

Marine Planning and Policy

ACBA 7004

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Prifysgol Cymru

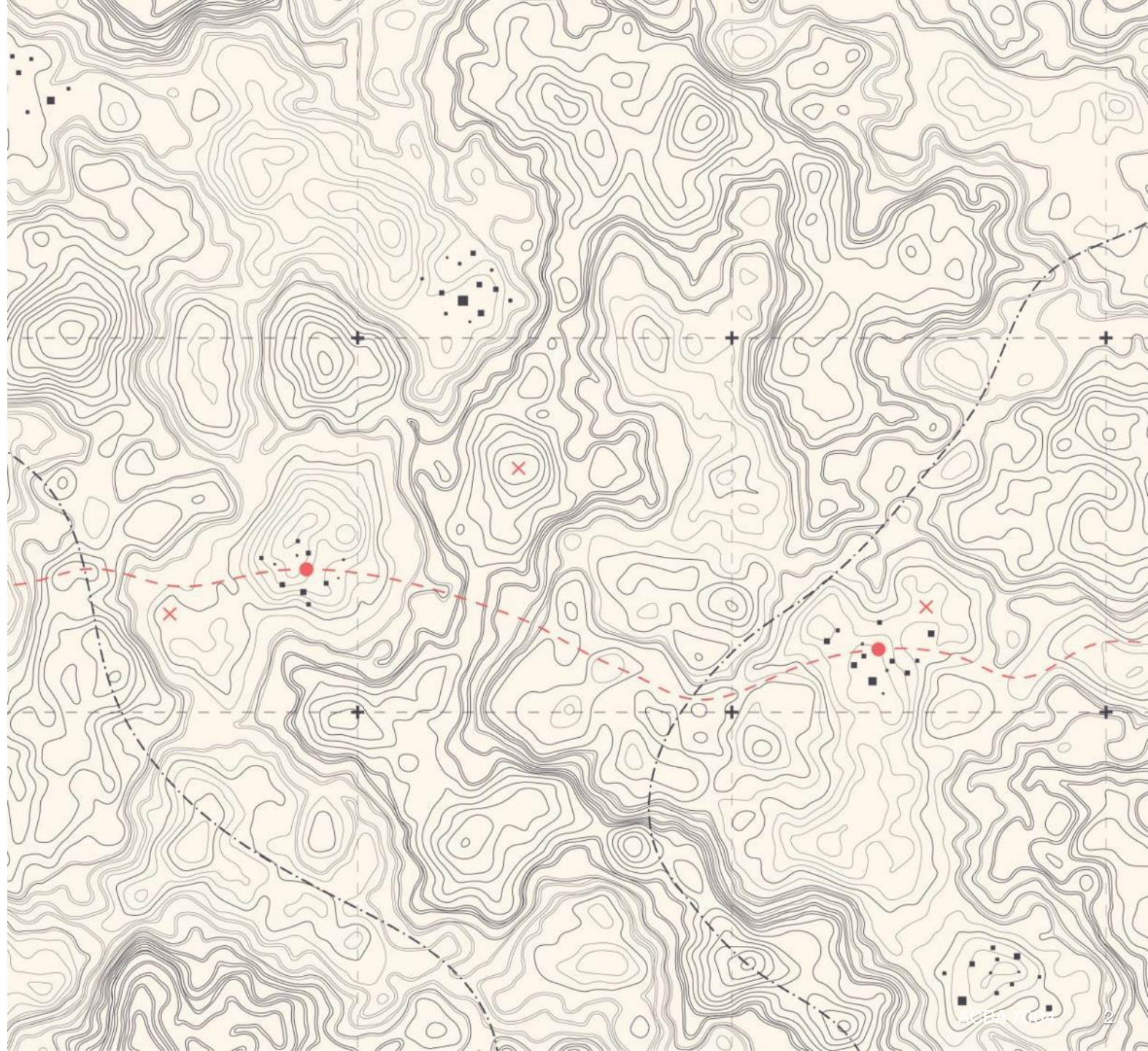
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University of Wales

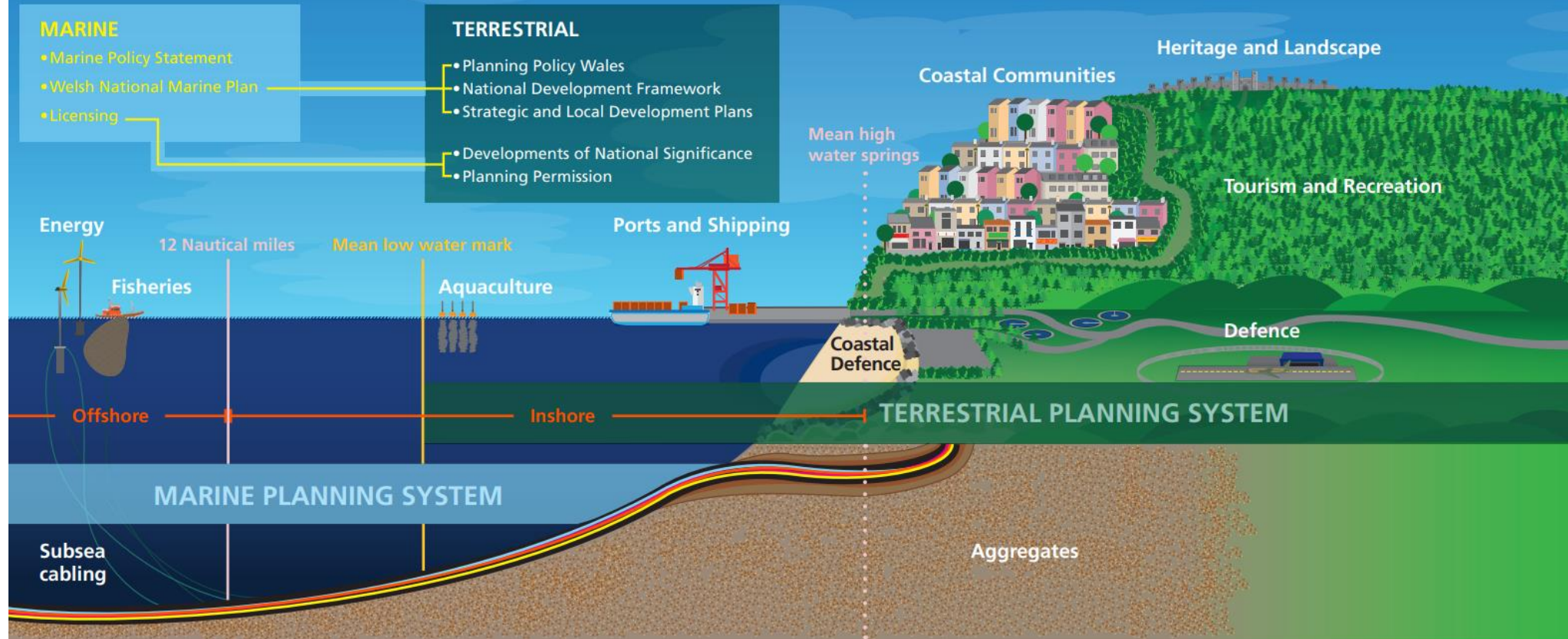
Trinity Saint David

Outline

- **What is Maritime Spatial Planning?**
- Marine Planning in Wales
- HRA (Habitat Regulation Assessment)
- Marine National Spatial Plan and HRA (Activity)



Marine and Terrestrial Planning in Wales



A sustainable Wales is the goal of the terrestrial and marine planning systems in Wales.

The joined up planning and management of the coastal zone will enable development to understand and be responsive to the particular challenges that result from the dynamic interaction of natural and development pressures in coastal areas.

This will help ensure that coastal areas are planned in a socially, environmentally, culturally and economically sustainable way; creating coastal communities that are ecologically and physically resilient; and socially and economically adaptive.

The National Development Framework and Welsh National Marine Plan will identify opportunities and guide development both inshore and offshore, supporting integrated decision making and collaboration across marine and terrestrial interfaces and boundaries.

Landward pressures may include:

- Major developments on the coast
- Ports, harbours and shipping
- Tourism, leisure and recreational facilities
- Renewable energy
- Coastal defences
- Subsea cabling.

Seaward pressures may include:

- Waste disposal
- Sea fishing
- Aquaculture
- Leisure sailing
- Dredging of navigable channels
- Water sports and bathing
- Marine aggregate extraction
- Tidal and wave power generation.

These pressures may overlap and need to be carefully planned to ensure impacts are avoided and opportunities are maximised.

This will include impacts on water resources, heritage, landscape and seascapes and from pollution (water, noise, air, litter).

There is a need to take into account the cumulative effects of all uses on the coastal environment, promoting the co-existence of compatible activities and supporting the avoidance or mitigation of conflicts between users wherever possible this includes uses such as fisheries, leisure and defence.

Acronym Check

EIA –

SEA –

NTS –

ES –

NEPA –

SSSI –

SAC –

AONB –

LPA –

TCPR –

EMP –

CEMP –

NRW –

TOR –

NPPF –

PPG –

CIL –

PPW –

TAN –

PEDW –

NDF –

DNS –

LDP –



Acronym Check

EIA – Environmental Impact Assessment

SEA – Strategic Environmental Assessment

NTS – Non-technical summary

ES – Environmental Statement

NEPA – National Environmental Policy Act (1969)

