**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 Draft Ammonia Strategy, 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, DAERA has applied the precautionary approach set out in European Commission Guidance: “Managing Natura 2000 Sites”[[1]](#footnote-1) and by the European Court of Justice in C‑127/02, Waddenzee, paragraphs 56 and 59.[[2]](#footnote-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.”*

**Stage 1: Test of Likely Significance**

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| **Name of Project or Plan.** | Draft Ammonia Strategy for Northern Ireland |
| **Reference (if available)** |  |
| **Name and location of**  **Natura 2000 site (s)** | All Natura 2000 sites in NI which are sensitive to ammonia concentrations and nitrogen deposition. |
| **Natura 2000 site features:** | All Natura 2000 site features in NI which are sensitive to ammonia concentrations and nitrogen deposition are listed at Annex A.  Further details on the features of individual sites and their conservation objectives can be found at link below.  https://www.daera-ni.gov.uk/landing-pages/protected-areas |
| **Description of the Project or Plan**  **Suggested topics to be covered:**   * 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 | The draft Ammonia Strategy is a Northern Ireland-wide plan to address excess ammonia emissions and Nitrogen deposition. It sets ambitious and achievable targets for ammonia reduction by 2030 and a longer term target to reduce ammonia emissions to a point where critical loads of nitrogen deposition and critical levels of ammonia are not being exceeded at any designated site.  The strategic approach to achieve these targets will include two pillars:  1. An ambitious and verifiable ammonia reduction programme for implementation on farms, including;  a. A series of Northern Ireland wide measures and;  b. Spatially targeted measures in areas around designated sites, designed to meet conservation objectives;  2. A programme of restoration and management of our most valuable habitats to alleviate the symptoms of ammonia and nitrogen exceedance;  The Ammonia Strategy is currently in draft form and will be issued for feedback from stakeholders through a public consultation. Following the conclusion of the consultation process, the Minister of Agriculture, Environment and Rural Affairs will make final decisions on the content of the first NI Ammonia Strategy. |
| **Is the Project or Plan directly connected with or necessary to the management of the site (provide details)?** | No, However, the draft strategy will have potential positive effects for sites experiencing exceedances of ammonia concentrations and/or nitrogen deposition, it is necessary that these exceedances are addressed in a strategic manner. |
| **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.** | The aim of the draft ammonia strategy is that each of its elements will have a positive impact on Natura 2000 sites with nitrogen sensitive features. The NI-wide ammonia reductions will reduce background ammonia concentrations at each Natura 2000 site while spatially targeted measures will work in combination with NI-wide measures to further reduce ammonia exceedance and contribute to improving habitats. Nitrogen sensitive sites which receive a large degree of their nitrogen from local sources will particularly benefit from spatially targeted measures.  The draft strategy highlights that the ammonia reduction programme will need to be accompanied by on-site habitat restoration measures to address existing damage, improve condition and enhance resilience to N loading while efforts continue to reduce emissions at source. The strategy includes the clearly defined Conservation Management Plans (CMPs) currently being prepared for our SACs and SPAs. These CMPs consider pressures and threats, and set out measures aimed at delivering against each site’s conservation objectives. The necessary conservation actions are based on detailed assessment of the site features, their condition, and the key pressures on the site. The results of these condition assessments are used to inform the management required to remedy adverse condition. |

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| **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).** |
| Listed at Annex A | Delivery of the draft ammonia strategy will have a significant beneficial impact on nitrogen sensitive features across N2K sites through a reduction in ammonia emissions and nitrogen deposition. Implementation of Conservation Management Plans and specific conservation actions at Natura 2000 sites are important elements of the Ammonia Strategy.  The draft ammonia strategy is currently being prepared for consultation. Following the input of consultees and consideration of all available evidence, screenings and assessments, final decisions will need to be made on the content of the ammonia strategy. These will include decisions on the nature and timing of the various measures which will form the final ammonia strategy. Decisions on the selection of measures and options within the final ammonia strategy will have a significant and potentially different impact on the nitrogen sensitive features. |

