

Merseyside Joint Waste Development Plan Document

APPENDIX 7

APPROPRIATE ASSESSMENT REQUIREMENTS

1.0 Planning for the Protection of European Sites

- 1.1 The purpose of Appropriate Assessment (AA) of a land use plan is to ensure that protection of the integrity of European sites is part of the planning process at sub-regional and local level. Under the Conservation (Natural Habitats, &C (Amendment) (England and Wales) Regulations 2006 Guidance for Regional Spatial Strategies and Local Development Documents (The Habitats Regulations, as amended), Habitats Directives and Habitats Regulations (as amended), it is a requirement of that the Waste DPD complies with the process of Appropriate Assessment.
- 1.2 Whilst the Department for Communities and Local Government is currently consulting on its Guidance for Regional Spatial Strategies and Local Development Documents “Planning for the Protection of European Sites: Appropriate Assessment” it is clear that the guidance and requirements of the Habitats Regulations must be applied throughout the process of developing and preparing the Waste DPD. Emerging best practice suggests that this process should be started early in the preparation of the Waste DPD so as to inform the choice of options to be considered. It should also be undertaken in conjunction with the Sustainability Appraisal process so as to avoid any duplication in evidence gathering.

2.0 Baseline Environment - European Sites (Natura 2000) of Interest

- 2.1 Within the administrative areas of the six Merseyside Waste Planning Authorities, there are currently 6 sites covered by existing or provisional designations and a further 6 within 10-15km of the boundary of the plan area (although more distant sites may be included in the initial screening). These are listed overleaf and identified on Figure A1.
- 2.2 The AA of the Waste DPD will need to consider its effects on these sites in isolation and in combination with other key plans and projects. Natural England has already been consulted on the list of key plans and projects for the “in combination” test.
- 2.3 The European Site citations, maps and conservation objectives have been obtained from Natural England (formerly English Nature) and used to inform:
 - The baseline review as part of the SA Scoping Report; and subsequently
 - The screening process for AA.

