

Annex 2 Habitats Regulations Assessment

In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc) (Northern Ireland) 1995 (as amended), DAERA has considered whether the project, plan or proposal either alone or in combination (neither being directly connected with or necessary to the management of the site) is likely to have a significant effect on the Natura 2000 site.

As part of that consideration, applied the precautionary approach set out in European Commission Guidance: “Managing Natura 2000 Sites”¹ and by the European Court of Justice in C-127/02, Waddenzee, paragraphs 56 and 59.²

“The authorisation of a plan or project may only be granted if the Competent National Authority is certain that it will not have any adverse effect on the integrity of the site concerned. That is where no reasonable scientific doubt remains as to the absence of such effect.”

Web link references for the above:

1. European Commission Guidance: “Managing Natura 2000 Sites”
http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf
 2. European Court of Justice in C-127/02, Waddenzee, paragraphs 56 and 59
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62002J0127:EN:PDF>
 3. The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007 http://www.opsi.gov.uk/sr/sr2007/nisr_20070345_en_1
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Stage 1: Test of Likely Significance

Name of Project or Plan.	Northern Ireland Peatland Strategy 2020-2040
Reference (if available)	
<p>Name and location of Natura 2000 site (s)</p> <p>(Note: Natura 2000 or N2K means SAC and/or SPA. You may put more than one N2K site here if more than one to be assessed i.e. Strangford Lough SPA and Strangford Lough SAC.</p> <p>Initial consultation with the Department as in point (c) above as should help clarify N2K name, location and N2K site features plus all the most recent NIEA available conservation objectives and condition assessments of the sites.</p> <p><u>Note ASSI features which are not SAC or SPA are not required for HRA!</u></p>	<p>The Northern Ireland Peatland Strategy (Draft at this stage) will set a framework for the conservation or if necessary, the restoration of all SACs and SPAs which have semi-natural peatland habitat as a feature in Northern Ireland.</p>
<p>Natura 2000 site features: refer to JNCC website shown →</p> <p>Note: ensure that you assess all features that are classified as A, B, C. You may make mention of any site features of lesser presence i.e. D or E but this is mostly where they are connected to the existence of A, B,C features. Features that are of a presence or distribution below this are not considered N2K. See Data Form on the JNCC web page for the site.</p>	<p>Active Raised Bogs Degraded Raised Bogs still capable of natural regeneration Blanket Bogs Transition mires and quaking bogs Alkaline Fens Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> Depressions on peat substrates of the <i>Rhynchosporion</i> Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p>
<p>Description of the Project or Plan</p> <p>Suggested topics to be covered:</p> <ul style="list-style-type: none"> • Size and scale • Land-take • Distance from Natura 2000 site or key features of the site • Resource requirements (water abstraction etc) • Emission (disposal to land, water or air) • Excavation requirements • Transportation requirements • Duration of construction, operation, de-commissioning etc • Other 	<p>The Northern Ireland Peatland Strategy 2020-2040 will set a framework for the conservation or if necessary, the restoration of all SACs and SPAs which have peatland habitat as a feature in Northern Ireland. This may include the development and implementation of Conservation Management Plans for Peatland SACs/SPAs/ASSIs and undertaking restoration actions as required – management plans will undergo specific Habitats Regulations Assessments.</p>

Is the Project or Plan directly connected with or necessary to the management of the site (provide details)?	Yes
Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 site.	An action in the Draft Peatland Strategy refers to the need for the development and implementation of Conservation Management Plans for Peatland SACs\ASSIs, undertaking restoration actions as required. There are also policy and legislative actions which will support the conservation and restoration of SACs and SPAs in Northern Ireland which have semi-natural peatland as a feature. Once finalised and published, the Northern Ireland Peatland Strategy will be the subject of a fresh HRA.

N2K Feature: Mention all features	Describe any likely direct, indirect effects to the N2K features arising as a result of: reduction of habitat area; disturbance; habitat or species fragmentation; reduction in species density; changes in key indicators of conservation value (e.g. water quality, climate change).	
Active Raised Bogs Degraded Raised Bogs still capable of natural regeneration Blanket Bogs Transition mires and quaking bogs Alkaline Fens Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> Depressions on peat substrates of the <i>Rhynchosporion</i> Petrifying springs with tufa formation (<i>Cratoneurion</i>)	Whilst the implementation of the Northern Ireland Peatland Strategy will largely result in positive management actions for all Peatland SACs and SPAs, it must be recognised that some of the peatland restoration measures to be employed may result in direct (extraction for peat dams) or indirect loss of N2K features on site e.g. as a result of the restoration methods not employed correctly or the installation of monitoring or access equipment.	The management proposals for each site will be site specific and sensitive to the integrity of the entirety of the existing peatland habitat across the site. Each management plan will be required to have its own unique Habitat Regulations Assessment which will ensure that there will be no adverse impact on the site selection features.

*Only mitigation measures designed within the application can be considered at this stage. Any conditions that the Competent Authority would impose must be assessed through the appropriate assessment stage (Stage 2).

Describe any potential effects on the Natura 2000 site as a whole in terms of: interference with the key relationships that define the structure or function of the site	None. The purpose of the Northern Ireland Peatland Strategy 2020-2040 is to set a framework for the conservation or if necessary, the restoration of all SACs and SPAs which have peatland habitat as a feature in Northern Ireland. There are no direct works proposed for any designated site and the management plans that will be developed will do so with due regard to the outcomes of a Habitat Regulations Assessment.

Provide details of any other projects or plans that together with the project or plan being assessed could (directly or indirectly) affect the site.	The outcomes of the forthcoming Ammonia Strategy and the recommendations made within it should be considered in the implementation plan which will follow on from this strategy.

Is the potential scale or magnitude of any effect likely to be significant? :	
Alone?	No <input checked="" type="checkbox"/>
In-combination with other projects or plans?	No <input checked="" type="checkbox"/>

List of Agencies / Organisations Consulted: Provide contact name and telephone or email address.	Cara Lavery, CDP, Natural Environment Division, NIEA. Cara.Lavery@daera-ni.gov.uk Eimear Reeve, Natural Environment Division, NIEA. Eimear.Reeve@daera-ni.gov.uk
Habitats Regulations Assessment Summary	It has been determined that the implementation of the Northern Ireland Peatland Strategy will have a positive effect on SAC's and SPA's in Northern Ireland which have semi-natural peatland habitat as a feature. Site specific Habitat Regulation Assessment will be required on any management plans which will involve works taking place directly on designated sites.

Conclusion: Is the proposal likely to have a significant effect on an N2K site?	No <input checked="" type="checkbox"/>
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IF IT HAS BEEN DETERMINED THAT THE PROPOSAL WILL NOT HAVE A SIGNIFICANT EFFECT THEN ASSESSMENT IS COMPLETED.

IF ANY PART OF THE PROPOSAL IS LIKELY TO HAVE A SIGNIFICANT EFFECT AN APPROPRIATE ASSESSMENT WILL BE REQUIRED – STAGE 2 AA.

Data collected to carry out the assessment

Who carried out the assessment?	Renny McKeown, Natural Heritage Branch, RNRPD, DAERA.
Sources of data	Draft Northern Ireland Peatland Strategy 2020-2040 document (as of June 2020). AE1/20/571612
Level of assessment completed	Stage 1: Test of Likely Significance
Where can the full results of the assessment be accessed and viewed?	HPRM Container AE2/19/4949

**DO NOT PROCEED FURTHER IF YOU HAVE ESTABLISHED
THAT THIS PROPOSAL IS UNLIKELY TO IMPACT A N2K SITE
AND NO MITIGATION IS REQUIRED**