SSSI – Site of Special Scientific Interest

SAC – Special Area of Conservation

AONB – Area of Outstanding Natural Beauty

LPA – Local Planning Authority

TCPR – Town and Country Planning Regulations

EMP – Environmental Management Plan

CEMP – Construction Environment Management Plan

NRW – Natural Resources Wales

TOR – Terms of Reference

NPPF – National Planning Policy Framework

PPG – Planning Practice Guidelines

CIL – Community Infrastructure Levy

PPW – Planning Policy Wales

TAN – Technical Advice Notes

PEDW – Planning and Environmental Decisions Wales

NDF – National Development Framework

DNS – Developments of National Significance

LDP – Local Development Plans

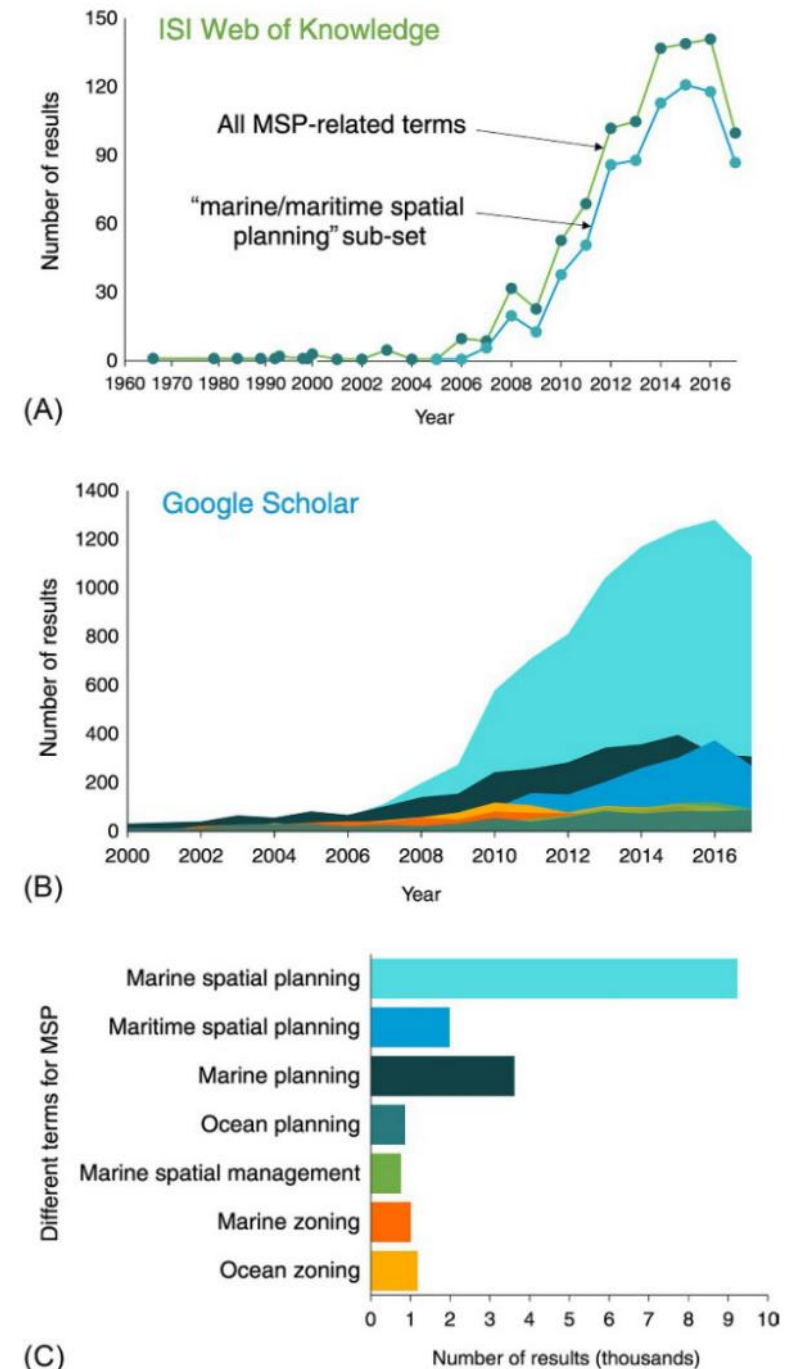


Maritime Spatial Planning

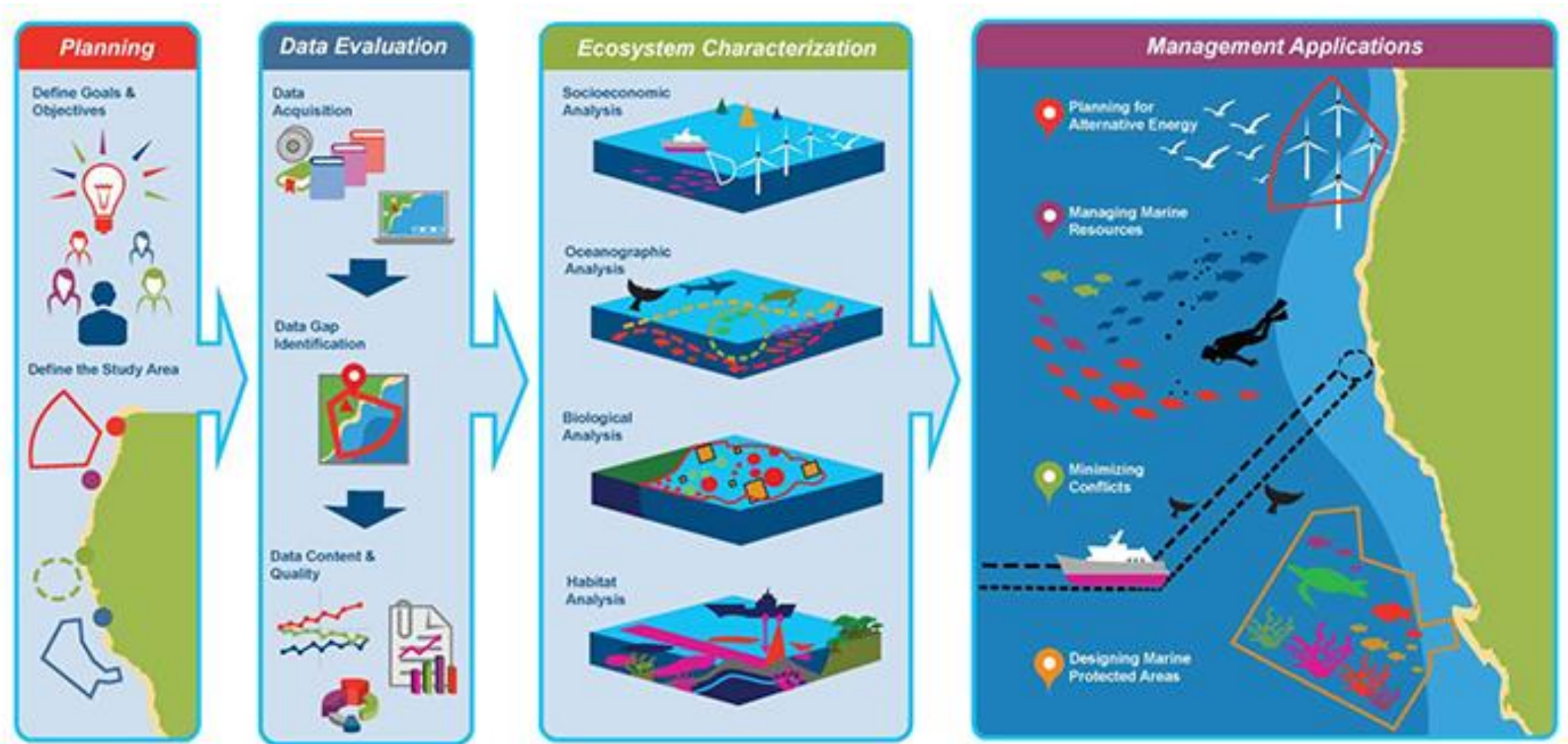
- Marine/maritime spatial planning (MSP) is about managing the distribution of human activities in space and time to achieve ecological, economic and social objectives and outcomes.
- It is a political and social process informed by both the natural and social sciences. Over the last 20 years, MSP has matured from a concept to a practical approach to moving towards sustainable development in the oceans (Ehler et al, 2017).

Marine Spatial Planning

- (A) Trends in marine spatial planning (MSP) related literature up to 2017. (A) Evolution of the number of scientific publications addressing MSP per year, between 1960 and 2017,
- (B) Evolution of the number of articles found in Google Scholar for each MSP-related term per year, between 2000 and 2017 (color codes as in C).
- (C) Total number of articles found in Google Scholar for different MSP-related terms. Data search was performed in November 2017, thus including all results available by then
- Marine Spatial Planning Chapter (Santos et al. 2020)



Marine Spatial Planning

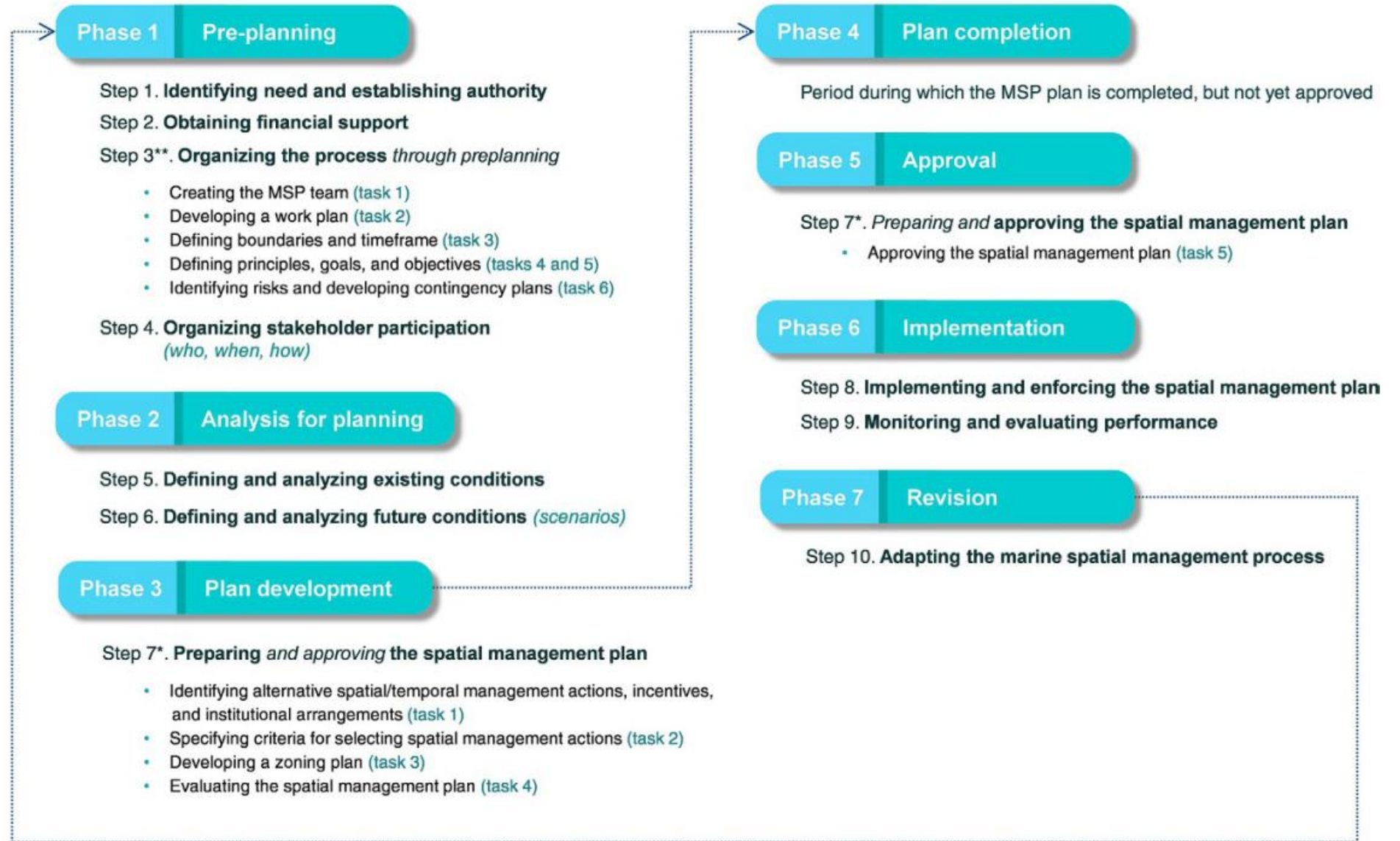


20 years of Marine Spatial Planning

- Loaded onto the Moodle page:
- [Two decades of progress in Marine Spatial Planning \(uwtsd.ac.uk\)](https://www.uwtsd.ac.uk/~ehler/20yearsMSP.pdf) (Ehler, 2021)
- The paper begins with a summary of early attempts to map the geography of the sea and to define how planning at sea began to some of the first applications of MSP from 1980 to 2005.
- Realworld efforts to apply MSP, especially in Western/Northern Europe and North America are identified and described...

