

Habitats Directive Assessments

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Wind Energy Strategies

What is a HDA

- Tests impact of plan/project on European Sites i.e. SPAs/SACs
- Concludes with yes/no statement: will plan have significant impact on European site?
- It is very precautionary
- Most be based on Science
- ‘Appropriate assessment’ specifically refers to Stage 2 of the HDA process

Required by European Habitats Directive

European Court of Justice ruling C 418/04

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Circular Letter SEA 1/08 & NPWS 1/08

This Circular is an interim measures as currently there is no legal requirement for HDA of Plans

New Habitats Regulations & Planning Bill 2009
– seek to satisfy ECJ ruling and correctly transpose Directive into National Legislation

6.3 Any **plan** or project not directly connected with or necessary to the management of the site but **likely** to have a **significant** effect thereon, either individually or **in combination** with other plans or projects, shall be subject to **appropriate assessment** of its implications for the site in view of the site's conservation objectives... the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned..

6.3 Any **plan** or project not directly connected with or necessary to the management of the **site** but likely to have a **significant** effect thereon, either individually or **in combination** with other projects, shall be subject to assessment of its potential **implications** for the **conservation** of the **site** and its **special** **interests**. Such assessment shall only be carried out **after** having ascertained that the project is likely to **affect** the **site**.

a plan or project outside a European site could still have significant effects on the site and could still require HDA.
Ex-situ effects are a particular issue for wind energy plans/projects

6.3 Any **plan** or project not directly connected with or necessary to the management of the **site** but **likely** to have a **significant** effect thereon, either **individually** or **in combination** with other plans or projects, shall be subject to the same requirements as the site plan. The applicant shall submit a site plan showing the location of the proposed project and the location of the site plan. The applicant shall also submit a site plan showing the location of the proposed project and the location of the site plan. The applicant shall also submit a site plan showing the location of the proposed project and the location of the site plan.

Precautionary Principle
Underpins Land-use control measures
If LSEs cannot be excluded HDA is triggered

6.3 Any **plan** or project not directly connected with or necessary to the management of the **site** but likely to have a **significant** effect thereon, either individually or **in combination** with other plans or projects, shall be subject to **appropriate assessment** of its implications for the **conservation** of the **site**. The **significance** is judged in terms of effects to the **Qualifying features** for which the site was designated and the site's **conservation objectives**.

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HDA involves a cumulative assessment – cannot deal with a plan/project in isolation

6.3 Any **plan** or project not directly connected with or necessary to the management of the **site** but likely to have a **significant** effect thereon, either individually or **in combination** with other plans or projects, shall be subject to **appropriate assessment** of its implications for the site in view of the site's conservation objectives...

authorities shall not grant a licence for a project only after it has been ascertained that the project will not adversely affect the site's conservation objectives.

Focus on **Appropriate** Issues – impacts to Qualifying Features etc. rather other environmental issues not relevant to these features

If Art. 6.3 identifies adverse effects, but if the plan must still be implemented – move to Art 6.4 assessment

6.4 *If, in spite of a negative assessment of the implications for the site and in the absence of **alternative solutions**, a plan or project must nevertheless be carried out **for imperative reasons of overriding public interest...** the Member State shall take all **compensatory measures** necessary to ensure that the overall coherence of Natura 2000 is protected...*

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Alternative solutions could include alternative locations, processes etc.

6.4 *If, in spite of a negative assessment of the implications for the site and in the absence of **alternative solutions**, a plan or project must nevertheless be carried out **for imperative reasons of overriding public interest**... the Member State shall take all **compensatory measures** necessary to ensure coherence of Natura 2000 is*

the 'IROPI test' is difficult to pass: avoid getting this far if at all possible

6.4 If, in spite of the compensatory measures aim to offset precisely the negative impacts of the plan, the implications of the alternative must nevertheless be carried out **for imperative reasons of overriding public interest...** the Member State shall take all **compensatory measures** necessary to ensure that the overall coherence of Natura 2000 is protected...

