

# HABITATS REGULATIONS ASSESSMENT:

## A TOOLKIT TO SUPPORT HRA SCREENING AND APPROPRIATE ASSESSMENT OF PLANS

South East Wales Strategic Planning  
Group (SEWSPG) September 2008

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**INTRODUCTION TO THE TOOLKIT**

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## Guidance

The Habitats Directive and the Habitats Regulations set the requirement for HRA but do not prescribe how HRA/AA should be undertaken. Draft guidance for the HRA of Plans in Wales 'The Assessment of Development Plans in Wales under the Provisions of the Habitats Regulations', has been produced by WAG as an Annex to the Technical Advice Notes (TAN)5 (David Tyldesley and Associates, October 2006). The final WAG guidance is due in 2008.

<p><b>Table 1</b></p> <p style="text-align: center;"><b>Habitats Regulations Assessment: Key Stages</b></p>
<p>Stage 1</p>

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 LDP policies and proposals and consider potential effects on European sites (magnitude, duration, location, extent)

Examine other C' C' 9 !An6- ç&æcÍ[ „ÛÓâb!!+Ô&ò"ç ñ 9 9 uD8g ` 0 ðe 0nP32(conduc.10ud)S2(coprian <0041(d the)34g A9()PlaTJ /TT7the)34eatur)2 44re f

Table 1 Habitats Regulations Assessment: Key Stages	
Procedures where significant effect on integrity of international site remains	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 Welsh Assembly Government Develop and secure compensatory measures



## HRA SCREENING

### Introduction

The purpose of 'Screening' is to make an initial evaluation of the Plan's potential effects on one or more European sites in order to determine whether or not a more detailed Appropriate Assessment is required. The detail and depth of information gathered for a Screening should be sufficient to allow an informed decision to be reached. The WAG guidance supports a more 'front loaded' approach where information gathered at the Screening is substantive and sufficient to support subsequent more detailed assessment if required.

### Screening: Key Tasks

The process of Screening can be broken down into four main task areas. Each Task is outlined in more detail below.

#### HRA Screening: Key Tasks

Task 1: Identification & Characterisation of European Sites

Task 2: Review and screening of Development Plan to identify potential impacts and likely effects on European Sites

Task 3: Consideration of other plans and projects that may act 'in-combination'

Task 4: Screening Assessment, recording the opinion and the supporting information and analysis

## Task 1: Identification & Characterisation of European Sites

### Identification of European Sites

The first stage of the Screening process is to identify the European sites both within and outside the plan area that may be affected by the plan.

HRAs published to date have typically considered European sites with a 10-15km boundary around the plan area. It is important to remember however, 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 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 (i.e. beyond 15km) from a European Site could still have effects on the site and therefore, needs to be considered as part of the screening process. CCW advice should be sought on which European sites are to be included in the Screening.

#### INFORMATION DATABASE

For each Authority with the SEWSPG area European sites within individual plan area boundaries and within a 15km search area are identified in the Information Database.

## Characterisation of European Sites

The aim of European site characterisation is to understand the nature of the site and the reasons for its designation. This involves gathering data on a number of key factors; the Sites':

- Qualifying Interests
- Conservation Objectives
- Condition Status
- Key Environmental Conditions (factors that support site integrity)
- Vulnerabilities (pressures and trends affecting site integrity)

Qualifying Features will be an Annex I habitats listed under the Habitats Directive or an Annex II species as listed under the Directive. Bird species protected under Article 4.1, 4.2 and Annex I of the Birds Directive are also qualifying features. For Ramsar sites it is any feature listed under the criteria of the Ramsar Convention.