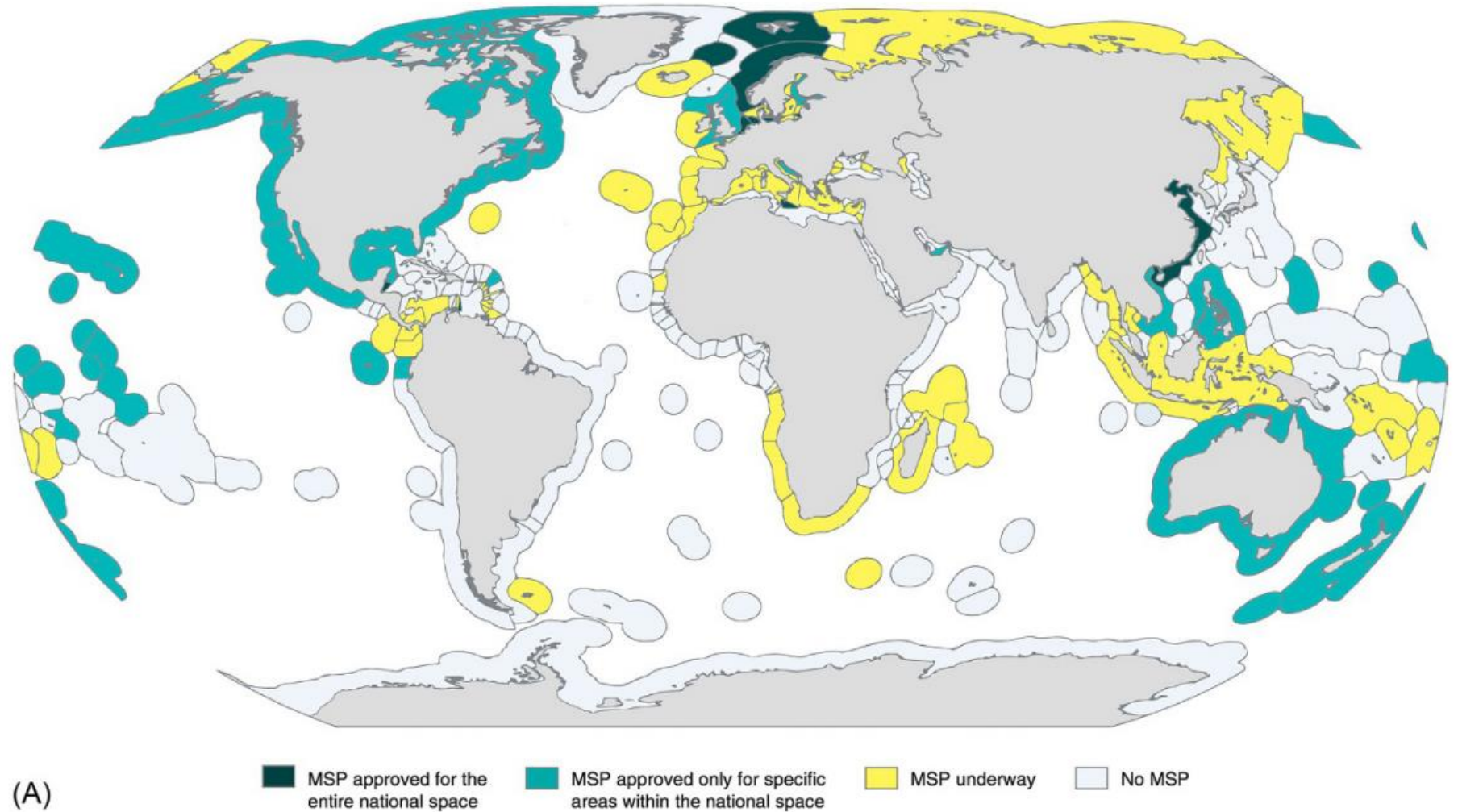


Main Phases of MSP

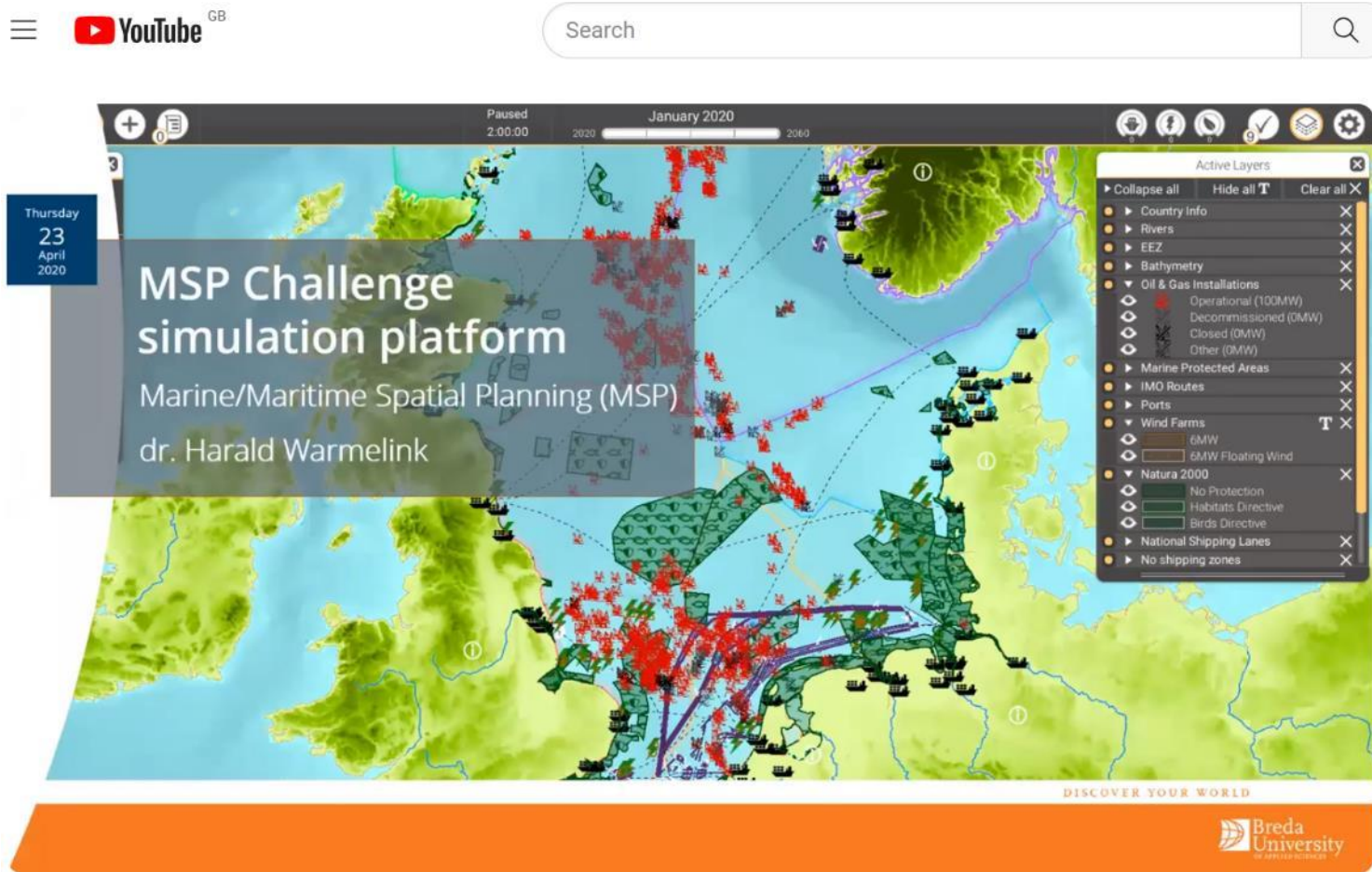


20 years of Marine Spatial Planning

- 2017



Marine Spatial Planning (the game)



MSP Challenge: Exploring the complexity of marine spatial planning in a multi-player simulation game

0 OCTO (Open Communications for the Oc... 704 subscribers

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Clip

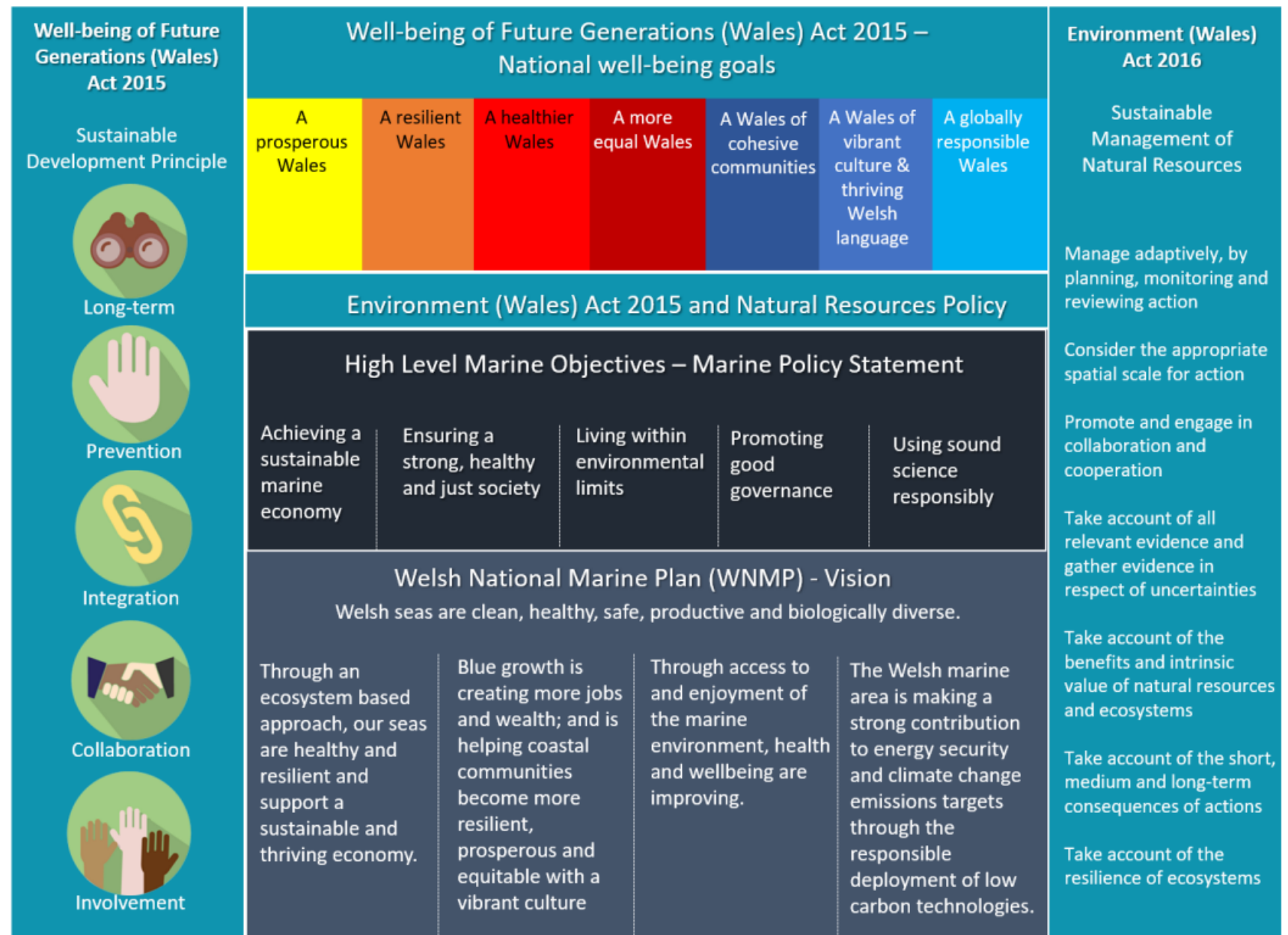
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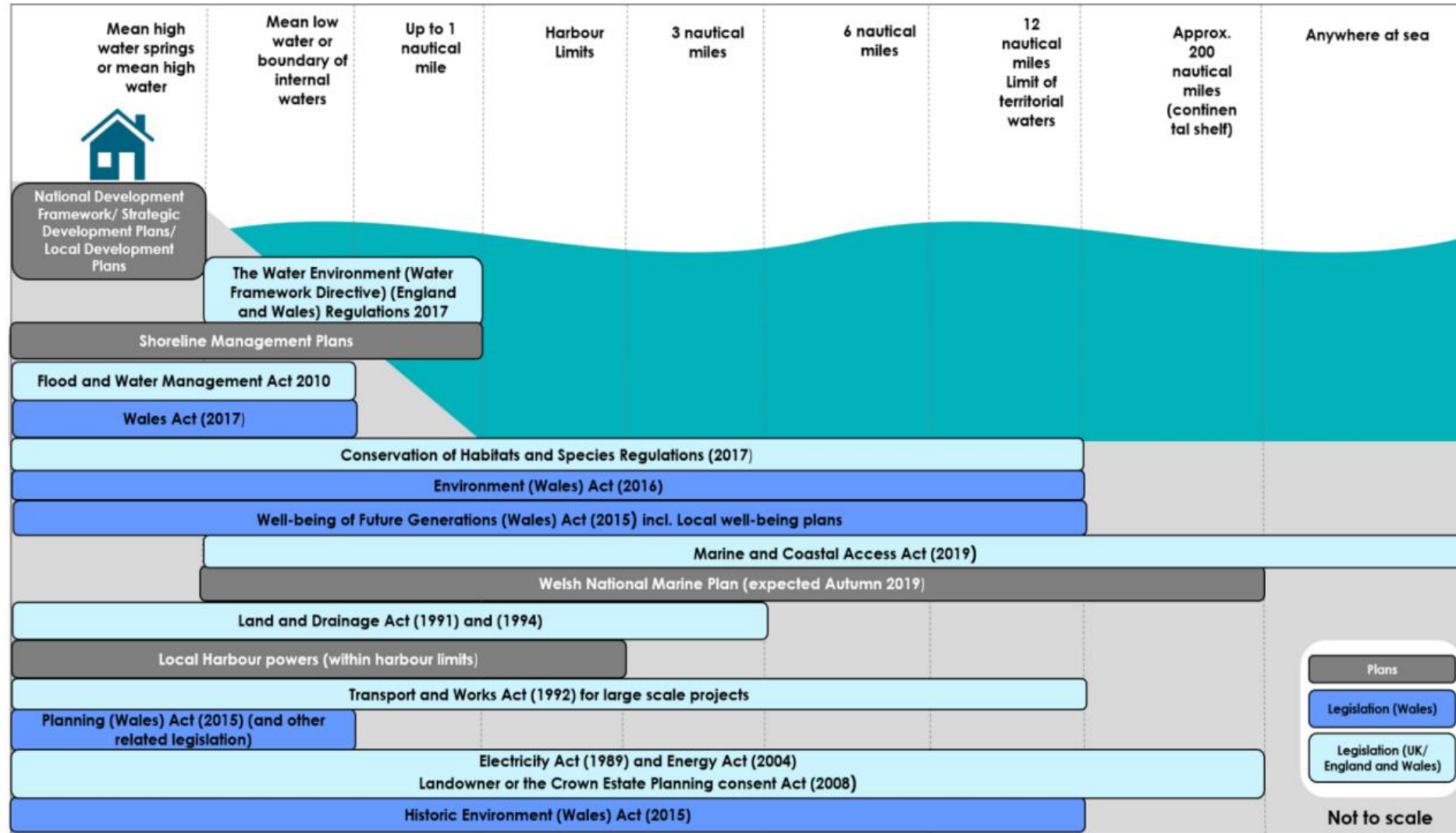
Marine Planning in Wales

- Marine Planning context in Wales (adapted from Welsh Government, 2017).



Marine Planning Context in Wales

- **Legislation within the Welsh Coastal Zone**



Marine Planning Context in Wales

Welsh Area Statements

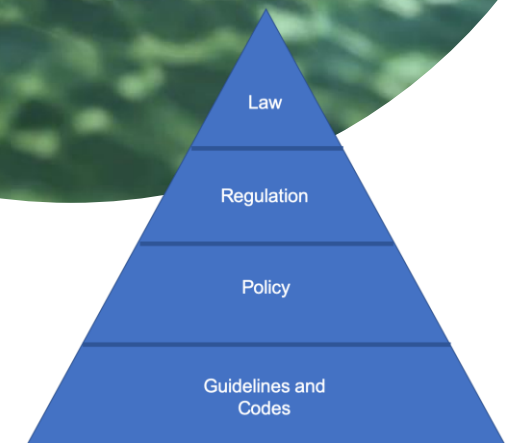
Environment (Wales) Act 2016

What is an Area Statement?

- Legislative requirement from Environment (Wales) Act 2016:
- Under Section 11:
- “NRW must prepare and publish statements (“area statements”) for the areas of Wales that it considers appropriate for the purpose of facilitating the implementation of the national natural resources policy.”
- States what the natural resources are, their benefits, risks and opportunities

11 Area statements

- (1) NRW must prepare and publish statements (“area statements”) for the areas of Wales that it considers appropriate for the purpose of facilitating the implementation of the national natural resources policy.
- (2) NRW may use the area statements for any other purpose in the exercise of its functions.
- (3) Each area statement must—
 - (a) explain why a statement has been prepared for the area, by reference to—
 - (i) the natural resources in the area,
 - (ii) the benefits which the natural resources provide, and
 - (iii) the priorities, risks and opportunities for the sustainable management of natural resources which need to be addressed;
 - (b) explain how the principles of sustainable management of natural resources have been applied in preparing the statement;
 - (c) state how NRW proposes to address the priorities, risks and opportunities, and how it proposes to apply the principles of sustainable management of natural resources in doing so;
 - (d) specify the public bodies which NRW considers may assist in addressing the priorities, risks and opportunities.
- (4) NRW must ensure that every part of Wales is included in at least one of the areas for which it prepares an area statement.
- (5) NRW must—
 - (a) take all reasonable steps to implement an area statement, and
 - (b) encourage others to take such steps.
- (6) NRW must keep area statements under review and it may revise them at any time.
- (7) Before publishing an area statement, NRW must consider whether—
 - (a) another plan, strategy or similar document should be incorporated into the area statement, or
 - (b) the area statement should be incorporated into another plan, strategy or similar document.



Welsh Area Statements

Natural Resources Policy: [natural-resources-policy.pdf](#)

What is an Area Statement?