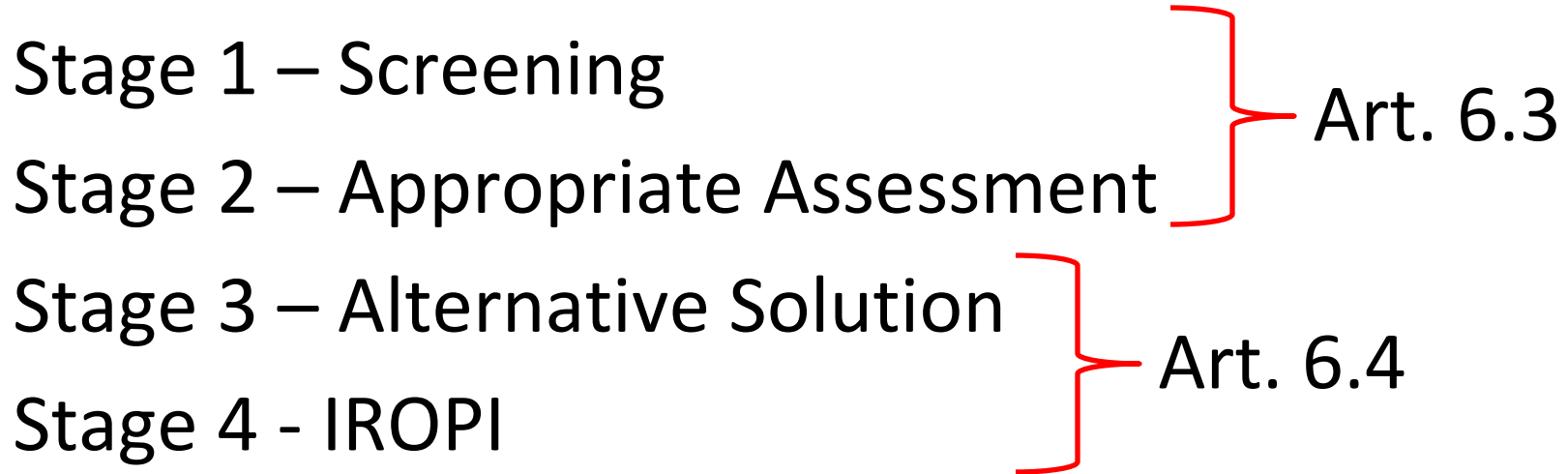
HDA promotes hierarchy of measures:

avoidance: prevent significant impacts from happening in the first place

mitigation: reduce the magnitude and/or likelihood of an impact

compensation: provide a new benefit to balance out the impact

Stages in HDA Process



Focus on an Iterative process of Stage 1 & 2.

Avoid moving to Art. 6.4 – Stage 3 & 4

Screening

Identify European Sites within the sphere of influence of the Plan. Current guidance – 15km within the boundary of the plan area – this is not set in stone

