

## 7. DOES THE PLAN OR PROJECT NEED AN APPROPRIATE ASSESSMENT?

### 7.1 Introduction

Appropriate assessment (or ‘Habitats Regulation Assessment’, HRA) is one of the most powerful tools currently available to control the environmental impacts of airport development. Whereas sustainability appraisal is a decision-informing tool, appropriate assessment is often described as a decision-*making* tool because has the potential to stop development.

Appropriate assessment tests whether a plan or a project is likely to have a significant negative impact on any:

- Special Protection Area – a European designation which protects birds
- Special Area of Conservation – a European designation which protects habitats
- Ramsar site – a European designation which protects wetlands.

Jointly, these are called ‘European sites’. Appropriate assessment does not apply to other designations, like Sites of Special Scientific Interest or Areas of Outstanding Natural Beauty.

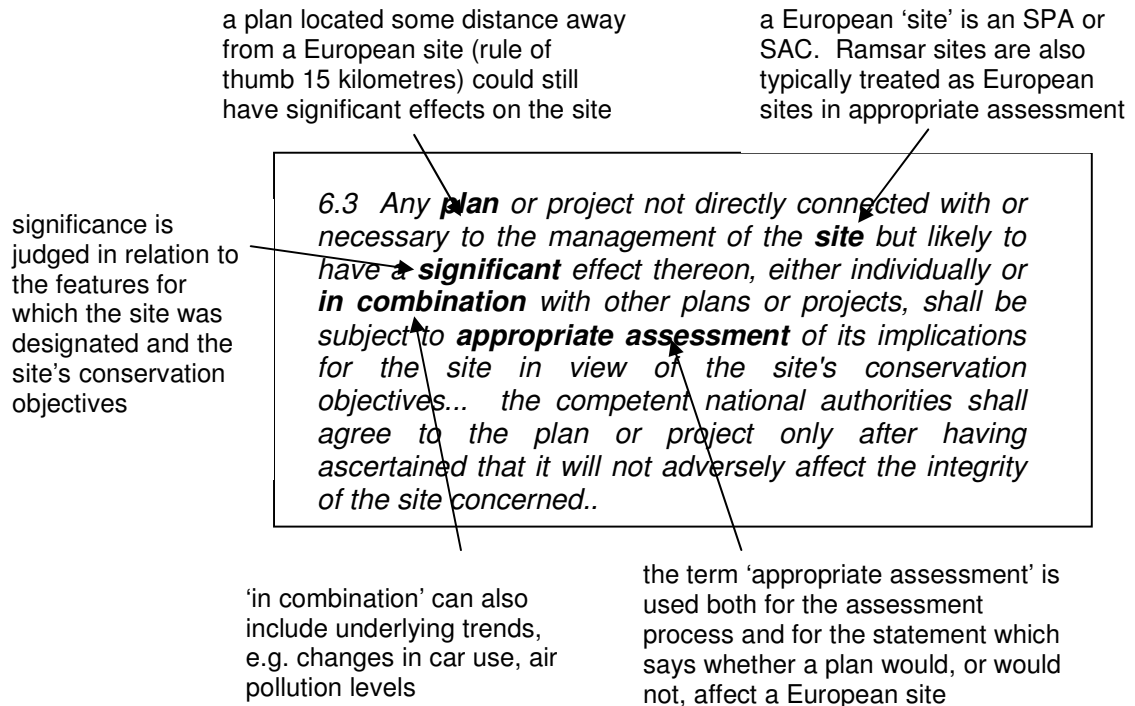
Appropriate assessment can apply to any airport-related plan or project: projects like proposals for an extended runway or new terminal, airport master plans, local authority Development Plan Documents, or Regional Spatial Strategies.

Appropriate assessment will only affect a project or plan if the project/plan will have a significant impact on the ‘site integrity’ of a European site: the reason why the site was designated. It is the duty of the airport operator (for projects and airport masterplans) or local/regional authority (for plans that include airport development) to carry out the appropriate assessment. However, appropriate assessment is in its early days, and many authorities are not familiar with it.