Conservation Objectives are set out in the Core Management Plans for European sites produced by CCW. The role of the Conservation Objectives is to deliver against the aims of the Habitats Directives: to achieve the maintenance, or where appropriate the restoration of the 'favourable conservation status' of habitats and species features for which SACs and SPAs are designated

### HINTS & TIPS!

Qualifying Features information can be accessed through the JNCC website [www.jncc.gov.uk](http://www.jncc.gov.uk) and in CCW Core Management Plans for European sites, which also include details of site Conservation Objectives <http://www.ccw.gov.uk/landscape--wildlife/protecting-our->

Vulnerabilities (existing pressures and trends) are linked to the key environmental conditions information and focus specifically on areas of sensitivity for sites by identifying threats (e.g. scrub encroachment, predation from domestic pets).

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significant for European Sites, and which elements can be screened out from further consideration.

**HINTS & TIPS!**

Screening of plan policies can be used as an early & iterative tool to inform plan development

**Task 3: Consideration of other plans and projects that may act 'in-combination'**

A key requirement of the Habitats Directive is to determine whether the Plan is likely to have a significant effect when considered in combination with other plans and projects. The main driver for addressing plans in combination is ensuring that cumulative effects are captured. For example, the effects of a plan on air quality may be insignificant when considered alone, but when combined with the effects of increased air pollution from other plans, may lead to significant adverse impacts on site integrity.

**Plans & Project to Consider**

Determining which plans and projects to consider requires a pragmatic approach given the nature and scale of development occurring at any one time in the South East Wales Region. Existing official guidance suggests focusing on other development plans, sectoral plans and significant project directing spatial development in the region.

Examples include:

- The Wales Spatial Plan Update
- Adjacent Local Development Plans
- Sectoral plans, e.g. waste and transport
- Strategies that set the framework for, or will have a strong influence on, project level decisions e.g. Tourism Strategies

### INFORMATION DATABASE

A core list of key plans, programmes, projects and strategies relevant to the South East Wales Planning Authorities have been reviewed for the purposes of 'in-combination' assessment. Full details, including the potential effects arising are identified in the Information Database.

There is no single agreed method for addressing the issue of in-combination effects, however, current practice and available guidance suggests a staged approach which takes into account the following:

- a) if it can be clearly demonstrated that the plan will not result in any effects at all that are relevant to European site integrity then the plan should proceed without considering the HRA requirement (including the in-combination test) further
- b) if there are identified effects arising from the plan, even if they are perceived as minor and not likely to have a significant effect on the European Site[s] alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects

### Task 4: Screening Assessment, recording the opinion and the supporting information and analysis

Task 4, the Screening Assessment, is where the information gained through Tasks 1-3 is brought together to inform the Screening Opinion.

This means considering:

- The information gathered on the European sites
- The review of the Plan and its likely impacts (including the findings of the Plan screening, as these are the policy proposals that you will be considering further in your Screening Assessment)
- The review of other relevant plans, programmes, projects and strategies

The core part of the assessment process involves taking a view of the impacts arising from the plans (and in-combination plans) and determining whether or not the effects of these impacts will be significant when considered against the factors necessary to support the integrity of a European site.

The process of considering and recording this information is captured in the Significant Effects Screening Template which is provided in the Information Database. This template presents a transparent method of recording how the analysis of significant effects has been considered, including

demonstrating that the 'in-combination' requirement has been dealt with.

#### HINTS & TIPS!

What is significant?

Significance is typically determined by considering the following factors in relation to the effect:

Extent – will the effect be localised or occur across the whole site?

Complexity – is the impact pathway direct or are there potentially multiple routes?

Probability – how likely is it that the effect will occur?

Duration – how long is the effect likely to last?

Frequency – is the effect likely to occur on a regular basis?

Reversibility – will the effect be temporary or permanent?

Screening Decision

The Significant Effects Screening Template provides the main record of your screening analysis. At this point you will have determined whether the effects you identified in Tasks 2 & 3 in

relation to the sites characterised in Task 1 are: significant; are not significant; or are uncertain.

It is useful to record these findings in a short descriptive narrative as part of your screening report. See the Templates Section of this toolkit for the HRA Screening Report template.

