations Assessment in line with the requirements set by the Conservation (Natural Habitats &c) (Amendment) Regulations 2007.
- 1.2 This HRA report addresses the Appropriate Assessment stage of HRA which considers how the likely significant effect[s] on designated European Site[s] identified through the first Screening stage of the HRA [insert reference to screening stage here] may affect European site integrity.
- 1.3 Habitats Regulations Assessment is also commonly referred to as Appropriate Assessment (AA) although the requirement for AA is first determined by an initial 'screening' stage undertaken as part of the full HRA. This report addresses the Appropriate Assessment stage of the HRA; it outlines the key tasks undertaken and the key findings/recommendations emerging from the assessment.

Requirement for Habitats Regulations Assessment

- 1.4 The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 (N2K) sites or European Sites, and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) [which are classified under the Council Directive 79/409/EEC on the conservation of wild birds, the 'Birds Directive'].
- 1.5 Articles 6 (3) and 6 (4) of the Habitats Directive require AA to be undertaken on proposed plans or projects which are not necessary for the management of the site but which are likely to have a significant effect on one or more European sites either individually, or in combination with other plans and projects.¹ In 2007, this requirement was transposed into UK law in Part IVA of the Habitats Regulations (The Conservation (Natural Habitats, & c.)(Amendment) (England and Wales) Regulations 2007). These regulations require the application of HRA to all land use plans. Welsh Assembly Government (WAG) guidance also requires that Ramsar sites (which support internationally important wetland habitats) and are listed under the Convention on Wetlands of International Importance (Ramsar Convention 1971) are

¹ Determining whether an effect is 'significant' is undertaken in relation to the designated interest features and conservation objectives of the Natura 2000 sites. If an impact on any conservation objective is assessed as being adverse then it should be treated as significant. Where information is limited the precautionary principle applies and significant effects should be assumed until evidence exists to the contrary.

included within HRA/AA and that candidate SACs and proposed SPAs are treated as 'designated' sites in the context of HRA.

- 1.6 The purpose of HRA/AA is to assess the impacts of a land-use plan, in combination with the effects of other plans and projects, against the conservation objectives of a European Site and to ascertain whether it would adversely affect the integrity² of that site. Where significant negative effects are identified, alternative options or mitigation measures should be examined to avoid any potential damaging effects. The scope of the HRA/AA is dependent on the location, size and significance of the proposed plan or project and the sensitivities and nature of the interest features of the European sites under consideration. If it is not possible to avoid or remove the identified effects assessed as arising from the plan implementation, then [if the plan makers wish to proceed with the policies/ proposals as set] it must be demonstrated that there are Imperative Reasons of Overriding Public Interest (IROPI) to continue with the plan [(Article 6(4) of the Habitats Directive).

Guidance for Habitats Regulations Assessment/Appropriate Assessment

- 1.7 Draft guidance for HRA 'The Assessment of Development Plans in Wales under the Provisions of the Habitats Regulations', has been produced by WAG, (David Tyldesley and Associates, October 2006). The final WAG guidance is yet to be published, but is expected to be available in 2008.³ A partnership of consultants⁴ has also prepared guidance (Appropriate Assessment of Plans, August 2007) to assist planning bodies in complying with the Habitats Directive.
- 1.8 The methods and approach used for this Appropriate Assessment are based on the formal Welsh guidance currently available and emergent practice, which recommends that HRA is approached in three main stages – outlined in Table 1. This report outlines the method and findings for stage 2 of the HRA process – the Appropriate Assessment.

² Integrity is described as the sites' coherence, ecological structure and function across the whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of species for which it was classified, (ODPM, 2005).

³ Informal consultation with WAG has been undertaken to ascertain the nature and extent of any key changes to the Draft guidance in support of this HRA process (April, 2008).

⁴ Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants (August, 2006).

Table 1	
Habitats Regulations Assessment: Key Stages	
Stage 1	
Screening for likely significant effect	<ul style="list-style-type: none"> ▪ Identify international sites in and around the plan/ strategy area in search area/ buffer zone agreed with the Statutory Body the Countryside Council for Wales ▪ Examine conservation objectives of the interest feature(s)(where available) ▪ Review plan policies and proposals and consider potential effects on European sites (magnitude, duration, location, extent) ▪ Examine other plans and programmes that could contribute to 'in combination' effects
	<ul style="list-style-type: none"> ▪ If no effects likely – report no significant effect (taking advice from CCW as necessary). ▪ If effects are judged likely or uncertainty exists – the precautionary principle applies proceed to stage 2
Stage 2	
Appropriate Assessment	<ul style="list-style-type: none"> ▪ Complete additional scoping work including the collation of further information on sites as necessary to evaluate impact in light of conservation objectives ▪ Agree scope and method of AA with CCW ▪ Consider how plan 'in combination' with other plans and programmes will interact when implemented (the Appropriate Assessment) ▪ Consider how effect on integrity of site could be avoided by changes to plan and the consideration of alternatives ▪ Develop mitigation measures (including timescale and mechanisms) ▪ Report outcomes of AA including mitigation measures, consult with CCW and wider [public] stakeholders as necessary ▪ If plan will not significantly effect European site proceed without further reference to Habitats Regs
	<ul style="list-style-type: none"> ▪ If effects or uncertainty remain following the consideration of alternatives and development of mitigations proceed to stage 3
Stage 3	
Procedures where significant effect on integrity of international site remains	<ul style="list-style-type: none"> ▪ Consider alternative solutions, delete from plan or modify ▪ Consider if priority species/ habitats affected ▪ Identify 'imperative reasons of overriding public interest' (IROPI) economic, social, environmental, human health, public safety ▪ Notify Assembly Government ▪ Develop and secure compensatory measures