- “place-based natural resource reports”
- 7 Areas assigned
- Each Statement aims to highlight the key challenges of the area for Natural Resource Management (NRM)
- Marine is one key area provided its own statement

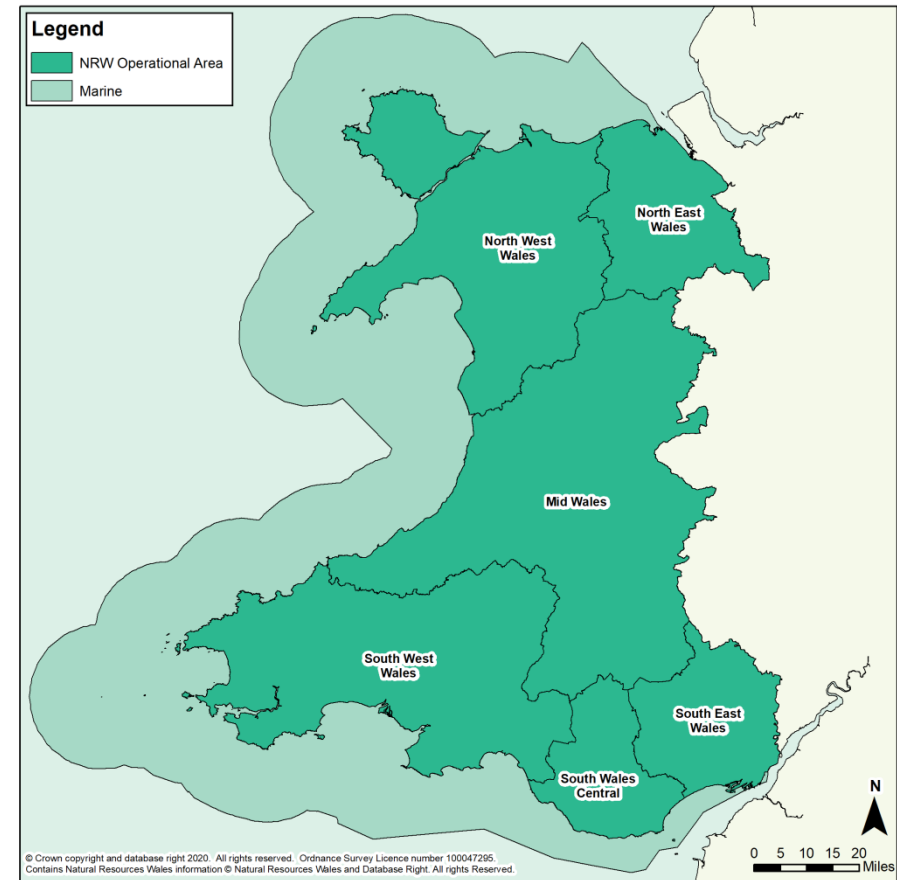


Figure 1 – Policy framework to implement SMNR across Wales

Welsh Area Statements and SEA

QUESTION:

Do Area Statements require an SEA?

The answer: Yes... maybe???

Natural Resources Wales / Natural Resources Wales approach to impact assessments of Area Statements

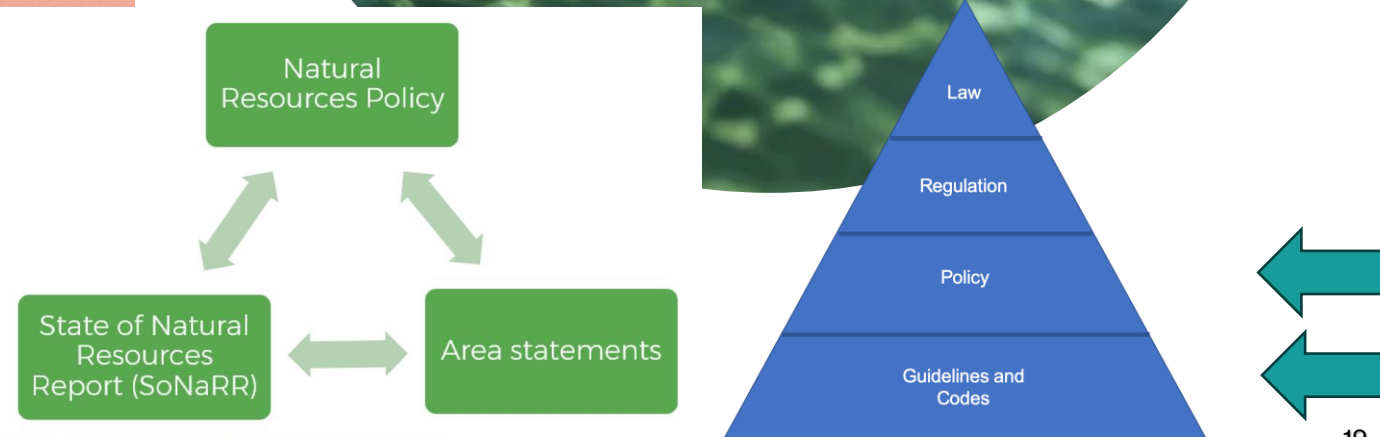
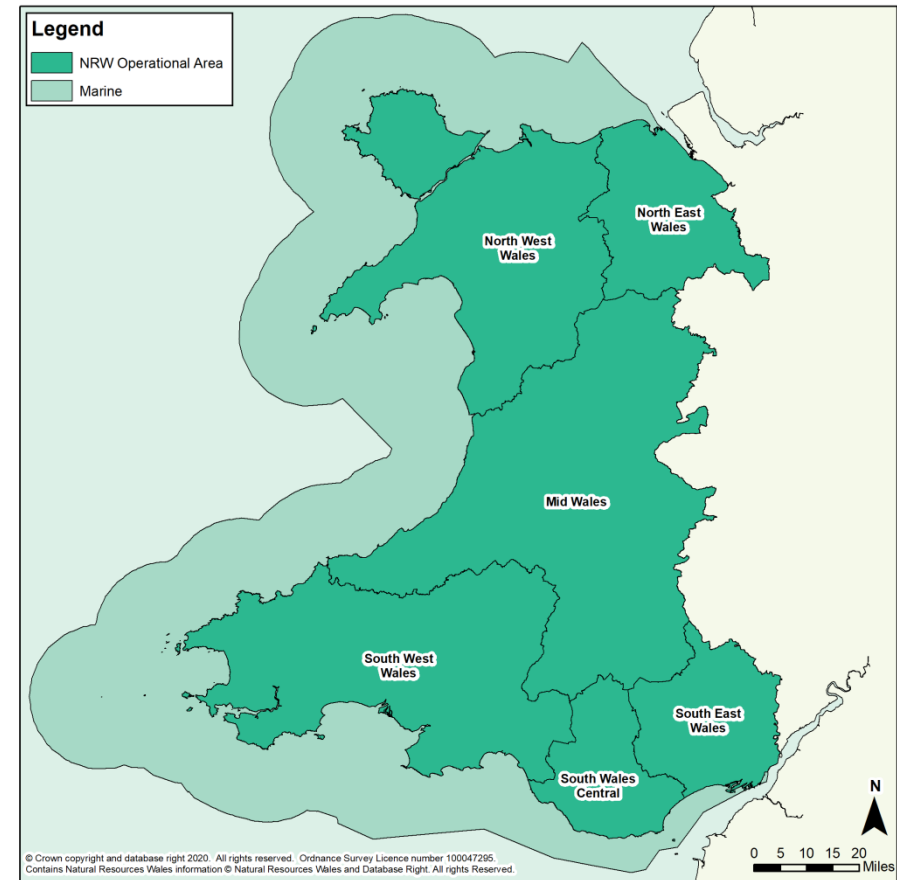
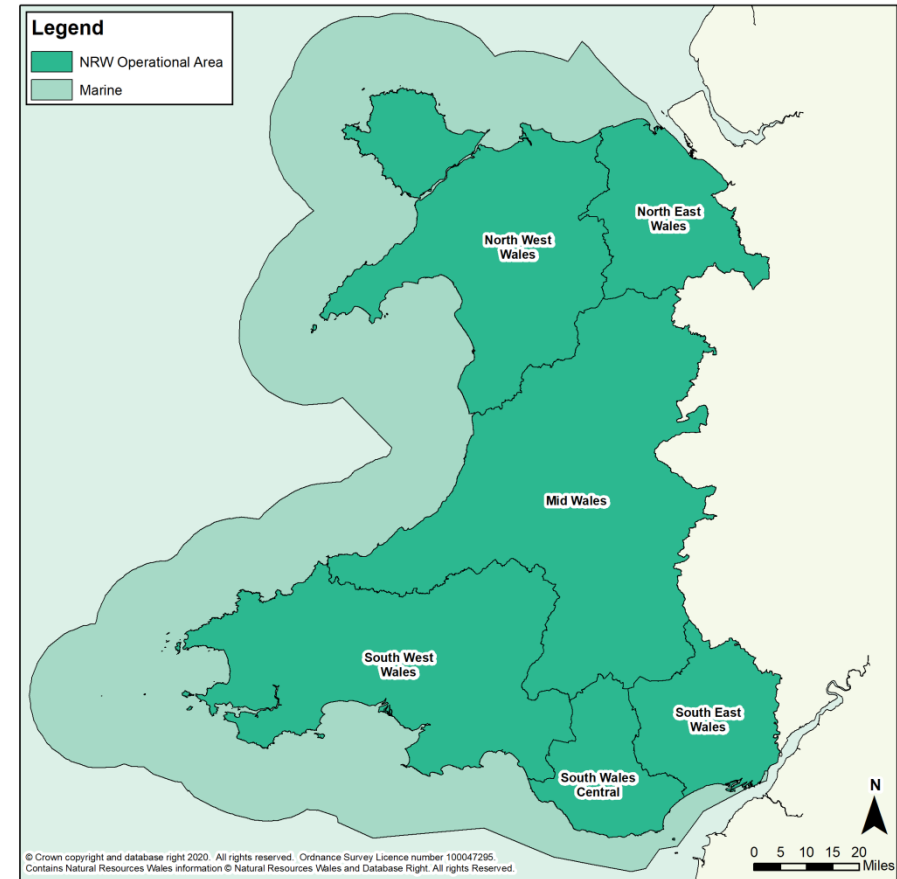


Figure 1 – Policy framework to implement SMNR across Wales

Welsh Marine Area Statement

[Natural Resources Wales / Introduction to Wales' Marine Area Statement](#)

- The Marine Area Statement covers the inshore waters of Wales extending out 12 nautical miles and making up 43% of the Welsh territory.



Welsh Marine Area Statement

- [Natural Resources Wales / Making the most of marine planning](#)
- **Why?**
- This theme looks at planning in the marine environment. Marine planning should help us decide what happens where to ensure that our seas are healthy, resilient and provide us with what we need - energy, food, enjoyment - **now and in the future.**





Welsh Area Statement

- [Natural Resources Wales / Making the most of marine planning](#)
- On land we are used to planting woodland, hedgerows or even digging ditches to help create new habitats and directly achieve nature recovery. It is much more difficult to do this at sea. Instead, we opt to look at better managing or reducing the pressures on the marine environment (such as pollution, marine developments or fishing activity). This allows habitats and species to recover naturally. Marine planning is an important tool because it informs decisions about where activities should, and shouldn't, take place in our seas.



Welsh Area Statement

- [Natural Resources Wales / Making the most of marine planning](#)
- Historically, decisions about activities in our seas were made on a case-by-case basis. By the end of 2019 all of this changed and the **Welsh National Marine Plan** was adopted by the Welsh Government. For the first time, decisions relating to our marine environment have to consider the bigger picture. This includes how activities in the sea impact on the well-being of coastal communities, marine wildlife, and on our economy.



Activity

Today we will be making an infographic linking MSP, WNMP and HRA for a **specific sector**. Make a list of marine activities and uses in Welsh waters. Compare with your neighbour.

(5 mins)

Our seas are increasingly busy supporting a range of different activities and uses. For example:

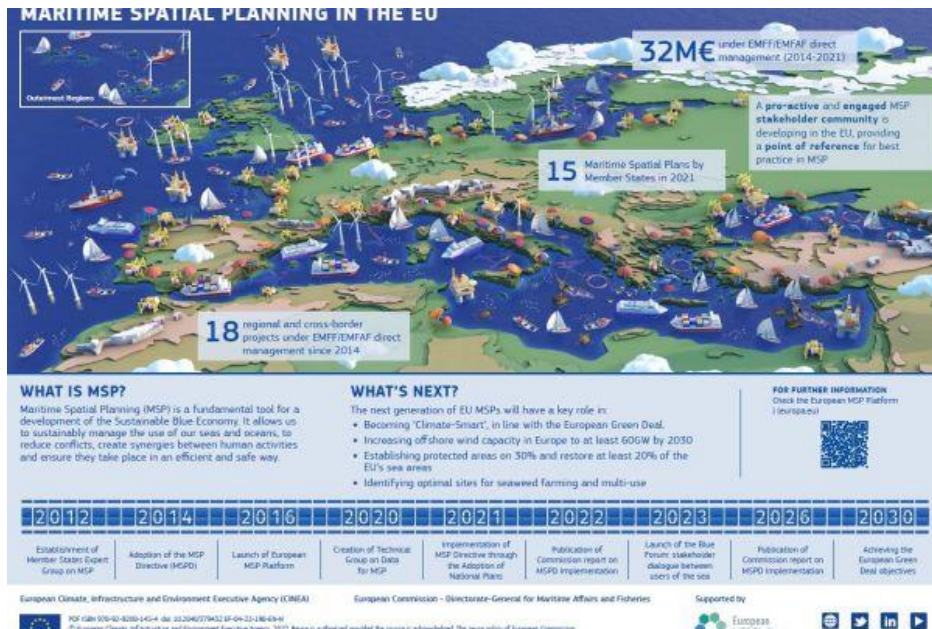
- **Marine aggregate for building** - 80% of sand used for construction in south Wales comes from our seas
- **Aquaculture** - farming shellfish, fish, seaweed and algae (Wales provides 37% of the total UK mussel production)
- **Fisheries** - the commercial fishing industry in Wales employs over 800 people
- **Defence** - this includes operational vessels, HM naval bases and everything associated with them including navigation, acoustic ranges and exercises in the sea
- **Renewable energy** - Wales has a range of tide, wave and wind resource at sea that can provide clean energy to help combat climate change
- **Subsea telecommunications cabling** - worth £260 million to Wales which makes our seabed a very important place now and in the future
- **Tourism** - in 2013 coastal tourism in Wales was estimated to be worth £602 million and totalled 3.6 million trips
- **Welsh ports** - handled 54 million tonnes of cargo in 2014, equivalent to 18 tonnes per person in Wales