Merseyside Joint Waste Development Plan Document

2.4 European Sites within the vicinity of the plan area¹

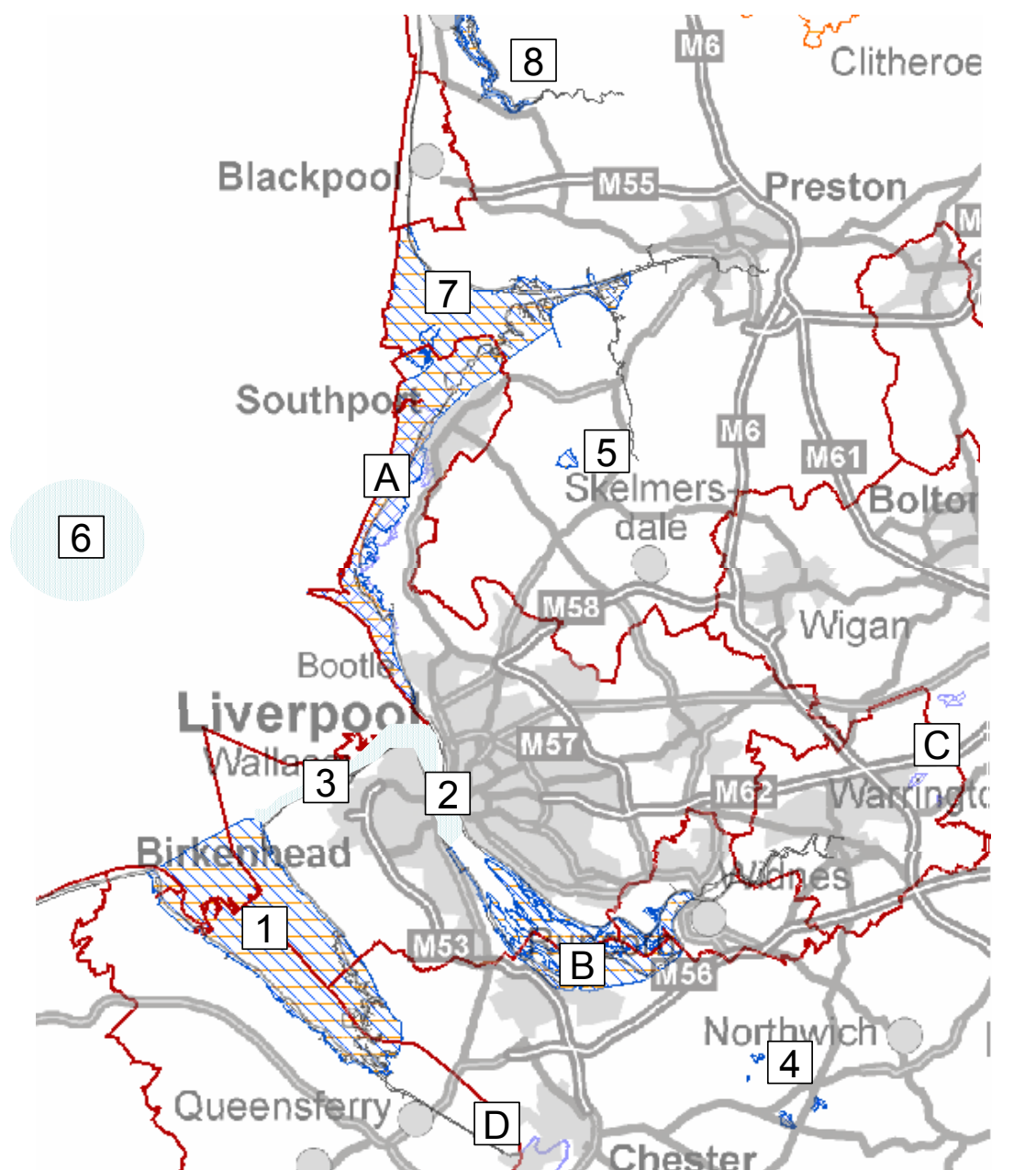
Name	Area (ha)	Status	Main Habitat	Condition (Summary)
<i>Sites within the plan area</i>				
Dee Estuary	5241	SPA Ramsar	Littoral Sediment / Inland Rock	Favourable / Unfavourable recovering
Mersey Estuary	6714	SPA (cSAC) Ramsar	Littoral Sediment / Standing Open Water and Canals	Favourable / Unfavourable recovering
Mersey Narrows	116	pSPA	Littoral Sediment	Favourable
North Wirral Foreshore	1962	pSPA	Littoral Sediment	Favourable
Ribble & Alt Estuaries	9348	SPA Ramsar	Littoral Sediment / Neutral Grassland – lowland	Favourable
Sefton Coast	4634	SAC	Littoral Sediment / Supralittoral Sediment / Broadleaved, Mixed and Yew Woodland – lowland	Unfavourable recovering / Unfavourable no change / Favourable
<i>Sites within approximately 10km of the plan area)</i>				
Liverpool Bay	197504	pSPA	Coastal Waters / Mud Banks / Marine Sediments	Not currently recorded
Manchester Mosses ²	92 173	SAC	Bogs / Marshes / Fens / Broadleaved Woodland	Unfavourable recovering / Unfavourable no change / Unfavourable declining Unfavourable recovering
Martin Mere	120	SPA Ramsar	Neutral Grassland / Lowland	Favourable
Midland Meres & Mosses Phase 1 ³	20	SPA Ramsar	Fen / Marsh / Swamp Standing Water / Open Canals	Favourable / Unfavourable recovering Unfavourable no change
Morecambe Bay ⁴	856	SPA Ramsar	Littoral Sediment	Favourable
River Dee and Bala Lake	350	SAC	Inland Water Bodies	Favourable / Unfavourable no change

¹ English Nature – nature on the map <http://www.natureonthemap.org.uk/map.aspx>. SSSI regional site reports <http://www.english-nature.org.uk/special/sssireportIndex.cfm> (both accessed in November 2006) have been used to summarise current conditions, though sites may not have been surveyed in at least 2-3 years. As Liverpool Bay is a marine area it is not designated as an SSSI and therefore there is no comparable information on its condition.

² Comprises two units – Risley Moss and Astley & Bedford Mosses

³ Comprises two units – Flaxmere Moss and Hatch Mere

⁴ Details apply to the Wyre Estuary



SACs / cSACs

- A** Sefton Coast
- B** Mersey Estuary
- C** Manchester Mosses
- D** River Dee & Lake Bala

SPAs / pSPAs (shown in blue stipple)

- 1** Dee Estuary
- 2** Mersey Narrows
- 3** N Wirral Foreshore
- 4** Midland Mosses
- 5** Martin Mere
- 6** Liverpool Bay
- 7** Ribble /Alt Estuary
- 8** Morecambe Bay

Figure A1: European designations in the plan area and within the vicinity⁵

⁵ Assembled from maps available on <http://www.magic.gov.uk> – accessed in November 2006.