Consultation

- 1.9 The Habitats Regulations require the plan making/competent authority to consult the appropriate nature conservation statutory body [Countryside Council for Wales (CCW)]. Consultation on the approach to this Appropriate Assessment stage of the HRA has been undertaken with CCW as required. [delete/amend as necessary, e.g. if consultation/ consultation responses are outstanding]. The Habitats Regulations leave consultation with other bodies and the public to the discretion of the plan making authority. The WAG guidance notes that it is good practice to make information on HRA available to the public at each formal development plan consultation stage. Therefore, in addition to the statutory consultation undertaken with CCW this report is being made available for wider public consultation. [delete/ amend as necessary in line with authority's chosen position on wider consultation]

Purpose & Structure of Report

- 1.10 This report documents the process and the findings from the Appropriate Assessment stage of the HRA for [insert authority name and plan/proposal name]. Following this introductory section the document is organised into a further three sections:
- Section 2 –outlines the method used for the Appropriate Assessment and includes reference to the key information sources used and the consultation comments received to date [amend as necessary].
 - Section 3 – outlines the process and summary findings of the Appropriate Assessment.
 - Section 4 – outlines the conclusions and how the plan should now proceed with reference to the Habitats Regulations.

2.0 METHOD

Appropriate Assessment

2.1 The first Screening Stage report of the HRA [insert report title] identified which European sites within and around the plan area should be considered in further detail as part of an Appropriate Assessment. The Screening combined a plan and a site focus.

- The plan focus first screened out those elements of the plan unlikely to affect European site integrity and then considered the impacts of the remaining elements on European sites, including the potential for 'in-combination' impacts.
- The site focus considered the environmental conditions of the site[s] and the factors required to maintain site integrity, and then looked at the potential impacts the plan may have [including in-combination impacts].

2.2 The results of the screening identified that the following European sites may be potentially affected by activities/ impacts arising from the plan.

[insert number/ list sites]

[insert a list of the key impact arising].

Consultation responses to Screening Report noted the following issues

[insert summary of main commentary/ or delete as relevant].

A full record of the consultation commentary received is provided at Appendix 1.

[use Consultation Record template to capture commentary]

2.3 The key tasks employed for the Appropriate Assessment stage of the HRA are set out in Table 2.

Table 2 Appropriate Assessment Stage 1: Key Tasks	
Task 1 Scoping and Additional Information Gathering	<ul style="list-style-type: none"> ■ Gathering additional information on European sites ■ Gathering additional data on background environmental conditions ■ Further analysis of plans/ projects that have the potential to generate 'in-combination' effects
Task 2 Assessing the Impacts (in-combination) Appropriate Assessment	<ul style="list-style-type: none"> ■ Examination of the policies and proposals identified during the screening phase and their likely significant effects on European sites ■ Consideration of whether effects are direct/ indirect/ cumulative ■ Consideration of whether other plans and programme are likely to generate effects that have the potential to act cumulatively with those arising from the plan
Task 3 Developing Mitigation Measures (including initial avoidance)	<ul style="list-style-type: none"> ■ If effects identified – either arising from the plan alone and/or 'in-combination' with other plans – consider initial opportunities to avoid (e.g. delete/ remove or amend policy from plan) ■ Develop mitigation measures – must be deliverable by the plan and have clear delivery/ monitoring responsibilities
Task 4 Findings & Recommendations	<ul style="list-style-type: none"> ■ Conclude the assessment, explain key findings and analysis informing conclusions.
Task 5 Consultation	<ul style="list-style-type: none"> ■ Undertaken further consultation with CCW (assumes that consultation has also been an iterative process throughout the HRA/AA).

2.4 [Insert details of other relevant information and literature that you have referred to as part of your Appropriate Assessment work. For example, this may include additional data gathering on air quality/ site level issues, environmental conditions and updated inputs from other HRA/AA reports on higher tier or neighbouring authority plans. Include all relevant details to ensure that your method is transparent and clear].