Welsh Area Statement

- [Natural Resources Wales / Making the most of marine planning](#)

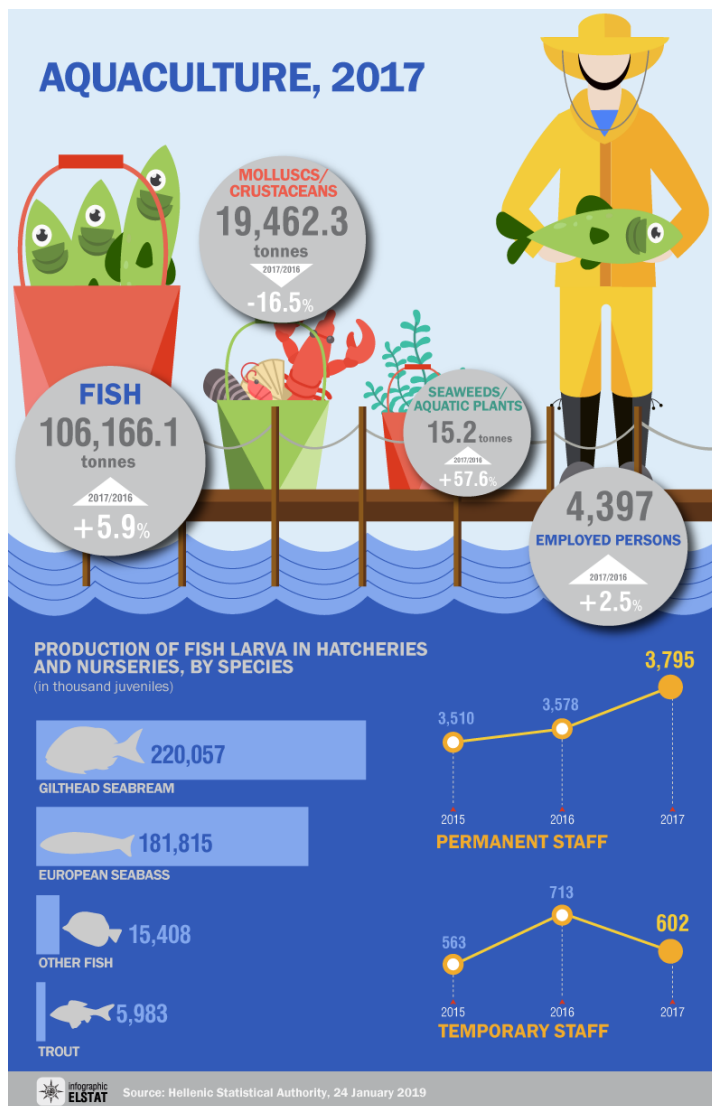
Infographics

- Visual, graphical
- Bullet points



- Timelines
- Short facts

Infographics



Goals

- During discussions with our partners we have collectively identified specific goals that we all wish to work towards:
- **To use the best available evidence to make decisions in planning**
- Gathering and understanding the evidence is a big task. It may not be possible to understand everything we need to plan for in the structured way we do on land. We are already working with partners to explore this, focusing on three sectors:
- Marine renewables – power harnessed from waves and tide
- Marine aggregates – sand and gravel harvesting from the sea
- Aquaculture – the breeding, rearing, and harvesting of fish, shellfish, algae, and other organisms in the marine environment



Goals

- To use the best available evidence to make decisions in planning
- To ensure the marine planning process enables nature recovery
- To support sustainable renewable energy development whilst ensuring that the marine environment is protected and enhanced
- To achieve effective integration of marine and terrestrial planning



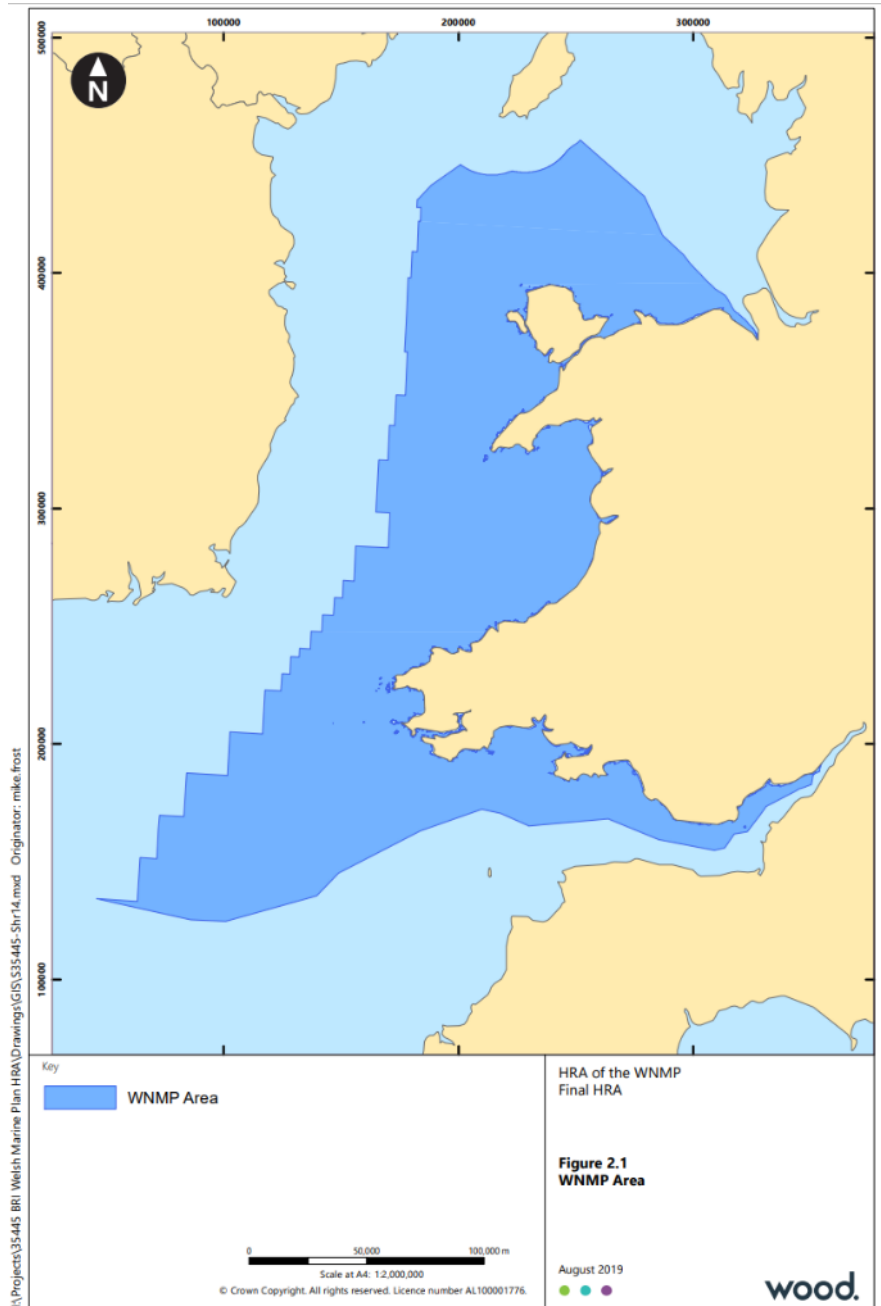
Marine Planning in Wales

- [\(22\) Marine Planning in Wales - YouTube](#)

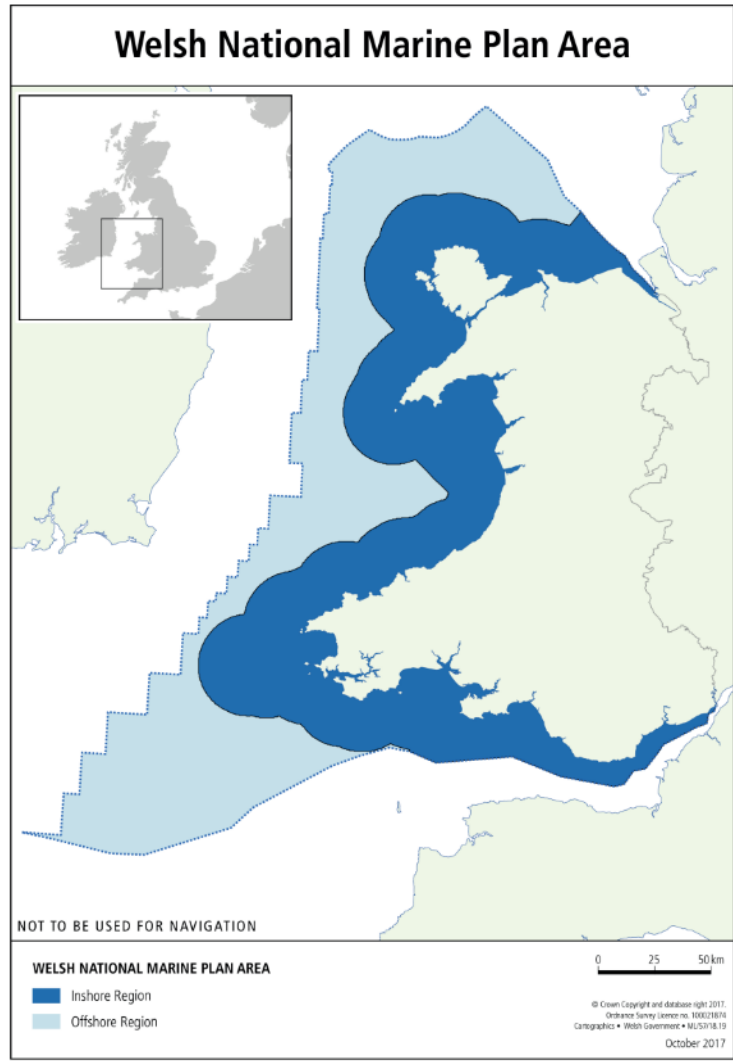


Welsh National Marine Plan

- [Welsh National Marine Plan \(gov.wales\)](https://gov.wales)
- [Welsh National Marine Plan: frequently asked questions | GOV.WALES](#)



Welsh National Marine Plan (2019)



The WNMP comprises the following key plan components:

- Vision;
- Plan objectives;
- General cross-cutting policies;
- Sector objectives; and
- Sector policies.

} Focus for the infographic

Overview

- General Overview:
[Welsh National Marine Plan \(gov.wales\)](https://gov.wales/welsh-national-marine-plan)



Welsh Government has now adopted the first **Welsh National Marine Plan (WNMP)** to ensure that decisions within the marine area can be made in a sustainable way, that will benefit both current and future generations.

- > The aim of the plan is to support the **shared UK vision of clean, healthy, safe, productive and biologically diverse oceans and seas.**
- > The WNMP is a new consideration for relevant public authorities when making decisions which have the potential to affect the plan area.
- > It contains policies to inform decisions taken by public authorities – who will be important users of the plan, as well as those wishing to propose an activity or development.

Background

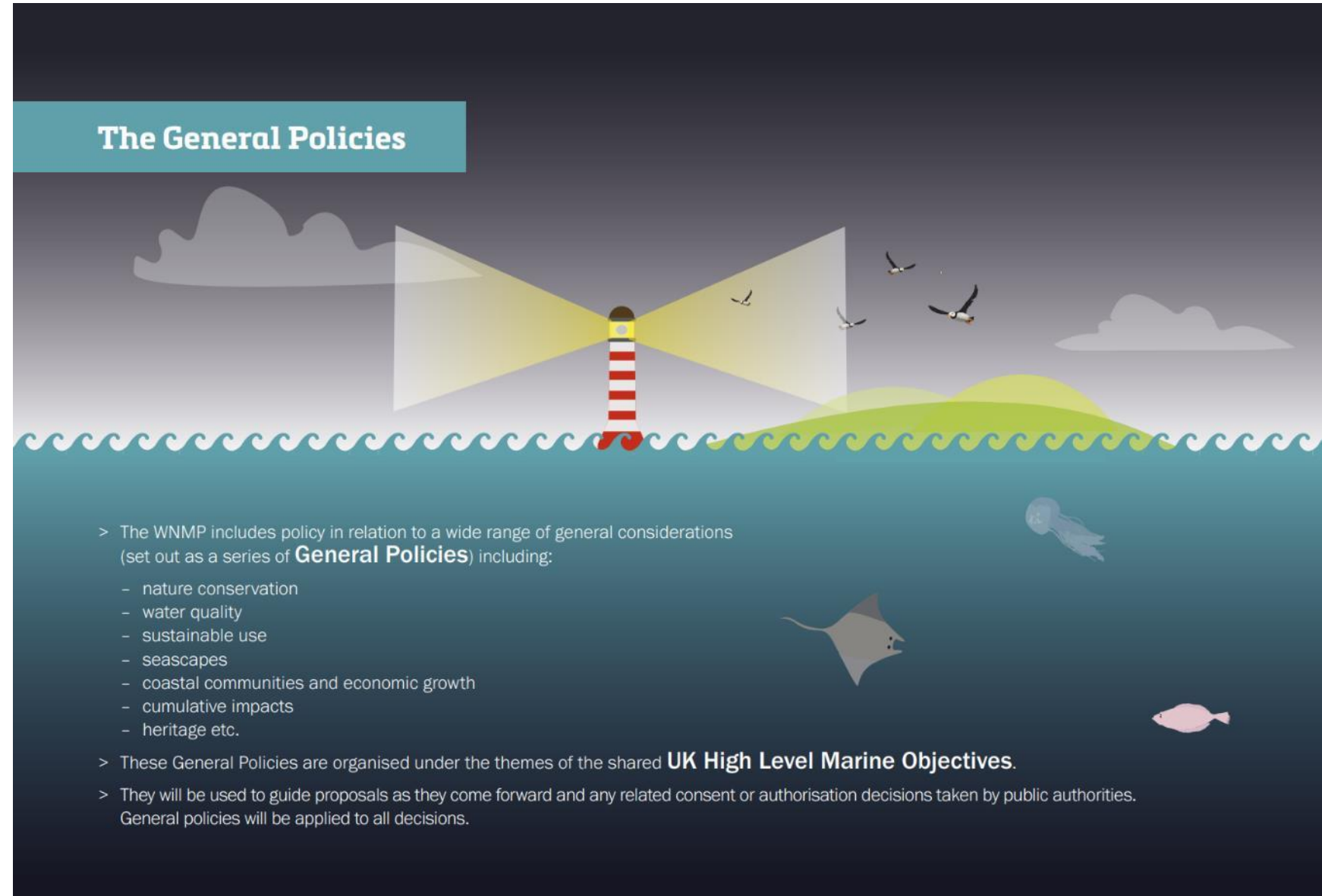
- General Overview:
[Welsh National Marine Plan \(gov.wales\)](https://gov.wales/welsh-national-marine-plan)



