



Next steps: the implications for Habitats Regulations Assessment

Allison Potts
Planning and Advocacy Lead

Why are we here today?



Solent Disturbance and Mitigation Project

- initiated by the Solent Forum
- in response to concerns over the impact of recreational pressure on the features of the European sites
- aims to assess current impacts on survival rates of designated wintering birds
- modelling will be used to predict how increases in housing might affect the sites and how mitigation could offset impacts
- modelling and any necessary mitigation needs to be considered strategically
- if there are impacts to be mitigated we need to identify an effective and practical way to offset them and ensure that development can proceed without harm to designated sites

Why now?



Modelling isn't complete –
how do we know what we
need to mitigate?

-Working concurrently so
we finish faster

- Encourage creativity
(significant impacts not
yet prescribed)



-Allow time for investigation of novel suggestions,
so as not to delay modelling of mitigation measures

What is a likely significant effect?



- Likely Significant Effect is a judgement made at the first stage of an assessment under the Habitats Regulations (screening stage, includes assessment alone or in-combination)
- Made by the Competent Authority, following advice from NE, based on sound judgement and stand up to scientific scrutiny
- Made in relation to the features for which the European site was designated and their conservation objectives and needs to consider the nature of effect, its timing, duration and reversibility.
- In this case, the judgement is not about how much disturbance is significant, it is about at what point does the disturbance affect the survival of the designated wintering birds

When will we know which impacts are significant?



- Modelling work still to be informed by several data sets not yet available
- Modelling work to be complete by May 2011
- Period for consideration of results by experts and discussions amongst stakeholders
- Significant impacts identified by end of July 2011
- NE will provide advice to LPA's which will need to be considered in Habitats Regulations Assessment



What if.....? (1)



There are no likely significant effects identified?



Delivery of development can proceed without mitigation for recreational impacts

Research is a very useful contribution to the evidence base for recreational disturbance

Project can be used as a best practice example for working across boundaries to eliminate the risk of significant effects

What if.....? (2)



There is already a significant effect?

Worst case scenario

Would need to get mitigation in place quickly

Any development that was adding to a significant effect could not proceed without offsetting it's impact

Would need to take steps to tackle existing problem as well



What if.....? (3)



The model predicts that the effects will become significant over the plan period?

Then we have some time to agree an appropriate mitigation approach and make sure it is in place without delay in delivery of development

What if.....? (4)



There is a likely significant effect from an activity which cannot reasonably be controlled through the planning process (e.g. kite surfing)?

Then we will need to work together with relevant stakeholders to agree appropriate Codes of Conduct, bye-laws etc



As the Competent Authority, it is the LPA's responsibility to assess the impacts of plans or projects under the Habitats Regulations, and to consult NE on these assessments

These assessments must be based on the best objective scientific evidence

As the Statutory Authority, it is NE's role to provide the LPA's with advice on the impacts of plans or projects, and to indicate whether or not we are in agreement with the LPA's conclusions

Where we are not in agreement with those conclusions, the LPA must demonstrate how NE's advice has been considered

Next steps



Today – we encourage your full, positive and creative participation in the brainstorming, as potential mitigation measures will be drawn from this list

Modelling results available May 2011

Likely significant effects will be identified by July 2011

The effects of any relevant mitigation measures will be modelled and recommendations made as quickly as possible