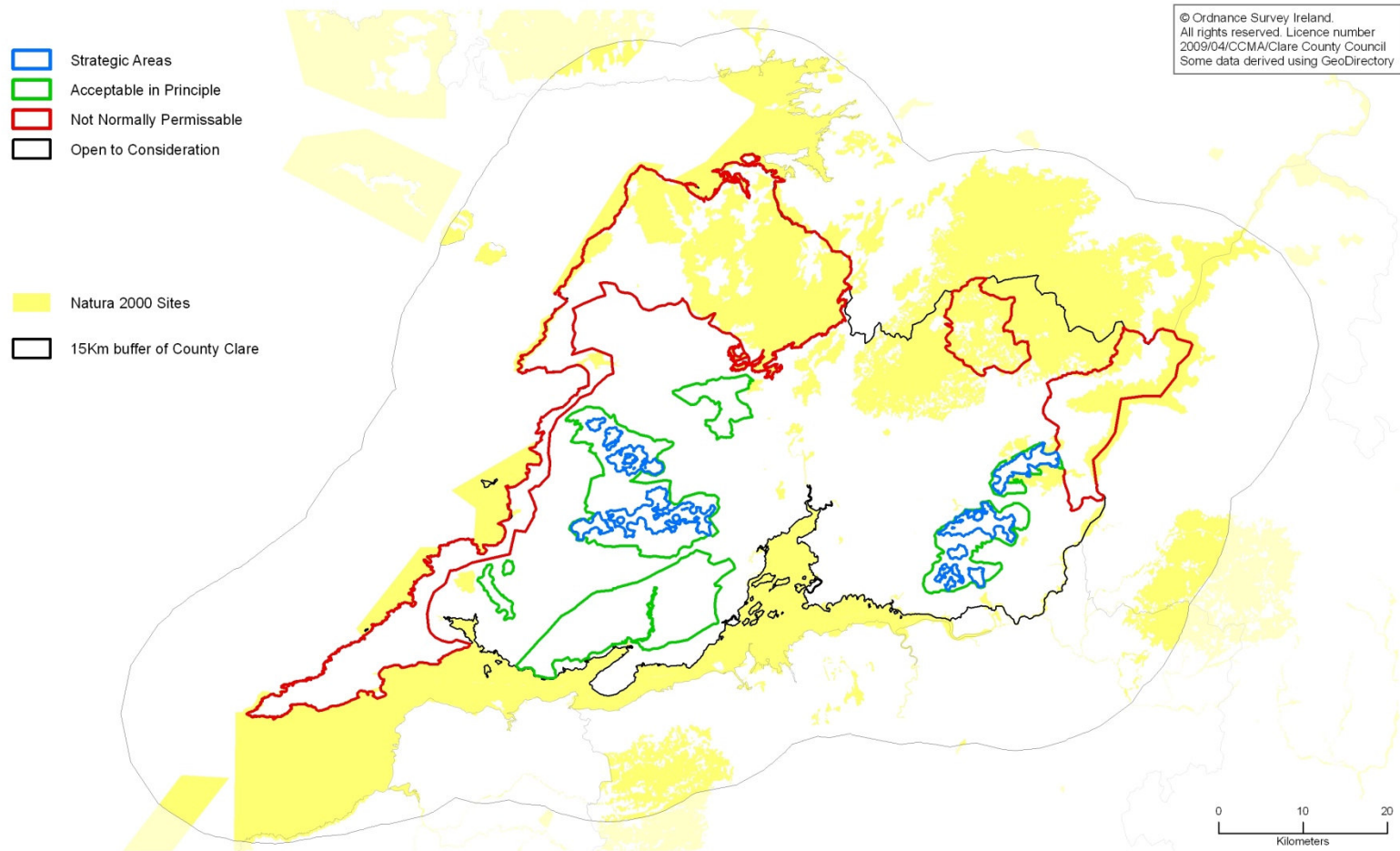
Identify potential impacts associated with the Plan
Identify likely significant effects (LSEs) to European Sites.

Are Significant adverse effect likely?