The General Policies

- General Overview:
[Welsh National Marine Plan \(gov.wales\)](https://gov.wales/welsh-national-marine-plan)

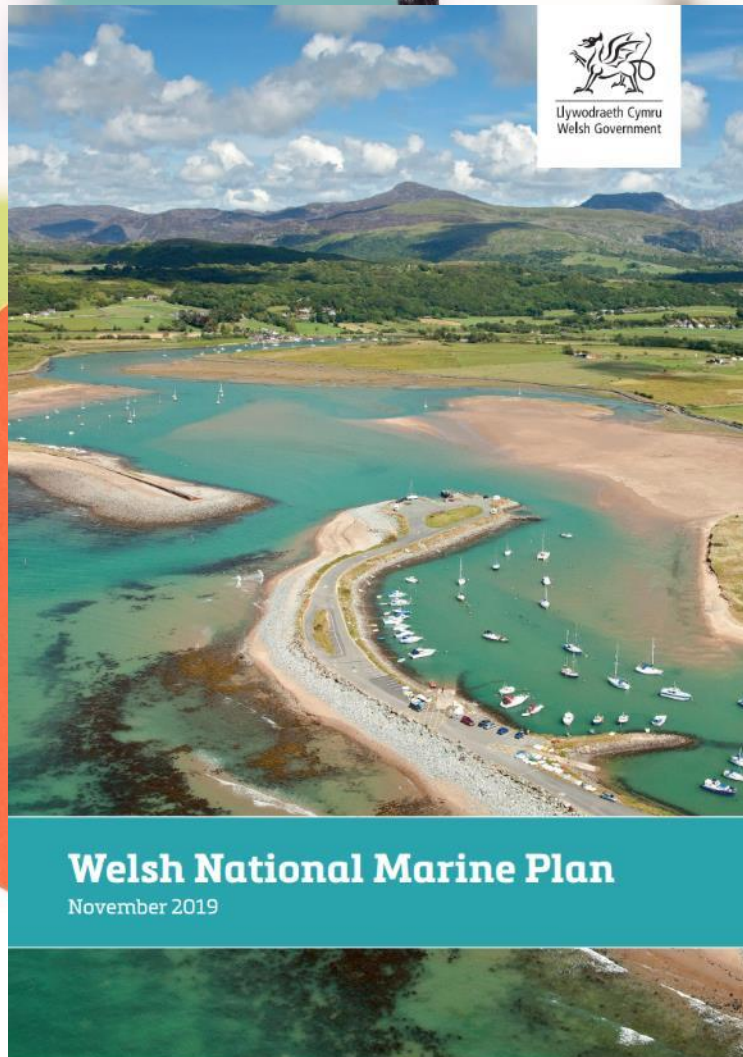
[ourseas-2009update.pdf \(publishing.service.gov.uk\)](#)



Sector Policies in Welsh National Marine Plan

- Sector Policy – Aggregates
- Sector Policy – Aquaculture
- Sector Policy – Defence
- Sector Policy – Dredging and Disposal
- Sector Policy – Energy – Low Carbon
- Sector Policy – Energy – Oil and Gas
- Sector Policy – Fisheries
- Sector Policy – Ports and Shipping
- Sector Policy – Subsea Cabling
- Sector Policy – Surface Water & Wastewater Treatment & Disposal (SWW)
- Sector Policy – Tourism and Recreation





Activity

Click on the following link to read the Welsh National Marine Plan: [Welsh National Marine Plan \(gov.wales\)](https://gov.wales/welsh-national-marine-plan)

Select a sector from the list and provide a 'infographic-worthy' summary of the key considerations for this sector.

(This could include any sector objectives, key rationale, supporting policies, future plans)

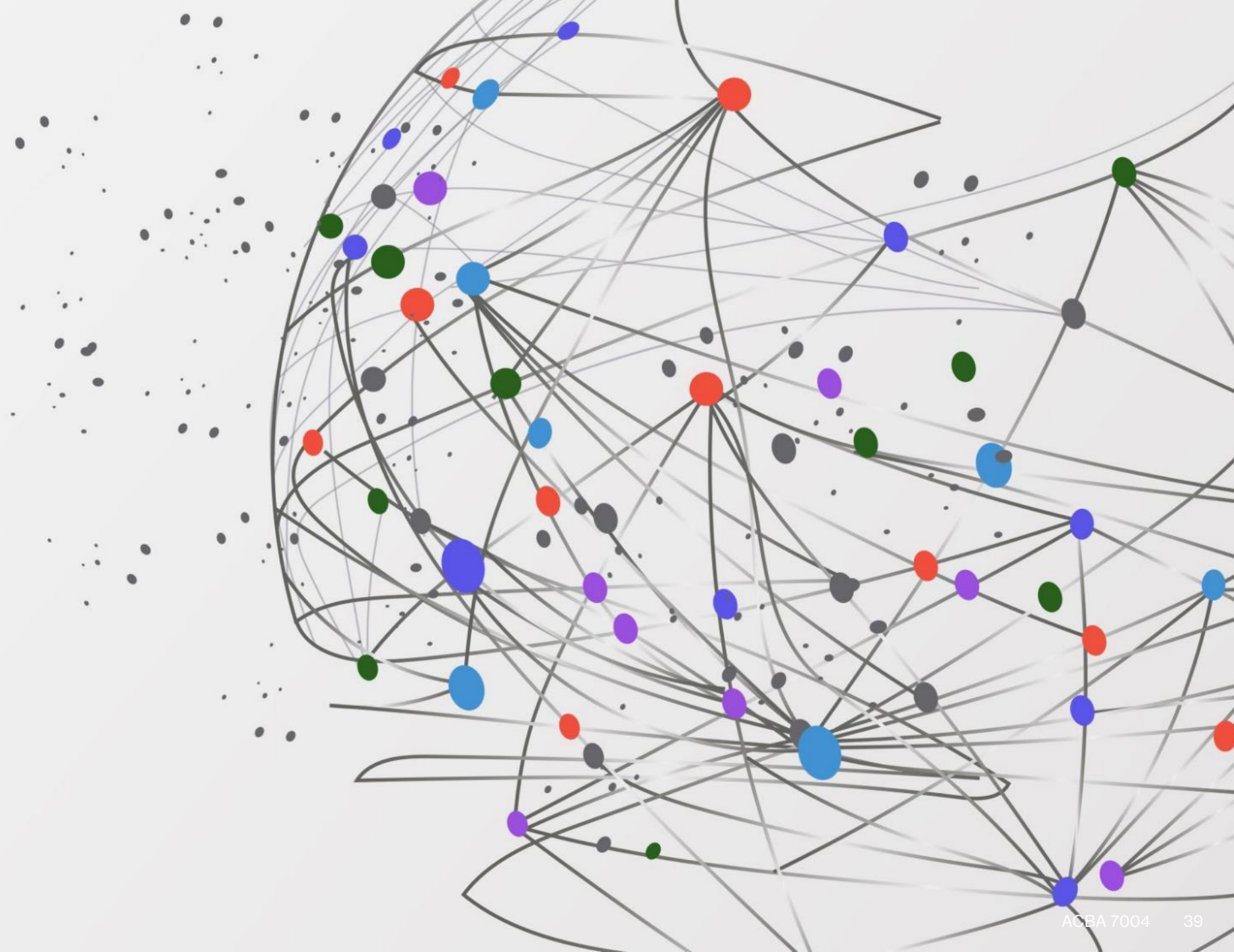
(30 mins)



Take a break

10mins

Habitat Regulation Assessment (HRA)



Habitats Regulations Assessment

- How to consider proposals affecting Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites?
- The European Union (EU) Habitats Directive protects certain species of plants and animals which are particularly vulnerable.
- The Directive specifically relates to Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites known as Natura 2000 sites.
- The UK Habitats Regulations are used to implement the EU Directive and require a Habitats Regulations Assessment (HRA).
- HRA differs from SEA and EIA in that it only considers effects on the nature conservation objectives and features for which the site was designated, not all environmental consequences.

[Managing and protecting Natura 2000 sites \(europa.eu\)](http://europa.eu)



Habitats Regulations Assessment

Regulation 63 of the 'Habitats Regulations' states that if a plan or project "(a) *is likely to have a significant effect on a European site⁶ or a European offshore marine site⁷ (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site*" then the plan-making authority must "*...make an appropriate assessment of the implications for the site in view of that site's conservation objectives*" before the plan is given effect. The process by which Regulation 63 is met is known as Habitats Regulations Assessment (HRA)⁸. An HRA determines whether there will be any 'likely significant effects' (LSE) on any European site as a result of a plan's implementation (either on its own or 'in combination' with other plans or projects) and, if so, whether these effects will result in any adverse effects on the site's integrity. Regulation 25 of Offshore Marine Regulations 2007 applies the same provisions to "*...any consent, permission or other authorisation for, a plan or project which...is to be carried out on or in any part of the waters or on or in any part of the seabed or subsoil comprising the offshore marine area, or on or in relation to an offshore marine installation...*".

Habitat Regulations

- [welsh-national-marine-plan-habitats-regulation-assessment.pdf \(gov.wales\)](#)

HRA

[Natural Resources Wales / How a Habitats Regulations Assessments \(HRA\) is undertaken in the marine licensing process](#)

- The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017 enable the designation and protection of areas that host certain **important habitats** and **species**. These European protected sites are known as:
- **Special Areas of Conservation (SACs)** for the protection of certain habitats and species
- **Special Protection Areas (SPAs)** for the protection of certain wild bird species

Natural Resources Wales / How a Habitats Regulations Assessments (HRA) is undertaken in the marine licensing process



- In Wales and the UK, Ramsar Sites (identified under the Ramsar Convention) are also afforded the same level of protection as fully designated Natura 2000 sites. Together, these international sites are referred to as **European Sites**.

HRA

- **‘any competent authority that proposes to authorise, consent or carry out a plan or project must first carry out a HRA’**

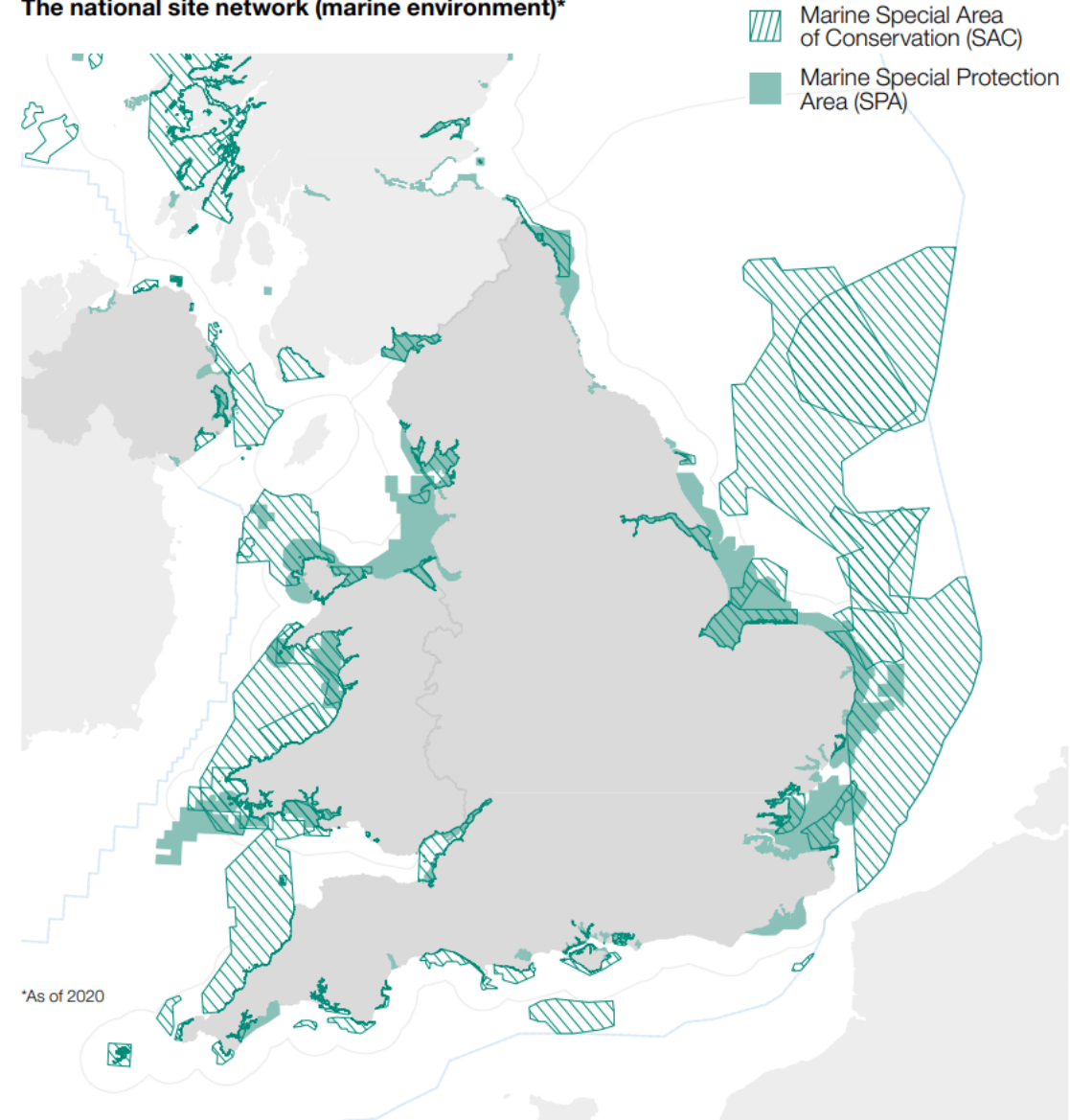
The Habitats Regulations protect certain habitats and species through a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right.