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| **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** | As outlined above, delivery of the draft ammonia strategy will have a beneficial impact on nitrogen sensitive features across N2K sites through a reduction in ammonia emissions and nitrogen deposition, including the key relationships that define the structure or function of the site. |

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| **Provide details of any other projects or plans that together with the project or plan being assessed could (directly or indirectly) affect the site.** | None- the Ammonia Strategy encompasses the relevant DAERA policies. |
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| **Is the potential scale or magnitude of any effect likely to be significant? :** |  |
| **Alone?** | Yes, the draft ammonia strategy will have a significant impact on Natura 2000 sites. The measures highlighted within the draft strategy aim to have a considerable beneficial impact on Natura 2000 sites through the pillars of the strategy ie;  1. An ambitious and verifiable ammonia reduction programme for implementation on farms, including;  a. A series of Northern Ireland wide measures and;  b. Spatially targeted measures in areas around designated sites, designed to meet conservation objectives;  2. A programme of restoration and management of our most valuable habitats to alleviate the symptoms of ammonia and nitrogen exceedance.  The strategy is currently being prepared for public consultation. The nature of the final strategy will be decided having considered the input of consultees and consideration of all available evidence, screenings and assessments. DAERA recognises that the decisions on options for measures within the final strategy could have differential impacts on Natura 2000 sites (ie one mix of measures could have a more beneficial impact on the network of sites than an alternative mix of measures). Given the importance of the ammonia strategy to the management and condition of designated sites, DAERA considers it appropriate to move to an appropriate assessment / full Habitats Regulatory Assessment following receipt of the input from consultees as part of the public consultation exercise. |
| **In-combination with other projects of plans?** | Yes, as outlined above. |

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| --- | --- |
| **List of Agencies / Organisations Consulted: Provide contact name and telephone or email address.** | NI Environment Agency  Klondyke Building  Cromac Avenue, Gasworks Business Park  Belfast  BT7 2JA |
| **Habitats Regulations Assessment Summary** | **The Draft ammonia strategy has the potential for likely significant effects.**  While the Delivery of the draft ammonia strategy will have significant beneficial impacts on nitrogen sensitive features across N2K sites through a reduction in ammonia emissions and nitrogen deposition, there is potential for differing impacts depending on the final range of measures chosen and therefore it is appropriate to proceed beyond the screening stage following conclusion of the public consultation exercise. |

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| **Conclusion: Is the proposal likely to have a significant effect on an N2K site?** | Yes |
|  | |

**Data collected to carry out the assessment**

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| --- | --- |
| **Who carried out the assessment?** | Dr Kate Semple, DAERA  Date 3 January 2023 |
| **Sources of data** | NIEA advice, scientific evidence, experience. |
| **Level of assessment completed** | Stage 1 |
| **Where can the full results of the assessment be accessed and viewed?** | DAERA, Content Manager. |