3.0 APPROPRIATE ASSESSMENT

Task 1: Scoping and Additional Information Gathering

- 3.1 As noted in Section 2 of this report, the HRA Screening Report [insert reference/ date etc] set out details of the European Sites and the types of impact to be considered in the more detailed Appropriate Assessment work.
- 3.2 To support the Appropriate Assessment additional evidence was gathered.

[Discuss the types and sources of additional evidence and information gathered in support of the Appropriate Assessment. This may include additional consultation with CCW or other stakeholders, and/or more detailed evidence where you/ or consultees identified a data gap]

Task 2: Assessing the Impacts (in-combination) Appropriate Assessment

- 3.3 The HRA Screening Report [insert reference/ date etc] described the aims, objectives and outlined the key policies of the plan. The Screening also considered and identified which policies had the potential (in implementation) to affect the integrity of the European sites within the plan's area of influence. This section considers in more detail where the impacts identified are likely to have a significant effect on site integrity either alone or in-combination with other plans and projects.

[If policies/ proposals have developed or been modified since the Screening, you will need to revisit the policy screening stages completed as part of Tasks 2&3 of the Screening and report your findings here. If the modifications have removed the likelihood of significant effect then they won't need to be considered further. You should ensure that your findings are incorporated as necessary to demonstrate a transparent and robust audit trail of decision making].

- 3.4 The consideration and assessment (AA) of potential effects was informed by the information provided by the Site Characterisation, (Appendix 2) the Plans and Projects Review (Appendix 3) and the additional information provided through the Scoping work (Task 1 of the AA). The detailed analysis is captured in the Appropriate Assessment Proforma[s] (Appendix 4), and the key issues arising are summarised below.

[Use the Appropriate Assessment Proforma, provided in the Toolkits Templates section to gather the analysis for the AA and summarise the key issues arising in text here].

Task 3: Developing Mitigation Measures (including initial avoidance)

- 3.5 The core aim of the Habitats Directive is to support the maintenance and promotion of biodiversity. Habitats Regulations Assessment provides the tool through which planners can ensure that they are meeting the commitments and legal requirements of the European and National legislation.
- 3.6 Following the more detailed AA the following proposals are identified as having the potential to have a significant effect at the European Site[s] under consideration.

[Insert details of the policies and European Sites affected].

- 3.7 It has therefore been necessary to consider mitigation measures for these policies, which when applied are capable of reducing the effects to a level where they are negligible and will not adversely affect the integrity of the site. The mitigation measures considered and the likelihood of residual effect following their application is detailed in the Appropriate Assessment Proforma (Appendix 4) with the key conclusions summarised below.

[Use the Appropriate Assessment Proforma, provided in the Toolkits Templates section to detail the proposed mitigation measures and summarise the key issues arising in summary text here. Remember, you will also need to have considered the potential for effect and if necessary mitigation, in-combination with other plans and projects].

Task 4: Findings and Recommendations

- 3.8 [Use this section to provide a summary of your main findings and your recommendations (including for mitigation as relevant)].

Task 5: Consultation

- 3.9 As noted in Section One this report is being made available for consultation.

[insert authority's preferred consultation arrangements, including timing/ contacts etc].

4.0 CONCLUSIONS/ FUTURE WORK

- 4.1 This report outlines the methods used and the findings arising from the Appropriate Assessment stage of the Habitats Regulations Assessment for [insert plan name]. The AA considered [insert site numbers and name as relevant] in and around the plan area.

Either

- 4.2 The results of the AA indicate that there will not be a significant effect on the integrity of the European Site[s] considered, when the avoidance and mitigation measures have been taken into account. Subject to final consultation and any significant changes to the proposals considered by the HRA, this plan will now proceed without further reference to the Habitats Regulations.

[you will need to refer to or provide details of how your proposed mitigation measures will be monitored]

Or

- 4.3 The results of the AA indicate that even when avoidance and mitigation measures are taken into account, there remains potential for the plan to have a significant effect on the European Site[s] [insert site names as relevant] when implemented.

If effects remain you will need to list the relevant policies/ proposals. Additionally, if there are residual effects the Authority will need to determine whether there are Imperative Reasons of Overriding Public Importance (IROPI) for why the plan should continue to go ahead with elements that will have an identified significant effect on European Sites. If this is the case, the Authority will need to engage WAG – referred to the HRA Guide, and WAG official guidance]. 4

REFERENCES/ BIBLIOGRAPHY

[Insert all key references used – refer to the Reference and Bibliography section of the main guide]

enfusion
environmental planning and management for sustainability



© Enfusion Ltd
Treenwood House
Rowden Lane
Bradford on Avon
BA15 2AU
T: 01225 867112
F: 01225 867115
michelle@enfusion.co.uk
www.enfusion.co.uk