The Regulations specifically refer to Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). These sites are given legal protection because they are designated for habitats and species of importance. Together they form a network of protected sites known as the national site network.

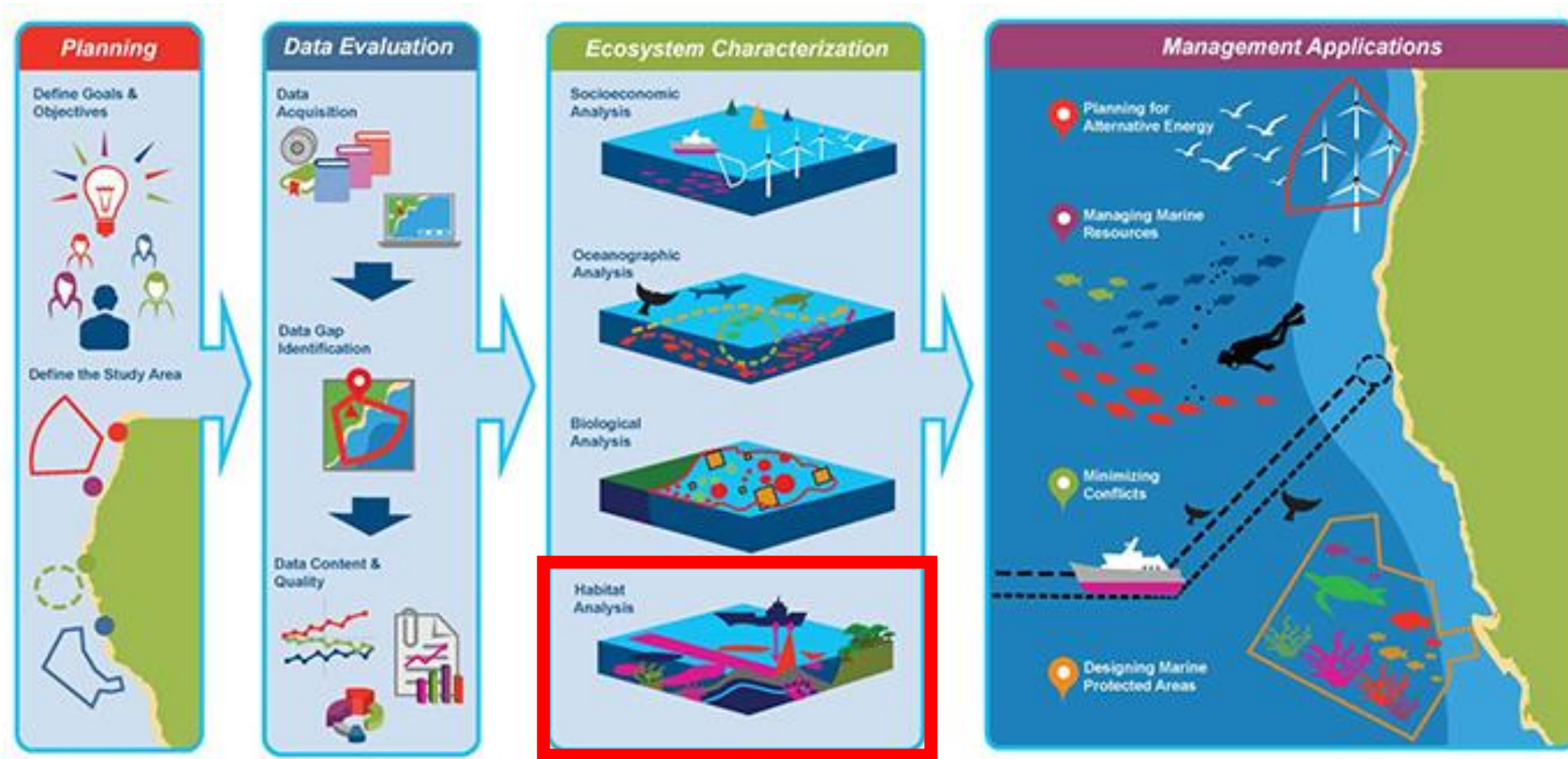
The Regulations¹ are used to make sure that relevant plans or projects which could impact a protected site are assessed. A plan or project can only go ahead if certain strict conditions are met to avoid adverse impacts on the special interest features of these protected sites. The process of assessing the potential effects is known as a Habitats Regulations Assessment (HRA).

Any ‘Competent Authority’ that proposes to authorise, consent, or carry out a plan or project that may affect a protected site must first carry out a HRA.

The national site network (marine environment)*



Habitat Analysis in Marine Spatial Planning



[01. What is Marine Spatial Planning? | PIPAP \(sprep.org\)](https://www.sprep.org/)

HRA



A Guide to Habitats Regulations Assessment (HRA) for Offshore Wind Leasing Round 4



[a-guide-to-hra-
april-2022-print-
version.pdf
\(thecrownestate
.co.uk\)](#)

Before awarding seabed rights through Offshore Wind Leasing Round 4, The Crown Estate undertakes a Plan-Level Habitats Regulations Assessment (HRA).

This process requires us to assess the potential impacts of Offshore Leasing Round 4 projects on the most valuable habitats in the UK and the UK offshore marine area.

How an HRA is undertaken

- **First stage**
- The first test to be applied is whether the proposed project is likely to have a significant impact on the relevant **European Site**.

[Natural Resources Wales /
How a Habitats Regulations
Assessments \(HRA\) is
undertaken in the marine
licensing process](#)

Projects with significant impacts

- If we conclude that the work is likely to have a significant impact, we will carry out an Appropriate Assessment of the works to assess whether they will have an adverse impact on the integrity of the European Site.

[Natural Resources Wales / How a Habitats Regulations Assessments \(HRA\) is undertaken in the marine licensing process](#)

Projects with adverse impacts

- Unless the conclusion is that there will be no adverse impact, the applicant will have to consider measures to mitigate any adverse effects.
- If appropriate and adequate mitigation measures are not possible, the project may only be consented if there is no alternative approach, that there are reasons of overriding public interest for it to proceed, and after a suitable compensation package has been agreed.

[Natural Resources Wales / How a Habitats Regulations Assessments \(HRA\) is undertaken in the marine licensing process](#)

Appropriate Assessments

- Where an Appropriate Assessment is required under the Habitats Directive, the applicant must provide sufficient information to inform that assessment.

[Natural Resources Wales /
How a Habitats Regulations
Assessments \(HRA\) is
undertaken in the marine
licensing process](#)

Habitat Regulations Assessment: Protecting a European Site

- [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site)

This guide applies to European sites in England and Wales and their inshore waters (within 12 nautical miles of the coast).

A [European site](#) is protected by the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations).

As a competent authority, you must carry out an assessment under the Habitats Regulations, known as a habitats regulations assessment (HRA), to test if a plan or project proposal could significantly harm the designated features of a European site.

From the assessment's outcome, you can decide whether to approve a project or adopt a plan ('a proposal'). This includes a proposal you will carry out yourself.

Competent Authority

- A competent authority is:
- a [public body](#) that decides to give a licence, permit, consent or other permission for work to happen, adopt a plan or carry out work for itself, such as a local planning authority
- a statutory undertaker carrying out its work, like a water company or an energy provider
- a minister or department of government, for example that makes national policy or decides an appeal against another competent authority's decision
- anyone holding public office, such as a planning inspector, ombudsman or commissioner
- If you're a developer or a proposer planning an activity that might affect a European site, you can read this guide to understand what a competent authority should do to assess your proposal.

- [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](#)

European Sites

The following European sites are protected by the Habitats Regulations and any proposals that could affect them will require an HRA:

- [Special Areas of Conservation](#) (SACs)
- [Special Protection Areas](#) (SPAs)

Any proposals affecting the following sites would also require an HRA because these are protected by government policy:

- proposed SACs
 - potential SPAs
 - [Ramsar sites](#) - wetlands of international importance (both listed and proposed)
 - areas secured as sites compensating for damage to a European site
-
- [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](#)



Plans or Proposals

What is the difference?

European Sites

When a proposal is a plan

A plan sets out where future activities or developments should take place within a certain area. This can include any changes that are proposed to an existing plan.

Examples of plans include:

- local plans and local development plans
- neighbourhood plans
- national policy statements
- marine spatial plans
- Funding plans
- flood and coastal erosion risk management plans
- river basin management plans

- [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site)

European Sites

When a proposal is a project

A project can be any activity or a number of activities that either needs a new or renewed permission from a competent authority before it goes ahead, or that a competent authority proposes to carry out itself. It can also include proposals to change an existing project.

Examples of projects include:

- building or installing transport schemes, housing, retail and industrial developments, wind farms, tidal energy schemes, and extraction of minerals, water or timber
 - licensing, permitting or regulating an activity, for example, applications for planning permission, licences, consents or permits issued under byelaws and other legislation, and activities under permitted development rights
 - your own statutory activities, such as maintaining highways and flood defences, repairing underground cables or keeping powerlines clear
-
- [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site)

Check if you need a HRA

You only need to carry out a HRA if the proposal might affect a European site. The effect of your proposal may depend on its location.

It could be:

- on the site
- near the site
- some distance away, for example by causing air, water or noise pollution or affecting a feeding area used by one of the site's designated species

You can locate a European site using [Magic map](#).

You can check if there's an impact risk zone (IRZ) around a protected site. This will help you assess if a proposal might affect a site. See the [IRZ data on Magic map](#).

- [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](#)

Consultation

Who to consult when carrying out an HRA

You need to consult the relevant SNCB at the appropriate assessment stage of the HRA process, but you can ask for advice at any stage in the process. You must consider the advice you get and include it in your HRA, if relevant. If you disagree with the advice, you should record it in your assessment and explain why.

Consult:

- [Natural England](#) in England or English inshore waters
- [Natural Resources Wales](#) in Wales or Welsh inshore waters

If a European site overlaps with other countries of the UK or with offshore waters, you must also consult:

- [NatureScot](#) in Scotland or Scottish inshore waters
- [Department of Agriculture, Environment and Rural Affairs](#) in Northern Ireland or Northern Irish inshore waters
- The [Joint Nature Conservation Committee](#) (JNCC) beyond 12 nautical miles from the shore

- [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](#)

How to carry out a HRA

1. Screening - to check if the proposal is likely to have a significant effect on the site's conservation objectives. If not, you do not need to go through the appropriate assessment or derogation stages.

2. Appropriate assessment - to assess the likely significant effects of the proposal in more detail and identify ways to avoid or minimise any effects.

3. Derogation - to consider if proposals that would have an adverse effect on a European site qualify for an exemption.

Consult an ecologist or the relevant SNCB to help you make decisions, if you're unsure.