**Annex A**

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| **Habitats Directive Annex 1 Habitats sensitive to ammonia concentrations and/or N deposition** |
| Species-rich Nardus grassland, on siliceous substrates in mountain areas (and submountain areas in continental Europe) (6230) |
| Active raised bogs (7110) |
| Blanket bogs (7130) |
| Degraded raised bogs still capable of natural regeneration (7120) |
| Old sessile oak woods with Ilex and Blechnum in the British Isles (91A0) |
| Tilio-Acerion forests of slopes, screes and ravines (9180) |
| Alluvial forests with Alnus glutinosa and Fraxinus excelsior (91E0) |
| Bog woodland (91D0) (overlaps) |
| Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia) (6210) |
| Atlantic salt meadows (Glauco-Puccinellietalia maritimae) (1330) |
| Salicornia and other annuals colonising mud and sand (1310) |
| Mudflats and sandflats not covered by seawater at low tide (1140) |
| Shifting dunes along the shoreline with Ammophila arenaria ('white dunes') (2120) |
| Embryonic shifting dunes (2110) |
| Fixed dunes with herbaceous vegetation ('grey dunes') (2130) |
| Atlantic decalcified fixed dunes (Calluno-Ulicetea) (2150) |
| Dunes with Salix repens ssp. argentea (Salicion arenariae) (2170) |
| Humid dune slacks (2190) |
| Perennial vegetation of stony banks (1220) |
| European dry heaths (4030) |
| Northern Atlantic wet heaths with Erica tetralix (4010) |
| Alkaline fens (7230) |
| Transition mires and quaking bogs (7140) |
| Petrifying springs with tufa formation (7220) |
| Calcareous fens with Cladium mariscus and species of the Caricion davallianae (7210) |
| Molinia meadows on calcareous, peaty or clayey-silt-laden soils (6410) |
| Limestone pavements (8240) |
| Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) (8110) |
| Calcareous and calcshist screes of the montane to alpine levels (Thlaspietea rotundifolii) (8120) |
| Siliceous rocky slopes with chasmophytic vegetation (8220) |
| Calcareous rocky slopes with chasmophytic vegetation (8210) |
| Vegetated sea cliffs of the Atlantic and Baltic coasts (1230) |
| Alpine and Boreal heaths (4060) |
| Siliceous alpine and boreal grasslands (6150) |
| Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation (3260) |
| Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea (3130) |
| Hard oligo-mesotrophic waters with benthic vegetation of Chara spp (3140) |
| Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation (3150) |
| Turloughs (3180) |
| Natural dystrophic lakes and ponds (3160) |

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

**Stage 2: Appropriate Assessment Report**

**Fig 1** **Assessment of the Effects of the Project or Plan on the Integrity of the Site**

|  |  |
| --- | --- |
| **Describe the elements of the project or plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the site (from screening assessment)** |  |
| **Set out the Conservation objectives of the site** |  |
| **Describe how the project or plan will affect key species, key habitats and the integrity of the site (determined by structure and function and conservation objectives).**  **Acknowledge uncertainties and any gaps in information.** |  |
| **Describe what mitigation measures are to be introduced to avoid or reduce the adverse effects on the integrity of the site.**  **Acknowledge uncertainties and any gaps in information** |  |

**Fig 2 Appropriate Assessment: Mitigation Measures**

|  |  |  |  |
| --- | --- | --- | --- |
| **List measures to be introduced** | **Explain how the measures will avoid the adverse effects on the integrity of the site.** | **Explain how the measures will reduce the adverse effects on the integrity of the site.** | **Provide evidence of how they will be implemented and by whom.** |
| **(i)** |  |  |  |
| **(ii)** |  |  |  |
| **(iii)** |  |  |  |
| **List mitigation measures (as above)** | **Provide evidence of the degree of confidence in their likely success** | **Provide time-scale, relative to the project of plan, when they will be implemented** | **Explain the proposed monitoring scheme and how any mitigation failure will be addressed** |
| **(i)** |  |  |  |
| **(ii)** |  |  |  |
| **(iii)** |  |  |  |

**Stage 3: Assessment of Alternative Solutions Matrix**

|  |  |  |  |
| --- | --- | --- | --- |
| Assessment of Alternative Solutions | | | |
| The objectives of the Plan or Project | | The ‘Do Nothing’ Alternatives | |
| **Predicted adverse effects of the project or plan on the Natura 2000 site following the Appropriate Assessment** | | | |
| Comparison with chosen project or plan | | | |
| Possible Alternatives | Evidence of how the alternative solutions were assessed | | Describe the relative effects on the conservation objectives of on Natura 2000 (greater or less adverse effects) |
| Alternative locations/routes | | | |
| **Alternative One** |  | |  |
| **Alternative Two** |  | |  |
| **Alternative Three** |  | |  |
| Alternative Size and Scale | | | |
| **Alternative One** |  | |  |
| **Alternative Two** |  | |  |
| **Alternative Three** |  | |  |
| Alternative means of meeting objectives (e.g. demand management) | | | |
| **Alternative One** |  | |  |
| **Alternative Two** |  | |  |
| **Alternative Three** |  | |  |