No – Screen Site out



Yes – Proceed to Stage 2 AA

Screening – Identifying European Sites



DATE: 24/11/09	SCALE: 1:420,000
REF: AA/N00	SIZE: A3
DRAWN: EV	APPROVED: PO'D

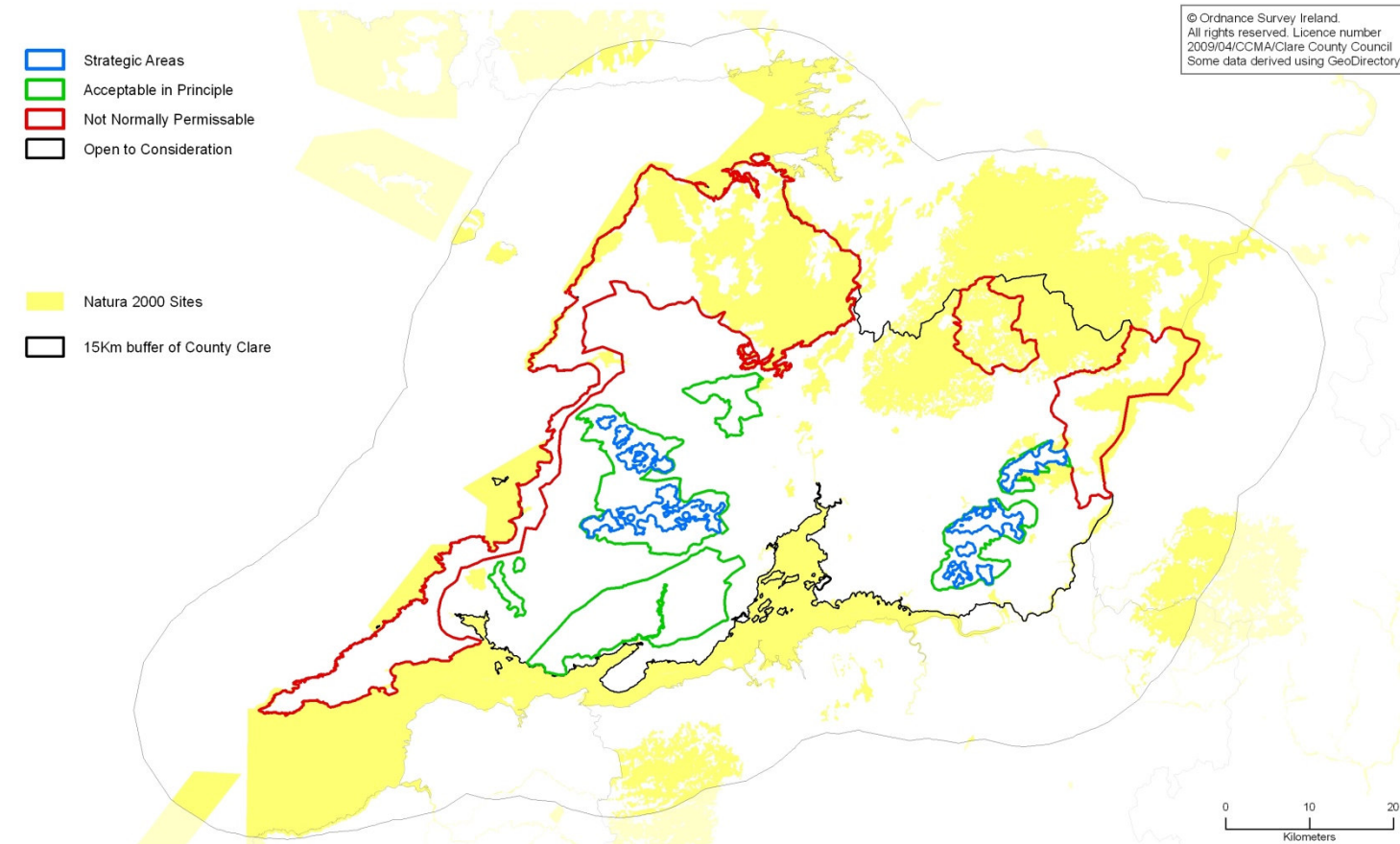
HABITATS DIRECTIVE ASSESSMENT - NATURA 2000 SITES
Clare County Council Wind Energy Strategy


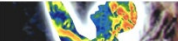



minogue & associates
 Tuamgraney, County Clare
 T: 061 640667

ERA-MAPTEC Ltd.
 40 Lwr. O'Connell St. Dublin 1
 www.era.ie

Avoiding Impacts at an early Stage – Wind energy Areas outside SACs/SPAs



DATE: 24/11/09	SCALE: 1:420,000	HABITATS DIRECTIVE ASSESSMENT - NATURA 2000 SITES	 minogue & associates Tuamgraney, County Clare T: 061 640667
REF: AA/N00	SIZE: A3		Clare County Council Wind Energy Strategy
DRAWN: EV	APPROVED: P.O'D		 ERA-MAPTEC Ltd. 40 Lwr. O'Connell St. Dublin 1 www.era.ie

Identifying Impacts

- Need to understand the impacts associated with the Plan
- What are the potential Ecological Impacts of a wind farm development
- Apply these impacts to Qualifying Interests of European Sites