- Habitats regulations assessments: protecting a European site - GOV.UK (www.gov.uk)

Process for HRA (Stages)

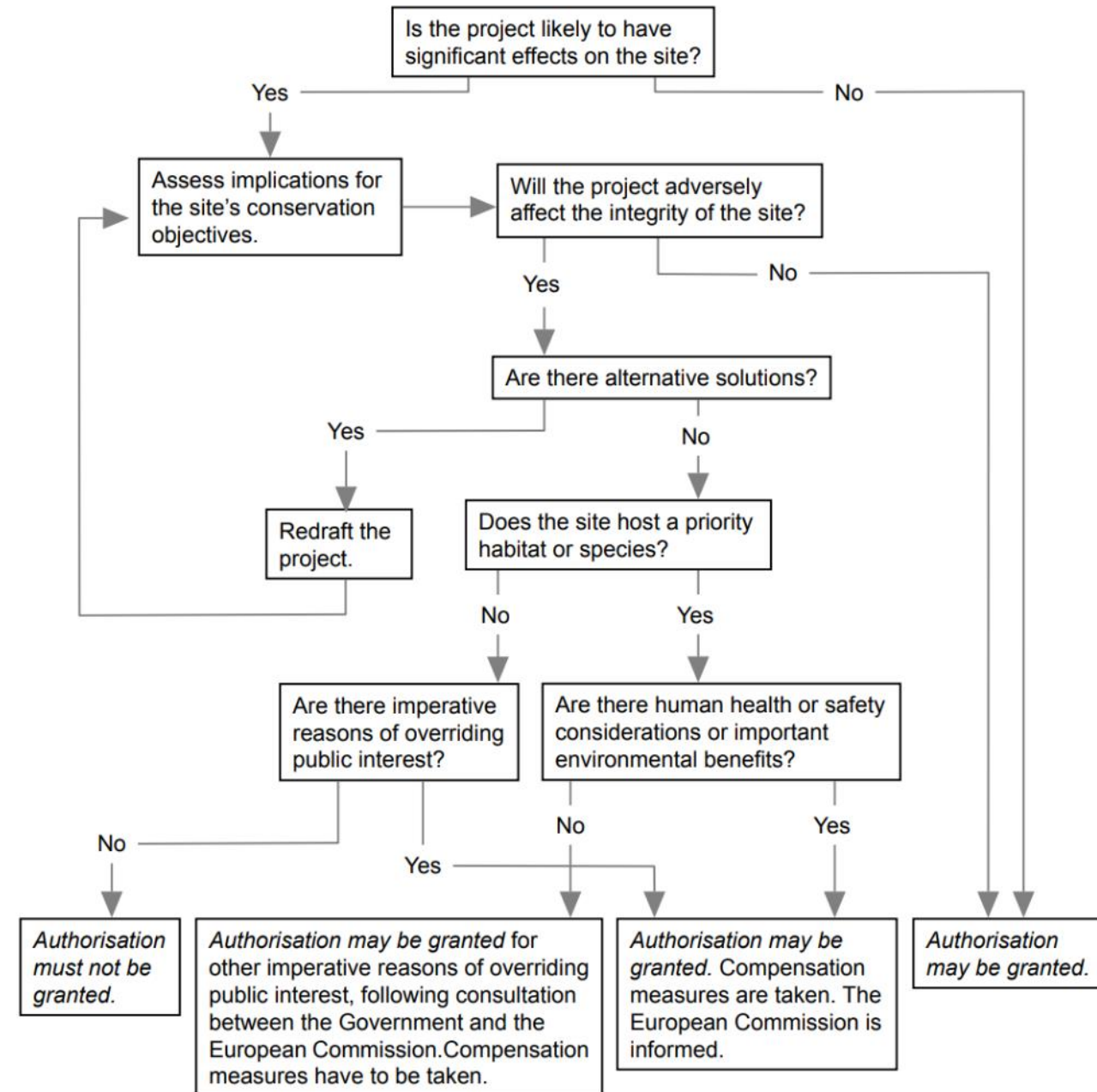
- Habitat Regulations
Assessment for nationally
significant infrastructure
projects April 2011

Table 1: Four stage process to the HRA

Stage 1:	Screening	The process to identify the likely impacts of a project upon a European site, either alone or in combination with other plans and projects, and consider whether the impacts are likely to be significant.
Stage 2:	Appropriate assessment	The consideration of the impacts on the integrity of the European site ¹⁰ , either alone or in combination with other plans and projects, with regard to the site's structure and function and its conservation objectives. Where there are adverse impacts, an assessment of mitigation options is carried out to determine adverse effect on the integrity of the site. If these mitigation options cannot avoid adverse effects then development consent can only be given if stages 3 and 4 are followed.
Stage 3:	Assessment of alternative solutions	Examining alternative ways of achieving the objectives of the project to establish whether there are solutions that would avoid or have a lesser effect on European sites.
Stage 4:	IROPI	This is the assessment where no alternative solution exists and where adverse impacts remain. The process to assess whether the development is necessary for IROPI and, if so, the potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European site network.

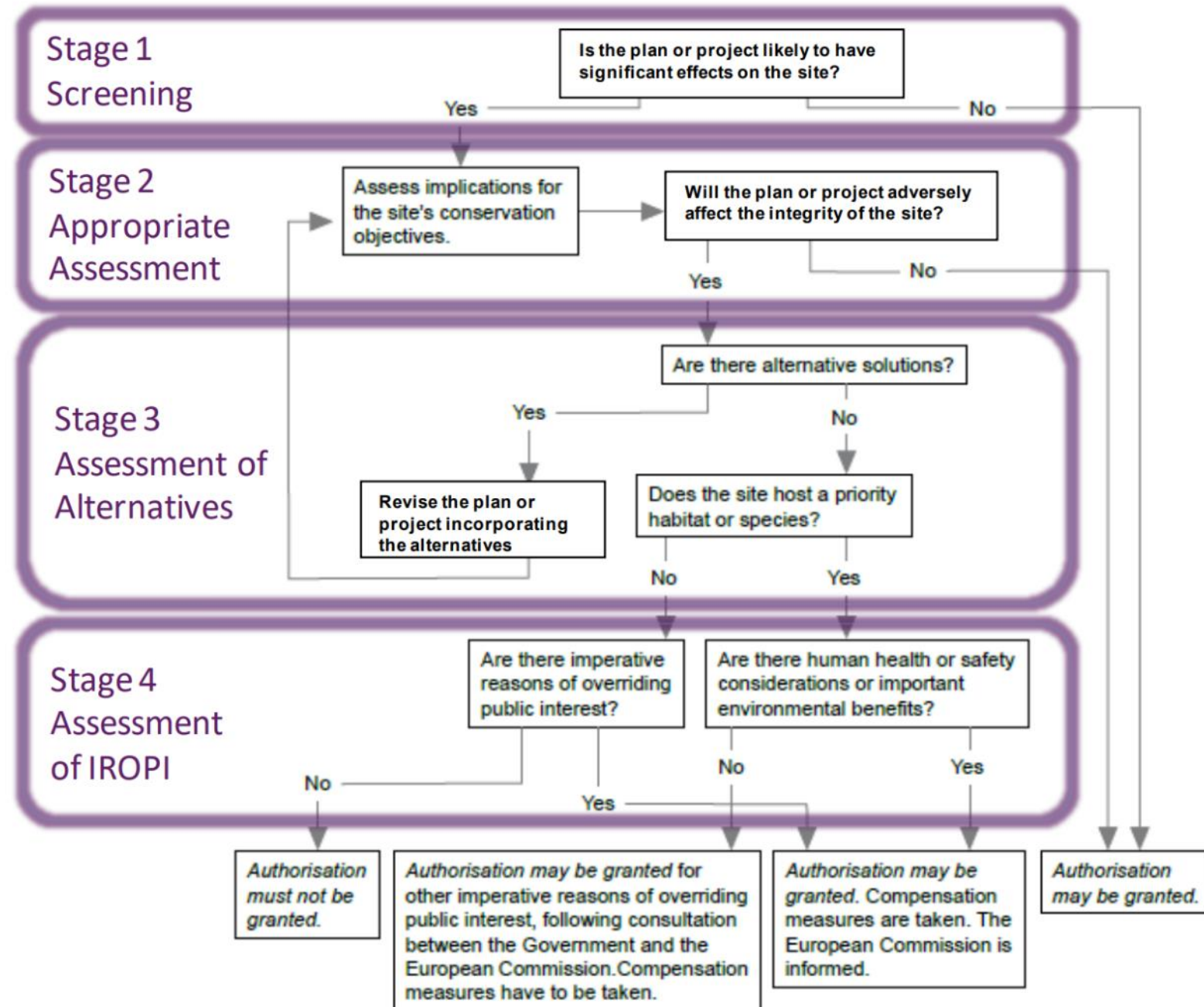
[Advice-note-10-HRA-web.pdf \(uwtsd.ac.uk\)](https://www.uwtsd.ac.uk/advice-note-10-hra-web.pdf)

Consideration of projects affecting European sites



Consideration of pr affecting European

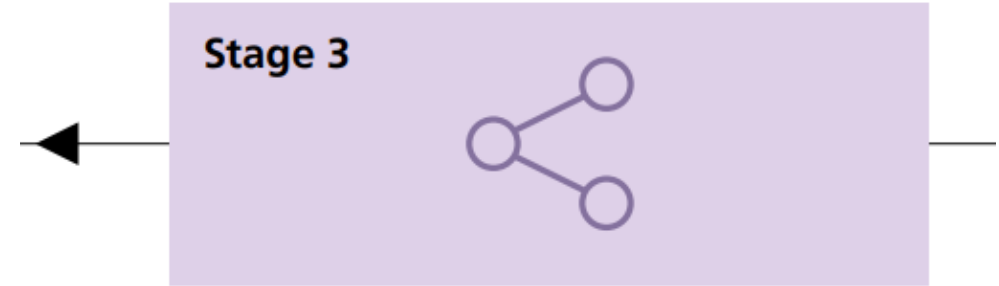
- 1) Screening
- 2) Appropriate Assessment
- 3) Assessment of Alternatives
- 4) Assessment of IROPI



HRA Key Concepts

- Screening for likely significant effects
- In-combination effects
- Appropriate assessment and site integrity
- Avoidance and mitigation
- Roles and responsibilities of the planning authority, developer, statutory and non statutory consultee – who does what and why?

Assessment of Alternatives?



Alternative Solutions

- Where adverse effects cannot be ruled out, the developer should produce a report presenting a robust analysis of optioneering and site selection, an important piece of evidence for navigating Stage 3. This can include alternative technologies, scales, locations and a 'do nothing' alternative.
- The developer's report will inform the competent authority's assessment of whether there are feasible alternative solutions that meet the core objectives of the project.
- Defining the objective of the plan or project is important to assessing alternatives.
- It may become increasingly common for developers to provide a pre-emptive report to satisfy stages 3 and 4, in the event that the stage 2 AA cannot conclude no adverse effects.

What is IROPI?

- Examples of IROPI
- [Habitats Directive: guidance on the application of article 6\(4\)](https://publishing.service.gov.uk/guidance/permissions/copyright/copyright-exceptions/habitats-directive)
(publishing.service.gov.uk)

Stage 4



IROPI and compensation

- If there are no feasible alternative solutions, then a plan or project may only proceed if the competent authority is satisfied that the scheme must be carried out for imperative reasons of overriding public interest (IROPI).
- The IROPI grounds on which a plan or project can proceed include reasons relating to human health, public safety, or beneficial consequences of primary importance to the environment. For non-priority habitats and species, grounds relating to social or economic benefit can also be considered. Other IROPI may only be considered following an opinion from the EC (or other body post-Brexit).
- Compensatory measures, to compensate for the known negative effects of the plan or project, may be needed. The feasibility of such measures must be assessed, and they must be secured before consent is given.

EU Legislation

- HRA ‘ Habitats Regulations Assessment’ is a process set out within European legislation, transposed into UK law. It is a requirement directed at all public bodies (competent authorities), and Natural England’s role is to help public bodies fully meet their duties. Natural England is a competent authority too! Birds Directive (1979) 2009 –SPAs Habitats Directive 1992 –SACs Conservation of Habitats and Species Regulations 2010, as amended

[habitats-regulations-toolkit-2020 \(cms.law\)](https://cms.law.gov.uk/habitats-regulations-toolkit-2020)

What about HRA post-Brexit?

- The Habitats Regulations are planned to be retained post-Brexit.
- New legislation will retain the requirements of the Habitats Regulations, while making practical adjustments for the UK’s exit from the EU.
- But what does this really mean for the UK’s European sites? After Brexit, sites that previously contributed to the EU’s Natura 2000 network will instead form part of a ‘national site network’.
- The implications of this are that a number of decisions in relation to site designation and HRA under the Habitats Regulations may be made with reference to the UK, rather than the EU context.
- Species such as Great Crested Newts, which are more common in the UK than other parts of the EU, may see protections being diluted.

Site specific factors

- Components of a site's 'integrity' (structure, function, supporting processes) based on its qualifying features
- Scale of impact
- Duration of impact and recovery/reversibility
- Long term impacts, biological-lag and sustainability
- Dynamic systems
- Conflicting feature requirements
- Off-site impacts
- Uncertainty over cause and effect

HRA and the WMNP

- [welsh-national-marine-plan-habitats-regulation-assessment.pdf \(gov.wales\)](#)



HRA and the WMNP

Screening

The screening broadly employs the following steps and principles, which are consistent with current guidance:

- i. Review the plan objectives and policies to identify a reasonable 'zone of environmental influence' for the plan (and hence the effective boundary beyond which 'no effects' would be anticipated), and the potential mechanisms or pathways by which European sites or interest features could be affected.
- ii. Identify those WMNP sectors and policies that can be 'screened out' from further consideration; these will principally be:
 - ▶ policies that cannot have an effect (e.g. general statements of policy; policies that don't promote a change; non-specific protective policies; etc.); or
 - ▶ policies that reflect or incorporate external plans or programmes that have been subject to HRA (e.g. oil and gas licensing).
- iii. Review the plan policies (particularly the 'protective' policies) to ensure that those that are 'screened out' are suitably drafted and that the cross-cutting policies provide appropriate safeguards against the possibility of residual non-specific effects.
- iv. Identify those European sites and features that are potentially vulnerable (i.e. both exposed and sensitive) to the 'screened in' policies (i.e. those sites within or near the marine plan area; or mobile interest features that may be dependent on or utilise the marine plan area during



Activity

Click on the following link: [welsh-national-marine-plan-habitats-regulation-assessment\(1\).pdf \(uwtsd.ac.uk\)](https://uwtsd.ac.uk/welsh-national-marine-plan-habitats-regulation-assessment(1).pdf)

Using the sector you analysed previously, address how this is integrated into the HRA for the Welsh National Marine Plan.

How well are the impacts of your sector documented? What key impacts does your sector produce? Please summarise this information for your infographic.

Upload your final infographic to Teams
(30 mins)



Activity

Follow the link: [Natural Resources Wales / Find protected areas of land and sea](#)

- **Choose a protected area of sea/coastal area**

See if you can find a HRA located within your protected area? Remember it needs to be a European designation

What are the key take away messages?

(15 mins)