

# HRA Screening for the Proposed Ammonia Strategy and Revised Operational Protocol

## **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 UK national site network (European sites). 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](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](http://www.opsi.gov.uk/sr/sr2007/nisr_20070345_en_1)

### **Introduction**

HRA screening is a simple assessment to check or screen if a proposal:

- is directly connected with or necessary for the conservation management of a European site.
- risks having a significant effect on a European site on its own or in combination with other proposals.

The proposal’s integral design features or characteristics, such as its layout, timing and location must be considered to inform the screening decision. These may mean that any risk to a European site is avoided, and you do not need to do an appropriate assessment.

At this stage, you should not consider any mitigation measures included by the proposer for the purpose of avoiding or minimising risk to a European site. These mitigation measures need to be considered at the appropriate assessment stage.

### **1. Conservation management proposals**

You must first check if the whole proposal is for the conservation management of the habitats or species for which the European site has been designated. If it is, you do not need to carry out an appropriate assessment.

**Response:** the Proposed Ammonia Strategy is not for the conservation management of the habitats or species for which any European site has been designated; it applies to farm practices across the whole of Northern Ireland and is not to any specific European site.

The Revised Operational Protocol is not used for the conservation management of sites; it is a methodology for undertaking Habitats Directive Article 6(3) assessment.

### **2. Continued screening**

You must continue screening the proposal if it contains:

- conservation management that could negatively affect a different feature or a different European site.
- non-conservation management activities, such as development, commercial operations or recreational events.

**Response:** the Proposed Ammonia Strategy does not contain any conservation management that could negatively affect a different feature or a different European site. It does contain both proposed mandatory and voluntary non-conservation management activities within commercial operations (farming activities) which are all designed to reduce agricultural ammonia emissions and thus all have the potential to have positive effects on European sites depending on the specific geographical location of the ammonia emission reduction measures.

The Revised Operational Protocol is not for the conservation management of sites; it is a methodology for undertaking Habitats Directive Article 6(3) assessment. It does not contain any conservation management measures that could negatively affect protected European sites.

### **3. Assessment of likely significant effect**

You must check if the proposal could have a significant effect on a European site that could affect its conservation objectives.

You should check if there's a risk or possibility of a significant effect based on the evidence. You should only consider real, not hypothetical risk. Conservation objectives for European sites on land and inshore will be on the NI designated sites database.

You should consider:

- the area over which the proposed activity would take place.
- any overlaps or interaction with the protected features of a site in a direct or indirect way.
- the effect of any essential parts of the proposal, such as its location, timing or design.

If you cannot rule out the risk of the proposal having a significant effect, you will need to do an appropriate assessment.

**Response:** the proposed mandatory measures and the voluntary measures in the Proposed Ammonia Strategy apply across all of Northern Ireland with no spatial differentiation. The Proposed Ammonia Strategy will comprise both mandatory and voluntary on-farm emission reduction measures. The on-farm emission reduction measures will apply across the diverse range of farm business types and sizes in Northern Ireland. Not every measure will apply on every farm as the specific measures will be determined by individual farm characteristics. The voluntary measures in the Proposed Ammonia Strategy include a range of alternatives to technology-based emissions reduction measures applicable across a range of farm sizes, depending on individual farm characteristics.

These include longer grazing seasons, reductions in crude protein levels in livestock diets, selection of livestock genetics to improve nutrient use efficiency, and the establishment of tree plantations to reduce the impact of ammonia emissions.

All of the measures in the Proposed Ammonia Strategy, both the proposed mandatory measures and the voluntary measures, are designed to deliver reductions in ammonia emissions from agriculture, thus their overlap or interaction with the protected features of sites, both directly and indirectly, will be positive as it will lead to reductions in ammonia concentration and nitrogen deposition at sites. The specific nature of the positive impact will depend on the specific geographic location of the ammonia emissions reduction measures.

The proposed mandatory measures of a tiered approach to move to 100% use of LESSE in Northern Ireland by 2030, and a prohibition on the use of urea fertiliser without an inhibitor, will be subject to further consultation via the forthcoming Nutrients Action Programme Review. It is envisaged that the adoption of voluntary measures to reduce ammonia emissions will increase over time driving further reductions in ammonia concentration and nitrogen deposition at sites.

The Revised Operational Protocol is based on the most up to date scientific advice. It has been subject to scrutiny by the Joint Nature Conservation Committee (JNCC) and the Office for Environmental Protection (OEP), as well as the subject of independent legal counsel obtained by

the Department. All advice on the Revised Operational Protocol received by the Department has indicated that it is fully compliant with legislative requirements and will not have any significant effects on the integrity or conservation objectives of protected European sites.

#### 4. Check for combined effects

Your proposal alone may have an effect on a European site that's not significant. You must check if this effect could combine with any other proposal planned or underway and affects the same site, that on its own also does not have a significant effect. If, in combination, your proposal could have a significant effect on the European site, you will need to do an appropriate assessment.

Check for proposals being dealt with by other competent authorities, such as:

- applications for a new permission
- applications to change an existing permission
- granted permissions that have not begun or been completed
- granted permissions that need renewing
- plans that have been drafted but not yet adopted

A proposal, alone or in combination with other proposals, could cause a significant effect on a European site if there's:

- a reduction in the amount or quality of designated habitats or the habitats that support designated species.
- a limit to the potential for restoring designated habitats in the future.
- a significant disturbance to the designated species.
- disruption to the natural processes that support the site's designated features.
- only reduction or offset measures in place.