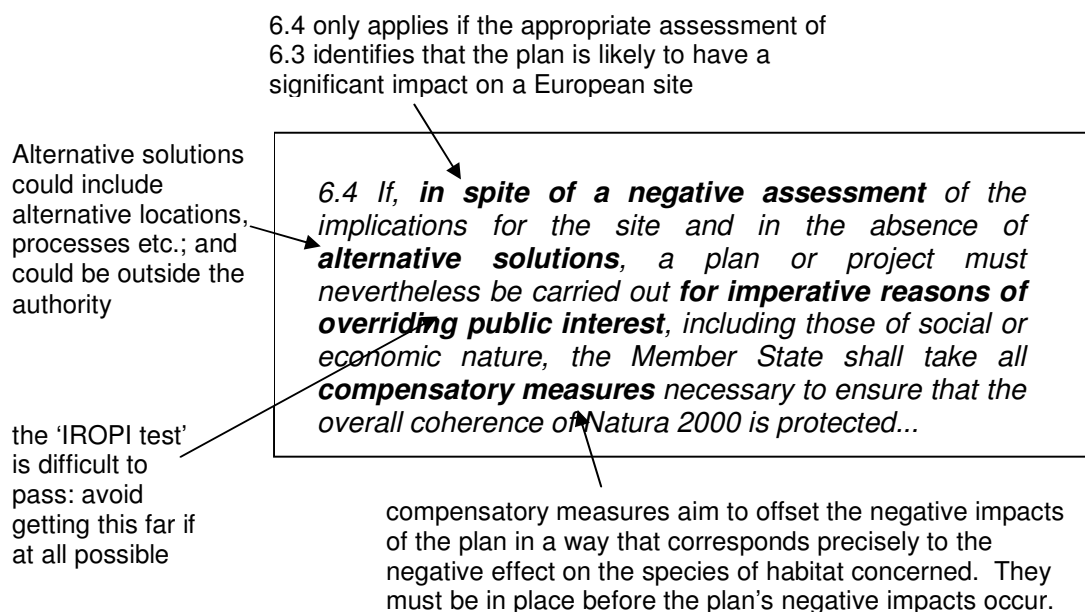
The next section summarises the legal requirements of appropriate assessment. It is quite technical, but shows that appropriate assessment really has the potential to be a powerful tool. You may prefer to move directly to [Section 7.3](#), which explains how to determine whether appropriate assessment applies to ‘your’ project or plan.

## 7.2 What is appropriate assessment?

'Appropriate assessment' is required by Article 6(3) of the European Habitats Directive:



Article 6(4) of the Directive goes on to discuss alternative solutions, the test of "imperative reasons of overriding public interest" (IROPI) and compensatory measures:



You were warned: it's technical!

Although guidance on appropriate assessment for projects exists, guidance on HRA of plans is only in draft form at the moment (December 2007). [Box 7.1](#) gives information on existing guidance documents.

### **Box 7.1 Appropriate assessment regulation and guidance**

The European Commission's two guidance documents are key references. They focus primarily on project appropriate assessment:

- European Communities (2000) *Managing Natura 2000 Sites*: [http://europa.eu.int/comm/environment/nature/nature\\_conservation/eu\\_nature\\_legislation/specific\\_articles/art6/pdf/art6\\_en.pdf](http://europa.eu.int/comm/environment/nature/nature_conservation/eu_nature_legislation/specific_articles/art6/pdf/art6_en.pdf)
- European Commission (2001) *Assessment of plans and projects significantly affecting Natura 2000 sites*: [http://europa.eu.int/comm/environment/nature/nature\\_conservation/eu\\_nature\\_legislation/specific\\_articles/art6/pdf/natura\\_2000\\_assess\\_en.pdf](http://europa.eu.int/comm/environment/nature/nature_conservation/eu_nature_legislation/specific_articles/art6/pdf/natura_2000_assess_en.pdf)

Various government departments have published draft guidance on appropriate assessment of plans:

- DCLG (2006). *Planning for the Protection of European Sites: Appropriate Assessment – Guidance for Regional Spatial Strategies and Local Development Documents*, <http://www.communities.gov.uk/index.asp?id=1502244>.
- Welsh Assembly Government (2006) *The Appropriate Assessment of Development Plans in Wales Under the Provisions of the Habitats Regulations*, [http://wales.gov.uk/docrepos/40382/4038231121/403821/403821/403827/40382/860788/Final\\_Copy\\_Consultation\\_Doc1.pdf?lang=en](http://wales.gov.uk/docrepos/40382/4038231121/403821/403821/403827/40382/860788/Final_Copy_Consultation_Doc1.pdf?lang=en)
- English Nature (2006). *Draft Guidance: The Assessment of Regional Spatial Strategies and Sub-Regional Strategies Under the Provisions of the Habitats Regulations* (not on the Internet)
- Scottish Executive (2006) *Assessment Development Plans in Terms of the Need for Appropriate Assessment: Interim Guidance*, <http://www.scotland.gov.uk/Publications/2006/06/02093425/0>

Scott Wilson and three other consultancies have published guidance on appropriate assessment of plans, which AEF recommends: <http://www.landuse.co.uk/Downloads/AppropriateAG.pdf> (2006)

And the RSPB have published *Appropriate Assessment of Development Plans in England*, [http://www.rspb.org.uk/Images/spatialplansengland\\_tcm9-168180.pdf](http://www.rspb.org.uk/Images/spatialplansengland_tcm9-168180.pdf). (2007).

The European Commission (2001) guidance recommends an appropriate assessment process of up to four stages:

1. **Screening:** Determine whether the project of plan, 'in combination' with other projects or plans, is likely to have a significant adverse impact on a European site.
2. **Appropriate assessment:** Determine, in more detail, the impact on the integrity of the European site of the project or plan, 'in combination' with other projects or plans, with respect to the site's structure, function and conservation objectives. Where there are adverse impacts, assess the potential mitigation of those impacts. Where there aren't, then the project or plan can proceed as it is.

3. **Assessment of alternative solutions:** Where the project or plan is likely to have an adverse effect (or risk of this) on the integrity of a European site, examine alternative ways of achieving the project or plan objectives that avoid adverse impacts on the integrity of the European site.
4. **Assessment where not alternative solutions remain and where adverse impacts remain:** Assess compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI) it is deemed that the project or plan should proceed.

It is because one of the steps of the appropriate assessment process is also called 'appropriate assessment' that the overall process is often called 'Habitats Regulations Assessment'.

### 7.3 Could 'my' airport project or plan affect a European site?

If appropriate assessment shows that a species or habitat on a European site near to 'your' airport-related development is sensitive to 'in combination' impacts of that development, then 1. the developer or local authority should carry out further appropriate assessment work, and 2. the plan/project may need to be changed or even halted.

Full appropriate assessment is too complicated for a layman to carry out. However **you can do some straightforward background work to find out whether it is even worthwhile calling for the airport operator or local authority to carry out an appropriate assessment.** You can identify:

- any European sites located near the proposed development
- the habitat(s) or specie(s) for which they have been designated
- whether that habitat or species is sensitive to the proposed development.

#### Where are nearby European sites?

As a rule of thumb, European sites within 5 kilometres of an airport *might* be affected by an airport plan or project. Beyond 5 kilometres, any impact is unlikely to be big enough to cause a significant impact (for instance, the airport might still cause noticeable noise, but not enough to affect the number or breeding behaviour of the birds for which a Special Protection Area will have been designated).

[Appendix C](#) shows UK airports and the nearest European sites. If you want to find out more specifically where European sites are located, you can use the interactive map at [http://www.natureonthemap.org.uk/map.aspx?map=int\\_sites](http://www.natureonthemap.org.uk/map.aspx?map=int_sites). Read on only if one or more European sites are within 5 kilometres of 'your' airport.

#### Why has the European site been designated?

European sites are designated because they hold particular animals, plants or habitats ('Annex I' habitats, 'Annex II' animal and plant species). Some of these are 'priority' habitats or species which are in danger of disappearing and are given still extra protection. Appropriate assessment only refers to these habitats and species, no others.