Merseyside Joint Waste Development Plan Document

3.0 Approach to AA in the Development of Issues and Options.

- 3.1 Guidance from DCLG has been prepared at a time when there is considerable uncertainty as to how the AA process will be applied to the Waste DPD. To avoid any risk of procedural non-compliance, a precautionary and risk-based approach to AA has been adopted in the preparation of Issues and Options.
- 3.2 Therefore, whilst current Guidance suggests that AA should not be undertaken until the identification and refinement of options at the Preferred Options (Regulation 26) stage for a DPD, it is considered prudent to develop the AA framework and methodology at Issues and Options and to consult on the proposed approach. As a result, the initial screening stage of the process is applied at the Issues & Options stage of DPD development. The AA proper will be applied in parallel with, and will inform development of the Preferred Options.
- 3.3 Natural England has therefore been consulted at the same time as consultation on SA Scoping.

4.0 Proposed Methodology

- 4.1 It is important to note at the outset that the approach to AA will develop and evolve throughout the development of the Waste DPD in response to best practice, emerging guidance and case law. The method at this stage is therefore proposed and subject to change.
- 4.2 The Waste DPD Issues and Options report is a high level document with no site specific options or specific policy options that lend themselves to the application of AA. It is therefore only possible to test the AA against:
- Spatial Planning Objectives of the Waste DPD.
 - The proposed site identification method (see Issue 3).
- 4.3 A matrix approach has been adopted which identified whether or not there are likely to be any significant environmental effects on the Waste DPD options on the European Site. Whilst this matrix approach is not AA per se, it is being used as the evidence base to help screen the need for and scope any subsequent AA.
- 4.4 The AA method adopted can clearly be demonstrated to be a consideration and key test throughout the options generation and appraisal process of the Waste DPD.

5.0 Site Specific Issues

- 5.1 One of the key sources of baseline evidence that has been used to inform the preparation of the Waste DPD is the Broad Site Search Report (August 2005). A part of that methodology a site specific safeguard for the protection of nature conservation sites has already been incorporated into the site identification process.

Appendices to Accompany the Issue and Options Report

February 2007

Merseyside Joint Waste Development Plan Document

- 5.2 In addition, should a planning application come forward at a future date on any site that is within or adjacent to a European Site, then site specific Appropriate Assessment in accordance with the Habitats Regulations would be triggered.

6.0 Screening – Developing AA Objectives within the SA Framework

- 6.1 In order to assist in screening the need to undertake AA on any of the options presented at Issues and Options, or subsequent stages, it may be necessary to amend the SA Framework to include specific objectives and associated indicators which reflect issues identified in the initial screening. Both make reference to the importance of European-level conservation designations and corresponding indicators, and it is not considered necessary to broaden the SA Framework at this time. However this position will be reviewed during the AA proper and the implications fed into the SA and development of the Preferred Options as appropriate.
- 6.2 As required by the Guidance, the results of testing the Spatial Planning Objectives of the Waste DPD, and the options detailed in each of the issues will be assessed against the AA objectives are included as a separate report. This work was peer reviewed by qualified ecologists and sent to Natural England (formerly English Nature) for comment.

7.0 Consultation Issues

- 7.1 Should any new options be developed through the pre-consultation and formal consultation during stakeholder and community engagement processes then these will also be subject to the same AA methodology identified above. In this way a clear evidence trail is provided which proofs any subsequent options against any adverse effects on European (Natura 2000) sites.

8.0 Main Conclusions

- 8.1 These will be predicated on the results of the matrix.

9.0 Next Stages in Appropriate Assessment during Preparation of Preferred Options

- 9.1 The results of the preliminary AA work undertaken to inform the Issues and Options Report demonstrates that there is insufficient policy and site specificity in isolation or in combination to screen. It has therefore not been possible to determine whether the AA process should proceed and this decision is deferred until Preferred Options.
- 9.2 More detailed work on AA will be completed during the development of Preferred Options. This will be an iterative process and integrated with the on-going SA and community and stakeholder engagement. This process accords with the requirements of the Guidance and precautionary approach.
- 9.3 The findings of the subsequent AA process and screening will be reported at the same time as the SA Report and Preferred Options Report (Regulation 26

Appendices to Accompany the Issue and Options Report

February 2007

Merseyside Joint Waste Development Plan Document

stage) are published for consultation. This is currently expected in December 2007.

Appendices to Accompany the Issue and Options Report

February 2007