**Assessment of Alternative Solutions (continued)**

|  |  |  |
| --- | --- | --- |
| Comparison with chosen project or plan | | |
| Possible Alternatives | Evidence of how the alternative solutions were assessed | Describe the relative effects on the conservation objectives of on Natura 2000 (greater or less adverse effects) |
| Alternative methods of construction | | |
| **Alternative One** |  |  |
| **Alternative Two** |  |  |
| **Alternative Three** |  |  |
| Alternative operational methods | | |
| **Alternative One** |  |  |
| **Alternative Two** |  |  |
| **Alternative Three** |  |  |
| Alternative decommissioning methods | | |
| **Alternative One** |  |  |
| **Alternative Two** |  |  |
| **Alternative Three** |  |  |
| Alternative time-scales | | |
| **Alternative One** |  |  |
| **Alternative Two** |  |  |
| **Alternative Three** |  |  |
| Conclusions on Assessment of Alternatives | | |
|  | | |

**Alternative Solutions Assessment Statement**

|  |  |  |
| --- | --- | --- |
| **Describe the alternative solution that would avoid or minimise significant impacts on the Natura 2000 site** | **Explain why the proposed project or plan is favoured over the other alternatives solutions assessed.** | |
|  |  |  |
| **Provide an overall statement to explain why it is considered that in this instance there are no alternatives that would avoid reducing the conservation value of the Natura 2000 site.** | | |
|  | | |

**Stage 4: Evidence of Assessment Matrix**

|  |  |  |  |
| --- | --- | --- | --- |
| Consultation on Alternative Solutions | | | |
| **List of Agencies Consulted:** | **Response to consultation** | **Impact of alternatives on the Natura 2000 site are considered adverse (explain)** | **Impact of alternatives on the Natura 2000 site are considered positive or neutral (explain)** |
|  |  |  |  |
|  |  |  |  |
| Data Collected to carry out the Assessment | | | |
| **Who carried out the assessment** | |  | |
| **Sources of Data** | |  | |
| **Level of assessment completed.** | |  | |
| **Where can the full results of the assessment be accessed and viewed?** | |  | |

**Assessment where no alternative solutions exist and where adverse impacts remain**

**Compensatory Measures Assessment Matrix**

|  |  |
| --- | --- |
| Name and brief description of the project or plan and how it will adversely affect the Natura 2000 site | |
|  | |
| Description of the compensatory measures | |
|  | |
| **Assessment Questions** | **Response** |
| **How were compensatory measures identified?** |  |
| **What alternative measures were identified?** |  |
| **How do these measure relate to the conservation objectives of the site?** |  |
| **Do these measures address, in comparable proportions, the habitats and species negatively affected?** |  |
| **How would the compensatory measures maintain or enhance the overall coherence of Natura 20000** |  |
| **Do these measures relate to the same biogeographical region in the same Member State?** |  |
| **If the compensation measures require the use of land outside of the affected Natura 2000 site, is that land in the long term ownership and control of the project or plan proponent or relevant national or local authority?** |  |
| **Do the same geological, hydrogeological, soil, climate and other local conditions exist on the compensation site as exist on the Natura 2000 site adversely affected by the project or plan?** |  |
| **Do the compensatory measures provide functions comparable to those that had justified the selection criteria of the original site?** |  |
| **What evidence exists to demonstrate that this form of compensation will be successful the long term?** |  |

**Evidence of Assessment Matrix**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Consultation on Compensatory Measures | | | | |
| **List of Agencies Consulted** | **Response to consultation** | **Compensatory Measures were considered acceptable** | | **Compensatory Measures were not considered acceptable** |
|  |  |  | |  |
| Data collected to carry out the Assessment | | | | |
| **Who carried out the assessment** | |  | | |
| **Sources of Data** | |  | | |
| **Level of assessment** | | |  | | |
| **Where can the full results of the assessment be accessed and viewed?** | | |  | | |

1. “Managing Natura 2000 Sites”: <http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf> [↑](#footnote-ref-1)
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> [↑](#footnote-ref-2)