If there's no likely significant effect on the site, either alone or in combination, then you do not need to carry out an appropriate assessment.

**Response:** it is planned that the publication of the final Ammonia Strategy will be aligned with the publication of the new Operational Protocol to assess the impacts of air pollution on the natural environment, as set out in the Environmental Improvement Plan for Northern Ireland<sup>1</sup>.

DAERA, in its role as the appropriate nature conservation body in Northern Ireland as set out in The Conservation of Habitats and Species Regulations 2017, Section 5, has a duty to provide advice to planning authorities and other competent authorities on the potential impacts of air

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<sup>1</sup> <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/Environmental%20Improvement%20Plan%20for%20Northern%20Ireland.PDF>

pollution, including ammonia, from plans and projects on designated sites and protected habitats. NIEA performs this function for terrestrial/freshwater environments, on behalf of DAERA. This advice is provided through the use of an Operational Protocol. The Operational Protocol is also used by NIEA in consideration of the air quality impacts on designated sites from intensive agricultural and industrial activities requiring a Pollution Prevention and Control (PPC) permit. The Operational Protocol provided to competent authorities must be in line with legislation for protected sites including:

(a) The Conservation (Natural Habitats etc.) Regulations (NI) 1995: Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), Ramsars.

(b) The Environment (NI) Order 2002: Areas of Special Scientific Interest - ASSIs.

The Proposed Ammonia Strategy and Revised Operational Protocol will deliver respectively: reductions in ammonia emissions at farms across Northern Ireland through the suite of mandatory and voluntary measures; and protection of designated sites in line with the legislation set out at (a) and (b) above. Therefore there is not potential for the combined effects of the Proposed Ammonia Strategy and Revised Operational Protocol to have a significant negative effect on European sites.

### **Recording of Screening Decision and reasons for it**

1. The screening decision on the Proposed Ammonia Strategy and Revised Operational Protocol is that neither risk having a significant effect on a European site on their own or in combination with other proposals as stated above.
2. The Proposed Ammonia Strategy does not contain any conservation management that could negatively affect a different feature or a different European site. It does contain both proposed mandatory and voluntary non-conservation management activities within commercial operations (farming activities) which are all designed to reduce agricultural ammonia emissions and thus all have the potential to have positive effects on European sites depending on the specific geographical location of the ammonia emissions reduction measures.
3. The Revised Operational Protocol is not for the management of sites; it is a methodology for undertaking Habitats Directive Article 6(3) assessment. It does not contain any conservation management measures.

4. The proposed mandatory and voluntary measures in the Proposed Ammonia Strategy apply to all of Northern Ireland with no spatial differentiation. There are potential impacts for all cattle, pig and poultry farms in Northern Ireland, depending on their specific characteristics. Some farms will be impacted by the proposed mandatory measure on the use of Low Emission Slurry Spreading Equipment (LESSE), subject to the outcome of additional consultation via the Nutrients Action Programme Review. Some farms may implement some of the voluntary measures to reduce ammonia emissions.

All of the measures in the Proposed Ammonia Strategy, both the proposed mandatory measures and the voluntary measures, are designed to deliver reductions in ammonia emissions from agriculture, thus their overlap or interaction with the protected features of sites, both directly and indirectly, will be positive as it will lead to reductions in ammonia concentration and nitrogen deposition at sites. The specific nature of the positive impact will depend on the specific geographic location of the ammonia emissions reduction measures. The proposed tiered approach to move to 100% use of LESSE in Northern Ireland by 2030, subject to additional consultation, will have a corresponding tiered impact on the delivery of reductions in ammonia emissions and nitrogen deposition at sites. It is envisaged that the adoption of voluntary measures to reduce ammonia emissions will increase over time driving further reductions in ammonia concentration and nitrogen deposition at sites.

5. The Revised Operational Protocol has been subject to significant scrutiny by JNCC, the OEP and legal counsel. All advice has indicated that the Revised Operational Protocol is fully compliant with legislation and will not have any significant effects on the site integrity or conservation objectives of any protected European site.

6. The Proposed Ammonia Strategy and the Revised Operational Protocol will deliver respectively: reductions in ammonia emissions at farms across Northern Ireland through the suite of proposed mandatory measures and voluntary measures; and protection of designated sites in line with the legislation set out at (a) and (b) above. Therefore there is no potential for the combined effects of the Proposed Ammonia Strategy and the Revised Operational Protocol to have a significant negative effect on European sites.

7. In conclusion, appropriate assessments under the Habitats Regulations are not required, and the Proposed Ammonia Strategy and Revised Operational Protocol are screened out for Habitats Regulations Assessment.

<b>Who carried out the assessment?</b>	Keith Finegan, NIEA
<b>Date of assessment</b>	17/9/24
<b>Sources of data</b>	Draft Ammonia Strategy, Update on the Proposed Ammonia Strategy, the Revised Operational Protocol
<b>Level of assessment completed</b>	Stage 1: Test of Likely Significance

**DO NOT PROCEED FURTHER IF YOU HAVE ESTABLISHED THAT THIS PROPOSAL IS UNLIKELY TO IMPACT A SITE IN THE UK NATIONAL SITE NETWORK (EUROPEAN SITE) AND NO MITIGATION IS REQUIRED**