There are two ways of finding out why European sites have been designated. If you are lucky enough to live in the East Midlands, North East, South East, South West, West Midlands or Yorkshire and Humber region, then the HRA of your Regional Spatial Strategy includes that information: click on the appropriate web-link in [Table 7.1](#), find the correct appendix, and the information will be there.

Alternatively, you can refer to the Joint Nature Conservation Committee's website:

- for Special Areas of Conservation: <http://www.jncc.gov.uk/page-1458>
- for Special Protection Areas: <http://www.jncc.gov.uk/page-1400>
- for Ramsar sites: <http://www.jncc.gov.uk/page-1389>

If you click on the web-link for the relevant European site, you will get a 'Natura 2000 standard data form'. Section 4.2 of that form lists why the site has been designated.

**Table 7.1 HRAs of Regional Spatial Strategies, as of December 2007**

Region	Appropriate assessment for RSS where Step B and C information can be found (most of these are large documents)	
East of England	not in AA version available December 2007	
East Midlands	<a href="http://www.emra.gov.uk/files/draft-habitats-regulations-assessment-reportapril07appendices.pdf">http://www.emra.gov.uk/files/draft-habitats-regulations-assessment-reportapril07appendices.pdf</a>	Appendices 1 and 2
London	not in AA version available December 2007	
North East	<a href="http://www.gos.gov.uk/nestore/docs/planning/rss_documents/m.pdf">http://www.gos.gov.uk/nestore/docs/planning/rss_documents/m.pdf</a>	Table 3.2
North West	should be available in early 2008 at <a href="http://www.gos.gov.uk/gonw/Planning/RegionalPlanning/?a=42496">http://www.gos.gov.uk/gonw/Planning/RegionalPlanning/?a=42496</a>	
South East	<a href="http://www.southeast-ra.gov.uk/southeastplan/key/app_assess/appropriate_assessment-vol2.pdf">http://www.southeast-ra.gov.uk/southeastplan/key/app_assess/appropriate_assessment-vol2.pdf</a>	Tables 2, 3, 4
South West	<a href="http://southwest-ra.gov.uk/media/SWRA/RSS%20Documents/Technical%20Documents/Technical%20Work/Habitat%20Regulations%20Assessment/Appendix_1_N2K_site_information.pdf">http://southwest-ra.gov.uk/media/SWRA/RSS%20Documents/Technical%20Documents/Technical%20Work/Habitat%20Regulations%20Assessment/Appendix_1_N2K_site_information.pdf</a>	page 15 onwards
West Midlands	<a href="http://www.wmra.gov.uk/page.asp?id=121">http://www.wmra.gov.uk/page.asp?id=121</a>	Appendix C
Yorkshire & Humber	<a href="http://www.yhassembly.gov.uk/dnlds/YH%20RSS%20AA%20final%20e.pdf">http://www.yhassembly.gov.uk/dnlds/YH%20RSS%20AA%20final%20e.pdf</a>	Appendix 3

Is the habitat or species sensitive to airport-related development?

An airport-related development will only have a significant impact on a habitat or species if that habitat/species is sensitive to

- air pollution
- noise
- light pollution
- disturbance by aircraft or traffic
- possibly (depending on the location) water levels and water quality.

For instance, Desmoulins' whorl snail is an Annex II species which needs damp logs to live on. If a development removes those logs, it will have a significant impact on the snail;

but if it 'only' increases air pollution, noise and disturbance without affecting the logs, it won't have a significant impact on the snail.

The HRA reports for Regional Spatial Strategies (see [Table 7.1](#)) or Section 4.3 of the European sites' Natura 2000 forms will tell you what types of impacts the site is vulnerable to.

***If it looks like a species or habitat near 'your' airport-related development could be vulnerable to the impacts of that project, then contact your local authority and ask for a full appropriate assessment to be carried out. Refer them to the legislation and guidance in [Table 7.1](#).***