Pre Report Consultation

At this stage it is good practice, prior to the production of the Screening report, to discuss your findings with CCW (and EAW as necessary). This allows you to take regard of CCW's opinion prior to any wider consultation. Additional comments can then be addressed and incorporated into the report prior to publication.

If your finding is one of 'no significant effect' then the completion of the HRA Screening Report concludes the HRA process for your plan. You should ensure that your report is supported by a formal written consultation commentary from CCW confirming your conclusions. If your findings suggest the potential for significant effect at one or more European Sites, or uncertainty remains, then the precautionary principle applies and you should proceed to the more detailed 'Appropriate Assessment' stage of the HRA process.

Next Stages (AA Scope)

If you have determined that a more detailed Appropriate Assessment (AA) is required, then it is useful to agree the

scope of this work with CCW during your discussions and before concluding the screening consultation phase.

Your Screening work will have identified the nature of the impacts associated with your plan and the vulnerabilities associated with the European Site[s]. You should therefore seek advice on additional information to support the AA and also discuss and agree the proposed method for the AA (see the Appropriate Assessment section of this toolkit).

#### HRA Screening Report

Use the HRA Screening Report template , provided in the Templates Section of this toolkit to complete and finalise your Screening. This Report provides a systematic and transparent record of your process and findings, including future AA work if required.

If the findings are that there will be no significant effect then the LPA should ensure that the HRA is submitted to WAG at the relevant formal plan consultation phase [deposit stage].

#### Consultation

## APPROPRIATE ASSESSMENT

### Introduction

This section of the toolkit provides a framework for approaching the second stage of a HRA – the Appropriate Assessment (AA). The purpose of the AA is to critically examine the impacts identified by the Screening process and closely examine the effects on European sites and the potential for avoidance and mitigation.

### Appropriate Assessment Key Tasks

The AA can be broken down into a number of key tasks.



**Task 2: Assessing the Impacts – Appropriate Assessment**

Examining the effects of the policies and proposals identified during the Screening phase is the core focus of the AA. The aim of Task 2 is to really concentrate on: the nature of the impact; its magnitude; and likelihood that it will persist during the plan's implementation phase.

To do this consideration should be given to whether the impacts are:

Direct – e.g. habitat loss

Indirect – e.g. disturbance or trampling due to recreation

Cumulative – e.g. an increase air pollutants as a result of traffic growth

A useful approach for addressing these issues and ensuring that the AA is focused and systematic is to take each identified impact in turn and use a key set of questions to guide the assessment.

Issue: E.g. Recreational Pressure

What are the issues arising from the plan? Provide a comprehensive outline of the impacts identified and their origins; include consideration of whether the impacts are direct, indirect or cumulative.

How might the European Site be affected? Describe how the impacts identified may lead to effects at the sites given your

knowledge about environmental conditions and vulnerabilities.

What other plans and projects could lead to in-combination effects? Revisit the screening analysis and your observations about the potential for cumulative impacts to ensure that you have captured the potential effect arising from the interaction of plans.

The answers to these questions will give you the core analysis for your assessment and the Templates section of this toolkit provides an

#### HINTS & TIPS!

It is recommended that the HRA process including the AA stage combines a 'plan' and a 'site' focus.

Focusing on the plan helps you to understand which elements have the potential to affect European site integrity and how the plan may be amended to avoid or

Task 4: AA Conclusions & Recommendations

Following the assessment and, if necessary the consideration of mitigation measures, you should be in a position to set out your conclusions as to whether the plan is likely to have a significant effect on the integrity of the European site[s] under consideration. If you have determined that mitigation measures will be required, then you must indicate clearly how implementation will take place to ensure that there will be no significant effect.

If our final conclusions are that the plan will not adversely affect the integrity of any European site then you should summarise the findings of your assessment. Use the HRA Report Template from the Templates section of the toolkit to organise your analysis.