Wind Farms – Ecological Impacts

Component

Impact

Turbines

Collision Displacement Barrier Effect

Construction Compound

Habitat Loss/disturbance

Site Access

Habitat Loss/disturbance
Pollution/Sedimentation

Cable Trenching

Erosion – habitat degradation
Habitat loss

Turbine Foundations – Crane Pads

Hydrological issues
Pollution/sedimentation

Grid Connections

Habitat loss/degradation
Bird fatalities

Substation-Control Building

Habitat loss/degradation
Hydrological issues

Forest Clearance

Water Quality – Sedimentation/Nutrient
leaching

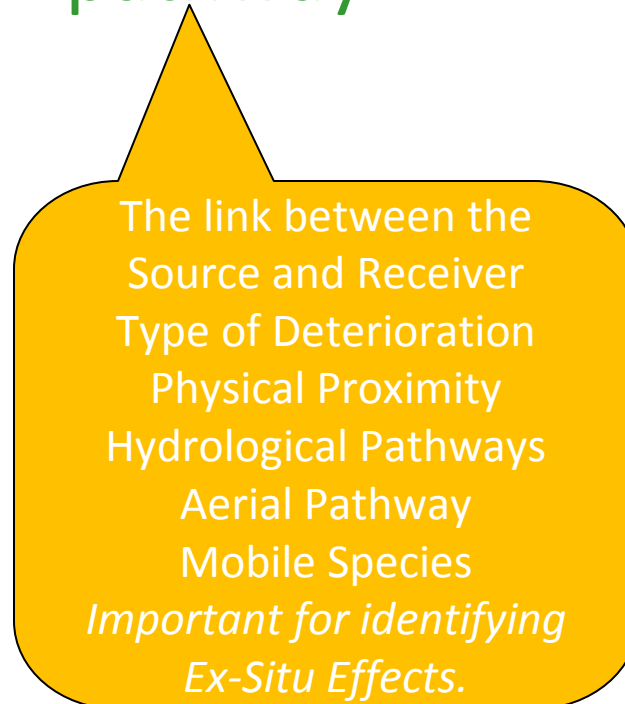
Screening for LSEs

Use of Consistent and Repeatable Approach to Screening: Source – Pathway – Receiver Model

source



pathway



receiver



In-combination Effects

- Focus on other relevant plans/project that may result in cumulative impacts e.g. will the Clare wind energy Strategy combine with similar plans in Galway to adversely effect the Slieve Aughties SPA.
- Can be difficult to identify relevant plans – no central repository of land use plans.

Identifying LSEs for SACs

Habitats

LSEs can be identified at Plan Stage

Predict impacts to habitats based on
components and associated impacts

Can Screen for LSEs to European Sites

Will inform Wind Strategy Zonings

Significant Adverse Effects Likely

- Provide Mitigatory Policies at Plan Stage e.g. Acceptable in Principle areas surrounding Cloon River may have adverse effects on populations of FPM
- Outline construction requirements for the prevention of sedimentation to watercourses
- Include measures to monitor mitigation – whose responsible for implementation

Identifying LSEs for SACs

Species

LSEs for species often dependent on Habitat LSE's
e.g. Freshwater pearl mussel, otter, Killarney Fern

Can be identified at Plan Stage

Predict LSEs for species based on components and
associated impacts

Can Screen for LSEs

Will inform Wind Strategy Zonings

Significant Adverse Effects Likely

- Provide Mitigatory Policies at Plan Stage
- e.g. No Strategic Areas designated within 8km of Lesser Horseshoe SACs

Identifying LSEs for SPAs

Habitats

As outlined for SACs

Birds

More difficult to predict

Ex-situ impacts can be significant but cannot be quantified

To many unknowns

Flight paths.....flight behaviour.....location of secondary roosting/feeding sites outside SPAs

Assessing Unknowns

Even difficult to quantify at the Project Level

Requires detailed assessment with considerable effort:

- 2 years worth of survey
- Radar and infrared surveys
- Vantage Point surveys – 36hrs per VP per season
- Nocturnal surveys may be required

Dealing with Uncertainty

Where there is uncertainty the Precautionary Principle should apply – impacts should be assumed to occur.

Where there is uncertainty due to lack of detail about projects in the plan – devolve decisions to lower-tier

Plan wording should reflect the level of uncertainty at the plan stage.

Plan should be flexible in relation to proposed developments

Key Issues

Lack of policy position in relation to the designation of Strategic Areas with respect to SPA impacts

Lack of guidance with regard to dealing with uncertainties

Difficulties in identifying other Plans/Projects